

Slip Copy, 2012 WL 1237796 (C.A.4 (Va.))
 (Not Selected for publication in the Federal Reporter)
 (Cite as: 2012 WL 1237796 (C.A.4 (Va.)))

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Not for Publication in West's Federal Reporter See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Fourth Circuit Rule 32.1 (Find CTA4 Rule 32.1)

United States Court of Appeals,
 Fourth Circuit.
 Judith B. KLEIN, Plaintiff–Appellant,
 v.
 HOUSEHOLD REALTY CORPORATION, d/b/a
 Household Realty Corporation of Virginia; Hsbc
 Mortgage Services, Inc., Defendants–Appellees.

No. 11–1884.
 Submitted March 27, 2012.
 Decided April 13, 2012.

Background: Consumer brought action against mortgage refinance lender and others, seeking rescission of secured consumer credit transaction under Truth in Lending Act (TILA). The United States District Court for the Eastern District of Virginia, [Anthony J. Trenga, J.](#), granted defendants' motion to dismiss, and consumer appealed.

Holding: The Court of Appeals held that arbitration rider in mortgage refinance agreement did not render consumer's right to rescind credit transaction unclear or non-conspicuous under TILA.

Affirmed.

West Headnotes

Consumer Credit 92B

92B Consumer Credit

Arbitration rider in mortgage refinance agreement did not render consumer's right to rescind credit transaction unclear or non-conspicuous under

TILA. Truth in Lending Act, § 102, [15 U.S.C.A. § 1601](#).

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. [Anthony J. Trenga](#), District Judge. (1:11–cv–00114–AJT–TCB). [Henry W. McLaughlin, III](#), Law Office of Henry McLaughlin, P.C., Richmond, Virginia, for Appellant. [Robert R. Michael](#), [Stephen B. Wood](#), Bierman, Geesing, Ward & Wood, LLC, Richmond, Virginia, for Appellees.

Before [MOTZ](#), [KEENAN](#), and [FLOYD](#), Circuit Judges.

Affirmed by unpublished PER CURIAM opinion. Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

*1 Judith B. Klein appeals the district court's order granting Defendants' [Fed.R.Civ.P. 12\(b\)\(6\)](#) motion to dismiss her civil action seeking rescission of a secured consumer credit transaction under the Truth in Lending Act (“TILA”), [15 U.S.C.A. §§ 1601–1667f \(West 2009 & Supp.2011\)](#). We have reviewed the record and conclude that Klein did not establish how, under an objective approach, the parties' arbitration rider rendered unclear and non-conspicuous Defendants' disclosure to Klein of her right to rescind the credit transaction. See [Palmer v. Champion Mortg.](#), [465 F.3d 24, 28 \(1st Cir.2006\)](#) (“[C]ourts must evaluate the adequacy of TILA disclosures from the vantage point of a hypothetical average consumer—a consumer who is neither particularly sophisticated nor particularly dense.”). Accordingly, we affirm the district court's order. *Klein v. Household Realty Corp.*, No. 1:11–cv–00114–AJT–TCB (E.D.Va. July 15, 2011). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

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AFFIRMED

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