IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LORI ANN HAYNES,

          Plaintiffs,   Civ. No. 11-3046-CL

TEMPORARY RESTRAINING ORDER

   v.

TD SERVICE COMPANY, FIRST
FRANKLIN FINANCIAL CORP.,
RESIDENTIAL CREDIT SERVICES,
INC., CHRISTOPHER C. DORR,
LLC, and all other persons or
parties unknown claiming any
right, title, lien, or
interest in the property
described herein,

          Defendants.

PANNER, J.

    Plaintiffs seek an ex parte temporary restraining order to

enjoin the foreclosure sale of their house. Plaintiffs allege the

house is scheduled for a foreclosure sale on April 12, 2011 and

1 - ORDER

defendant has not complied with the legal requirements for a valid foreclosure. One of the claims pursued is the claim that defendants did not record all assignments of the deed of trust prior to initiating the non-judicial foreclosure at issue. Considering that MERS is named on the deed of trust at issue, plaintiffs have demonstrated a significant likelihood of success on this claim. <u>See</u> <u>Burgett v. Mortg. Elec. Registration Sys., Inc.</u>, 2010 WL 4282105 *3 (D. Or. Oct. 20, 2010); <u>In re McCoy</u>, 2011 WL 477820 *3-4 (Bankr. D. Or. Feb. 7, 2011).

Plaintiffs' counsel filed a notarized affidavit demonstrating (unsuccessful) attempts to notify several defendants of the motion for a restraining order.

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Because of the alleged imminent foreclosure sale, I grant plaintiffs' request for a temporary restraining order (#2). Defendant, and its officers, agents, etc..., and other persons in active concert or participation with defendants, who receive actual notice of this order, are restrained from conducting a foreclosure sale for the following property: 343 B Street, Ashland, Oregon, from this day until Thursday, April 21, 2011, at 10:30 a.m. This court will hold a hearing on whether to issue a preliminary injunction on Thursday, April 21, 2011, at 10:30 a.m., in Medford.

IT IS SO ORDERED.

DATED this ___1___ day of April, 2011.

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OWEN M. PANNER
U.S. DISTRICT JUDGE