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10 *Attorney for Plaintiff Andrea Gale*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

10 ANDREA B. GALE, an individual, and as
11 Trustee of Andrea Beryl Gale Revocable Living
12 Trust,

12 Plaintiff,

13 v.

14 CITIMORTGAGE, INC.; NATIONSTAR
15 MORTGAGE, LLC; CAL-WESTERN
16 RECONVEYANCE CORPORATION;
17 QUALITY LOAN SERVICE as trustee, and
18 DOES 1 through 10, and ROE
19 CORPORATIONS 1 through 10, inclusive,

18 Defendants.

20
21 FEDERAL NATIONAL MORTGAGE
22 ASSOCIATION,

22 Indispensable Party.

CASE NO. 2:12-cv-02065-GMN-VCF

**MOTION FOR EXONERATION AND
DISCHARGE OF BOND**

AND ORDER

25 COMES NOW, ANDREA B. GALE (“Plaintiff”), by and through her attorney of record,
26 Robert J. Flummerfelt, Esq., hereby submits this motion for exoneration and discharge of bond,
27 based on the Memorandum of Point and Authorities, the Affidavit of Andrea B. Gale, all papers
28 on file herein, and any oral argument the court may entertain at a hearing on the matter.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. BACKGROUND**

3 This action was originally filed in the District Court of Clark County, Nevada, on
4 October 18, 2012. On December 4, 2012, Defendant Quality Loan Service Corp removed this
5 action to this U.S. District Court. However, just prior to the removal, Plaintiff filed a motion for
6 injunctive relief from the state court, to enjoin Federal National Mortgage Association (“Fannie
7 Mae”) from evicting Plaintiff from her home. On November 26, 2012, the court issued a
8 Temporary Restraining Order (“TRO”) to maintain the status quo until a hearing on Plaintiff’s
9 motion for preliminary injunction could be held. (See, TRO, Ex.1). The court set the bond for the
10 TRO in the amount of \$2,000.00. On November 26, 2012, Plaintiff posted the bond for
11 \$2,000.00 dollars, with the Clerk of the District Court, Clark County, Nevada. (See, Bond
12 Receipt, Ex. 2).
13

14
15 On December 28, 2012, this Court held the hearing on Plaintiff’s motion for preliminary
16 injunction, and on January 11, 2013, the Court entered an order denying Plaintiff’s motion for
17 preliminary injunction, and the TRO expired. On or about January 18, 2013, Fannie Mae evicted
18 Plaintiff from the property and is now in possession of the property.

19 **II. ARGUMENT**

20 **A. THE BOND SHOULD BE EXONERATED BECAUSE ALL CONDITIONS**
21 **FOR THE BOND HAVE BEEN SATISFIED AND ARE NOW MOOT**

22 Since January 11, 2013, the TRO has expired, the preliminary injunction was denied, and
23 Fannie Mae has taken possession of the property. Since all grounds for the posting of the bond
24 are now moot, the bond should be exonerated and discharged back to Plaintiff as soon as
25 practicable. Plaintiff is currently without a permanent home and is in need of the bond money to
26 secure a new residence.
27

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CONCLUSION

Based on the above, Plaintiff respectfully requests this Court enter an order directing the Clerk of the District Court, Clark County, Nevada, to release the bond and return the sum of \$2,000.00 to Plaintiff.

Dated this 3rd day of March, 2013.

/s/ Robert Flummerfelt

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Attorney for Plaintiff

ORDER

The Court having read the foregoing Motion for Exoneration and Discharge of Bond, and the Affidavit of Andrea B. Gale, and the Memorandum of Points and Authorities in Support of the Motion, and good cause appearing therefore, hereby orders as follows:

IT IS HEREBY ORDERED that the bond posted by Andrea B. Gale on November 26, 2012 (Receipt No. 2012-144958-CCCLK) in the amount of TWO THOUSAND DOLLARS be released and the monies returned to ANDREA B. GALE, forthwith, by the Clerk of the Eighth Judicial District Court for Clark County, Nevada in Case No. A-12-670503-C.

DATED this 26th day of March, 2013.



Gloria M. Navarro
United States District Judge

EXHIBIT "1"

EXHIBIT "1"

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Title to Property

COURT MINUTES

November 26, 2012

A-12-670503-C

Andrea Gale, Plaintiff(s)

vs.

Citimortgage Inc, Defendant(s)

November 26, 2012

Chambers

Minute Order

**Minute Order Re: Temporary
Restraining Order**

HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

PARTIES none

PRESENT:

JOURNAL ENTRIES

- Upon Court's review of the papers and pleadings in this matter of the Temporary Restraining Order (TRO); COURT ORDERED, Motion for TRO, GRANTED, With a BOND of \$2,000.00. Matter to be set by Master Calendar for a Preliminary Injunction Hearing.

EXHIBIT "2"

EXHIBIT "2"

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor
Gale, Andrea B.

Receipt No.
2012-144958-CCCLK

Transaction Date
11/26/2012

Description	Amount Paid
On Behalf Of Gale, Andrea B. A-12-670503-C Andrea Gale, Plaintiff(s) vs. Citimortgage Inc, Defendant(s) TEMPORARY RESTRAINING ORDER	
TEMPORARY RESTRAINING ORDER	2,000.00
SUBTOTAL	2,000.00

PAYMENT TOTAL **2,000.00**

Money Order (Ref #300041625) Tendered	1,000.00
Cash Tendered	1,000.00
Total Tendered	2,000.00
Change	0.00

251 S Green Valley Pkwy #714, Henderson, NV 89014

11/26/2012
01:51 PM

Cashier
Station AIKO

Audit
30253881

REPRINTED RECEIPT

A-12-670503-C
TRCT
Trust Receipt
2027266

