

1 WENDELL J. JONES, (# 202302)  
2 1901 South Bascom Avenue, Suite 333  
3 Campbell, CA 95008  
4 Telephone/ Facsimile: (408) 371-7589

5 Attorneys for Plaintiff  
6 MARIA CRUZ

7 Robert A. Bailey (#214688)  
8 rbailey@afrc.com

9 Leigh O. Curran (#173322)  
10 lcurran@afrc.com

11 ANGLIN, FLEWELLING, RASMUSSEN,  
12 CAMPBELL & TRYTTEN LLP

13 199 S. Los Robles Ave., Suite 600  
14 Pasadena, California 91101-2459

15 Tel: (626) 535-1900

16 Fax: (626) 577-7764

17 Attorneys for Defendant WELLS FARGO BANK, N.A.,  
18 successor by merger to Wells Fargo Bank, Southwest,  
19 N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World Savings  
20 Bank, FSB sued as "Wachovia now doing business as  
21 Wells Fargo Bank, N.A." ("Wells Fargo")

22 UNITED STATES DISTRICT COURT  
23 NORTHERN DISTRICT OF CALIFORNIA

24 MARIA CRUZ, an individual

25 Plaintiff,

26 vs.

27 WACHOVIA now doing business as WELLS  
28 FARGO BANK, N.A.; REGIONAL TRUSTEE  
SERVICES CORPORATION and DOES 1 through  
50, inclusive,

Defendants.



12/9/2011

CASE NO.: 5:11-cv-03849-EJD

[Assigned to The Honorable Edward J. Davila]

STIPULATION TO DISMISSAL WITH  
PREJUDICE

1  
2 This stipulation is entered into by and between Plaintiff Maria Cruz and Defendant Wells  
3 Fargo Bank, N.A, successor by merger to Wells Fargo Bank Southwest, N.A., formerly known as  
4 Wachovia Mortgage, FSB, formerly known as World Savings Bank, FSB (sued as "Wachovia  
5 now doing business as Wells Fargo Bank, N.A.") ("Wells Fargo").

6 The parties acknowledge and agree that Wells Fargo is under no obligation to modify the  
7 loan that is the subject of this action, or review the loan for modification; however, Wells Fargo is  
8 willing to do so under the terms and conditions described below:

9 A. The subject of this action is the loan to plaintiff made by Wells Fargo's predecessor in  
10 interest, World Savings Bank, FSB (the "Loan"), which is secured by a deed of trust  
11 against the property located at 5443 Lean Avenue, San Jose, California (the  
12 "Property").

13 B. Plaintiff desires that Wells Fargo perform a modification review of the Loan.

14 C. Wells Fargo is agreeable to performing such review so long as plaintiff dismisses this  
15 action with prejudice.

16 The parties stipulate and agree:

- 17 1. This action shall be dismissed with prejudice upon the filing of this stipulation.  
18 2. Plaintiff shall have seven (7) days to submit to Wells Fargo a written request for  
19 modification and all documentation required by Wells Fargo. Wells Fargo will  
20 perform a modification review of the Loan and will notify plaintiff of its decision  
21 on the modification request in writing.  
22 3. No trustee's sale of the Property shall be held until at least 30 days after Wells  
23 Fargo's written notification of the decision regarding loan modification.

24 //

25 //

26 //

27 //

28 //

1           4.       Counsels' facsimile signatures shall be the equivalent of original signatures for all  
2                   purposes.

3  
4       Date: December 7, 2011

WENDELL J. JONES

5  
6       By: /s/ Wendell J. Jones  
7                   Attorney for Plaintiff MARIA CRUZ

8  
9       Date: December 7, 2011

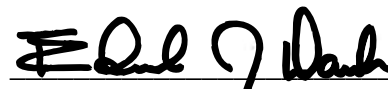
ANGLIN, FLEWELLING, RASMUSSEN  
CAMPBELL & TRYTTEN LLP

10  
11  
12       By: : /s/ Leigh O. Curran  
13                   Attorneys for Defendant WELLS FARGO BANK, N.A.,  
14                   successor by merger to Wells Fargo Bank, Southwest,  
15                   N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World  
16                   Savings Bank, FSB sued as "Wachovia now doing  
17                   business as Wells Fargo Bank, N.A."

18       IT IS SO ORDERED.

The Clerk shall close this file.

19       Dated: December 9, 2011

20                     
21                   United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare that I am over the age of 18 and am not a party to this  
3 action. I am employed in the City of Pasadena, California; my business address is Anglin,  
4 Flewelling, Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600,  
Pasadena, California 91101-2459.

5 On the date below, I served a copy of the following document(s):

6 **STIPULATION TO DISMISSAL WITH PREJUDICE**

7 on all interested parties in said case addressed as follows:

8 ***Served Electronically via the Court's CM/ECF System:***

9  
10 *Counsel for Plaintiff,*  
11 *MARIA CRUZ:*

12 Wendell J. Jones  
13 The Law Office of Wendell J. Jones  
14 1901 S. Bascom Ave., Suite 333  
Campbell, CA 95008  
Tel/Fax: 408.371.7589

*Counsel for Defendant,*  
*REGIONAL TRUSTEE SERVICES*  
*CORPORATION:*

Nicolas Daluiso  
ndaluiso@robinsontait.com  
Robinson Tait, P.S.  
710 Second Avenue, Suite 710  
Seattle, WA 98104  
Tel: 206.676-9640; Fax: 206.676.9659

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16  
17 ☒ **FEDERAL:** I declare under penalty of perjury under the laws of the United States of  
18 America that the foregoing is true and correct. I declare that I am employed in the office of a  
19 member of the Bar of this Court at whose direction the service was made. This declaration is  
executed at Pasadena, California, on **December 8, 2011**.

20  
21 Kimberly Wooten  
(Print Name)

/s/ Kimberly Wooten  
(Signature of Declarant)