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5 Attorneys for Plaintiffs
DANA WOFFORD, GAIL WOFFORD
6 and MARK BENNETT

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
10

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

13 Plaintiffs,

14 v.

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

17 Defendants.
18 _____/

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**
19 _____/

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

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

25 2. Defendant Bayview Loan Servicing, LLC has agreed to immediately withdraw the
26 notice of default and election to sell under commercial deed of trust, recorded on December 16,
27 2009 as instrument number 2009020616 in the official records of Lake County, California on the
28 subject property.

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30, 2010 at 10:00 a.m. in Courtroom 8, 19th Floor, before Honorable Charles R. Breyer, as docket nos. 12, 13 and 18, is withdrawn and should be taken off calendar.

SO STIPULATED.

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16, 2009 as instrument number 2009020616 in the official records of Lake County, California on the subject property is withdrawn.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, 19th Floor, before Honorable Charles R. Breyer, filed as docket nos. 12, 13 and 18 is vacated.

SO ORDERED.

Date: March 30, 2010

THE HONORABLE
JUDGE OF THE

