

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MATTHEW W. FANCHER and	)	
BELLA HOMES, LLC, a Delaware	)	
Limited Liability Company,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION FILE
vs.	)	
	)	NO. 1:11-CV-2832-SCJ
SUNTRUST MORTGAGE, INC.;	)	
MORTGAGE ELECTRONIC	)	
REGISTRATION SYSTEMS, INC.;	)	
JOHN DOE, Attorneys for SunTrust	)	
Mortgage, Inc.,	)	
	)	
Defendants.	)	
_____	)	

**STIPULATION OF DISMISSAL**

COME NOW, MATTHEW W. FANCHER (“Mr. Fancher”) and BELLA HOMES, LLC, a Delaware Limited Liability Company (“Bella Homes”), Plaintiffs in the above-captioned civil action (collectively, Mr. Fancher and Bella Homes are hereinafter referred to as the “Plaintiffs”), and SUNTRUST MORTGAGE, INC. (“SunTrust Mortgage”) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (“MERS”), the named Defendants in the above-captioned civil action (collectively, SunTrust Mortgage and MERS are hereinafter referred to as the

“Defendants”),<sup>1</sup> by and through their respective counsel, and respectfully show this honorable Court as follows:

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) and LR 41.1 (N.D. Ga.), Plaintiffs hereby DISMISS WITHOUT PREJUDICE their respective claims against the named Defendants in their “Verified Complaint for Wrongful Foreclosure and Damages”.

SO STIPULATED this 11th day of October, 2011.

Respectfully submitted,

STEPHEN M. MAURILLO & ASSOCIATES, LLC

/s/ Stephen M. Maurillo

STEPHEN M. MAURILLO

Georgia Bar No. 478485

*(Signed with express permission by Monica K. Gilroy)*

**Attorney for Plaintiffs**

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*Signatures continue on following page...*

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<sup>1</sup> Plaintiffs, in their initial pleading, also filed this lawsuit against “John Doe, Attorneys for SunTrust Mortgage, Inc.” See Plaintiffs’ Complaint [Doc. No. 1].

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

DICKENSON GILROY LLC

/s/ Monica K. Gilroy\_\_\_\_\_

MONICA K. GILROY

Georgia Bar No. 427520

**Attorney for Defendants**

**SunTrust Mortgage, Inc. and MERS**

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**FONT CERTIFICATION**

The undersigned counsel for Defendants SunTrust Mortgage, Inc. and MERS hereby certifies the within and foregoing Stipulation of Dismissal was prepared using Book Antiqua 13-point font in accordance with LR 5.1C (N.D. Ga.).

This 11th day of October, 2011.

/s/ Monica K. Gilroy  
MONICA K. GILROY  
(Georgia Bar No. 427520)  
**Attorney for Defendants**  
**SunTrust Mortgage, Inc. and MERS**

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<i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that, in accordance with LR 5.1A (N.D. Ga.), I have this date electronically filed the within and foregoing **STIPULATION OF DISMISSAL** in the above-captioned civil action with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to Plaintiffs' counsel in this matter as follows:

Stephen M. Maurillo, Esq.  
[sjudge40@bellsouth.net](mailto:sjudge40@bellsouth.net)  
STEPHEN M. MAURILLO & ASSOCIATES, LLC  
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Cumming, Georgia 30041

*Continued...*

This 12th day of October, 2011.

/s/ Monica K. Gilroy  
MONICA K. GILROY  
Georgia Bar No. 427520  
**Attorney for Defendants**  
**SunTrust Mortgage, Inc. and MERS**

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