

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 LISA PLASTINO,
12 Plaintiff,

13 v.

14 WELLS FARGO BANK, N.A.; WACHOVIA
15 MORTGAGE CORP., a division of Wells
16 Fargo Bank, N.A. and formerly known as
Wachovia Mortgage, FSB and as World
Savings Bank, FSB and DOES 1-25, Inclusive,

17 Defendants.
18
19
20
21

CASE NO.: 3:12-CV-01037-CRB
[The Honorable Charles R. Breyer]

**ORDER GRANTING DEFENDANT
WELLS FARGO'S MOTION TO
EXPUNGE NOTICE OF PENDENCY OF
ACTION (LIS PENDENS)**

Date:
Time: 10:00 a.m.
Ctmm: 6, 17th Floor

22 The motion of defendant WELLS FARGO BANK, N.A., successor by merger with Wells
23 Fargo Bank Southwest, N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB
24 (sued herein as "WELLS FARGO BANK, NA; WACHOVIA MORTGAGE CORP., a division
25 of Wells Fargo Bank, N.A. and formerly known as Wachovia Mortgage FSB and as World
26 Savings Bank, FSB) ("Wells Fargo") to expunge notice of pendency of action (lis pendens).

27 The Court, having read and considered the motion, the declaration of E. Christine Hehir
28 and accompanying exhibits, the request for judicial notice, finds as follows:

1 **IT IS HEREBY ORDERED:**

2 1. The Notice of Pendency of Action (*lis pendens*) recorded on April 23, 2012, by
3 Plaintiff Lisa Plastino with the Monterey County Recorder's Office as Document No.
4 2012023890 against real property commonly described as 3 Junipero NE 12th Avenue, Carmel
5 by the Sea, California 93921, APN 010-073-005-000, with within the County of Monterey , State
6 of California (the "Property"), legally described as follows, be, and hereby is, EXPUNGED.

7 Beginning at a point on the Easterly line of Junipero Avenue, from which the Southwest
8 corner of Block 128, as said avenue and block are shown on the map entitled "Map of Addition
9 No.5 Carmel By The Sea, Monterey County, Cal.", filed February 9, 1910 in the office of the
10 County Recorder of the County of Monterey, State of California, and now on file in said office in
11 map Book Two, Cities and Towns, at Page 22 therein, bears S. 0° 10' E., 131.00 feet distant and
12 running thence

13 (1) Along and following said Easterly line of Junipero Avenue N. 0° 10' W., 56.70
14 feet; thence

15 (2) Leaving said line of Junipero Avenue, N. 89° 50' E., 70.81 feet; thence

16 (3) S. 0° 14' 30" W., 56.70 feet; thence (4) 5.89° 50' W., 70.40 feet to the place of
17 beginning, being a portion of said Block 128.

18 2. No subsequent notice of pendency of action (or *Lis Pendens*) may be recorded as
19 to the subject property without leave of Court, pursuant to Cal. Code Civ. Proc. § 405.36.

20 3. Plaintiff failed to serve and record the notice of pendency of action (*Lis Pendens*)
21 as required by Cal. Code Civ. Proc. § 405.22.

22
23 **IT IS SO ORDERED.**

24
25 Dated: July 30, 2012

