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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION  
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10 CARL RENOWITZKY and PAULINE  
11 GALLEGOS,

12 Plaintiffs,

13 v.

14 WELLS FARGO BANK, N.A., SUCCESSOR  
15 BY MERGER TO WELLS FARGO BANK  
16 SOUTHWEST, N.A. F/K/A WACHOVIA  
17 MORTGAGE FSB F/K/A WORLD SAVINGS  
18 BANK, FSB; NDEX WEST, LLC, GOLDEN  
19 WEST SAVINGS ASSOCIATION SERVICE  
20 CO., A CALIFORNIA CORPORATION, ALL  
21 PERSONS UNKNOWN CLAIMING ANY  
LEGAL OR EQUITABLE RIGHT TITLE,  
ESTATE, LIEN OR INTEREST IN THE  
PROPERTY DESCRIBED IN THE  
COMPLAINT ADVERSE TO PLAINTIFFS’  
TITLE OR ANY CLOUD ON PLAINTIFFS  
TITLE THERETO AND DOES 1-100,  
INCLUSIVE

22 Defendants.  
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CASE NO.: 3:16-CV-07076-MMC

[Assigned to Hon. Maxine M. Chesney]

**ORDER ~~(PROPOSED)~~ GRANTING  
WELLS FARGO BANK, N.A.’S MOTION  
TO EXPUNGE LIS PENDENS ; AWARDING**

ATTORNEYS' FEES TO WELLS FARGO BANK,  
N.A.

**Date:** ~~January 20, 2017~~

**Time:** ~~9:00 a.m.~~

**Crtrm:** 7

1 The motion of defendants Wells Fargo Bank, N.A., Successor By Merger To Wells  
2 Fargo Bank Southwest, N.A. f/k/a Wachovia Mortgage FSB f/k/a World Savings Bank, FSB,  
3 and Golden West Savings Association Service, Co. (collectively "Wells Fargo") for an order to  
4 expunge the notice of pendency of action ("*lis pendens*"), which was filed by plaintiffs against  
5 the real property at issue, came ~~on regularly for hearing on January 20, 2017 at 9:00 a.m. in~~  
6 ~~Courtroom 7 of the above entitled Court,~~ before the Honorable Maxine M. Chesney presiding.  
7 No opposition has been filed. ^

8 After reviewing the moving papers, and good cause appearing:

9 **IT IS HEREBY ORDERED THAT:**

10 1. The Notice of Lis Pendens recorded by plaintiff Carl Renowitzky with the  
11 Alameda County Recorder's Office on October 5, 2016 as Instrument Number: 2016258284  
12 against the real property commonly described as 26473 Palomares Road, Castro Valley,  
13 California 94552, is hereby EXPUNGED.

14 2. The real property affected is legally described as:

15 PORTION OF THE RANCHO SAN LORENZO AND BEING A  
16 PORTION OF THE 218.94 ACRE TRACT DESCRIBED IN THE  
17 DEED TO LEONA A. PHILLIPS AND EUGENE C. COLLINS,  
18 RECORDED AUGUST 3, 1946, UNDER RECORDER'S SERIES  
19 NO. TT/67661, RECORDS OF SAID COUNTY, DESCRIBED  
20 AS FOLLOWS:

21 BEGINNING AT THE NORTHEAST CORNER OF THE  
22 PARCEL OF LAND DESCRIBED IN THE DEED TO  
23 RUDOLPH A. TOMICICH, ET UX, RECORDED OCTOBER 15,  
24 1959 UNDER RECORDER'S SERIES NO. AO/ 121757,  
25 OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG  
26 A RANDOM LINE IN COUNTY ROAD NO. 2432, KNOWN AS  
27 PALOMARES CANYON ROAD, NORTH 49 DEGREES 45  
28 MINUTES 30 SECONDS WEST 155.04 FEET; THENCE  
LEAVING SAID LINE 73 DEGREES 26 MINUTES 35

1 SECONDS WEST 692.17 FEET; THENCE SOUTH 65  
2 DEGREES 08 MINUTES 11 SECONDS WEST 797.97 FEET TO  
3 THE WESTERN LINE OF SAID 218.94 ACRE TRACT;  
4 THENCE ALONG THE LAST MENTIONED LINE SOUTH 21  
5 DEGREES 13 MINUTES 11 SECONDS EAST 154.51 FEET,  
6 MORE OR LESS, TO THE NORTHERN LINE OF THE 200.63  
7 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO  
8 MANUEL IGNACIO GARCIA RECORDED OCTOBER 2, 1882  
9 AT BOOK 243 OF DEEDS, PAGE 418, RECORDS OF SAID  
10 COUNTY; THENCE ALONG THE LAST MENTIONED LINE  
11 THE TWO FOLLOWING COURSES; NORTH 63 DEGREES 23  
12 MINUTES 25 SECONDS EAST 397.76 FEET AND NORTH 89  
13 DEGREES 53 MINUTES 25 SECONDS EAST 405.02 FEET TO  
14 THE SOUTHEASTERN CORNER OF SAID TOMICICH  
15 PARCEL OF LAND (AQ/121757); THENCE ALONG THE  
16 WESTERN AND NORTHERN LINES OF THE LAST  
17 MENTIONED PARCEL OF LAND THE FOUR FOLLOWING  
18 COURSES: (1) NORTH 20 DEGREES 38 MINUTES 05  
19 SECONDS WEST, 115.96 FEET; (2) NORTH 69 DEGREES 21  
20 MINUTES 55 SECONDS EAST 434.42 FEET; (3) NORTH 68  
21 DEGREES 19 MINUTES 20 SECONDS EAST 96.76 FEET; (4)  
22 NORTH 71 DEGREES 30 MINUTES 30 SECONDS EAST  
23 259.33 FEET TO THE POINT OF BEGINNING.

24 3. Plaintiffs are hereby prevented from recording any subsequent notice of pending  
25 action (or lis pendens) as to the subject property without leave of court, pursuant to C.C.P.  
26 §405.36.


27 4. In connection with this case and the real property affected, any notice within the  
28 definition of Code of Civil Procedure § 405.2 which has either been recorded in the past or may

1 be recorded in the future by plaintiffs Carl Renowitzky or Pauline Gallegos with regard to the  
2 subject property is null, void, of no legal effect, and does not impart notice of any kind to any  
3 subsequent purchaser or encumbrancer of said subject property unless and until a further order of  
4 court so authorizing such new recording is itself recorded with the County Recorder of ~~Los~~  
5 ~~Angeles County.~~ Alameda County.

6 5. As the prevailing party on the motion, Wells Fargo Bank, N.A. <sup>is</sup> entitled to recover  
7 its attorney fees and costs as Plaintiffs have not acted with substantial justification and  
8 circumstances ~~do not exist~~ <sup>have not been shown.</sup> which would make such an order unjust. Thus, under Code of Civil  
9 Procedure § 405.38, the amount of <sup>\$1650 (one-thousand six-hundred fifty dollars)</sup> ~~\$2,337.50 (two-thousand three-hundred thirty-seven dollars~~  
10 ~~and fifty cents)~~ for attorney fees and costs related to this motion is hereby awarded in favor of  
11 Wells Fargo Bank, N.A. and against plaintiffs Carl Renowitzky and Pauline Gallegos.

12 **IT IS SO ORDERED.**

13  
14 Dated: December 20, 2016

  
HON. MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE