

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PAMELA DANFORD

Plaintiff,

1:12-cv-781-PA

TEMPORARY RESTRAINING ORDER

v.

DUETSCHKE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR THE
CERTIFICATE HOLDERS OF THE
DOVER MORTGAGE CAPITAL 2005-A
CORPORATION GRANTOR'S TRUST
CERTIFICATE SERIES 20065-A,
and RECONTRUST COMPANY, N.A.,

Defendants.

SIMON, District Judge.

Plaintiff seeks an ex parte temporary restraining order to enjoin the foreclosure sale of her house. Plaintiff alleges the house is scheduled for a foreclosure sale on May 7, 2012 and defendants have not complied with the legal requirements for a

valid non-judicial foreclosure. Plaintiff alleges defendants failed to record all assignments of the trust deed in the county land records prior to initiating the foreclosure proceedings. Specifically, plaintiff alleges her loan was deposited into a securitized trust and defendants failed to record the assignments of the beneficial interest in the trust deed from Bank of America, NA to Dover Mortgage Capital, and then from Dover Mortgage Capital to Deutsche Bank Trust Company Americas.

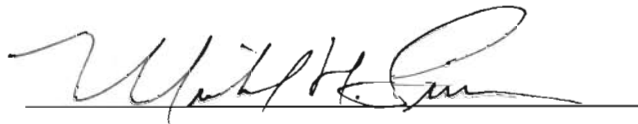
In Oregon, a party initiating non-judicial foreclosure proceedings must record all assignments of the trust deed. ORS 86.735(1); Hooker v. Northwest Trustee Services, Inc., 2011 WL 2119103, *3 (D. Or. May 25) (internal citation omitted; In re McCoy, 2011 WL 477820, at *3-4 (Bankr. D. Or. Feb. 7)); James v. Recontrust Co., et al, 2012 WL 653871, at *19-20 (D. Or. Feb. 29).

Because of the alleged imminent foreclosure sale, and because plaintiff's allegations demonstrate a sufficient likelihood of success on the merits of her claim that defendants did not comply with the recording requirements of the Oregon Trust Deed Act, I grant plaintiff's request for a temporary restraining order (#5). Defendants, and their officers and agents, 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: 1105 Sunset Avenue, Medford, Oregon, from this day until Tuesday, May 15, 2012, at 5:00 p.m. Judge Owen M. Panner will hold a hearing on whether to issue a preliminary injunction at 11:00 a.m. on May 15, 2012, in the James A. Redden Courthouse in Medford.

IT IS SO ORDERED.

DATED this 3rd day of May, 2012 at 2 o'clock PM.

A handwritten signature in black ink, appearing to read "Michael H. Simon", written over a horizontal line.

Michael H. Simon
United States District Judge