

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DARRELL MCDONALD, *et al.*,

No. C-09-1365 EMC

Plaintiffs,

v.

**NOTICE OF PENDENCY OF ACTION**

RESIDENTIAL MORTGAGE CAPITAL, *et al.*,

Defendants.

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**NOTICE IS HEREBY GIVEN** that the above-entitled action has been commenced by Plaintiffs Darrell McDonald and Flora McDonald against Defendants Residential Mortgage Capital, NDEX West LLC, Mortgage Electronic Registration Systems Inc. (MERS), Federal Deposit Insurance Corporation as Conservator for Indymac Federal Bank F.S.B., Onewest Bank, and Deutsche Bank National Trust Company. The action now pending affects title to and/or possession of the real property located at 1269 Parkwood Drive, Novato, California 94947 (the "Property").

The Property is legally described as follows:

Lot 65, as shown upon that certain map entitled, "Map of Lynwood Park, Unit Four and Re-Subd. of Lots 41 to 44, inclusive, Unit Two, in the County of Marin, California," filed for record May 19, 1955 in Volume 8 of Maps, at Page 60, Marin County Records, A.P. No. 152-142-19.

In relation to the Property, this action seeks a declaration as to the competing rights and interests in the Property.

1           The Court hereby **APPROVES** Plaintiffs’ notice of pendency of action. In so approving, the  
2 Court does not bar any Defendant from moving to expunge the lis pendens. The Court also notes,  
3 for the benefit of Plaintiffs (who are pro se), that, although the Court is approving the lis pendens on  
4 an ex parte basis, California Code of Civil Procedure § 405.22 provides that a “claimant shall, *prior*  
5 *to recordation of the notice*, cause a copy of the notice to be mailed, by registered or certified mail,  
6 return receipt requested, to all known addresses of the parties to whom the real property claim is  
7 adverse and to all owners of record of the real property affected by the real property claim as shown  
8 by the latest county assessment roll.” Cal. Code Civ. Proc. § 405.22 (emphasis added).

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10 Dated: April 13, 2009



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EDWARD M. CHEN  
United States Magistrate Judge