

ANGLIN FLEWELLING RASMUSSEN CAMPBELL & TRYTTEN LLP

Robert A. Bailey (#214688)
rbailey@afrc.com
ANGLIN FLEWELLING RASMUSSEN
CAMPBELL & TRYTTEN LLP
301 N. Lake Ave., Ste. 1100
Pasadena, California 91101-4158
Telephone: (626) 535-1900
Facsimile: (626) 577-7764

Attorneys for Defendant
WELLS FARGO BANK, N.A., successor
by merger with Wells Fargo Bank
Southwest, N.A., f/k/a Wachovia Mortgage,
FSB, f/k/a World Savings Bank, FSB
("Wells Fargo"), sued as "Wells Fargo Bank
NA, Inc.; Wachovia Mortgage Corporation"

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

DENNY R. BECKER; THE BECKER
TRUST DATED MARCH 25, 1991,

Plaintiffs,

v.

WELLS FARGO BANK, NA, INC.;
WACHOVIA MORTGAGE CORPORATION;
DOES 1-20,

Defendants.

CASE NO.: 2:10-CV-02799-TLN-KJN

**STIPULATION AND ORDER RE:
SUPERCEDEAS BOND FUNDS**

Judgment: September 9, 2014

WHEREAS, the Court entered judgment against Plaintiffs and in favor of Defendant,
Wells Fargo Bank, N.A. ("Wells Fargo").

WHEREAS, following entry of judgment, the Court granted Wells Fargo's motion for
attorney's fees in the amount of \$146,493.50 (ECF No. 227).

WHEREAS, Plaintiff separately appealed the judgment and the award of attorney's fees.

WHEREAS, in order to stay enforcement of the attorney's fee award, Plaintiff posted a
supersedeas bond with the court in the amount of \$188,706.43. (ECF No. 248)

WHEREAS, Plaintiff's appeals of the underlying judgment and attorney's fee award have

been concluded and this Court's orders in both respects were affirmed. The 9th Circuit has issued its mandate and the fee award and judgment are no long subject to appellate review.

WHEREAS, in January 2017, the Court's clerk erroneously returned the supersedeas bond funds to Plaintiff.

WHEREAS, the Court discovered the error and issued an order on February 2, 2017 requiring Plaintiff to submit a cashier's check to the clerk in the amount of \$188,706.42. (ECF No. 280).

WHEREAS, Plaintiff agrees that Wells Fargo is entitled to recover most of the supersedeas bond funds as satisfaction for the attorney's fee award affirmed on appeal.

WHEREAS, in order to avoid further motion practice and to eliminate a step in the process for the release of the bond funds, the Parties hereby stipulate as follows:

1. Within three days of the Court's order approving this stipulation, Plaintiff will remit a cashier's check in the amount of \$182,000 (made payable to "AFRCT Client Trust Account") directly to Wells Fargo's counsel, rather than to the Court. This will save the parties and Court time and resources by eliminating the need for the Court to hold and track the bond funds or to resolve a motion or issue an order releasing the funds to Wells Fargo.

2. Upon receipt of the \$182,000 payment described above, Wells Fargo's counsel will provide Plaintiff with a Notice of Satisfaction of Judgment with respect to the attorney's fee award. Plaintiff further agrees not to pursue any further appellate, certiorari or other review of the judgment and attorney's fee award.

IT IS SO STIPULATED.

Dated: February 8, 2017

ANGLIN FLEWELLING RASMUSSEN
CAMPBELL & TRYTTEN LLP

By: /s/ Robert A. Bailey

Robert A. Bailey
Attorneys for WELLS FARGO BANK, N.A.

Dated: February 8, 2017

Denely Becker
Plaintiff, Individually and as Trustee of the Becker Trust

ORDER

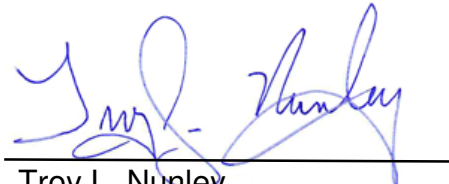
Based on the stipulation of the parties and good cause appearing therefore, it is hereby ordered that:

1. In lieu of depositing a cashier's check in the amount of \$186,706.43 with the Clerk of the Court as required by the Court's February 2, 2017 Order (ECF No. 280), Plaintiff shall deliver a cashier's check in the amount of \$182,000 to Wells Fargo's counsel, payable to "AFRCT Client Trust Account", within three days of the date of this order.

2. Upon receipt of the \$182,000 cashier's check, Wells Fargo will provide Plaintiff with an executed Notice of Satisfaction of Judgment covering the attorney's fee award (ECF No. 227).

IT IS SO ORDERED.

Dated: February 10, 2017


Troy L. Nunley
United States District Judge