

1 Ronald H. Freshman, CA Bar No. 225136
 2 Law Offices of Ronald H. Freshman
 3 3040 Skycrest Drive
 4 Fallbrook, CA 92028
 5 Telephone: (858) 756-8288
 6 Facsimile: (858) 964-1728
 7 E-mail: ronfreshman@gmail.com
 8 Attorney for Plaintiff Kimberly Cox

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

10 KIMBERLY COX,
 11
 12 PLAINTIFF,
 13 v.
 14 OLD REPUBLIC NATIONAL TITLE INSURANCE
 15 COMPANY, *et al.*;
 16 Defendants.

Case No. 5:15-cv-02253-BLF

~~Proposed~~ ORDER ON STIPULATION TO CEASE AND
 DESIST FORECLOSURE ACTS DURING THE PENDENCY
 OF THIS ACTION

17 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, NEW PENN FINANCIAL, LLC d/b/a
 18 SHELLPOINT MORTGAGE SERVICING and THE BANK OF NEW YORK MELLON CORPORATION f/k/a
 19 THE BANK OF NEW YORK COMPANY, INC., AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS
 20 INC - CHL MORTGAGE PASS-THROUGH TRUST 2005-02 (collectively "Defendants"), through their
 21 respective counsel, have each agreed, pursuant to the executed stipulation attached hereto as
 22 Exhibit "1", to cease and desist from any present and future foreclosure acts during the pendency of
 23 this action subject to KIMBERLY COX ("Plaintiff") taking her Motion for a Preliminary Injunction off
 24 calendar which she did.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS SO ORDERED that Defendants, their agents or assigns are hereby enjoined as stipulated during the pendency of this action or until otherwise ordered by the Court.

The August 20, 2015 preliminary injunction hearing is hereby VACATED. The case management conference and associated deadlines remain on calendar.

Dated: June 15, 2015


United States District Court Judge

Exhibit “1”

1 Ronald H. Freshman, CA Bar No. 225136
Law Offices of Ronald H. Freshman
2 3040 Skycrest Drive
3 Fallbrook, CA 92028
Telephone: (858) 756-8288
4 Facsimile: (858) 964-1728
E-mail: ronfreshman@gmail.com
5 Attorney for Plaintiff Kimberly Cox
6
7

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

10 KIMBERLY COX,) Case No. 5:15-cv-02253-NC
11)
12) PLAINIFF,) STIPULATION TO CEASE AND DESIST FORECLOSURE
13) v.) ACTS DURING THE PENDENCY OF THIS ACTION
14)
15) OLD REPUBLIC NATIONAL TITLE INSURANCE)
16) COMPANY;)
17) NEW PENN FINANCIAL, LLC d/b/a SHELLPOINT)
18) MORTGAGE SERVICING;)
19) THE BANK OF NEW YORK MELLON)
20) CORPORATION f/k/a THE BANK OF NEW YORK)
21) COMPANY, INC., AS TRUSTEE FOR THE)
22) CERTIFICATEHOLDERS OF CWMB5 INC - CHL)
23) MORTGAGE PASS-THROUGH TRUST 2005-02;)
24) and,)
25) MORTGAGE ELECTRONIC REGISTRATION) Hearing Date: June 24, 2015
26) SYSTEMS, INC.,) Time: 1:00 p.m.
27) Dept: Courtroom 7, 4th Floor
28) Defendants.) Judge: Hon. Nathanael M. Cousins

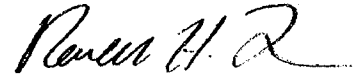
29 Defendants OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, NEW PENN FINANCIAL,
30 LLC d/b/a SHELLPOINT MORTGAGE SERVICING and THE BANK OF NEW YORK MELLON
31 CORPORATION f/k/a THE BANK OF NEW YORK COMPANY, INC., AS TRUSTEE FOR THE

1 CERTIFICATEHOLDERS OF CWMBS INC - CHL MORTGAGE PASS-THROUGH TRUST 2005-02, through
2 their respective attorneys, have each agreed to cease and desist from any present and future
3 foreclosure acts during the pendency of this action which includes, but is not thereby limited to:
4 recording any documents related to the subject Property and conducting a Trustee's Sale pursuant
5 to the currently recorded, or any other Notice of Trustee's Sale.

