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

7  
 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 |  | ) | [Proposed] PRELIMINARY INJUNCTION |
|    | v.   | ) |                                   |
| 13 |  | ) |                                   |
|    | MORTGAGE ELECTRONIC                        | ) |                                   |
| 14 | REGISTRATION SERVICES, INC., a             | ) |                                   |
|    | Delaware corporation; XZVR, INC., a        | ) |                                   |
| 15 | California corporation; WESTERN            | ) |                                   |
|    | PROGRESSIVE, LLC, a Delaware limited       | ) |                                   |
| 16 | liability company; DEUTSCHE BANK           | ) |                                   |
|    | NATIONAL TRUST COMPANY, a                  | ) |                                   |
| 17 | Tennessee corporation; IXIS REAL ESTATE    | ) |                                   |
|    | CAPITAL TRUST 2005-HE-3; SAXON             | ) |                                   |
| 18 | MORTGAGE SERVICES, INC.; OCWEN             | ) |                                   |
|    | LOAN SERVICING, LLC; and DOES 6            | ) |                                   |
| 19 | through 1000, inclusive; DOES 1001 through | ) |                                   |
|    | 2500, inclusive,                           | ) |                                   |
| 20 |  | ) |                                   |
|    | Defendants.                                | ) |                                   |
| 21 | _____                                      | ) |                                   |

22  
 23  
 24 The Court having heard the arguments of the parties, and having reviewed the documents  
 25 and papers on file herein, and good cause appearing therefore,

26 IT IS HEREBY ORDERED that, pending further order of this Court or judgment herein,  
 27 defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a Delaware  
 28 corporation, erroneously sued herein as MORTGAGE ELECTRONIC REGISTRATION  
 [Proposed] PRELIMINARY INJUNCTION

1 SERVICES, INC.; XZVR, INC., a California corporation; WESTERN PROGRESSIVE, LLC,  
2 a Delaware limited liability company; DEUTSCHE BANK NATIONAL TRUST COMPANY,  
3 a Tennessee corporation; IXIS REAL ESTATE CAPITAL TRUST 2005-HE-3; SAXON  
4 MORTGAGE SERVICES, INC.; OCWEN LOAN SERVICING, LLC and., their agents,  
5 employees, servants, and all persons acting under, in concert with or for them are restrained and  
6 enjoined from proceeding with a foreclosure on that certain real property commonly known  
7 as 1956 Clover Drive, Willits, Mendocino County, California which is more specifically described  
8 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,  
12 Page 1, Mendocino County Records as amended by Map filed  
13 August 16, 1967, in Map Case 2, Drawer 7, Page 2;

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

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

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

22 This preliminary injunction shall remain in effect until April 6, 2012 or further order of  
23 this Court whichever first occurs.

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

1 Defendants DEUTSCHE BANK NATIONAL TRUST COMPANY and/or OCWEN  
2 LOAN SERVICING, LLC may draw upon the deposited funds at any time upon ten days' written  
3 notice to the Court upon agreeing to indemnify Plaintiffs from any damages they might suffer as  
4 a result of any other person or entity with a superior right to the claim of Defendant DEUTSCHE  
5 BANK NATIONAL TRUST COMPANY as beneficiary making a successful demand for payment  
6 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 In the event that this Preliminary Injunction expires prior to further order of the Court,  
10 Plaintiffs may without the requirement of further briefing apply for an extension of this injunction  
11 on an *ex parte* basis.

12  
13 DATED: January 9, 2012

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

15  
16 Approved as to form:  
17 HOUSER & ALLISON, APC

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

22  
23  
24 I, CHRISTOPHER J. NEARY, as custodian of the Trust Account into which all monthly  
25 payments by Plaintiffs will be deposited in compliance with this order, agree to the terms and  
26 conditions of this Order and will comply with its terms and/or any other Order from this Court  
27 concerning the funds to be deposited in compliance with this Order. I understand and agree that the  
28 funds deposited into the trust account shall remain under the control of the Court pursuant to this

1 Order, and I agree that the funds will not be disbursed to anyone except as directed by written  
2 agreement between the Defendants named herein above and Plaintiffs, or the above-entitled Court's  
3 Order.

4 I SO AGREE.

5 NEARY AND O'BRIEN

6 DATED: January 6, 2012

7 \_\_\_\_\_  
8 /s/  
9 CHRISTOPHER J. NEARY  
10 Attorneys for Plaintiffs,  
11 CHRISTOPHER LYMAN and  
12 JESSICA O'DANIEL  
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