

1) Deutsche Bank National Trust Company, as Trustee for Morgan Stanley
ABS Capital I Inc. Trust 2005 - HE2, (Deutsche Bank) appeals from a Superior Court
Order granting Nancy Goldfeder's motion to vacate and set aside a sheriff's sale. In a

bench ruling, the trial court found in favor of Goldfeder because of her incompetence and because Deutsche Bank would suffer “relatively limited” prejudice.

2) This Court finds that the trial court’s ruling provides an insufficient basis for review. Accordingly, this matter is hereby remanded with instructions that the Superior Court address the following issues:

i) whether Goldfeder was given adequate notice of the sheriff’s sale, and if so, the record support for that finding;

ii) whether the delay in seeking relief was caused, in whole or in part, by Goldfeder’s incompetence;

iii) whether the delay is excusable despite the fact that a medical professional was aware of Goldfeder’s mental condition and was involved in helping her avoid defaulting on her mortgage;

iv) whether Deutsche Bank was prejudiced, and, if so, the basis for the finding that the prejudice was relatively limited.

3) The trial court may address these issues with or without either a hearing or supplemental briefing, at the trial court’s discretion.

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-captioned matter be, and the same hereby is REMANDED. This Court retains jurisdiction.

BY THE COURT:

/s/ Carolyn Berger
Justice