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10 and COUNTRYWIDE HOME LOANS, INC.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

CHRISTINA HILL, NORMAN HILL,
as individuals,

Plaintiffs,

vs.

GUARANTY BANK, a United States
Bank, COUNTRYWIDE HOME
LOANS, INC., a New York
corporation, BANK OF AMERICA, a
Delaware corporation, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., a Delaware
corporation, and DOES 1 through 50,
inclusive,

Defendants.

Case No. 1:10-CV-00222-OWW-SMS

**REQUEST FOR VOLUNTARY DISMISSAL
OF CASE; ORDER THEREON**

[NO HEARING REQUIRED]

Removal Filed: February 10, 2010
Complaint Filed: January 16, 2009
Case Dismissed: June 19, 2009

**TO THE HONORABLE GARY A. FEESS, UNITED STATES DISTRICT COURT
JUDGE, AND PLAINTIFFS:**

PLEASE TAKE NOTICE that BANK OF AMERICA CORPORATION and
COUNTRYWIDE HOME LOANS, INC., (“Defendants”) hereby request the voluntary dismissal
of the above-captioned case, in its entirety without prejudice, for the following reasons:

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- 1. Plaintiffs CHRISTINA HILL and NORMAN HILL (“Plaintiffs”) commenced this action by filing a Complaint in the Superior Court of the State of California in and for the County of Merced, on January 16, 2009, Case No. CU151849 (“State Court Action”).
- 2. Such State Court Action was DISMISSED on or about June 26, 2009, State Court docket attached hereto as Exhibit A.
- 3. Defendant’s Notice of Removal filed on or about February 10, 2010 was improper by virtue of the dismissal of the underlying State Court Action of Hill, et al. v. Guaranty Bank, et al., Case No. CU151849, which was dismissed by Order entered on June 26, 2009.

For these reasons, Defendants BANK OF AMERICA CORPORATION and COUNTRYWIDE HOME LOANS, INC., respectfully request the instant dismissal of its removal to District Court in its entirety against all parties without prejudice.

Dated: August 20, 2010 MALCOLM ♦ CISNEROS

By: /s/ William G. Malcolm
 WILLIAM G. MALCOLM
 Counsel for BANK OF AMERICA CORPORATION
 and COUNTRYWIDE HOME LOANS, INC.

ORDER

IT IS HEREBY ORDERED THAT ABOVE –CAPTIONED CASE BE DISMISSED IN ITS ENTIRETY WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: August 23, 2010

 /s/ Oliver W. Wanger
 UNITED STATES DISTRICT JUDGE