In The

Supreme Court of Virginia

RECORD NO: 181501

FUTURI REAL ESTATE, INC.,

Appellant,

v.

ATLANTIC TRUSTEE SERVICES, LLC, *et al.*,

Appellees.

BRIEF OF APPELLEE
ATLANTIC TRUSTEE SERVICES, LLC

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Statement of Facts

Appellee SunTrust Bank appointed appellee Atlantic Trustee Services, L.L.C. ("Atlantic") substitute trustee under a deed of trust dated August 5, 2005 and recorded in the land records of the Fairfax County Circuit Court on September 30, 2005 in Deed Book 17806, Page 0158 (J.A. at 12 and 34). Atlantic properly conducted a foreclosure sale for the property securing the aforementioned deed of trust and commonly referred to as 6614 Quander Road, Alexandria, Virginia 22307 on January 19, 2017. Compl. ¶ 7 (J.A. at 3). At said sale, Atlantic auctioned the property, *subject to any prior liens of record*,[1] as memorialized in the trustee's deed (J.A. at 37). The sale generated a surplus, and prior to disbursement of that surplus, Atlantic was given notice of a lien priority dispute. Compl. ¶ 9 and 12 (J.A. 3-4). Consequently, Atlantic filed an action in the Fairfax County Circuit Court to interplead the surplus funds on June 15, 2017 Compl. (J.A. 1-5).

Argument

As a nominal party without an interest in the outcome of the pending proceedings, appellee Atlantic does not wish to present an argument.

[1] The brief of appellant incorrectly states that it was a foreclosure of a first mortgage.

Conclusion

Appellee Atlantic is a nominal party without an interest in the outcome of the pending proceedings.

Respectfully Submitted,

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Certificate

I hereby certify, pursuant to Rule 5:26(h), that on this 14th day of August, 2019, I electronically filed the foregoing Brief of Appellee via VACES, with the required paper copies set to be delivered within the prescribed one business day. I certify that on this 14th day of August, 2019, the Brief of Appellee was served via e-mail upon the following:

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I further certify that on this 14th day of August, 2019, the Brief of Appellee was mailed, first class postage prepaid, to *Pro Se* Appellees as following:

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Exclusive of the portions exempted by Rule 5:26(h), this brief does not exceed **50** pages.

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