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 3 **PRENOVOST, NORMANDIN, BERGH & DAWE**  
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 9 **8150.0053**

6 Attorneys for FIRESIDE BANK, a California corporation; and  
 7 DEALER SERVICES CORPORATION, a Delaware corporation

8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 GREAT AMERICAN INSURANCE )  
 12 COMPANY, an Ohio corporation, )  
 13 )  
 14 Plaintiff, )

14 v. )

15 MARIA C. PENALOZA, an individual, )  
 16 DEALER SERVICES CORPORATION, a )  
 17 Delaware corporation, WACHOVIA DEALER )  
 18 SERVICES, INC., a California corporation, )  
 19 WESTLAKE FINANCIAL SERVICES, INC., a )  
 20 California corporation, FIRESIDE BANK, a )  
 21 California corporation, FOREMAN )  
 22 FINANCIAL, INC., a California corporation, )  
 23 CHALLENGE FINANCIAL SERVICES, INC., )  
 24 a California corporation, CIG FINANCIAL, a )  
 25 California corporation, CREDIT ONE )  
 26 CORPORATION, a California corporation, )  
 27 AUTO BUYLINE SYSTEMS, INC., a California )  
 28 corporation, MARIA C. PENALOZA, an )  
 individual, STATE OF CALIFORNIA )  
 DEPARTMENT OF MOTOR VEHICLES, a )  
 state agency, and DOES 1-100, inclusive, )

Defendants. )

Case No. CO8-04192 JCS

**[PROPOSED] REVISED ORDER  
 GRANTING STIPULATION FOR RELEASE  
 OF FUNDS AND DISMISSAL**

Complaint Filed: September 4, 2008

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**ORDER**

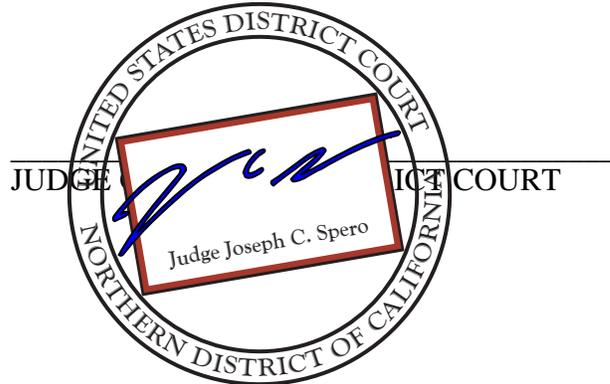
**IT IS HEREBY ORDERED** that the Clerk of the Court shall disburse the balance of the Bond now deposited with this Court as follows:

1. \$ 4,982.00 payable to Great American Insurance Company.
2. \$ 145.00 payable to the California Department of Motor Vehicles.
3. \$ 10,042.57 payable to Dealer Services Corporation.
4. \$ 5,986.05 payable to Fireside Bank.
5. \$ 22,844.86 payable to Wachovia Dealer Services.
6. \$ 5,999.52 payable to Challenge Financial Services, Inc.

**FURTHER, IT IS HEREBY ORDERED** that the interest accrued on the balance of the Bond now deposited with the Court shall be disbursed evenly amongst the California Department of Motor Vehicles; Dealer Services Corporation; Fireside Bank; Wachovia Dealer Services; and Challenge Financial Services, Inc.

Disbursement checks shall be mailed care of each party's attorney of record. Upon disbursal, Plaintiff's Complaint in Interpleader shall be dismissed with prejudice.

Dated: 03/02/09 \_\_\_\_\_



**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 2122 North Broadway, Suite 200, Santa Ana, California 92706-2614.

On **March 2, 2009**, I served the foregoing document described as: **FIRESIDE BANK’S ANSWER TO GREAT AMERICAN INSURANCE COMPANY’S UNVERIFIED COMPLAINT IN INTERPLEADER** on all interested parties in this action by placing [ ] the original [x] a true copy thereof enclosed in sealed envelopes addressed as follows:

electronic notice per the court’s email notice list:

Darryl J. Horowitz  
dhorowitz@ch-law.com

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Law Offices of John L. Fallat  
(U.S. MAIL)  
John L. Fallat  
Timothy J. Tomlin  
523 Fourth Street, Suite 210  
San Rafael, CA 94901-3349  
(415) 457-3773  
fax (415) 457-2667  
(Attorneys for Plaintiff, Great American Insurance Company)

The document(s) was/were served by the following means (specify):

[ ] By personal service. I personally delivered the documents to the persons at the addresses listed above. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

[x] By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and (specify one):

[x] Deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

[ ] Placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business’s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after

1 date of deposit for mailing in affidavit.

2 I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Santa  
3 Ana, California.

4  By overnight delivery. I enclosed the documents in an envelope or package provided by an overnight delivery carrier  
5 and addressed to the persons at the addresses in item 2. I placed the envelope or package for collection and overnight delivery  
6 at an office or a regularly utilized drop box of the overnight delivery carrier.

7  By messenger service. I served the documents by placing them in an envelope or package addressed to the persons at  
8 the addresses listed above and providing them to a professional messenger service for service. *(A declaration by the  
9 messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)*

10  By fax transmission. Based on an agreement of the parties to accept service by fax transmission, I faxed the  
11 documents to the persons at the fax numbers listed above. No error was reported by the fax machine that I used. *(A copy of  
12 the record of the fax transmission, which I printed out, is attached.)*

13  By e-mail or electronic transmission. Based on a court order or an agreement of the parties to accept service by  
14 e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did  
15 not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission  
16 was unsuccessful.

17  (State) I declare under penalty of perjury under the laws of the State of California that the above  
18 is true and correct.

19  (Federal) I declare that I am employed in the office of a member of the bar of this court at whose  
20 direction the service was made.

21 I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

22 Executed on **March 2, 2009**, at Santa Ana, California.

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/S/ JAN M. WADE  
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