

FILED
MAR 20 10 25
Q

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WILLIAM K. McKIM (SBN 051061-Inactive)
Email: billmckim@gmail.com
29634 Camino Delores
Menifee, CA 92586
Telephone (951) 679-2976

In Propria Persona

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WELLS FARGO BANK, NATIONAL ASSOCIATION, Trustee, et al,

Plaintiffs

vs.

CITY OF RICHMOND, CALIFORNIA, A MUNICIPALITY; AND MORTGAGE RESOLUTION PARTNERS, LLC,

Defendants

Case No.: CV-13-3663 CRB

MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER

Date:
Time:
Judge: Hon. Charles R. Breyer

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD
PLEASE TAKE NOTICE THAT William K. McKim respectfully requests leave to participate in this action as amicus curiea, and to file a Memorandum dispelling confusion that has arisen regarding the applicability of the doctrine of eminent domain to the repair of a housing market that was severely damaged by the most recent housing bubble. Amicus requests leave to explain that the purpose of using eminent domain is

FILE VIA FAX

1 to solve the problem of how to enable the condemning authority to obtain the properties
2 involved simultaneously, and in a timely manner.

3 The purpose of using eminent domain is not to revalue the property seized when
4 property seized is promises to repay money borrowed. The value of those promises is
5 not affected by the market value of real property pledged as security for the repayment
6 of the borrowed money.

7 Eminent domain has traditionally been used to enable a governmental entity to
8 obtain title to all of the real property that it will need to implement a change in the use of
9 that property, such as replacing housing with a civic center or a freeway. It is impractical
10 for the entity to purchase the needed properties by purchasing them individually, both
11 because of the protracted time it would take to engage in negotiations with each
12 property owner and because the bargaining power of each owner would increase as
13 parcels were acquired.

14 The eminent domain doctrine is that the deeds to the needed real estate are
15 transferred to the government entity upon its finding that the property is needed for a
16 public use, and the payment to the existing owners of just compensation for their real
17 property.

18 Defendant City of Richmond does not propose to acquire any real property. The
19 ownership of the real property will not be changed or affected by the proposed
20 transaction.

21 Confusion has arisen because both the deed to the affected properties and a
22 mortgage to secure repayment of money borrowed contain the same legal description of
23 the property.

24 What Richmond has in common with the doctrine of eminent domain is that they
25 both concern a problem which can only be dealt with by simultaneous and timely action.
26 The problem facing the City of Richmond is best illustrated by the experience of
27 Treasury Secretary Henry Paulson when he attempted to utilize the 700 billion dollars
28 appropriated by Congress for the purpose of avoiding a recession in the Fall of 2008.

1 That money had been willingly appropriated because the problem that existed
2 was that the lenders of money had for years invested in mortgage loans based on an
3 artificially inflated price of real estate. That money was the money which normally
4 provides the credit necessary for investment in innovation, inventory loans, consumer
5 credit, and, generally, keeping the economy running.

6 When the housing bubble ended, two things were true. The lenders had no
7 money to lend, and borrowers owed debt on their houses that their income could not
8 support.

9 This problem could only be dealt with by putting money back in the lenders
10 hands, while also relieving the home owners of a debt to those lenders that was
11 disproportionate to the actual value of the houses that had been pledged as security for
12 that debt.

13 Secretary Paulson had the money to do that. The problem was that all of the
14 mortgages had to be adjusted simultaneously and immediately in order for the solution
15 to be effective. The process of the government negotiating with each lender and issuing
16 a new mortgage loan to each borrower would take years just because of the sheer
17 number of transactions involved. This is commonly referred to as a Collective Action
18 Problem. What was needed was a magic wand that would immediately transfer the
19 ownership of the notes to the Secretary, upon his payment to the lenders the amount
20 due on the notes.

