

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

RUBEN NUNGARAY et al.,

Plaintiffs and Appellants,

v.

LITTON LOAN SERVICING, LP et al.,

Defendants and Respondents

2d Civil No. B230580
(Super. Ct. No. 56-2010-00366106-
CU-OR-SIM)
(Ventura County)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on November 22, 2011, be modified as follows:

1. On page 6, the first sentence of the first full paragraph is changed to read: "As a matter of law, there was no contract here."
2. On page 6, the third full paragraph is changed to read: "The Nungarays made four monthly modified payments (two of which were returned to them). Litton and the Bank postponed the foreclosure sale previously set for April 29, 2009. Following termination of the Plan, the trustee conducted the foreclosure sale on November 11, 2009."

There is no change in the judgment.