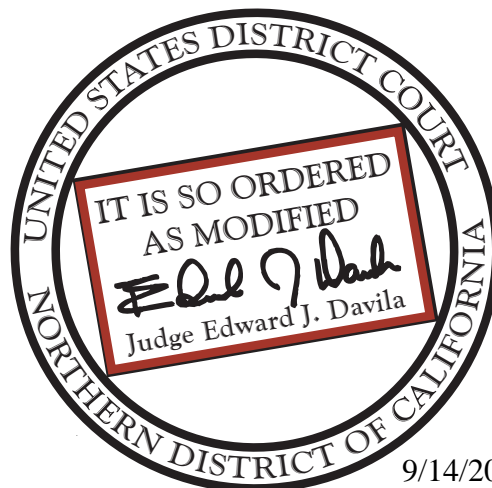


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Attorneys for Defendant
 SUNTRUST MORTGAGE INC.



9/14/2012

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

BERNIE FRANCAZAK, an individual

Plaintiff,

v.

SUNTRUST MORTGAGE INC., a Virginia
 business entity; and Does 1-50, inclusive,

Defendants.

Case No.: 12-CV-01453-EJD

Hon. Edward J. Davila

**STIPULATION TO STAY
 PROCEEDINGS PENDING LOAN
 MODIFICATION REVIEW;
 [PROPOSED] ORDER**

Date Action Filed: February 17, 2012
 Trial Date: None Set

1
2 **STIPULATION**

3 Plaintiff Bernie Franczak ("Plaintiff") and Defendant Suntrust Mortgage, Inc.
4 ("Defendant"), by and through their respective counsel, STIPULATE AND AGREE as follows:

5 WHEREAS, Plaintiff filed a Complaint on February 17, 2012.

6 WHEREAS, Plaintiff has been approved for a three (3) month trial period plan under
7 HAMP in consideration of a permanent HAMP modification, and the parties have stipulated to
8 stay all proceedings for one hundred and twenty (120) days to allow for the trial plan and loan
9 modification review to be completed.

10 WHEREAS, the parties continue to work diligently in hopes that this dispute can be
11 resolved, and do not wish to incur any expenses or expend judicial resources unnecessarily.

12 WHEREAS, Defendant has agreed to postpone all foreclosure proceedings of the Subject
13 Property during the course of the loan modification review process.

14 WHEREAS, the agreed upon extension will not result in prejudice to either party or to the
15 Court.

16 WHEREAS, the parties have conducted their ADR phone conference and have notified
17 the ADR program staff attorney, Ms. Robin W. Siefkin, Esq., of the trial period plan;

18 WHEREAS, Ms. Siefkin has agreed that the herein requested stay of proceedings would
19 be in the best interests of both the parties and the Court.

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1 Based on the above and for good cause the parties hereby stipulate as follows:

- 2 1. All proceedings will be stayed one hundred and twenty (120) days, up to and
3 including January 9, 2013.
- 4 2. Pending the completion of the trial period plan and loan modification review,
5 Defendant agrees to postpone all foreclosure proceedings.
- 6 3. The hearing on Defendant's Motion to Dismiss currently set for September 21,
7 2012 at 9:00 a.m. shall be taken off calendar. In the event that the parties cannot
8 resolve the matter through modification, Defendant shall notify the Court by
9 declaration and request that the Motion to Dismiss be reset for hearing on the
10 Court's first available date.

11
12 Respectfully submitted.

13
14 Dated: September __, 2012

MELLEN LAW FIRM

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17 By: _____

Michael Mercado, Esq.
Attorneys for Plaintiff
BERNIE FRANCAZAK

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20 Dated: September 12, 2012

WRIGHT, FINLAY & ZAK, LLP

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23 By: _____

Todd Chvat, Esq.
Attorney for Defendant
SUNTRUST MORTGAGE, INC.

1 Based on the above and for good cause the parties hereby stipulate as follows:

- 2 1. All proceedings will be stayed one hundred and twenty (120) days, up to and
3 including January 9, 2013.
4 2. Pending the completion of the trial period plan and loan modification review,
5 Defendant agrees to postpone all foreclosure proceedings.
6 3. The hearing on Defendant's Motion to Dismiss currently set for September 21,
7 2012 at 9:00 a.m. shall be taken off calendar. In the event that the parties cannot
8 resolve the matter through modification, Defendant shall notify the Court by
9 declaration and request that the Motion to Dismiss be reset for hearing on the
10 Court's first available date.
11

12 Respectfully submitted.

13
14 Dated: September 11, 2012

MELLEN LAW FIRM

15
16
17 By: 

18 Michael Mercado, Esq.
19 Attorneys for Plaintiff
20 BERNIE FRANCAZAK

21 Dated: September __, 2012

WRIGHT, FINLAY & ZAK, LLP

22
23 By: _____

24 Todd Chvat, Esq.
25 Attorney for Defendant
26 SUNTRUST MORTGAGE, INC.
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1 ~~PROPOSED~~ ORDER

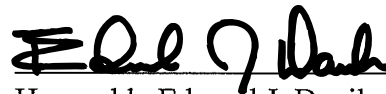
2 Pursuant to the above Stipulation and good cause appearing, IT IS SO ORDERED that:

3 1) All proceedings shall be stayed one hundred and twenty (120) days, up to and including
4 January 9, 2013; and

5 2) The hearing on Defendant's Motion to Dismiss currently set for September 21, 2012 at
6 9:00 a.m. is taken off calendar. In the event that the parties cannot resolve the matter through
7 modification, Defendant shall notify the Court by way of declaration and request that the Motion
8 to Dismiss be reset for hearing subject to the Court's availability.

9 3) Docket Item No. 13 is TERMINATED without prejudice to being re-filed.

10
11 Dated: September 14, 2012


12 Honorable Edward J. Davila
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I am employed in the County of Orange, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 4665 MacArthur Court, Suite 280, Newport Beach, California 92660. I am readily familiar with the practices of Wright, Finlay & Zak, LLP, for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited with the United States Postal Service the same day in the ordinary course of business.

[X] by placing [] the original [X] a true copy thereof enclosed in sealed envelope(s) addressed as follows:

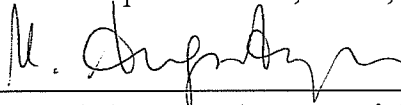
[X] (BY MAIL SERVICE) I placed such envelope(s) for collection to be mailed on this date following ordinary business practices.

[] (BY FACSIMILE) The facsimile machine I used, with telephone no. (949) 477-9200, complied with California Rules of Court, Rule 2003, and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original Proof of Service.

1 [] (BY OVERNITE EXPRESS - NEXT DAY DELIVERY) I placed true and
2 correct copies of thereof enclosed in a package designated by Federal
3 Express with the delivery fees provided for.

4 [X] (Federal) I declare under penalty of perjury under the laws of the United
5 States of America that the foregoing is true and correct.

6 Executed on September 12, 2012, at Newport Beach, California.

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Margaret Augustyniak