

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

TONYA SMITH,

Plaintiff and Respondent,

v.

HOME LOAN FUNDING, INC., et al.,

Defendants and Appellants.

2d Civil No. B219372
(Super. Ct. No. 56-2007-
00306806-CU-BT-SIM)
(Ventura County)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on February 24, 2011, be modified as follows:

1. On page 1, in the second paragraph, the following sentence is to be inserted after the sentence ending, "over the 30-year term of the loan" and before the last sentence in the paragraph:

We remand to the trial court for a recalculation of prejudgment interest based on the reduced damage award.

2. On page 8, the last paragraph is deleted and the following paragraph is inserted in its place:

The damages awarded are reduced by \$21,908 attributable to the prepayment penalty. The matter is remanded to the trial court for a recalculation of prejudgment interest based on the reduced damage award. In all other respects, the judgment is affirmed. Costs on appeal are awarded to Smith.

This modification changes the judgment.

Appellants' petition for rehearing is denied.