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**** E-filed February 25, 2011 ****

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VIRGILIO ORCILLA, et al.,

No. C10-03931 HRL

Plaintiffs,

**ORDER RE: PLAINTIFFS' NOTICE
OF LIS PENDENS**

v.

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


[Re: Docket No. 8, 9]

Defendants.

Pursuant to Cal. Code Civ. Proc. § 405.21, *pro se* plaintiffs Virgilio and Teodora Orcilla seek this Court's approval of their Notice of Lis Pendens ("Notice"), a copy of which is appended to this order. Their complaint appears to potentially affect title to or the right to possession of the real property described in the proposed Notice. Therefore, the Notice is approved. However, they are advised that this approval is not to be construed as a suggestion by this Court that any of the claims made in the complaint necessarily have merit, and defendants may upon a proper showing ask for an order expunging the Lis Pendens and/or dismissing the complaint.

IT IS SO ORDERED.

Dated: February 25, 2011



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

United States District Court
For the Northern District of California

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C10-03931 HRL Notice will be electronically mailed to:

Deborah Anne Goldfarb deborah.goldfarb@bryancave.com, grace.wayte@bryancave.com
Karen Page Shelar shelark@bryancave.com
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Virgilio Llarenas Orcilla lglbgl@live.com

Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court’s CM/ECF program.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

FILED

2010 SEP 10 P 12:46

VIRGILIO and TEODORA ORCILLA
2975 WINWOOD WAY
SAN JOSE, CA 95148

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CA - SAN JOSE *sn*

c/HRL

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF PENDENCY OF ACTION

APN# 654-36-043

NOTICE IS HEREBY GIVEN THAT action number 5:2010cv03931 was filed in the United States District Court for the Northern District of California, San Jose Division on September 1, 2010. The plaintiffs in said action are Virgilio and Teodora Orcilla. The defendants in said action are Bank of America, N.A.; BAC Home Loans Servicing, LP; Recontrust Company, N.A.; Mortgage Electronic Registration Systems, Inc.; Big Sur, Inc.; and Does 1 through 15 inclusive. The action concerns real property located at 2975 Winwood Way in San Jose, in the county of Santa Clara, California, more particularly described as follows:

LOT 100, TRACT NO. 5881, MAP FILED ON OCTOBER 13, 1976, MAP BOOK 381,
PAGES 35 AND 36, SANTA CLARA COUNTY RECORDS A.P.N.: 654-36-043

The object of the action is, among other remedies, to quiet title to the above-described property. The plaintiffs have asserted a real property claim with probable validity.

Dated: 9/09/10

By: *Virgilio L. Orcilla*
VIRGILIO L. ORCILLA, Claimant

State of California)

County of Santa Clara)

On _____ before me, _____, notary public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on this instrument the person executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and seal.

Signature _____ (Seal)

This Notice of Pendency of Action has been approved as to form and content.

Dated: _____

By: _____
MAGISTRATE JUDGE HOWARD R. LLOYD

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA,
SAN JOSE DIVISION