

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

GMAC Mortgage, LLC,

Debtor.

CHARLES C. HEYWARD,

Plaintiff,

v.

GMAC Mortgage, LLC, *et al.*,

Defendant.

Case No. 12-12032(MG)

Chapter 11

Jointly Administered with 12-12020

Adversary No. 14-01778(MG)

ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER

The Plaintiff initiated this adversary proceeding by filing a Complaint to Determine Nature, Extent, and Validity of Lien on January 16, 2014 (ECF Doc. # 1). On January 28, 2014, the Plaintiff filed an Emergency Motion for a Temporary Restraining Order (the “Motion,” ECF Doc. # 3). Through the Motion, the Plaintiff seeks an order restraining GMAC Mortgage, LLC, Residential Funding LLC, Ocwen Loan Servicing LLC, and Samuel I. White, P.C. from foreclosing on the Plaintiff’s home on January 30, 2014, at 10:00 a.m. Based on the Debtors’ response to the Motion (ECF Doc. # 4), the Court understands that Ocwen Loan Servicing LLC is the current servicer of the Plaintiff’s loan, and Ocwen will adjourn the foreclosure sale, so the sale will not proceed tomorrow. For that reason, the Court **DENIES** the Motion.

This Court retains jurisdiction with respect to all matters arising from or relating to interpretation or implementation of this Order.



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IT IS SO ORDERED.

Dated: January 30, 2014
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge