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8 Attorneys for Plaintiffs  
9 DANA WOFFORD, GAIL WOFFORD  
10 and MARK BENNETT

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DANA WOFFORD, an individual, GAIL  
WOFFORD, an individual, and MARK  
BENNETT, an individual,

Plaintiffs,

v.

BAYVIEW LOAN SERVICING, LLC, a  
Delaware limited liability company, and  
DOES 1-20, inclusive,

Defendants.

CASE NO. C 09-06016 CRB

**STIPULATION AND [PROPOSED]  
ORDER TO WITHDRAW DEFENDANT'S  
NOTICE OF DEFAULT AND VACATE  
THE HEARING ON PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action,  
through their respective counsel, that:

1. Defendant Bayview Loan Servicing, LLC has agreed to not proceed to non-  
judicially foreclose on the subject property, commonly known as 3344 & 3345 Lakeshore  
Boulevard, Lakeport, California, until a determination is made in this action ("the subject  
property")

2. Defendant Bayview Loan Servicing, LLC has agreed to immediately withdraw the  
notice of default and election to sell under commercial deed of trust, recorded on December 16,  
2009 as instrument number 2009020616 in the official records of Lake County, California on the  
subject property.

1           3. Plaintiffs' Motion for Preliminary Injunction to restrain defendants from noticing  
2 and initiating a non-judicial foreclose sale of the subject property, re-noticed for hearing for April  
3 30, 2010 at 10:00 a.m. in Courtroom 8, 19<sup>th</sup> Floor, before Honorable Charles R. Breyer, as docket  
4 nos. 12, 13 and 18, is withdrawn and should be taken off calendar.

## 5 | SO STIPULATED.

6 | Date: March 26, 2010

**CANNATA, CHING & O'TOOLE LLP**

/s/ Michael M. Ching

MICHAEL M. CHING

Attorneys for plaintiffs Dana Wofford, Gail Wofford and Mark Bennett

Date: March 26, 2010

EDWARD G. SCHLOSS LAW CORPORATION

/s/ Edward G. Schloss

EDWARD G. SCHLOSS

Attorney for defendant Bayview Loan Servicing, LLC

## ORDER

Pursuant to the stipulation of the parties, and good cause appearing, IT IS HEREBY  
ORDERED THAT:

1. Defendant Bayview Loan Servicing, LLC's notice of default and election to sell under commercial deed of trust, recorded on December 16, 2009 as instrument number 2009020616 in the official records of Lake County, California on the subject property is withdrawn.

2. Plaintiffs' Motion for Preliminary Injunction to restrain defendants from noticing and initiating a non-judicial foreclose sale of the subject property, set for hearing for April 30, 2010 at 10:00 a.m. in Courtroom 8, 19<sup>th</sup> Floor, before Honorable Charles R. Breyer, filed as docket nos. 12, 13 and 18 is vacated.

SO ORDERED.

Date: March 30, 2010

