

1 PETER T. CHURCHILL, Esq.  
 A Professional Corporation  
 2 SB No. 219271  
 1682 Novato, Boulevard, Ste. 250  
 3 Novato, CA 94947  
 Telephone: (415) 898-2600  
 4 Facsimile: (415) 892-1470

5 TERRY J. TRAKTMAN  
 Attorney At Law SB 115359  
 6 1682 Novato, Boulevard, Ste. 250  
 Novato, CA 94947  
 7 Telephone: (415) 893-0570  
 Facsimile: (415) 892-1470

8 Attorneys for Defendant  
 9 KIMBERLY ANN BEARY

10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 (SAN FRANCISCO DIVISION)  
 14

15 UNITED STATES of AMERICA	)	Case No. C 06-5838 PJH
16 Plaintiffs,	)	ORDER UPON EX PARTE APPLICATION
17 vs.	)	TO EXPUNGE LIEN
18 LOUIS G. BEARY, et al.	)	
19 Defendants.	)	
20 _____	)	
21 And Related Cross-Actions.	)	
_____	)	

22 DEFENDANT KIMBERLEY BEARY, through her attorneys, having brought an Ex Parte  
 23 Application for the court the Expunge the Lien of Citibank, South Dakota, recorded against her  
 24 Property at 8781 Petaluma Hill Road, Penngrove, California, and adequate notice having been given  
 25 to counsel for Citibank, South Dakota, and the court having considered the Application and the  
 26 arguments and evidence submitted therewith, as well as the records of the court on file in this case,  
 27 the court Determines and Orders as follows:  
 28

1 1. That Kimberley Beary wishes to sell the Property, commonly known as 8781 Petaluma  
2 Hill Road, Penngrove, California, APN: 47-091-006-000, and more specifically described as:

3 AN UNINCORPORATED AREA IN THE COUNTY OF SONOMA, STATE OF CALIFORNIA:  
4 Beginning at a 8-inch by 8-inch post which marks the Southeast corner of a lot conveyed by C.F.  
5 Maass to Sophie C. Stenmetz, as recorded in Book 296 of Deeds, page 239, Sonoma County  
6 Records, which point of beginning is also the Northeast corner of the lot hereby conveyed, all being  
7 with Township 5 North, Range 7 West, County of Sonoma, State of California, run 200.00 feet  
8 South along the West boundary line of county Road to a wooden stake; thence continuing along said  
9 line of county Road, to a second wooden stake, 200.00 feet; thence 647.9 feet, North 89° 42' West,  
10 to a wooden stake at a board fence; thence 200.0 feet north 0 degrees 10' West, along board fence to  
11 a wooden stake; thence continuing North 0° 10' West 200.0 feet on said line to a stake at  
12 intersection of board fence and a wire fence; thence 649.3 feet, south 89° 42' East along wire fence,  
13 to a point of beginning on the County Road line.

14 Excepting therefrom any portion lying north of the line described in the boundary line agreement,  
15 executed by Antonio Tapia, et ux, and S. Silva, et ux. recorded December 21, 1978, in Book 3500 of  
16 official records at Page 292, Serial No. CT-59253, Sonoma County Records.

17 in order to facilitate settlement of this lawsuit, as agreed by the parties to this action and as  
18 heretofore Ordered by this Court;

19 2. That the Judgment Lien of Citibank, South Dakota, created by the recording of a Certified  
20 Copy of Citibank, South Dakotas's Judgment against Kimberley A. Beary in Sonoma County  
21 Superior Court Case MCV-180395, entered March 4, 2005, a certified copy of which was recorded  
22 with the County Recorder of Sonoma County on May 2, 2005 as instrument No. 2005-059808,  
23 stands as a cloud upon the title of, and obstacle to the efforts of, Kimberley Beary to sell her  
24 aforesaid property, by preventing the passage of Title to a new owner for value;

25 3. That Citibank, South Dakota, has filed a Disclaimer of Interest in said property as  
26 Response to the Complaint brought against it in this action, and by so filing, has disclaimed, denied  
27 and forfeited any and all property rights it might have with respect to said property, and that, as a  
28 consequence, has no claim to right, title or interest in said property;

4. That said Judgment Lien is hereby expunged from, and rendered of no force and effect  
upon, the Title to said Property, which is fully Released from said Judgment Lien, and recordation  
of this Order with the Recorder of Sonoma County shall be Notice of this release and expungement.

Dated: March 4, 2010

  
THE HONORABLE MARIE HELENA JAMES  
MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT