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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

CV '09 639 PK

**BARBARA GIFFORD and KEVIN  
GIFFORD,**

Case No.:

Plaintiffs,

**TEMPORARY RESTRAINING ORDER  
(PROPOSED)** 

v.

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

Defendants.

This matter came before the court on June 9, 2009, for hearing on 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 grounds for concluding that irreparable injury to the plaintiffs will occur unless the status quo is preserved by this temporary restraining order until a hearing on plaintiffs' motion for a preliminary injunction can be heard.

The Court also finds it has made a sufficient showing  
(preliminary) of likely success on merits entitling them to a hearing.  
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 made an effort to notify defendants;  
however the short timeline involved requires that no notice issue.

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

1. Defendants, or any agents thereof, are temporarily restrained from seeking to  
foreclose on the plaintiffs' home located at 2031 SE 90<sup>th</sup> Pl., Portland, Oregon 97216.
2. This temporary restraining order will remain in effect until a hearing <sup>to consider</sup> on plaintiffs'  
~~extend this TRD, which is~~ motion for a preliminary injunction set for the 19<sup>th</sup> day of June, 2009 at  
8:30 a.m. o'clock in Room 14A of The Mark O. Hatfield  
United States Courthouse, Port Land, OR. 97204, or subject to further order of this court.
3. This temporary restraining order shall become effective immediately upon entry by  
the court which is 4:00 p.m. o'clock June 9, 2009.
4. The plaintiffs are not required to post a bond or other security, as such a requirement  
could deny the plaintiffs judicial review. ~~Alternatively, the plaintiff's shall post a bond~~  
~~or other security in the amount of~~
5. He shall serve a copy of this TRD on all defendants  
in the manner required for  
service of process.

DATED this 9<sup>th</sup> day of June, 2009.

[Signature]  
U.S. District Court Judge