6 Accordingly, Plaintiff through her counsel agrees to take the Motion for a Preliminary
7 Injunction currently scheduled to be heard on June 24, 2015 off calendar subject to all parties'
8 execution of this agreement.

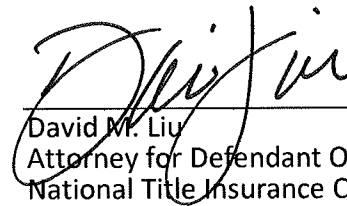
9
10 IT IS SO STIPULATED:

11
12 Dated: June 1, 2015



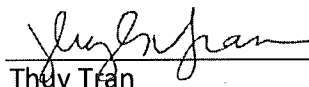
Ronald H. Freshman
Attorney for Plaintiff KIMBERLY COX

13
14
15
16 Dated: June 2, 2015



David M. Liu
Attorney for Defendant Old Republic
National Title Insurance Company

17
18
19
20 Dated: June 2, 2015



Thuy Tran
Attorney for New Penn Financial, LLC
d/b/a Shellpoint Mortgage Servicing
and The Bank of New York Mellon
Corporation as Trustee for the
Certificateholders of CWMBS Inc -
CHL Mortgage Pass-Through Trust
2005-02

1 Ronald H. Freshman, CA Bar No. 225136
2 Law Offices of Ronald H. Freshman
3 3040 Skycrest Drive
4 Fallbrook, CA 92028
5 Telephone: (858) 756-8288
6 Facsimile: (858) 964-1728
7 E-mail: ronfreshman@gmail.com
8 Attorney for Plaintiff Kimberly Cox

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

10 KIMBERLY COX,

Case No. 5:15-cv-02253-BLF

11 PLAINTIFF,

12 v.

CERTIFICATE OF SERVICE

13 OLD REPUBLIC NATIONAL TITLE INSURANCE
14 COMPANY, *et al.*;

15 Defendants.

16 **CERTIFICATE OF SERVICE**

17 At the time of service, I was over 18 years of age and not a party to this action. I am employed
18 in the County of San Diego, State of California. My business address is 3040 Skycrest Drive, Fallbrook,
CA 92028.

19 On June 14, 2015, I served true copies of the following document(s) on the following parties in
20 this action.

21 **DOCUMENTS:**

22 [Proposed] ORDER ON STIPULATION TO CEASE AND DESIST FORECLOSURE ACTS DURING THE
PENDENCY OF THIS ACTION

23 **PARTIES SERVED:**

24 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
25 C/O Severson & Werson
26 Attn: David M. Liu
The Atrium
19100 Von Karman Ave., Suite 700
Irvine, CA 92612;

1 NEW PENN FINANCIAL, LLC d/b/a SHELLPOINT MORTGAGE SERVICING
2 C/O Yu Mohandesi, LLP
3 Attn: Thuy N. Tran
4 633 West Fifth St., Suite 2800
5 Los Angeles, CA 90071;

6 THE BANK OF NEW YORK MELLON CORPORATION AS TRUSTEE FOR THE
7 CERTIFICATEHOLDERS OF CWMBBS INC - CHL MORTGAGE PASS-THROUGH TRUST 2005-02
8 C/O Yu Mohandesi, LLP
9 Attn: Thuy N. Tran
10 633 West Fifth St., Suite 2800
11 Los Angeles, CA 90071; and

12 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
13 C/O Severson & Werson
14 Attn: David E. Pinch
15 One Embarcadero Center, Site 2600
16 San Francisco, CA 94111

17 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the
18 Clerk of the Court by using the CM/ECF system. Participants in the case who are registered
19 CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered
20 CM/ECF users will be served by mail or by other means permitted by the court rules.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this
23 Court at whose direction the service was made.

24 Executed on June 14, 2015, at Fallbrook, CA.

25 

26

Ronald H. Freshman, Esq.
Attorney for Kimberly Cox