United States Bankruptcy Court
District of Massachusetts

In re:	)	
	)	
NANCY E. PATCHELL,	)	Chapter 13
DEBTOR.	)	Case No. 02-45551-JBR
	)	
	)	
NANCY E. PATCHELL,	)	
Plaintiff,	)	
	)	Adversary Proceeding
v.	)	No. 04-04460
	)	
OPTION ONE MORTGAGE	)	
CORPORATION *et al.*.	)	
Defendants.	)	

ORDER ON PLAINTIFF'S MOTION FOR JUDGMENT OF DEFAULT AGAINST DEFENDANTS OR IN THE ALTERNATIVE SANCTIONS

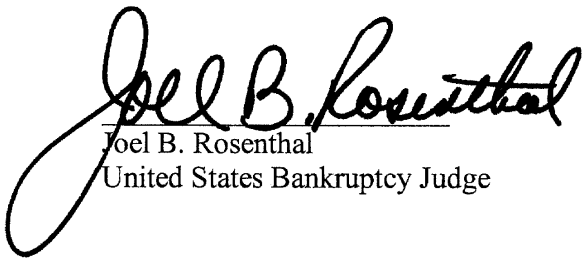
This matter came before the Court on the Plaintiff's Motion for Judgment of Default Against Defendants or in the Alternative Sanctions (the "Motion"). After consideration of the Motion and a review of the relevant documents, it is hereby FOUND and ORDERED:

1. The Plaintiff's Motion is hereby DENIED with respect to the request for entry of a default judgment.
2. It is hereby ORDERED that the Court will hear the Motion with respect to the request for a finding of contempt and the imposition of sanctions immediately following the hearing the Motion for Summary Judgment.
3. Contrary to Plaintiff's contention, 250 C.M.R. § 6.05(2)(c)(11) does not apply to the "plot map" attached to Plaintiff's motion. 250 C.M.R. § 6.05(c) describes what the client of a surveyor is entitled to under the regulation. There is no

requirement that a homeowner is to be provided with such a survey. Additionally, as stated in the "Mortgage Inspection Plan" Colonial Land Surveying Company, Inc., certifies that the inspection was prepared for Korde & Associates. Therefore, they are the client to whom the surveyor is required to furnish a plan meeting the requirements of 250 C.M.R. § 6.05(c). Therefore, 250 C.M.R. § 6.05 is not applicable.

4. The Plaintiff's Request for an extension to file her responsive pleadings is hereby GRANTED. The Plaintiff's Response is now due on September 6, 2005. The hearing on Defendants' Motion for Summary Judgment remains unchanged

Dated: August 22, 2005



Joel B. Rosenthal
United States Bankruptcy Judge