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

BANK OF NEW YORK MELLON
(F/K/A THE BANK OF NEW YORK),
AS INDENTURE TRUSTEE FOR
ENCORE CREDIT RECEIVABLES
TRUST 2005-1,

Plaintiff,

vs.

PEGGY GOMEZ; DAVID ALAN
BOUCHER; NORTH AMERICAN
TITLE, a California Corporation;
EXPEDIA LENDING GROUP; ALL
PARTIES WITH ANY RIGHT, TITLE,
OR INTEREST IN THE REAL
PROPERTY AT 16225
DOUBLEGROVE STREET, LA
PUENTE, CALIFORNIA; and DOES 1
through 25,,

Defendants.

Case No. CV 12-10622-BRO (JCx)

AMENDED JUDGMENT

Hearing:

Date: August 26, 2013

Time: 1:30 p.m.

Crtm: 14

Place: USDC - Central
312 N. Spring Street
Los Angeles, CA 90012

Hon. Judge Beverly Reid O'Connell

1 The Motion for Summary Judgment of Plaintiff, BANK OF NEW YORK
2 MELLON (F/K/A THE BANK OF NEW YORK), AS INDENTURE TRUSTEE
3 FOR ENCORE CREDIT RECEIVABLES TRUST 2005-1 (hereinafter referred to
4 as “BNYM” or “Plaintiff”), on the Causes of Action for Quiet Title, Declaratory
5 Relief, Cancellation of Instrument in the Complaint, and Slander of Title came on
6 regularly for hearing on August 5, 2013, at 1:30 pm in Courtroom 14 of the
7 United States District Court for the Central District of California.

8 Having considered the written submissions, Plaintiff’s oral argument, and
9 good cause appearing therefore, THE COURT FINDS AS FOLLOWS:

10 The Motion for Summary Judgment is GRANTED, and Judgment is hereby
11 entered in favor of Plaintiff and against Defendants PEGGY GOMEZ, DAVID
12 ALAN BOUCHER, EXPEDIA LENDING GROUP, and all parties claiming any
13 right, title, or interest in the real property at 16225 Doublegrove Street, La Puente,
14 California through Defendants Peggy Gomez, David Alan Boucher, or Expedia
15 Lending Group (collectively “Defendants”), as follows:

16 1. The Court hereby declares and adjudges that Plaintiff is the true and
17 lawful owner of the real property commonly known as 16225 Doublegrove Street,
18 La Puente, California (the “Property”), Los Angeles County Tax Assessor Parcel
19 Number 8741-004-001 which is legally described as:

20
21 LOT 25 OF TRACT 15146, IN THE COUNTY OF LOS
22 ANGELES, STATE OF CALIFORNIA, AS PER MAP
23 RECORDED IN BOOK 537, PAGES 8 AND 9 OF MAPS, IN
24 THE OFFICE OF THE COUNTY RECORDER OF SAID
COUNTY

25 to the exclusion of any purported interest claimed by Defendants;

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1 2. The Court hereby further declares and decrees that the Grant Deed
2 recorded on August 28, 2012, as Document No. 20121287561 in the official
3 records of the Los Angeles County Recorder’s Office is a forgery and is VOID, *ab*
4 *initio*, and does not alter title as established by the Trustees Deed Upon Sale
5 recorded in the Official Records of Los Angeles County on June 5, 2012, as
6 Document No. 20120831135;

7 3. The Court hereby further declares and decrees that the Deed of Trust
8 which was recorded on August 28, 2012, as Document No. 20121287562
9 (hereinafter the “Expedia Deed of Trust”) in the official records of the Los
10 Angeles County Recorder’s Office is VOID, *ab initio*, because Peggy Gomez did
11 not hold title to the Property at the time that it was executed and/or recorded, and
12 that the Expedia Deed of Trust does not alter title as established by the Trustees
13 Deed Upon Sale recorded in the Official Records of Los Angeles County on June
14 5, 2012, as Document No. 20120831135;

15 4. The Court hereby declares and decrees that the Grant Deed described
16 in paragraph 2 above, is VOID, *ab initio*, and is hereby cancelled and expunged
17 from the Official Records of the County of Los Angeles and shall not impart
18 constructive notice of its contents or in any manner impact title to the Subject
19 Property;

20 5. The Court hereby declares and decrees that the Expedia Deed of
21 Trust described in paragraph 3 above, is VOID, *ab initio*, and is hereby cancelled
22 and expunged from the Official Records of the County of Los Angeles and shall
23 not impart constructive notice of its contents or in any manner impact title to the
24 Subject Property;

25 6. The Court hereby declares and decrees that judgment is hereby
26 entered in favor of Plaintiff and against Defendants, and each of them, on
27 Plaintiff’s claims of declaratory relief and quiet title as to the Property;

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7. The Court hereby declares and decrees that judgment is hereby entered in favor of Plaintiff and against Defendants, and each of them, on Plaintiff's claim for slander of title.

8. Plaintiff shall file a declaration, under penalty of perjury, detailing Plaintiff's damages by September 25, 2013 Defendants shall file any opposition by October 9, 2013. **ANY FAILURE TO OPPOSE PLAINTIFF'S DAMAGES BY DEFENDANTS WILL RISK IMPOSITION OF COSTS AGAINST DEFENDANTS.**

IT IS SO ORDERED.

Dated: September 11, 2013



HONORABLE BEVERLY REID O'CONNELL
UNITED STATES DISTRICT COURT JUDGE