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6 Attorneys for Plaintiff,  
 WELLS FARGO BANK, NATIONAL ASSOCIATION  
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8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION  
 10

11 WELLS FARGO BANK, NATIONAL  
 ASSOCIATION, successor in interest by  
 12 consolidation to Placer Sierra Bank,

13 Plaintiff,

14 v.

15 SHREE BALAJI HOSPITALITY, LP, a  
 California Limited Partnership;  
 16 BALWANTSINH DOLATSINHM  
 THAKOR, an individual; LABATEN  
 17 BALWANTSINH THAKOR, an  
 individual; EDF RESOURCE CAPITAL,  
 18 INC.; U.S. SMALL BUSINESS  
 ADMINISTRATION; CITY OF  
 19 OAKDALE and DOES 1 through 50,  
 inclusive,  
 20

21 Defendants.  
 22

Case No. 1:10-CV-01150-AWI-DLB

**STIPULATION FOR THE  
 ISSUANCE OF AN ORDER TO  
 EXTEND THE STATE COURT’S  
 AMENDED EX PARTE ORDER  
 APPOINTING RECEIVER AND  
 ORDER TO SHOW CAUSE AND  
 TEMPORARY RESTRAINING  
 ORDER; ORDER**

23 This Stipulation is entered into by and between Plaintiff, WELLS FARGO BANK,  
 24 NATIONAL ASSOCIATION, successor in interest by consolidation to Placer Sierra Bank  
 25 (“WFB”), and Defendants, SHREE BALAJI HOSPITALITY, LP, a California Limited  
 26 Partnership (“SBH”); BALWANTSINH DOLATSINHM THAKOR, an individual  
 27 (“BALWANTSINH”); LABATEN BALWANTSINH THAKOR, an individual (“LABATEN”);  
 28 EDF RESOURCE CAPITAL, INC. (“EDF”); UNITED STATES OF AMERICA on behalf of

4 its agency, U.S. SMALL BUSINESS ADMINISTRATION (“USA”); and the CITY OF  
5 OAKDALE, a government entity (“CITY”), by and through their respective attorneys of record,  
6 on the following recitals, terms, and conditions:

7 **RECITALS**

8 This Stipulation is entered into with the following facts taken into consideration:

9 A. On or about June 9, 2010, the Stanislaus County Superior Court heard, on an ex  
10 parte basis, Plaintiff WFB’s application for appointment of receiver, temporary restraining order,  
11 and order to show cause re confirmation of appointment of receiver. True and correct copies of  
12 the ex parte application and declaration of Kurt V. Jaenike are attached hereto as Exhibits 1  
13 and 2.

14 B. On or about June 9, 2010, Stanislaus County Superior Court Judge Roger M.  
15 Beauchesne entered an Ex Parte Order Appointing Receiver and Order to Show Cause and  
16 Temporary Restraining Order. On or about June 11, 2010, Stanislaus County Superior Court  
17 Judge Roger M. Beauchesne entered an Amended Ex Parte Order Appointing Receiver and Order  
18 to Show Cause and Temporary Restraining Order. True and correct copies of the ex parte order  
19 and amended ex parte order are attached hereto as Exhibits 3 and 4.

20 C. An order to show cause to confirm receiver and for preliminary injunction was  
21 duly scheduled to be heard on June 25, 2010, in the Stanislaus County Superior Court.

22 D. On or about July 1, 2010, the temporary restraining order and receivership expire.

23 E. The parties have agreed that, to maintain the status quo pending a hearing in this  
24 Court of the confirmation of the appointment of the receiver and the issuance of a preliminary  
25 injunction, the temporary restraining order and order appointing the receiver issued on June 9,  
26 2010, and amended on June 11, 2010, shall remain in effect past the original expiration date of  
27 July 1, 2010, up to and including July 29, 2010, unless the court conducts a hearing on the  
28 confirmation of the appointment of the receiver and the issuance of a preliminary injunction prior

4 to that date. The parties thus enter into this Stipulation to permit such to occur.

5 **STIPULATION**

6 With the above facts taken into consideration, the adequacy and sufficiency of which are  
7 hereby acknowledged, the parties, by and through their respective attorneys of record, stipulate  
8 and agree as follows:

9 1. Incorporation of Recitals. Paragraphs A through E, inclusive, of the Recitals  
10 hereof are fully incorporated herein and are true and correct. These Recitals are intended and  
11 shall be deemed and construed to be a material and integral portion of this Stipulation.