21 Voilà! The power of eminent domain is such a magic wand. Under that doctrine
22 the only things that needed to be done were a finding that the government acquisition of
23 the mortgage notes served a vital public interest, payment to the owners of the notes the
24 amount then owed, and the issuance to the borrowers of a new mortgage secured loan
25 in an amount commensurate with the actual value of the securing property instead of the
26 housing bubble inflated price of the property.

27 Credit for the brilliant recognition that eminent domain was a way that the
28 Collective Action Problem had been solved to enable a governmental agency to

1 undertake an action vital to the interests of the community goes entirely to Cornell law
2 professor Robert Hockett, whose declaration has been filed in this case in support of the
3 Defendants' position.

4 Unfortunately, now, as was true when the Collective Action problem had doomed
5 the efforts of Secretary Paulson, Professor Hockett does not perceive that the problem
6 caused by the occurrence of the housing bubble was both that the lenders lost all of the
7 money when houses returned to their value as dwelling places, and that the borrowers
8 were saddled with a debt much greater than the value of the their homes.

9 The problem to be solved does not arise because the money borrowed was
10 secured by a mortgage. If mortgage security had not been invented, and people bought
11 and refinanced houses because they thought the houses were worth more than their
12 actual value, and lenders had lent money to them because of the same misconception,
13 we would still have home owners who have debt that they cannot afford to pay from their
14 income, and lenders who lost all of their money when the borrowers could not make their
15 loan payments.

16 That problem cannot be solved by taking yet more money out of the lending
17 community in order to redress the woes of the borrowers. Both the lenders and the
18 borrowers must be made whole in order for the real estate market, and the general
19 economy, to return to health.

20 That problem can be solved by the use of eminent domain to seize the *debt*, not
21 the *houses*, pay the unpaid balance to the lenders, and relieve the borrowers of that
22 debt.

23 This problem is not an unsolved money problem. That problem was solved by
24 Congress in 2008, when Secretary Paulson got the money he asked for *precisely to*
25 *solve the problem facing the lenders and borrowers such as those in Richmond*. About
26 400 billion dollars of that fund still remains unspent.

27 <http://www.treasury.gov/initiatives/financial-stability/Pages/default.aspx#>

28 Eminent domain is needed, and desperately needed, in this case simply because

1 it is not physically possible for hundreds of thousands of mortgage loans to be
 2 renegotiated and rewritten individually. Accomplishing that by simply condemning the
 3 loans and paying the lenders full value of their notes with money already appropriated by
 4 Congress is all that is needed.

5 Amicus thus requests that the Court consider its Memorandum so as to assist the
 6 Court on the substantive merits of the use of eminent domain to solve the housing
 7 market problem brought on by the recent housing bubble.

8 All pleadings filed by the parties and SIFMA as amicus do not relate to the merits
 9 of the use of eminent domain in the factual situation underlying the case, but are all
 10 based upon a mistaken belief that real property is being seized.

11 **I. STANDARD FOR MOTION FOR LEAVE TO FILE MEMORANDUM OF *AMICI***
 12 ***CURIAE***

13 District courts have discretion to permit third parties to participate in an action as *amici*
 14 *curiae*. *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067
 15 (N.D. Cal. 2005). Such discretion is generally exercised liberally, as "[t]here are no strict
 16 prerequisites that must be established prior to qualifying for *amicus* status." *In re*
 17 *Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991) (quoting *United States v.*
 18 *Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990)). Rather, "an individual seeking to
 19 appear as *amicus* must merely make a showing that his participation is useful to or
 20 otherwise desirable to the court." *Id.* District courts frequently accept *amicus* briefs from
 21 non-parties where the legal issues in a case "have potential ramifications beyond the
 22 parties directly involved or if the *amicus* has unique information or perspective that can
 23 help the court beyond the help that the lawyers for the parties are able to provide." *NGV*
 24 *Parties*, 355 F. Supp. 2d at 1067 (quotation omitted).

