

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ELIZABETH N. LONG and TONI L.  
HOTHAN,

Plaintiffs,

1:12-CV-1495-PA

**TEMPORARY RESTRAINING ORDER**

v.

LASALLE BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
THE MERRILL LYNCH MORTGAGE  
INVESTORS TRUST, MORTGAGE  
LOAN ASSET-BACKED CERTIFICATES,  
SERIES 2006-FF1, and CAL-  
WESTERN RECONVEYANCE  
CORPORATION,

Defendants.

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**PANNER, District Judge.**

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 September 4, 2012

and defendants have not complied with the legal requirements for a valid non-judicial foreclosure. Amongst other arguments, plaintiffs allege defendants failed to record all assignments of the trust deed in the county land records prior to initiating the foreclosure proceedings.

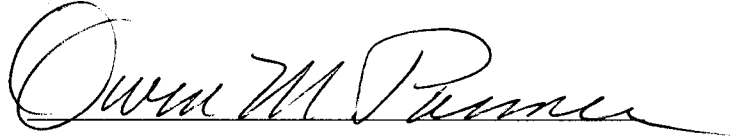
In Oregon, a party initiating non-judicial foreclosure proceedings must record all assignments of the trust deed. ORS 86.735(1); Hooker v. Northwest Trustee Services, Inc., 2011 WL 2119103, \*3 (D. Or. May 25) (internal citation omitted; In re McCoy, 2011 WL 477820, at \*3-4 (Bankr. D. Or. Feb. 7)); 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 plaintiffs' 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 plaintiffs' request for a temporary restraining order (#3). 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: 225 Olwell Way, Medford, Oregon, from this day until Wednesday, September 12, 2012, at 5:00 p.m. I will hold a hearing on whether to issue a preliminary injunction at 11:00 a.m. on

September 12, 2012, in the James A. Redden Courthouse in Medford.

IT IS SO ORDERED.

DATED this 29 day of August, 2012 at 8:00 clock AM

A handwritten signature in cursive script that reads "Owen M. Panner". The signature is written in black ink and is positioned above the printed name and title.

Owen M. Panner  
United States District Judge