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RONALD B.

v.

WELLS FAR

## For the Northern District of California

UNITED	STATES DISTRICT COURT
NORTHER	RN DISTRICT OF CALIFORNIA
MILLER, et al.,	No. C-12-2282 EMC
Plaintiffs,	
	ORDER RE SECURITY
GO BANK, et al.,	
Defendants.	/
	/

Per the Court's order, the parties have submitted evidence as to what the fair rental value of the property at issue is. Plaintiffs submit that the fair market rental is \$1,400; Defendants that the fair market value is \$1,807. Both parties' evidence has problems.

First, the Court rejects Plaintiffs' reliance on "GoSection8.com." Contrary to what Plaintiffs suggest, the website is not affiliated with the federal government. Furthermore, the website focuses on Section 8 housing, and it is not clear to the Court that Section 8 housing is a proper comparable. The Court does give weight to the appraisal submitted by Plaintiffs. To be sure, the appraiser discounted the rental value of the comparables by \$400 because the subject property is in "bad shape" and in "need[] [of] TLC," without any specific explanation. Nonetheless, of all the data presented, this is the most credible.

Defendants' evidence is, at best, of limited value because the declarant simply states in conclusory terms that the fair rental value is \$1,807 based on comparables. No specific information about the comparables is given at all.

## United States District Court For the Northern District of California

Accordingly, the Court orders as follows: To maintain the preliminary injunction, Plaintiffs shall provide to the Clerk of the Court by the **first of each month** a payment in the amount of \$1,400, except that the payment for June 2012 shall be made by June 8 (instead of June 1). The payments shall be maintained by the Clerk of the Court as security for the preliminary injunction. If Plaintiffs do not make the required monthly payments, then Defendants may ask the Court to vacate the preliminary injunction.

IT IS SO ORDERED.

Dated: June 1, 2012

EDWARD M. CHEN United States District Judge