25 **II. STATEMENT OF IDENTITY AND INTEREST OF *AMICUS CURIAE*.**

26 This Amicus comes before the Court as the author of *Understanding Housing*
 27 *Bubbles, Second Edition*, which recognizes that housing bubbles are not instances in
 28 which one segment of the population victimizes other segments, but are instances in

1 which economically reasonable, but greater than normal, increases in the *value* of real
2 estate change into an irrational and uncontrollable increase in the *price* of real estate
3 because the property is bought *because* its price is increasing rapidly.

4 The book also recognizes that, during the bubble, there was no recognition or
5 understanding of the nature of the bubble, and that all segments of society were equally
6 blind to the fact that the occurrence of the bubble was taking wealth out of the economy
7 and wasting it.

8 The book recognizes that the only way to repair the damage done to the economy
9 is to borrow wealth from the future and use it to restore the lending capacity of the
10 financial community which was victimized by the universal misunderstanding, as well as
11 relieving the home owner victims of the debt that was based upon the bubble inflated
12 *price* of their houses, instead of their *value* as dwelling places.

13 The book recognizes that this is a economically sound course of action because
14 of the fact that a healthy housing market *creates* new wealth at a rate of seven percent a
15 year simply because of the normal development of the communities surrounding the
16 houses. In a bubble damaged housing market, this increase does not occur.

17 *Understanding Housing Bubbles* is written from the Amicus' perspective as both a
18 home owner affected by three housing bubbles, and a real estate attorney who
19 represented realtors, developers, and escrow officers, as well as lenders and borrowers.
20 Amicus has observed, studied, and analyzed housing bubbles for thirty five years.

21 **III THIS AMICUS' EXPERTISE WILL BENEFIT THE COURT**

22 Amicus seeks to participate in this action because neither the Parties, their
23 attorneys, nor their experts have any understanding of the phenomenon of housing
24 bubbles, nor how the doctrine of eminent domain applies to the damage caused by
25 housing bubbles.

26 The interests of both the Plaintiffs and the Defendants, and, also, the general
27 economy, will be best served by the proper use of the doctrine of eminent domain,
28 including just compensation to the holders of the notes sought to be condemned.

1 Proceeding with this suit under the pleadings as submitted by the Parties can do
2 no good, and can do great harm to the Parties and to the economy.

3 **PROPOSED ORDER**

4 This Amicus seeks a finding by this Court:

5 1 – That use of eminent domain is appropriate and necessary to deal with the
6 problems in the housing market caused by the most recent housing bubble, and

7 2 – That the just compensation to the holders of the condemned property is the
8 outstanding balance on the notes underlying the mortgage loans.

9 3 – That the U S Department of Treasury's Office of Financial Stability be joined
10 as a necessary defendant and ordered to provide the funds required to repair the
11 damage to the economy caused by the 21st Century Housing Bubble, as required by
12 Congress in the appropriation of the funds which it now controls, by:

13 a. – Restoring to the lending community the wealth that was destroyed by
14 the occurrence of the Housing Bubble, and,

15 b. – Relieving those mortgage borrowers who were impacted by the
16 occurrence of the Housing Bubble of the portion of that debt that was
17 due to the artificial inflation of house prices during the Housing Bubble.

18
19
20 Dated September 12, 2013



William K. McKim

21
22
23
24
25
26
27
28

<i>Attorney or Party without Attorney:</i> WILLIAM K. McKIM WILLIAM K. McKIM 29634 CAMINO DELORES MENIFEE, CA 92586 Telephone No: 951-679-2976				<i>For Court Use Only</i>	
<i>Attorney for:</i> Plaintiff				<i>Ref. No. or File No.:</i> NONE	
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Francisco Division					
<i>Plaintiff:</i> WELLS FARGO BANK, NATIONAL ASSOCIATION <i>Defendant:</i> CITY OF RICHMOND, CALIFORNIA					
PROOF OF MAILING MISC		<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> CV-13-3663 CRB

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER
3. a. Party served: ROCKY C. TSAI, @ ROPES & GRAY LLP
4. Address where the party was served: THREE EMBARCADERO CENTER
SAN FRANCISCO, CA 94111
5. I served the party:
d. by other means On: Wed., Sep. 18, 2013 at: 11:00AM by mailing the copies to the person served, addressed as shown in item 4, by First Class Mail, postage prepaid, from: BURLINGAME, CA

7. Person Who Served Papers:

a. ANANDA P. BOUGANIM



1541 Bayshore Hwy.
Burlingame, CA 94010-1602

Toll Free (855) 388-9243
FAX (855) 388-9240
general@AALegalService.com

Recoverable Cost Per CCP 1033.5(a)(4)(B)

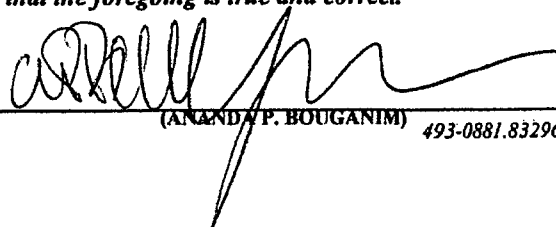
d. The Fee for Service was:

e. I am: (3) registered California process server

- (i) Employee
- (ii) Registration No.: 2012-0000970
- (iii) County: San Francisco
- (iv) Expiration Date: Fri, Jan. 31, 2014

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Sep. 18, 2013


 (ANANDA P. BOUGANIM) 493-0881.83296

<i>Attorney or Party without Attorney:</i> WILLIAM K. McKIM WILLIAM K. McKIM 29634 CAMINO DELORES MENIFEE, CA 92586 Telephone No: 951-679-2976				<i>For Court Use Only</i>
<i>Attorney for:</i> Plaintiff			<i>Ref. No. or File No.:</i> NONE	
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Francisco Division				
<i>Plaintiff:</i> WELLS FARGO BANK, NATIONAL ASSOCIATION <i>Defendant:</i> CITY OF RICHMOND, CALIFORNIA				
PROOF OF MAILING MISC	<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> CV-13-3663 CRB

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER

3. a. Party served: IRA D. HAMMERMAN, KEVIN CARROLL, @ SECURITIES INDUSTRY AND FINANCIAL MARKETS ASSOCIATION

4. Address where the party was served: 1101 NEW YORK AVENUE, NW
WASHINGTON, DC 20005

5. I served the party:
 d. by other means On: Wed., Sep. 18, 2013 at: 11:00AM by mailing the copies to the person served, addressed as shown in item 4, by First Class Mail, postage prepaid, from: BURLINGAME, CA

7. Person Who Served Papers:

a. ANANDA P. BOUGANIM



1541 Bayshore Hwy.
Burlingame, CA 94010-1602

Toll Free (855) 388-9243
 FAX (855) 388-9240
 general@AALegalService.com

Recoverable Cost Per CCP 1033.5(a)(4)(B)

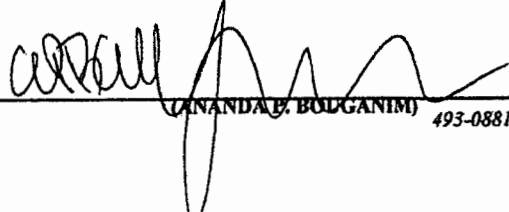
d. The Fee for Service was:

e. I am: (3) registered California process server

- (i) Employee
- (ii) Registration No.: 2012-0000970
- (iii) County: San Francisco
- (iv) Expiration Date: Fri, Jan. 31, 2014

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Sep. 18, 2013


 ANANDA P. BOUGANIM 493-0881.83305

<i>Attorney or Party without Attorney:</i> WILLIAM K. McKIM WILLIAM K. McKIM 29634 CAMINO DELORES MENIFEE, CA 92586 Telephone No: 951-679-2976				<i>For Court Use Only</i>
Attorney for: Plaintiff			<i>Ref. No. or File No.:</i> NONE	
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Francisco Division				
Plaintiff: WELLS FARGO BANK, NATIONAL ASSOCIATION Defendant: CITY OF RICHMOND, CALIFORNIA				
PROOF OF MAILING MISC	<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> CV-13-3663 CRB

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER

3. a. Party served: CARTER G. PHILIPS, @ SIDLEY AUSTIN LLP

4. Address where the party was served: 1501 K STREET NW
WASHINGTON, DC 20005

5. I served the party:
d. by other means On: Wed., Sep. 18, 2013 at: 11:00AM by mailing the copies to the person served, addressed as shown in item 4, by First Class Mail, postage prepaid, from: BURLINGAME, CA.

7. Person Who Served Papers:

a. ANANDA P. BOUGANIM

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: (3) registered California process server

(i) Employee

(ii) Registration No.: 2012-0000970

(iii) County: San Francisco

(iv) Expiration Date: Fri, Jan. 31, 2014



1541 Bayshore Hwy.
Burlingame, CA 94010-1602

Toll Free (855) 388-9243
FAX (855) 388-9240
general@AALegalService.com

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Sep. 18, 2013

(Signature)
ANANDA P. BOUGANIM

<i>Attorney or Party without Attorney:</i> WILLIAM K. McKIM WILLIAM K. McKIM 29634 CAMINO DELORES MENIFEE, CA 92586 Telephone No: 951-679-2976				<i>For Court Use Only</i>
<i>Attorney for:</i> Plaintiff			<i>Ref. No. or File No.:</i> NONE	
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Francisco Division				
<i>Plaintiff:</i> WELLS FARGO BANK, NATIONAL ASSOCIATION <i>Defendant:</i> CITY OF RICHMOND, CALIFORNIA				
PROOF OF MAILING MISC	<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> CV-13-3663 CRB

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER
3. a. Party served: DAVID R. CARPENTER, @ SIDLEY AUSTIN LLP
4. Address where the party was served: 555 WEST FIFTH STREET
LOS ANGELES, CA 90013
5. I served the party:
d. by other means On: Wed., Sep. 18, 2013 at: 11:00AM by mailing the copies to the person served, addressed as shown in item 4, by First Class Mail, postage prepaid, from: BURLINGAME, CA

7. Person Who Served Papers:

a. ANANDA P. BOUGANIM



1541 Bayshore Hwy.
Burlingame, CA 94010-1602

Toll Free (855) 388-9243
 FAX (855) 388-9240
 general@AALegalService.com

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: (3) registered California process server

- (i) Employee
- (ii) Registration No.: 2012-0000970
- (iii) County: San Francisco
- (iv) Expiration Date: Fri, Jan. 31, 2014

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Sep. 18, 2013

[Handwritten Signature]
 ANANDA P. BOUGANIM

Attorney or Party without Attorney: WILLIAM K. McKIM WILLIAM K. McKIM 29634 CAMINO DELORES MENIFEE, CA 92586 Telephone No: 951-679-2976				<i>For Court Use Only</i>	
Attorney for: Plaintiff				Ref. No. or File No.: NONE	
Insert name of Court, and Judicial District and Branch Court: United States District Court, Northern District of California, San Francisco Division					
Plaintiff: WELLS FARGO BANK, NATIONAL ASSOCIATION Defendant: CITY OF RICHMOND, CALIFORNIA					
PROOF OF MAILING MISC		Hearing Date:	Time:	Dept/Div:	Case Number: CV-13-3663 CRB

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER

3. a. Party served: WILLIAM A. FALIK, @ MORTGAGE RESOLUTION PARTNERS LLC

4. Address where the party was served: 100 TUNNEL ROAD
BERKELEY, CA 94705

5. I served the party:
d. by other means On: Wed., Sep. 18, 2013 at: 11:00AM by mailing the copies to the person served, addressed as shown in item 4, by First Class Mail, postage prepaid, from: BURLINGAME, CA

