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 5 Attorney for Plaintiffs,
 CHRISTOPHER GENE LYMAN and
 6 JESSICA HELEN O'DANIEL

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA - EUREKA

10 CHRISTOPHER GENE LYMAN; JESSICA) UNLIMITED
HELEN O'DANIEL) Case No. C11-00433 NJV
11)
Plaintiffs,)
12)
v.) [Proposed] ORDER RE MAINTENANCE OF
13) PRELIMINARY INJUNCTION PURSUANT
) TO STIPULATION
14 MORTGAGE ELECTRONIC)
REGISTRATION SERVICES, INC., a)
15 Delaware corporation; XZVR, INC., a)
California corporation; WESTERN)
16 PROGRESSIVE, LLC, a Delaware limited)
liability company; DEUTSCHE BANK)
17 NATIONAL TRUST COMPANY, a)
Tennessee corporation; IXIS REAL ESTATE)
18 CAPITAL TRUST 2005-HE-3; SAXON)
MORTGAGE SERVICES, INC.; OCWEN)
19 LOAN SERVICING, LLC; and DOES 6)
through 1000, inclusive; DOES 1001 through)
20 2500, inclusive,)
Defendants.)
21)

22
 23 Pursuant to the stipulation of the parties hereto filed on April 10, 2012 (ECF #90), and
 24 good cause appearing therefore,

25 IT IS HEREBY ORDERED as follows:

26 1. Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a
 27 Delaware corporation, erroneously sued herein as MORTGAGE ELECTRONIC

28 [Proposed] ORDER PURSUANT TO STIPULATION
 FOR MAINTENANCE OF PRELIMINARY INJUNCTION

1 REGISTRATION SERVICES, INC.; XZVR, INC., a California corporation; WESTERN
2 PROGRESSIVE, LLC, a Delaware limited liability company; DEUTSCHE BANK NATIONAL
3 TRUST COMPANY, a Tennessee corporation; IXIS REAL ESTATE CAPITAL TRUST 2005-
4 HE-3; SAXON MORTGAGE SERVICES, INC.; OCWEN LOAN SERVICING, LLC and their
5 agents, employees, servants, and all persons acting under, in concert with or for them shall refrain
6 from and are hereby enjoined from proceeding with a foreclosure on that certain real property
7 commonly known as 1956 Clover Drive, Willits, Mendocino County, California which is more
8 specifically described as follows:

9
10 Block 37, Lot 7, of Tract 86, Brooktrails Vacation Village
11 Subdivision as per map filed August 17, 1966 in Case 2, Drawer 7,
Page 1, Mendocino County Records as amended by Map filed
August 16, 1967, in Map Case 2, Drawer 7, Page 2;

12 Excepting and reserving all the water and water rights in, under or
13 flowing over said property or appurtenant thereto;

14 Excepting and reserving therefrom fifty percent (50%) of all oil,
15 gas and other mineral and hydrocarbon substances below a plane
16 five hundred feet beneath the surface thereof, but without the right
of surface entry thereto, as reserved and excepted by the Bank of
California, National Association, a National Banking Association.

17 A.P.N. 099-132-08-01

18 until further order of this Court.

19 2. Plaintiffs shall continue to pay the sum of \$1,138.50 as a condition of the issuance
20 of this preliminary injunction and for a bond; to be paid in the interest bearing Trust Account in
21 care of Plaintiffs' counsel, Christopher J. Neary on or before the 15th day of each month,
22 commencing April 15, 2012, which sums shall be held in trust for the legal beneficiary of the
23 underlying Note and Deed of Trust at issue herein on the foregoing described property. Plaintiffs
24 shall further timely pay all taxes, insurance, and utility payments regarding the Property falling
25 due within the time period this injunction is in effect. Counsel shall provide the Court and the
26 parties with a status report regarding the balance of the Trust Account on a monthly basis, which
27 report shall be submitted to the Court on or before the 15th day of each month, commencing on
28 April 15, 2012.

1 3. Defendants DEUTSCHE BANK NATIONAL TRUST COMPANY and/or
2 OCWEN LOAN SERVICING, LLC may draw upon the deposited funds at any time upon ten
3 days' written notice to the Court upon agreeing to indemnify Plaintiffs from any damages they
4 might suffer as a result of any other person or entity with a superior right to the claim of
5 Defendant DEUTSCHE BANK NATIONAL TRUST COMPANY as beneficiary making a
6 successful demand for payment of the secured obligation.

7 Funds on deposit in the interest bearing trust account shall be under the control of the
8 Court to be disbursed as the Court may order.

9 4. All parties reserved all rights under a motion or *ex parte* motion (and opposition
10 thereto) for a preliminary injunction.

11
12 DATED: May 7, 2012



THE HONORABLE NANDOR J. VADAS
Magistrate Judge of the U.S. District Court

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15 Approved as to form:

16 HOUSER & ALLISON, APC

17 /s/

18 _____
19 JASON K. BOSS
20 Attorneys for Defendants
21 DEUTSCHE BANK NATIONAL TRUST COMPANY,
22 a Tennessee corporation; IXIS REAL ESTATE
23 CAPITAL TRUST 2005-HE-3; OCWEN LOAN SERVICING, LLC

24 NEARY and O'BRIEN

25 /s/

26 _____
27 CHRISTOPHER J. NEARY
28 Attorneys for Plaintiffs,
CHRISTOPHER GENE LYMAN
and JESSICA HELEN O'DANIEL