12 2. Extension of TRO and Order Appointing Receiver. In order to maintain the status  
13 quo pending a hearing in this Court of the confirmation of the appointment of the receiver and  
14 the issuance of a preliminary injunction that the temporary restraining order and order appointing  
15 the receiver issued on June 9, 2010, and amended on June 11, 2010, shall remain in effect past  
16 the original expiration date of July 1, 2010, up to and including July 29, 2010, unless the court  
17 conducts a hearing on the confirmation of the appointment of the receiver and the issuance of a  
18 preliminary injunction prior to that date.

19 3. Scheduling of Hearing. A hearing on Plaintiff's OSC re confirmation of the  
20 appointment of the receiver and the issuance of a preliminary injunction that the temporary  
21 restraining order and order appointing the receiver issued on June 9, 2010, and amended on  
22 June 11, 2010, shall be scheduled on the first date available by the court prior to July 29, 2010.

23 4. Execution in Counterparts. This Stipulation may be executed in  
24 counterparts and a facsimile and/or an electronic signature shall be considered as valid as an  
25 original.

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1 *Wells Fargo Bank, N.A. v.*  
2 *Shree Balaji Hospitality, LP*  
3 Case No. 1:10-CV-01150-AWI-DLB

4  
5 Dated: June 30, 2010

COLEMAN & HOROWITT, LLP

6  
7 By: /s/ Darryl J. Horowitz  
8 DARRYL J. HOROWITT  
9 Attorneys for Plaintiff,  
10 WELLS FARGO BANK, NATIONAL  
ASSOCIATION, successor in interest by  
consolidation to Placer Sierra Bank

11 Dated: July 1, 2010

LAW OFFICES OF MICHAEL TIMOTHY HEATH

12  
13 By: See E-Mails attached as Attachment 1  
14 MICHAEL TIMOTHY HEATH  
15 Attorney for Defendants,  
16 SHREE BALAJI HOSPITALITY, LP, a  
California Limited Partnership; BALWANTSINH  
DOLATSINHM THAKOR, an individual;  
LABATEN BALWANTSINH THAKOR, an  
individual

17  
18 Dated: June 30, 2010

REAL ESTATE LAW GROUP LLP

19  
20 By: /s/ Jason L. Hoffman  
21 JASON L. HOFFMAN  
22 Attorney for Defendant,  
EDF RESOURCE CAPITAL, INC.

23 Dated: July 1, 2010

BENJAMIN B. WAGNER  
United States Attorney

24  
25 By: /s/ Jeffrey J. Lodge  
26 JEFFREY J. LODGE  
27 Assistant U.S. Attorney  
Attorneys for Defendant

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1 *Wells Fargo Bank, N.A. v.*  
2 *Shree Balaji Hospitality, LP*  
3 Case No. 1:10-CV-01150-AWI-DLB

4 Dated: \_\_\_\_\_, 2010

5 *Authorized to file without signature*  
6 THOMAS P. HALLINAN  
7 Attorney for Defendant,  
8 CITY OF OAKDALE, a government entity

9 **ORDER**

10 The parties having so stipulated, and good cause appearing therefor,

11 IT IS HEREBY ORDERED as follows:

12 1. In order to maintain the status quo pending a hearing in this Court of the  
13 confirmation of the appointment of the receiver and the issuance of a preliminary injunction that  
14 the temporary restraining order and order appointing the receiver issued on June 9, 2010, and  
15 amended on June 11, 2010, shall remain in effect past the original expiration date of July 1,  
16 2010, up to and including July 29, 2010, unless the court conducts a hearing on the confirmation  
17 of the appointment of the receiver and the issuance of a preliminary injunction prior to that date.

18 2. The hearing on Plaintiff's OSC re confirmation of the appointment of the receiver  
19 and the issuance of a preliminary injunction shall be heard on July 26, 2010, at 1:30 p.m. in  
20 Courtroom \_\_2\_\_ of this court.

21  
22 IT IS SO ORDERED.

23 Dated: July 3, 2010

24   
25 CHIEF UNITED STATES DISTRICT JUDGE