7. Person Who Served Papers:

a. ANANDA P. BOUGANIM

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: (3) registered California process server

- (i) Employee
- (ii) Registration No.: 2012-0000970
- (iii) County: San Francisco
- (iv) Expiration Date: Fri, Jan. 31, 2014



1541 Bayshore Hwy.
Burlingame, CA 94010-1602

Toll Free (855) 388-9243
FAX (855) 388-9240
general@AALegalService.com

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Sep. 18, 2013

(Handwritten Signature)
ANANDA P. BOUGANIM

<i>Attorney or Party without Attorney:</i> WILLIAM K. McKIM WILLIAM K. McKIM 29634 CAMINO DELORES MENIFEE, CA 92586 Telephone No: 951-679-2976			<i>For Court Use Only</i>		
<i>Attorney for:</i> Plaintiff			<i>Ref. No. or File No.:</i> NONE		
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Francisco Division					
<i>Plaintiff:</i> WELLS FARGO BANK, NATIONAL ASSOCIATION <i>Defendant:</i> CITY OF RICHMOND, CALIFORNIA					
PROOF OF MAILING MISC		<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> CV-13-3663 CRB

1. *At the time of service I was at least 18 years of age and not a party to this action.*
2. I served copies of the MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER
3. *a. Party served:* BRUCE REED GOODMILLER, CARLOS A. PRIVAT, @ CITY OF RICHMOND
4. *Address where the party was served:* 450 CIVIC CENTER PLAZA
RICHMOND, CA 94804
5. *I served the party:*
 d. by other means On: Wed., Sep. 18, 2013 at: 11:00AM by mailing the copies to the person served, addressed as shown in item 4, by First Class Mail, postage prepaid, from: BURLINGAME, CA
7. *Person Who Served Papers:*
 - a. ANANDA P. BOUGANIM
 - d. *The Fee for Service was:* Recoverable Cost Per CCP 1033.5(a)(4)(B)
 - e. I am: (3) registered California process server
 - (i) Employee
 - (ii) *Registration No.:* 2012-0000970
 - (iii) *County:* San Francisco
 - (iv) *Expiration Date:* Fri, Jan. 31, 2014



1541 Bayshore Hwy. Toll Free (855) 388-9243
 Burlingame, CA 94010-1602 FAX (855) 388-9240
 general@AALegalService.com

8. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

Date: Wed, Sep. 18, 2013

<i>Attorney or Party without Attorney:</i> WILLIAM K. McKIM WILLIAM K. McKIM 29634 CAMINO DELORES MENIFEE, CA 92586 Telephone No: 951-679-2976				<i>For Court Use Only</i>
<i>Attorney for:</i> Plaintiff			<i>Ref. No. or File No.:</i> NONE	
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Francisco Division				
<i>Plaintiff:</i> WELLS FARGO BANK, NATIONAL ASSOCIATION <i>Defendant:</i> CITY OF RICHMOND, CALIFORNIA				
PROOF OF MAILING MISC	<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> CV-13-3663 CRB

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER
3. a. Party served: THOMAS O. JACOB, WELLS FARGO & COMPANY @ OFFICE OF GENERAL COUNSEL
4. Address where the party was served: 45 FREMONT STREET, TWENTY SIXTH FLOOR
MAC A0194-266
SAN FRANCISCO, CA 94105
5. I served the party:
d. by other means On: Wed., Sep. 18, 2013 at: 11:00AM by mailing the copies to the person served, addressed as shown in item 4, by First Class Mail, postage prepaid, from: BURLINGAME, CA.

