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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**

5 ALISON M. ABELS,

6 Plaintiff,

7 vs.

8 BANK OF AMERICA, N.A., et al.,

9 Defendants.
10

Case No.: 11-CV-208 YGR

**ORDER VACATING HEARING ON MOTIONS
TO INTERVENE AND TO EXPUNGE;
ORDER TO SHOW CAUSE**

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12 Third Party Wells Fargo Bank, N.A. as Trustee, on behalf of the holders of the Harborview
13 Mortgage Loan Trust Mortgage Loan Pass-Through Certificates, Series 2006-12 (“Wells Fargo”),
14 has filed its Motions to Intervene (Dkt. No. 93) and to Expunge Lis Pendens (Dkt. No. 95). Wells
15 Fargo argues that it should be permitted to intervene and to expunge the lis pendens because it has a
16 current interest in the subject property as the assignee of the deed of trust previously held by
17 Defendant Bank of America, N.A. Wells Fargo states that the assignment was recorded March 7,
18 2012.

19 Plaintiff Alison M. Abels (“Abels”) has filed a response to the motion indicating that Wells
20 Fargo no longer has an interest in the property since it was sold in foreclosure proceedings on June
21 25, 2012 to third party “Last Mile, LLC,” and that a Trustee’s Deed Upon Sale was recorded on July
22 7, 2012. That sale would appear to have extinguished any interest Wells Fargo may have had. Wells
23 Fargo, for its part, did not file a reply as to either motion.

24 The Court hereby **VACATES** the hearing on the motions set for August 21, 2012.

25 Wells Fargo is **ORDERED TO SHOW CAUSE** on Friday, **August 24, 2012**, on the Court’s
26 9:01a.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, why these
27 motions should not be denied for failure to demonstrate a current interest in the property. Wells
28 Fargo is directed to file a written response providing evidence of a current interest in the property no

United States District Court
Northern District of California

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later than **August 21, 2012**. If the a written response has been filed, or if the motions have been withdrawn, Wells Fargo need not appear and the hearing on the Order to Show Cause will be taken off calendar.

IT IS SO ORDERED.

Date: August 9, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE