

ORIGINAL

FILED

02/18/2020

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 20-0090

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 20-0090

FILED

FEB 18 2020

Bowen Greenwood
Clerk of Supreme Court
State of Montana

NICK NICKERSON and DONNA NICKERSON,

Petitioner,

v.

HSBC BANK USA, NATIONAL ASSOCIATION AS
TRUSTEE FOR WELLS FARGO ASSET SECURITIES
CORPORATION, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-7, its successors in
interest and/or assigns,

ORDER

Respondents.

On February 12, 2020, Nick Nickerson and Donna Nickerson (Nickersons), pursuant to M. R. App. P. 14, filed a Petition for Emergency Writ of Injunction to Stay Execution. The Nickersons explain that on January 16, 2020, they received the Notice of Sheriff's Sale for the January 29, 2020 sale of their property located at 4610 Montana Highway 200 in Wolf Creek, Montana. The Nickersons represent they did not receive the required twenty-one day notice and sought an injunction in the District Court to prevent the sale. The Nickersons provide that the District Court did not issue any ruling regarding the motion. The Nickersons seek relief with this Court, contending that "opposing counsel have switched the Plaintiff in this case from HSBC [Bank] to Wells Fargo . . . caus[ing] extreme prejudice" They further contend that this recent revelation supports their arguments about "a concealed accuser." The Nickersons request a stay to postpone the sale of their home while matters may be fully litigated and settled.

The final judgment in this case was entered almost 4 years ago. In 2015, the Nickersons appealed the District Court's order granting HSBC Bank's request to foreclose on the Nickersons' property following entry of judgment. We affirmed the District Court's

order. *HSBC Bank USA, N.A. v. Nickerson*, No. DA 15-0332, 2017 MT 206N, ¶¶ 6-7, 2017 Mont. LEXIS 536.

Nickersons now object that they were not provided adequate notice of the sale. However, the Sheriff's sale of the Nickersons' home that was scheduled for Wednesday, January 29, 2020, has been rescheduled to February 12, 2020. The Nickersons received appropriate notice. There is no effective relief that this Court may grant. *Progressive Direct Ins. Co. v. Stuivenga*, 2012 MT 75, ¶ 17, 364 Mont. 390, 176 P.3d 867. Accordingly,

IT IS ORDERED that the Nickersons' Petition for Emergency Writ of Injunction to Stay Execution is DENIED and DISMISSED.


The Clerk is directed to provide a copy of this Order to counsel of record and to Nick Nickerson and Donna Nickerson.

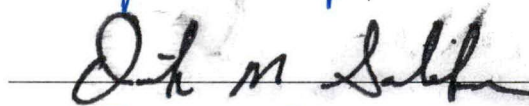
DATED this 18th day of February, 2020.

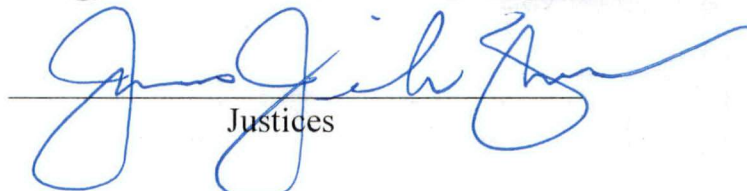


Chief Justice









Justices