

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 FAYE MYRETTE-CROSLEY,
5 Plaintiff,
6 v.
7 CLARION MORTGAGE CAPITAL, INC., et
8 al.,
9 Defendants.

No. C 10-03523 CW
ORDER DISMISSING
CLAIMS AGAINST
CLARION MORTGAGE
CAPITAL AND MTC
FINANCIAL, AND
CONCERNING PROOF
OF SERVICE ON
MERS

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11 On April 19, 2011, the Court directed Plaintiff Faye Myrette-
12 Crosley to file proof that she served Defendants Clarion Mortgage
13 Capital, Inc.; Mortgage Electronic Registration Systems, Inc.
14 (MERS); and MTC Financial, doing business as Trustee Corps.
15 Plaintiff has responded.

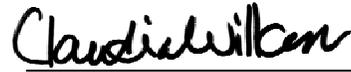
16 Plaintiff states that, prior to removal of her case, she had
17 dismissed Clarion and MTC Financial. Accordingly, Plaintiff's
18 claims against Clarion and MTC Financial are dismissed.

19 With regard to MERS, Plaintiff points to an unauthenticated
20 printout of the state court docket sheet, which states, "PROOF OF
21 PERSONAL SERVICE FILED ON COMPLAINT FILED 7/01/2010 OF FAYE
22 MYRETTE-CROSLEY AS TO MORTGAGE ELECTRONICREGISTRATION SYSTEMS WITH
23 SERVICE DATE OF 8/09/10." Plaintiff states that she does not have
24 any proof of service other than her printout of the docket sheet.
25 This is not sufficient. Proof of service "must be by the server's
26 affidavit." Fed. R. Civ. P. 4(1)(1). Accordingly, within three
27 days of the date of this Order, Plaintiff shall provide an
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1 affidavit by the process server demonstrating that she served MERS
2 in accordance with Federal Rule of Civil Procedure 4. Plaintiff's
3 failure to comply with this Order will result in the dismissal of
4 her claims against MERS.

5 IT IS SO ORDERED.

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7 Dated: 5/5/2011



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CLAUDIA WILKEN
United States District Judge