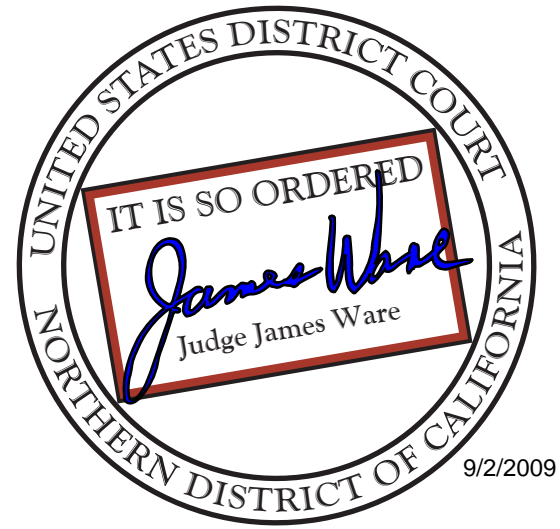


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Attorneys for Defendant NDEx WEST, LLC

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 **DANILO DEL VALLE, an Individual, and**
 12 **JENNIFER DEL VALLE, an Individual,**

CASE NO. 5:09-cv-01940-JW (PVT)

14 Plaintiffs,

15 vs.

16 STIPULATION OF NON-
 17 MONETARY STATUS OF
 18 DEFENDANT NDEx WEST, LLC

17 **INDYMAC FEDERAL BANK, F.S.B., a**
 18 **Delaware Coporation; NDEX WET, LLC,**
 19 **a Delaware Corporation; ALLIANCE**
 20 **BANCORP, a California Corporation, and**
 21 **DOES 1 through 10, inclusive,**

[NO HEARING REQUIRED]

22 Defendants.

23 IT IS HEREBY STIPULATED by and between Plaintiffs DANILO DEL
 24 VALLE, and JENNIFER DEL VALLE and Defendant NDEx WEST, LLC, through
 25 their undersigned attorneys of record, as follows:
 26

28 STIPULATION OF NON-MONETARY STATUS OF DEFENDANT NDEx WEST, LLC

1 1. Plaintiffs' claims in this action arise from the origination and/or servicing
2 of a residential mortgage loan and primarily affect Plaintiffs, their original mortgage
3 lender, its successor(s)-in-interest, and/or the loan servicing agent(s) for such mortgage
4 lender(s). Defendant NDEx WEST, LLC had no involvement in the origination or
5 servicing of the subject mortgage loan and has been joined as a defendant based upon
6 its limited role in handling a non-judicial foreclosure as agent for the mortgage
7 lender(s) and/or as successor trustee under the subject Deed of Trust and solely for the
8 purpose of having all necessary parties before the Court.
9
10

11
12 2. Plaintiffs do not assert any claims for monetary relief against Defendant
13 NDEx WEST, LLC, and their Complaint does not allege any misconduct on its part in
14 the performance of its duties and/or in its handling of the non-judicial foreclosure as
15 agent for the mortgage lender(s) and/or as successor trustee under the subject Deed of
16 Trust. Defendant NDEx WEST, LLC shall have no liability to plaintiffs for any
17 monetary damages, attorney's fees or costs of suit.
18
19


20
21 3. Defendant NDEx WEST, LLC agrees to be bound by any non-monetary
22 judgment or order that may be entered by the Court concerning (a) ownership and title
23 to the subject real property, (b) the validity, enforceability and priority of the subject
24 Deed of Trust, and/or (c) the non-judicial foreclosure proceeding.
25

26 ///
27
28

STIPULATION OF NON-MONETARY STATUS OF DEFENDANT NDEx WEST, LLC


THE LAW OFFICES OF CARLO O. REYES

Dated: 8/18, 2009

By: 
CARLO O. REYES, Attorney for Plaintiffs
DANILO DEL VALLE and JENNIFER DEL
VALLE

BARRETT DAFFIN FRAPPIER TREDER &
WEISS, LLP

Dated: 8/19, 2009

By: 
EDWARD A. TREDER, Attorneys for
Defendant NDEx WEST, LLC

STIPULATION OF NON-MONETARY STATUS OF DEFENDANT NDEx WEST, LLC