

PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 09-1731

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NATIONAL CITY MORTGAGE COMPANY,  
Appellant

v.

BRIAN STEPHEN; ELAINE K. STEPHEN

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Appeal from the United States District Court  
for the Middle District of Pennsylvania  
(D.C. Civil Action No. 3-07-cv-02070)  
District Judge: Honorable James M. Munley

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Argued January 5, 2011

Before: AMBRO and FISHER, Circuit Judges  
and SÁNCHEZ,\* District Judge

(Opinion filed July 22, 2011)

**ORDER AMENDING PRECEDENTIAL OPINION**

AMBRO, Circuit Judge

IT IS NOW ORDERED that the published Opinion in the above case filed July 22, 2011, be amended as follows:

On page 3, second full paragraph, line 1, insert a comma after “2007”.

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\* Honorable Juan R. Sánchez, District Court Judge, Eastern District of Pennsylvania, sitting by designation.

On page 5, footnote 5, line 4, replace “fall back” with “fallback”.

On page 11, line 7, delete the comma after “categories”.

On page 13, first full paragraph, penultimate line, delete “jurisdiction over” and replace it with “the power to resolve”, so that the phrase reads “the Court had the power to resolve the ensuing controversy.”

On page 16, line 4, replace “agreed” with “contended”.

On page 16, line 10, replace “problem” with “problems”.

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: September 29, 2011