

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

GLENN RICHARD UNDERWOOD,
Debtor.

_____ /

GLENN RICHARD UNDERWOOD, *pro se*,
Plaintiff,

vs.

PATRICIA SELENT, *pro se*, et al.,
Defendants.

_____ /

Case No. 06-55754

Chapter 7

Judge Thomas J. Tucker

Adv. Pro. No. 14-4966

**OPINION AND ORDER GRANTING IN PART AND DENYING IN PART
DEBTOR’S MOTION FOR JOINDER**

This adversary proceeding is before the Court on the Plaintiff’s motion for joinder of a party under Fed. R. Civ. P. 19(a) (Docket # 57, the “Motion”). The Plaintiff Glenn Underwood seeks to join Charles Underwood as a defendant in this adversary proceeding. Charles Underwood filed a response to the Motion (Docket # 82). The Court concludes that a hearing on the Motion is not necessary, and that Charles Underwood and Carol Underwood must be joined as parties in this proceeding under Fed.R.Civ.P. 19(a)(1)(A) and 19(a)(1)(B)(i),¹ which apply in

¹ Fed.R.Civ.P. 19(a) provides:

- (1) A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:
 - (A) in that person’s absence, the court cannot accord complete relief among existing parties; or
 - (B) that person claims an interest relating to the subject of the action and

adversary proceedings under Fed.R.Bankr.P. 7019. Charles Underwood and his wife, Carol A. Underwood, claim to own Lots 79 and 80 of Bridge Lake Subdivision, commonly known as 9230 Dixie Highway, Clarkston, Michigan 48348 (*See* Ex. 4, copy of warranty deed, Docket # 81). The real property commonly known as 9230 Dixie Highway, which is comprised of Lots 79, 80, 81 and 82, is a subject of Count IV of Plaintiff's Complaint in this adversary proceeding, and Plaintiff seeks reconveyance of that property to himself and his wife. But Charles Underwood has filed papers objecting to that relief, as to Lots 79 and 80 (Docket # 81). Charles Underwood and Carol Underwood must be joined as parties to provide them with the opportunity to protect their claimed interests in Lots 79 and 80. Accordingly,

IT IS ORDERED that the Motion (Docket # 57) is granted, for the limited purpose described above, and Charles Underwood and Carol Underwood are now deemed to be Defendants in this adversary proceeding with respect to Count IV of the Plaintiff's Complaint.

IT IS FURTHER ORDERED that to the extent the Motion seeks any other relief, it is denied because it is inconsistent with the Court's other orders entered in this adversary proceeding, including the December 10, 2014 Order (Docket # 65) and the February 5, 2015 "Opinion and Order Denying Plaintiff's Motion for an Injunction" (Docket # 119).

Signed on March 5, 2015

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

is so situated that disposing of the action in the person's absence may:
(i) as practical matter impair or impede the person's ability to protect the interest; or
(ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.