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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

TSVETEN S TORBOV,
Plaintiff,
v.
CENLAR AGENCY, INC, et al.,
Defendants.

Case No. [14-cv-00130-BLF](#)

**ORDER GRANTING DEFENDANTS’
MOTION TO EXPUNGE LIS PENDENS**
[Re: ECF 73]

Defendants’ motion to expunge lis pendens was heard on December 4, 2014. As stated on the record, Plaintiff’s failure to comply with statutory service and filing requirements renders the lis pendens “void and invalid.” *See* Cal. Civ. P. Code §§ 405.22, 405.23.

Under California Code of Civil Procedure § 405.22, a “claimant shall, prior to recordation of the notice, cause a copy of the notice to be mailed, by registered or certified mail, return receipt requested, to all known addresses of the parties to whom the real property claim is adverse.” Cal. Civ. P. Code § 405.22. Moreover, “[i]mmediately following recordation, a copy of the notice shall also be filed with the court in which the action is pending.” *Id.* “Any notice of pendency of action shall be void and invalid as to any adverse party or owner of record unless the requirements of Section 405.22 are met for that party or owner and a proof of service in the form and content specified in Section 1013a has been recorded with the notice of pendency of action.” Cal. Civ. P. Code § 405.23. Plaintiff failed to comply with both the service and filing requirements.

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Accordingly, the motion to expunge lis pendens is hereby GRANTED and the lis pendens recorded as Document No. 22571005 in the Official Records of Santa Clara County with respect to real property located at 1679 Valley Crest Court, San Jose, California 95131, is hereby EXPUNGED.

IT IS SO ORDERED.

Dated: December 4, 2014



BETH LABSON FREEMAN
United States District Judge