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 7 EAST WEST BANK

8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**

11 **MONICA HUJAZI; MONICA HUJAZI,**
 12 **as Trustee of the 1999 ZUERCHER**
 13 **TRUST,**

14 **Plaintiffs,**

15 **vs.**

16 **BANK OF AMERICA, N.A.,**

17 **Defendant.**

Case No. CV10-00106 ODW(Ex)

ASSIGNED TO THE
 HONORABLE Judge Otis D.
 Wright, II and the assigned
 discovery Magistrate Judge Charles
 F. Eick

**JUDGMENT ON THE
 PLEADINGS**

Date: August 2, 2010
 Time: 1:30 pm
 Courtroom: 11

Complaint filed: 01/02/2010
 Cross-Complaint filed: 02/16/2010

22 **AND ALL RELATED CROSS-**
 23 **CLAIMS AND COUNTERCLAIMS**

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1 The Court, having considered moving and opposing papers and the arguments
2 of counsel, and good cause appearing, rules as follows: East West Bank's Motion for
3 Judgment on the Pleadings is GRANTED.
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5 The basis for the Court's ruling is that BofA's pleadings show that the
6 obligation secured by BofA's deed of trust was satisfied by payment from East West
7 and that BofA had a duty to reconvey its deed of trust on the subject property. BofA
8 made a payoff demand and received a full payoff of the 2003 First Republic Bank
9 loan secured by a deed of trust (described below) and upon receipt of the payoff, was
10 obligated to reconvey its deed of trust on the Alexandria Property. California Civil
11 Code §§2941 and 2943. East West is entitled to judgment on the pleadings in its
12 favor on BofA's Second Cause of Action for Declaratory Relief and its Fourth Cause
13 of Action for Judicial Foreclosure on the Alexandria Property.
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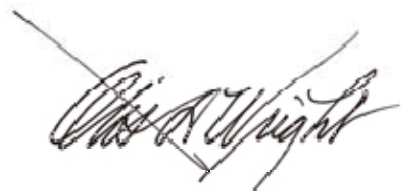
17 Therefore the Court ORDERS, ADJUDGES AND DECREES THAT:

- 18 1. The Deed of Trust, Fixture Filing, Assignment of Rents, and Security
19 Agreement dated February 12, 2003 and recorded on June 15, 2005 as
20 Instrument Number 05 1400414 in the Official Records of Los Angeles
21 County, California and encumbering the real property located at 1641-
22 1645 Alexandria Avenue, Los Angeles, California 90027, be
23 reconveyed by Bank of America, or its division First Republic Bank,
24 forthwith, and
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2. That the Declaratory Relief Claim filed by Bank of America against
East West Bank is hereby dismissed with prejudice, and
3. Judgment shall be entered in favor of East West Bank and against Bank
of America.

SO ORDERED.



Date: August 3, 2010

The Hon. Otis D. Wright II