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NOT FOR PUBLICATION
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Louis S. Rangel; Laurie C. Rangel,
Plaintiffs,
vs.
BAC Home Loans Servicing LP f/k/a
Countrywide Home Loans Servicing, LP;
Darla Sproles,
Defendants.

No. CV-10-8234-PCT-FJM

ORDER

Plaintiffs Louis S. Rangel and Laurie C. Rangel bring this action against BAC Home Loans Servicing and Darla Sproles asserting allegations of wrongful foreclosure and deceptive business practices. Plaintiffs originally filed this action in the Superior Court of Arizona in Yavapai County on October 15, 2010 in order to prevent the foreclosure of property located at 2450 Mountain View, Cottonwood Arizona (doc. 1, ex. 1). Defendants removed the action to this court on November 24, 2010 pursuant to 28 U.S.C. §§ 1331 and 1332. The court has before it a motion to dismiss by defendants (doc. 8), and motion for summary disposition (doc. 9). Plaintiffs have failed to respond.

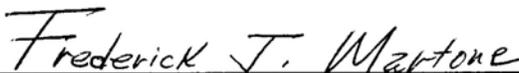
On or about November 26, 2005, Joyce Hamlin borrowed \$240,000.00 from American

1 Wholesale Lender, as evidenced by a promissory note and deed of trust.¹ Ms. Hamlin later
2 defaulted on her loan and plaintiffs do not allege the debt has been satisfied or brought
3 current. Plaintiff Laurie C. Rangel brings this action in her own name, asserting that she is
4 the sole owner of the property. Complaint at 5. Defendants seek dismissal, arguing that
5 plaintiffs lack standing, did not effectuate proper service, and fail to state a cause of action.

6 Plaintiffs response was due December 30, 2010. It is now January 18, 2011 and no
7 response has been filed. LRCiv 7.2(i) permits summary disposition of motions for non-
8 compliance with briefing requirements. Failure to respond is deemed consent to the granting
9 of the motion.

10 Accordingly, **IT IS ORDERED GRANTING** defendants' motion to dismiss with
11 prejudice (doc. 8). **IT IS FURTHER ORDERED DENYING** defendants' motion for
12 summary disposition as moot (doc. 9).

13 DATED this 18th day of January, 2011.

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17 Frederick J. Martone
18 United States District Judge
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26 ¹ Although plaintiffs did not attach the Note, Deed of Trust, and Trustee Sale
27 Information to the complaint, plaintiffs referenced them. Since they are matters of public
28 record they are properly subject to judicial notice. See Pesci v. IRS, 67 F. Supp. 2d 1189,
1191-92 (D. Nev. 1999), aff'd, 225 F.3d 663 (9th Cir. 2000).