7. Person Who Served Papers:

a. ANANDA P. BOUGANIM



1541 Bayshore Hwy.
Burlingame, CA 94010-1602

Toll Free (855) 388-9243
FAX (855) 388-9240
general@AALegalService.com

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: (3) registered California process server

- (i) Employee
- (ii) Registration No.: 2012-0000970
- (iii) County: San Francisco
- (iv) Expiration Date: Fri, Jan. 31, 2014

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Sep. 18, 2013

(Handwritten Signature)
ANANDA P. BOUGANIM

<i>Attorney or Party without Attorney:</i> WILLIAM K. McKIM WILLIAM K. McKIM 29634 CAMINO DELORES MENIFEE, CA 92586 Telephone No: 951-679-2976				<i>For Court Use Only</i>	
<i>Attorney for:</i> Plaintiff				<i>Ref. No. or File No.:</i> NONE	
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Francisco Division					
<i>Plaintiff:</i> WELLS FARGO BANK, NATIONAL ASSOCIATION <i>Defendant:</i> CITY OF RICHMOND, CALIFORNIA					
PROOF OF MAILING MISC		<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> CV-13-3663 CRB

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER
3. a. Party served: SCOTT A. KRONLAND, JONATHAN WEISSGLASS, ERIC P. BROWN, @ ALTSHULER BERZON LLP
4. Address where the party was served: 177 POST STREET, SUITE 300 SAN FRANCISCO, CA 94108
5. I served the party:
 - d. by other means On: Wed., Sep. 18, 2013 at: 11:00AM by mailing the copies to the person served, addressed as shown in item 4, by First Class Mail, postage prepaid, from: BURLINGAME, CA

7. Person Who Served Papers:

a. ANANDA P. BOUGANIM



1541 Bayshore Hwy.
 Burlingame, CA 94010-1602

Toll Free (855) 388-9243
 FAX (855) 388-9240
 general@AALegalService.com

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: (3) registered California process server

- (i) Employee
- (ii) Registration No.: 2012-0000970
- (iii) County: San Francisco
- (iv) Expiration Date: Fri, Jan. 31, 2014

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Sep. 18, 2013

(Handwritten signature)
 ANANDA P. BOUGANIM

<i>Attorney or Party without Attorney:</i> WILLIAM K. McKIM WILLIAM K. McKIM 29634 CAMINO DELORES MENIFEE, CA 92586 Telephone No: 951-679-2976			<i>For Court Use Only</i>		
<i>Attorney for: Plaintiff</i>			<i>Ref. No. or File No.:</i> NONE		
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Francisco Division					
<i>Plaintiff:</i> WELLS FARGO BANK, NATIONAL ASSOCIATION <i>Defendant:</i> CITY OF RICHMOND, CALIFORNIA					
PROOF OF MAILING MISC		<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> CV-13-3663 CRB

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the MOTION OF WILLIAM K. McKIM FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE, AND TO FILE MEMORANDUM, AS AMICUS CURIAE TO CLARIFY THE APPROPRIATE USE OF EMINENT DOMAIN TO ALLEVIATE THE EFFECTS OF THE MOST RECENT HOUSING BUBBLE ON THE REAL ESTATE MARKET AND ON THE ECONOMY; (PROPOSED) MEMORANDUM; (PROPOSED) ORDER

3. a. Party served: RACHEL L. BRAND, STEVEN P. LEHOTSKY @ NATIONAL CHAMBER LITIGATION CENTER, INC

4. Address where the party was served: 1615 H, STREET, NW
WASHINGTON, DC 20062

5. I served the party:
d. by other means On: Wed., Sep. 18, 2013 at: 11:00AM by mailing the copies to the person served, addressed as shown in item 4, by First Class Mail, postage prepaid, from: BURLINGAME, CA

7. Person Who Served Papers:

a. ANANDA P. BOUGANIM

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: (3) registered California process server

(i) Employee

(ii) Registration No.: 2012-0000970

(iii) County: San Francisco

(iv) Expiration Date: Fri, Jan. 31, 2014



1541 Bayshore Hwy. Toll Free (855) 388-9243
 Burlingame, CA 94010-1602 FAX (855) 388-9240
 general@AALegalService.com

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Sep. 18, 2013

(Handwritten signature)
 ANANDA P. BOUGANIM