

APPENDIX

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APPENDIX

A



SUPREME COURT OF GEORGIA
Case No. S20C0938

September 08, 2020

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

PAMELA M. TIMBES v. DEUTSCHE BANK NATIONAL TRUST COMPANY AS INDENTURE TRUSTEE.

The Supreme Court today denied the petition for certiorari in this case.

All the Justices concur.

Court of Appeals Case No. A20D0280

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Theresa N. Barnes, Clerk

APPENDIX

B



SUPREME COURT OF GEORGIA
Case No. S20C0938

September 28, 2020

The Honorable Supreme Court met pursuant to
adjournment.

The following order was passed.

**PAMELA M. TIMBES v. DEUTSCHE BANK NATIONAL TRUST
COMPANY AS INDENTURE TRUSTEE.**

Upon consideration of the Motion for Reconsideration filed
in this case, it is ordered that it be hereby denied.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Theresa N. Barnes, Clerk

APPENDIX C



SUPREME COURT OF GEORGIA
Case No. S20C0938

September 28, 2020

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

**PAMELA M. TIMBES v. DEUTSCHE BANK NATIONAL TRUST
COMPANY AS INDENTURE TRUSTEE.**

Upon consideration of the Motion to Stay filed in this case, it is ordered that it be hereby denied.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Theresa S. Barnes, Clerk

APPENDIX D

Court of Appeals of the State of Georgia

ATLANTA, February 12, 2020

The Court of Appeals hereby passes the following order

A20D0280. PAMELA M. TIMBES v. DEUTSCHE BANK NATIONAL TRUST COMPANY AS INDENTURE TRUSTEE.

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

LC NUMBERS:

CE1900763



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, February 12, 2020.*

*I certify that the above is a true extract from the minutes
of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
affixed the day and year last above written.*

Stephen E. Castille, Clerk.

APPENDIX

E

Portia A. Johnson
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

PAMELA M. TIMBES,)	
)	
APPELLANT,)	
v.)	CASE NO.
DEUTSCHE BANK NATIONAL TRUST)	
COMPANY AS INDENTURE TRUSTEE,)	CE19-00763
)	
APPELLEE)	
)	

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

This matter is before the Court on Plaintiff/Appellee Deutsche Bank National Trust Company as Indentured Trustee's ("Deutsche Bank") Motion for Summary Judgment, filed on September 19, 2019, and the Response filed by Defendant/Appellant Pamela Timbes ("Defendant"). This Court having reviewed the Motion for Summary Judgment filed by Deutsche Bank, all related documents filed therewith, all pleading and documents of record in this case, and good cause being shown, this Court finds that Deutsche Bank is entitled to judgment as a matter of law on its Dispossessory Affidavit and Defendant's counterclaim, and further finds as follows:

FINDINGS OF FACT

1. Defendant formerly owned certain real property commonly known as 304 Carnoustie, Saint Simons Island, Georgia 31522 (the "Property").
2. To secure repayment of a mortgage loan dated June 23, 2005, in the amount of \$771,000.00, Defendant executed and delivered that certain Security Deed in favor of Mortgage Electronic Registration Systems, Inc. ("MERS") as nominee for American

Home Mortgage Acceptance, Inc., filed and recorded in Deed Book 1706, Page 178, Glynn County, Georgia Records ("Security Deed").

3. The Security Deed was assigned Deutsche Bank National Trust Company, as Indenture Trustee for American Home Mortgage Investment Trust 2005-3 by that assignment filed and recorded on December 2, 2010, in Deed Book 2801, Page 247, Glynn County, Georgia Records (the "Assignment").
4. On January 5, 2016, a Foreclosure Sale occurred and the Property was sold to Deutsche Bank. On March 24, 2016, a Deed Under Power was recorded in Deed Book 3560, Page 164, Glynn County, Georgia Records (the "Deed Under Power").
5. Deutsche Bank is the record owner of the Property.
6. Prior to commencing this action, Deutsche Bank made demand for possession of the Property.

CONCLUSIONS OF LAW

This Court, having made the foregoing finds of fact, concludes as a matter of law as follows:

7. Defendant, and any other residing on the Property are tenants at sufferance following the Foreclosure Sale.
8. As the record owner of the Property, Deutsche Bank is entitled to evict Defendant, and all other residing on the Property.
9. The Counterclaims asserted by Defendants are barred by the doctrines of res judicata and collateral estoppel, in that they are subject of a previous adjudication on the merits in prior litigation between the parties.

Accordingly, it is,

HEREBY ORDERED AND ADJUDGED that Deutsche Bank National Trust Company as Indentured Trustee shall have a Writ of Possession, and the Sheriff of Glynn County, Georgia or one of his lawful deputies is hereby commanded to remove Defendant Pamela Timbes, and any others residing on the property located at as 304 Carnoustie, Saint Simons Island, Georgia 31522, together with their personal property from the house and premises. It is further,

HEREBY ORDERED AND ADJUDGED that judgment is entered in favor of Deutsche Bank on Defendant's Counterclaim. It is further,

ORDERED AND ADJUDGED that the **CLERK of COURT** shall close this case.

SO ORDERED, this 14th day of September, 2010


HONORABLE STEPHEN G. SCARLETT, SR.
Judge, Superior Court of Glynn County

Prepared and presented by:

By: /s/ Christopher J. Reading
CHRISTOPHER J. READING
Georgia Bar No. 141761
Counsel for Plaintiff/Appellee

**Additional material
from this filing is
available in the
Clerk's Office.**