

Supreme Court

No. 2013-264-Appeal.

Anthony Orlando :
v. :
Mortgage Electronic Registration Systems, :
Inc., et al.

O R D E R

The plaintiff, Anthony Orlando, appeals from an entry of summary judgment in favor of Mortgage Electronic Registration Systems, Inc. (MERS) and OneWest Bank, FSB. This case came before the Supreme Court at a session in conference pursuant to Article I, Rule 12A(3)(b) of the Supreme Court Rules of Appellate Procedure. The plaintiff filed an action for declaratory judgment and to quiet title. He contends that the assignment of his mortgage and subsequent foreclosure on the mortgage were both invalid. At this time, we proceed to decide this case without further briefing and argument.

Our recent decision in Rosano v. Mortgage Electronic Registration Systems, Inc. 91 A.3d 336 (R.I. 2014) is dispositive of this case. In Rosano, this Court stated that a purchaser of a property at foreclosure and current title holder of the property must be joined as a party to a declaratory judgment action seeking to quiet title to the property. Id. at 339-40. In this action, Deutsche Bank National Trust Company (Deutsche Bank) purchased the plaintiff's property at the foreclosure sale and is the current title holder. This appeal must be dismissed because the plaintiff failed to join Deutsche Bank, an indispensable party, to this action. The plaintiff's other arguments on appeal alleging questions of material fact, contesting the mortgage assignment, and

challenging the ability of MERS to serve as mortgagee are without merit. See Ingram v. Mortgage Electronic Registration Systems, Inc., 94 A.3d 523, 528 (R.I. 2014); Bucci v. Lehman Brothers Bank FSB, 68 A.3d 1069, 1085-89 (R.I. 2013).

Accordingly, the plaintiff's appeal is denied and dismissed.

Entered as an Order of this Court on this 25th day of September, 2014.

By Order,

_____/s/
Clerk



RHODE ISLAND SUPREME COURT CLERK'S OFFICE

Clerk's Office Order/Opinion Cover Sheet

TITLE OF CASE: Anthony Orlando v. Mortgage Electronic Registration Systems, Inc., et al.

CASE NO: No. 2013-264-Appeal.

COURT: Supreme Court

DATE ORDER FILED: September 25, 2014

JUSTICES: Suttell, C.J., Goldberg, Flaherty, Robinson, and Indeglia, JJ.

WRITTEN BY: N/A – Court Order

SOURCE OF APPEAL: Providence County Superior Court

JUDGE FROM LOWER COURT:
Associate Justice Bennett R. Gallo

ATTORNEYS ON APPEAL:
For Plaintiff: George E. Babcock, Esq.
For Defendants: Paul J. Bogosian, Jr., Esq.