

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

IN RE:

RETH ALLEN SMITH,
SHERRY RYLAND SMITH,

CASE NO. 98-11129-WSS

Debtors.

Chapter 13

RETH ALLEN SMITH,
SHERRY RYLAND SMITH,

Plaintiffs,

v.

ADV. PROC. NO. 99-1138

PNC MORTGAGE CORP.
OF AMERICA,

Defendant.

**ORDER ON THE COURT'S
JURISDICTION OVER THE CLASS**

In its order of February 14, 2000 denying the Defendant's motion to dismiss complaint, the Court reserved the issue of jurisdiction over the class. Judge Mahoney issued an opinion in a series of similar cases¹ on February 15, 2000, holding that the District Court and the Bankruptcy Court have subject matter jurisdiction over these matters and that the matters are core proceedings under 28 U.S.C. §157(b). The Court finds that the allegations of the Smiths'

¹The cases include: Claude J. and Terry L. Noletto v. Nationsbanc Mort. Corp., Case No. 98-13813-MAM, Adv. Proc. No. 99-1120; Corliss M. and Franklin L. Miller v. First Union National Bank, Case No. 97-12807-MAM, Adv. Proc. No. 99-1137; Roland E. Harris v. First Union Mort. Corp., Case No. 96-14029-MAM, Adv. Proc. No. 99-1144; Michael F. Powe v. Chrysler Fin. Corp., Case No. 98-10935-MAM, Adv. Proc. No. 99-1121; Rocky D. Sheffield v. Homeside Lending, Inc., Case No. 97-10511-MAM, Adv. Proc. No. 99-1124; Catherine D. Slick v. Slick, Case No. 98-14378, Adv. Proc. No. 99-1136.

complaint are substantially similar to the cases before Judge Mahoney. This Court concurs with Judge Mahoney's opinion of February 15, 2000, and adopts it in the present action. Based on the legal conclusions stated in Judge Mahoney's opinion of February 15, 2000 in the cases referenced above, the Court finds that the District Court and the Bankruptcy Court have subject matter jurisdiction over these matters and that the matters are core proceedings under 28 U.S.C. §157(b). It is hereby

ORDERED that the Defendant's motion to dismiss based on lack of subject matter jurisdiction is **DENIED**.

DATED: April ____, 2000

WILLIAM S. SHULMAN
U.S. BANKRUPTCY JUDGE