IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

ROOKER HOLDINGS, LLC,	:	
	:	C.A. No. K18L-04-020 WLW
Plaintiff,	:	
	:	
v.	:	
	:	
RONALD A. BAZIL a/k/a	:	
RONALD BAZIL,	:	
	:	
Defendant.	:	

Submitted: May 11, 2020
Decided: September 28, 2020

ORDER

Upon Defendant's Motion to Set Aside
Summary Judgment.
Denied.

Adam V. Orlacchio, Esquire of Blank Rome LLP, Wilmington, Delaware and Thomas M. Brodowski, Esquire (*Pro Hac Vice*) of Blank Rome LLP, Philadelphia, Pennsylvania; attorneys for Plaintiff.

Mr. Ronald A. Bazil, *pro se*

WITHAM, R.J.

Before the Court is Defendant Ronald A. Bazil's (hereafter "Bazil") Motion to Set Aside Summary Judgment and Plaintiff Rooker Holdings, LLC's (hereafter "Rooker") response in opposition. Originally, this case began on April 12, 2018 when Rooker filed a scire facias sur mortgage complaint on a mortgage secured promissory note that was assigned to Rooker. Rooker moved for Summary Judgment on December 17, 2019, and this Court granted that Motion on April, 13, 2020. On May 11, 2020, Bazil moved to Set Aside the Summary Judgment on the basis that the mortgage was "void and of no effect."[1] For the reasons set forth below, this Court **DENIES** Bazil's Motion to Set Aside Summary Judgment.

Standard of Review

The Court can hear Motions to Set Aside judgments under Superior Court Civil Rule 60(b) which limits the Court's authority to grant such motions to those that show:

> 1) Mistake, inadvertence, surprise, or excusable neglect; 2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial; 3) fraud, misrepresentation, or other misconduct of an adverse party; 4) the judgment was void; 5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or 6) any other reason justifying relief from the operation of the judgment.[2]

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[1]Dkt No. 36.

[2]Super. Ct. Civ. R. 60(b).

Such requests for relief require that the movant show "extraordinary circumstances."[3] In making its motion, "the movant must exercise diligence and act without unreasonable delay."[4]

Discussion

Bazil's Motion to Set Aside Summary Judgment is based on two items of evidence on which Bazil has erroneously relied. First, Bazil presents as evidence a Mortgage Satisfaction Piece that purportedly satisfies the mortgage leading to the underlying foreclosure of the property in question. Subsequently, Bazil argues, that this satisfaction makes void all the assignments that followed the shuttering of K Bank, the original lender, by the State of Maryland. Because of this, Bazil asserts that there was, indeed, a genuine issue of material fact when Summary Judgment was entered in favor of Rooker.

Under 25 Del. C. §2122 a recordation of a mortgage satisfaction piece may be stricken "upon sworn petition to the Superior Court of the county in which such mortgage was recorded" showing that the entry of satisfaction was made in error or mistake.[5] Rooker responded to Bazil's argument regarding satisfaction that the Mortgage Satisfaction Piece was successfully stricken via petition and "was therefore

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[3]*Shipley v. New Castle County*, 975 A.2d 764 at 767 (Del. 2009).

[4]*Id.* at 770.

[5]*Nationstar Mortgage, LLC v. Alexander Tsipouras*, 2015 WL9056918 at n. 1 (Del. Super. Dec. 1, 2015).

properly reinstated" because the mortgage was never paid in full.[6] Furthermore, Bazil's Motion to Set Aside does not assert that he ever paid the mortgage in full.[7] Finally, Rooker provided in its response as Exhibit 1 the Order granting the Order Striking Satisfaction dated September 26, 2014.[8]

Bazil failed to meet his obligations as a mortgagor and Rooker is the proper holder of an assigned promissory note secured by mortgage. The foundation upon which the granted Summary Judgment stands is the facts listed above. Bazil has not brought, in his Motion to Set Aside Summary Judgment, anything that would allow this Court to determine that any of the criteria set forth in Superior Court Civil Rule 60(b) has been met.

Conclusion

Because the Mortgage was erroneously recorded as satisfied and the moving party has raised no reason to set aside the prior grant of Summary Judgment, Bazil's Motion to Set Aside is **DENIED**.

IT IS SO ORDERED.

/s/ William L. Witham, Jr.
Resident Judge

WLW/dmh

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[6]Response, ¶12.

[7]Response, n. 4.

[8]Response, Ex. 1.