EFiled: May 10 2013 12:17PM EDT Filing ID 52224234

Case Number 506,2012

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEUTSCHE BANK NATIONAL	§	
TRUST COMPANY, AS TRUSTEE FOR	§	
MORGAN STANLEY ABS CAPITAL I	§	
INC. TRUST 2005-HE2,	§	No. 506, 2012
	§	
Plaintiff Below	§	
Appellant,	§	Court Below:
••	§	
V.	§	Superior Court of the
	§	State of Delaware,
NANCY GOLDFEDER c/o	§	in and for New Castle County
EMIL MIKHAIL, Guardian ad Litem,	§	•
	§	C.A. No. 08L-10-197
Defendant Below,	§	
Appellee.	§	

Submitted: April 17, 2013 Decided: May 10, 2013

Before BERGER, JACOBS and RIDGELY, Justices.

ORDER

This 10th day of May, 2013, on consideration of the briefs and arguments of the parties, it appears to the Court that:

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

2