

THE SUPREME COURT OF THE STATE OF LOUISIANA

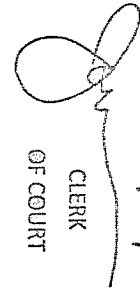
DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
MORGAN STANLEY ABS CAPITAL I
TRUST 2004-WMC2

NO. 2017-C-1918

versus

SANDRA C. McNAMARA, et al.

FILED: _____


CLERK
OF COURT

SUPREME COURT
OF LOUISIANA
2017 NOV 27 PM 4 31
RM

DEPUTY CLERK

**MOTION FOR LEAVE TO FILE AMICUS BRIEF AND
INCORPORATED MEMORANDUM IN SUPPORT**

May It Please the Court:

The Louisiana Land Title Association [“LLTA”] moves this Court for leave to file the amicus curiae brief attached to this motion, in support of the writ application filed by applicant Sugarcane Park, LLC. The issue presented in this matter involves the interpretation of an exception to the Louisiana public records doctrine, by which a mortgage may remain effective against third parties, even after that mortgage has been canceled from the public records, when that cancellation was the result of fraud, error, or mistake. The Louisiana Fourth Circuit Court of Appeal’s ruling in this matter erodes the public records doctrine and is contrary to the more narrow — and correct — interpretation of the exception by other Louisiana courts. The LLTA seeks leave to offer its experience and opinion in this area.

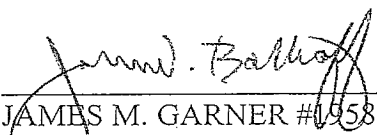
The LLTA’s amicus curiae brief satisfies the criteria set forth in Louisiana Supreme Court Rule VI, § 12. Specifically, the LLTA, as amicus curiae, has substantial, legitimate interests that likely will be affected by the outcome of this case. Among the stated purposes of the LLTA are the promotion of the general welfare of the land title industry, and the promotion of the safe and efficient transfer of ownership of, and interests in, immovable property within the free enterprise system. The ruling of the lower court, from which applicant Sugarcane Park seeks this Court’s supervisory review, harms the goals of the LLTA by undermining the Louisiana public records doctrine, and hence the stability of land titles in Louisiana. Further, the applicant Sugarcane Park is interested in its own particular property involved in this case. The LLTA’s amicus brief highlights the overall public policy harmed by the Fourth Circuit’s ruling, and thus the amicus curiae brief is necessary to

adequately protect the interests of the LLTA.

Another consideration in Rule VI, § 12 is that there are matters of law that might otherwise escape the Court's attention. The LLTA's amicus curiae brief contains additional analysis of the jurisprudence regarding this exception that is not covered in Sugarcane Park's writ application. The LLTA also highlights that the jurisprudential exception at issue in this case arguably is no longer valid due to legislation.

For these reasons, the LLTA asks this Court to grant leave for the LLTA to file its amicus curiae brief submitted in support of Sugarcane Park's writ application.

Respectfully submitted,



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**ATTORNEYS FOR LOUISIANA LAND TITLE
ASSOCIATION**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served on all counsel of record by e-mail, by facsimile, and/or by depositing same in the United States Mail, properly addressed and postage prepaid, this 27th day of November, 2017.



JOHN T. BALHOFF, II

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ORDER

Considering the Motion for Leave to File Amicus Brief filed by the Louisiana Land Title Association:

IT IS ORDERED that the Louisiana Land Title Association is granted leave to file, as amicus curiae in this matter, the brief attached to its Motion for Leave to File Amicus Brief.

New Orleans, Louisiana, this ____ day of November, 2017.

JUDGE