




portion of the foreclosure judgment that orders a public sale. In these circumstances, the parties are entitled to relief from the prospective operation of the foreclosure judgment under Rule 60(b)(5): "the judgment has been satisfied, released, or discharged . . . or it is no longer equitable that the judgment should have prospective application."

Accordingly, if Plaintiff submits a motion and stipulation of the parties seeking relief under Rule 60(b)(5) from the prospective operation of the foreclosure judgment based on the terms of a settlement between the parties, a motion for such relief will be granted.

For the foregoing reasons, Mortgagee's Motion to Vacate and for Judgment Nunc Pro Tunc is *denied* without prejudice to file a new motion as described above.

Dated at Montpelier, Vermont this 5<sup>th</sup> day of April 2007.

  
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Mary Mills Teachout  
Superior Court Judge