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NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

In re )  
George R. Cleaver and ) Case No. 03-15744-B-13  
Cindy M. Cleaver, )  
Debtors. )

George R. Cleaver and ) Adversary Proc. No. 08-1123  
Cindy M. Cleaver, )  
Plaintiffs, ) DC No. USA-1

v. )  
United States of America, )  
Department of Housing and )  
Urban Development, )  
Defendant. )

**ORDER CORRECTING  
MEMORANDUM DECISION REGARDING DEFENDANT’S  
MOTION FOR SUMMARY JUDGMENT**

On March 30, 2010, this court filed and entered in this adversary proceeding a Memorandum Decision Regarding Defendant’s Motion for Summary Judgment (the “Memorandum Decision”). The purpose of the Memorandum Decision was to finally resolve a dispute between the plaintiffs, George and Cindy Cleaver (the “Cleavers”) and the defendant, United States Department of Housing and Urban Development (“HUD”) regarding the application of payments made by the Cleavers against their mortgage with HUD. It now appears that the Memorandum Decision contains an error in the

1 background statement and findings of fact. Specifically, at page 6, lines 15-  
2 17, the Memorandum Decision states: “After the dispute resolution process,  
3 HUD agreed to, and did, reduce the principal balance due as of *January 1,*  
4 *2008,* from \$41,639.93 to \$38,646,63. (Declaration of Mikel K. Anderson  
5 ¶6.)” (emphasis added). The error is repeated in the analysis portion of the  
6 Memorandum Decision at page 9, line 20.

7 Those statements are based upon the reference in Mikel Anderson’s  
8 declaration to an Amortization Table attached to the declaration as Exhibit 7.  
9 That Amortization Table was prepared to show the declining balance due after  
10 the regular payments made each month beginning December 1, 2008. Upon  
11 further review of the record, and specifically line 1 of the Amortization Table  
12 (Exhibit 7), it appears that the correct date for assigning the principal balance  
13 of \$38,646.63 should have been *December 1, 2008.* Based thereon,

14 IT IS HEREBY ORDERED that the Memorandum Decision is  
15 amended at page 6, lines 15-17 to read, “After the dispute resolution process,  
16 HUD agreed to, and did, reduce the principal balance due as of December 1,  
17 2008, from \$41,639.93 to \$38,646,63. (Declaration of Mikel K. Anderson  
18 ¶6.)”

19 IT IS FURTHER ORDERED that the Memorandum Decision is  
20 amended at page 9, line 20 to correct the referenced date from January 1, 2008  
21 to December 1, 2008.

22 IT IS FURTHER ORDERED that HUD shall submit a proposed  
23 judgment consistent herewith.

24 Dated: September 28, 2010

25  
26 /s/ W. Richard Lee  
27 W. Richard Lee  
28 United States Bankruptcy Judge