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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA-FRESNO DIVISION**

JOSE S. ORTIZ,
Plaintiff,

vs.

QUALITY LOAN SERVICE
CORPORATION; SELECT
PORTFOLIO SERVICING, INC.; and
DOES 1 through 10, inclusive,
Defendants.

**U.S.D.C. OF CALIFORNIA,
EASTERN DISTRICT, FRESNO
DIVISION CASE NO. 1:09-CV-
00266-OWW-GSA**

**ASSIGNED TO JUDGE OLIVER
W. WANGER, Courtroom #3 (7th
Floor)**

**Complaint filed on January 20, 2009
Notice of Removal Filed in USDC
Eastern District, Fresno Division on
February 11, 2009**

**[CORRECTED] ORDER
GRANTING EXPUNGEMENT OF
NOTICE OF PENDENCY OF
ACTION**

TO ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

On July 6, 2009, at 10:00 am in Court room 3 of the above-referenced Court, an Order to Show Cause Regarding Dismissal and Expungment of any *lis pendens* recorded hearing took place regarding Plaintiff JOSE ORTIZ' failure to show cause by July 1, 2009, as ordered by this Court that he will prosecute this action, and failure to prosecute said action in the United States District Court for the

**[CORRECTED] ORDER GRANTING EXPUNGEMENT OF NOTICE OF
PENDENCY OF ACTION/LIS PENDENS**

1 Eastern District of California, Fresno Division, Case Number CASE NO. 1:09-CV-
2 00266-OWW-GSA, known as Juan Ortiz v. Quality Loan Service Corporation, et
3 al. No appearance was made by Plaintiff JUAN ORTIZ or his former counsel
4 Mitchell Roth, who is now suspended from practice, after proper notice to both
5 individuals and the Court ordered previously that due to Plaintiff's counsel's
6 suspension, Plaintiff JUAN ORTIZ was considered to be representing himself *in*
7 *propria persona* and required to personally appear at this hearing or obtain new
8 counsel. Gina L. Albertson, Esq. of Albertson Law appeared on behalf of
9 Defendants QUALITY LOAN SERVICE CORPORATION and SELECT
10 PORTFOLIO SERVICING, INC.

11 The Court, having considered the pleadings, oral argument, and all matters
12 pertaining to this action, hereby Orders that any Notice of Pendency of Action/*lis*
13 *pendens* is hereby expunged pursuant to *California Code of Civil Procedure*
14 §§405.31 and 405.32, recorded with respect to the real property:

15 1) commonly known as **3624 Akeby Drive, Modesto, California,**
16 **95356** ;

17 2) and legally described as follows:

18 All that certain real property in the City of Modesto, County of
19 Stanislaus, State of California, described as follows:

20 Lot 7 in Block 13690 of Vintage Faire Village, as per map thereof
21 recorded October 14, 1987 in Book 32 of Maps, Page 33, Stanislaus
22 County Records.

23 Excepting therefrom all minerals and rights, including, without
24 limitation, oil, gas, petroleum, naphtha and other hydrocarbon
25

26
27
28 **[CORRECTED] ORDER GRANTING EXPUNGEMENT OF NOTICE OF
PENDENCY OF ACTION/LIS PENDENS**

1 substances and other minerals lying below a depth of five hundred
2 (500) feet of the surface, with the right of development, production
3 and removal by giant drilling and other methods not requiring the
4 use of the surface of said property, as reserved by George S. Gagos
5 and Dianna S. Gagos, husband and wife by Deed recorded June 5,
6 1987 as Instrument No. 089938-00.

7 Any Notice of Pendency of Action is expunged since Plaintiff JUAN ORTIZ does
8 not have a pending cause of action affecting title to the real property at issue in this
9 case. Further, Plaintiff JUAN ORTIZ may not record a Notice of Pendency of
10 Action/*lis pendens* with respect to this lawsuit or any claims deriving there from
11 without leave of court.
12

13 IT IS SO ORDERED.
14

15 Date: 8/3/2009

16 By: /s/ OLIVER W. WANGER

17 The Honorable Oliver W. Wanger,
18 United States District Judge for the
19 Eastern District of California

20 Respectfully submitted,

21 Gina L. Albertson (SBN 216960)
22 ALBERTSON LAW
23 6789 Quail Hill Parkway, #223
24 Irvine, California 92603
25 Telephone: (949) 861-3132
26 Facsimile: (949) 861-8785

27 Attorneys for Defendants
28 QUALITY LOAN SERVICE CORPORATION and SELECT PORTFOLIO
SERVICING, INC.

**[CORRECTED] ORDER GRANTING EXPUNGEMENT OF NOTICE OF
PENDENCY OF ACTION/LIS PENDENS**