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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 DOUGLAS R. CARAWAY et al.

18 Defendants.

Case No. C 08 4371 MMC

[Proposed] JUDGMENT ESTABLISHING  
PRIORITY OF LIENS OF FREMONT  
BANK'S DEEDS OF TRUST

19 The Motion For Summary judgment filed September 12, 2011 by Defendant Fremont Bank  
20 having come before the Court and no opposition to said motion having been filed; and

21 IT APPEARING, AND THE COURT FINDS, AS FOLLOWS:

22 1. The lien of Fremont Bank's Deed of Trust recorded with the County Recorder of San  
23 Mateo County on January 15, 1992 under Recorder's Serial No. 92005345, and the lien of Fremont  
24 Bank's Deed of Trust recorded with the County Recorder of San Mateo County on January 15, 1992  
25 under Recorder's Serial No. 92005346, were each recorded as liens against the real property  
26 commonly known as 743 Neal Avenue, San Carlos, CA 94070-4421 (the "Property") owned by  
27 Defendant Douglas R. Caraway prior to the recordation of (i) the tax liens recorded against the  
28 Property by the United States of America and (ii) the liens recorded against the Property by the other  
defendants herein; and

2. Upon the sale of the real property commonly known as 743 Neal Avenue, San Carlos,

1 CA 94070-4421 the liens of Fremont Bank's First Deed of Trust and its Second Deed of Trust have  
2 priority over (i) the tax liens recorded against the Property by the United States of America and (ii)  
3 the liens recorded against the Property by the other defendants herein; and

4 3. The liens of Fremont Bank's First Deed of Trust and its Second Deed of Trust are  
5 entitled to be paid from the first proceeds of the sale of the Property prior to the payment of either (i)  
6 the tax liens recorded by the United States of America or (ii) the liens recorded by the other  
7 defendants herein.  
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9 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as  
10 follows:

11 1. Fremont Bank's Motion For Summary Judgment is hereby granted in its entirety.

12 2. Upon a sale of the Property pursuant to an order of this Court, and the entry of any  
13 order by this Court confirming the sale of said Property, the lien of Fremont Bank's Deed of Trust  
14 recorded with the County Recorder of San Mateo County on January 15, 1992 under Recorder's  
15 Serial No. 92005345, and the lien of Fremont Bank's Deed of Trust recorded with the County  
16 Recorder of San Mateo County on January 15, 1992 under Recorder's Serial No. 92005346, shall be  
17 paid first from the proceeds from the sale of the Property prior to the payment of the following liens  
18 against the Property, to wit: (i) the lien of a deed of trust in favor of Lorraine K. Caraway recorded  
19 on December 31, 1993, (ii) the lien of a deed of trust in favor of C. Thomas Biscardi recorded on  
20 October 18, 2000, (iii) the lien of an abstract of judgment in favor of CBA Collection Bureau of  
21 America, Ltd., recorded on August 10, 2006, (iv) the lien of a federal tax lien in favor of the United  
22 States of America recorded on February 14, 2007, (v) the lien of an abstract of judgment in favor of  
23 Amanda & Fred Hummel recorded on March 27, 2007, (vi) the lien of an abstract  
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1 of judgment in favor of Fred A. Hummel recorded on March 27, 2007, and (vii) the lien of a federal  
2 tax lien in favor of the United States of America recorded on May 7, 2008.

3 DATED this 16 day of November 2011

4 BY THE COURT

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7 MAXINE M. CHESNEY  
8 United States District Judge

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