

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

BARBARA GIFFORD and KEVIN )  
GIFFORD, )

Plaintiffs, )

vs. )

BANK OF AMERICA, COUNTRYWIDE )  
HOME LOANS, INC., a New York )  
corporation, dba COUNTRYWIDE BANK; )  
and HYPERION CAPITAL GROUP, LLC., )

Defendants. )

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Civil Case No. 09-639-PK

TEMPORARY RESTRAINING ORDER

E. Clarke Balcom  
Shannon D. Sims  
Clarke Balcom, P.C.  
1312 SW 16th Avenue, 2nd Floor  
Portland, Oregon 97201

Attorneys for Plaintiff

KING, Judge:

This matter came before the Court on June 19, 2009, for hearing on extending plaintiffs' motion for a temporary restraining order. The Court having considered the oral and written arguments of the parties and the affidavits filed herein, finds sufficient ground for concluding that irreparable injury to the plaintiffs will occur unless the status quo is preserved by this extending the temporary restraining order until a hearing on plaintiffs' motion for a preliminary injunction can be heard.

The Court also finds plaintiffs have made a sufficient preliminary showing of likely success on the merits entitling them to rescission.

The Court finds that the foreclosure scheduled for June 11, 2009 should be restrained, as the possible harm that would inure to the plaintiffs would be irreparable.

The Court further finds that plaintiffs' counsel has notified defendants.

Therefore, pursuant to Fed. R. Civ. P. 65, it is ordered as follows:

1. Defendants, or any agents thereof, are temporarily restrained from seeking to foreclose on the plaintiff's home located at 2031 SE 90th Pl., Portland, Oregon 97216.
2. This temporary restraining order will remain in effect until a hearing on plaintiffs' Motion for a Preliminary Injunction, set for 26th day of June, 2009 at 11:00 a.m. o'clock, in Room 9A of the Mark O. Hatfield United States Courthouse, Portland, Oregon 97204.
3. This temporary restraining order shall become effective immediately upon entry by the court which is 11:00 a.m. o'clock, June 19, 2009.

4. The plaintiffs are not required to post a bond or other security, as such a requirement could deny the plaintiffs judicial review.
5. Plaintiffs shall serve a copy of this Temporary Restraining Order on all defendants in the manner required for service process.

Dated this 19th day of June, 2009.

/s/ Garr M. King  
Garr M. King  
United States District Judge