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7 Attorneys for Defendant **SELECT PORTFOLIO SERVICING, INC.**

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN BERNARDINO – SAN BERNARDINO JUSTICE CENTER**

10 ANGELA KAY MORROW,

11 Plaintiff,

12 v.

13 MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, NATIONAL DEFAULT SERVICING
14 CORPORATION, SELECT PORTFOLIO
SERVICING, INC. and HASSAN
15 ELRAKABAWY (SBN 248146) dba
MCGLINCHEY STAFFORD and DEUTSCHE
16 BANK NATIONAL TRUST COMPANY, as
Indenture Trustee for the ENCORE CREDIT
17 RECIEVABLE TRUST 2005-3 at C/O SELECT
PORTFOLIO SERVICING, INC. and DOES 1-
18 100, Inclusive

19 Defendants.
20

Case No.: CIVDS1500618

Assigned to the Hon. Keith D. Davis;
Dept: S25

[Unlimited Jurisdiction]

NOTICE OF RULING

DATE: January 16, 2015
TIME: 8:30 a.m.
DEPT: S25

Action Filed: January 14, 2015
Trial Date: NA

21
22 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

23 **PLEASE TAKE NOTICE** that on January 16, 2015, at 8:30 a.m., in Department S25 of the
24 above –entitled Court, the Honorable Keith D. Davis presiding, Plaintiff ANGELA KAY
25 MORROW's ("Plaintiff") ex parte application for a Temporary Restraining Order came on for
26 hearing. Plaintiff appeared in pro per. Defendant SELECT PORTFOLIO SERVICING, INC.
27 ("SPS") made a special appearance through counsel John Calvagna, Esq. of McGlinchey Stafford.
28 SPS did not enter a general appearance. After considering the ex parte papers and taking oral

1 argument, the Court denied the ex parte application for a Temporary Restraining Order finding that
2 exigent circumstances do not exist for the issuance of a Temporary Restraining Order. The Court
3 denied the application without prejudice. The Court did not set an Order Show Cause Re:
4 Preliminary Injunction.

5 During oral argument the Court cautioned the Plaintiff that self-representation can be
6 difficult. The Court stated that Plaintiff may wish to seek the advice of legal counsel and provided
7 the Plaintiffs with a Referral List of entities that provide legal services to persons who may need
8 such services. A true and correct copy of the Referral List is attached hereto as **Exhibit "A."**

9 During oral argument counsel for SPS advised the Court that his office had been informed by
10 SPS that the Trustee's Deed Upon Sale that had been recorded in the Official Records of the County
11 of San Bernardino on December 3, 2013, and a copy of which was attached to the ex parte
12 application, was to be rescinded without prejudice to recording of foreclosure notices in the future.
13 The Court advised that counsel for SPS should attempt to contact prosecuting counsel in an unlawful
14 detainer action pending against Plaintiff in the Fontana branch of the Court (case no. FS1500114)
15 and advise said counsel of the aforementioned.

16 The Court ordered that counsel for SPS provide notice of the Court's ruling and oral
17 argument.

18
19 DATED: January 16, 2015

McGLINCHEY STAFFORD

20
21 By: 

22 JOHN CALVAGNA
23 HASSAN ELRAKABAWY
24 BRIAN A. PAINO

25 Attorneys for Defendant **SELECT PORTFOLIO**
26 **SERVICING, INC.**
27
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
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 ATTORNEY FOR (Name): DEUTSCHE BANK NATIONAL TRUST COMPANY,

FOR COURT USE ONLY

CASE NUMBER
UDFS1500114

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
 STREET ADDRESS: COUNTY OF SAN BERNARDINO
 MAILING ADDRESS: 17780 ARROW BLVD.
 CITY AND ZIP CODE: FONTANA, CA 92335
 BRANCH NAME: FONTANA DISTRICT

PLAINTIFF/PETITIONER: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE FOR
 DEFENDANT/RESPONDENT: RAUL SPLANE; and DOES 1 to 6, inclusive


REQUEST FOR DISMISSAL

A conformed copy will not be returned by the clerk unless a method of return is provided with the document.
 This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

1. TO THE CLERK: Please dismiss this action as follows:
- a. (1) With prejudice (2) Without prejudice
 - b. (1) Complaint (2) Petition
 - (3) Cross-complaint filed by (name): _____ on (date): _____
 - (4) Cross-complaint filed by (name): _____ on (date): _____
 - (5) Entire action of all parties and all causes of action
 - (6) Other (specify):*

2. (Complete in all cases except family law cases.)
 The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)


Date: 01/16/2015
 Randall D. Naiman, Esq. (#81048)
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)


 (SIGNATURE)
 Attorney or party without attorney for:

*If dismissal requested is of specified parties only or of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**
 Date: _____
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)


 (SIGNATURE)
 Attorney or party without attorney for:

** If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

(To be completed by clerk)
 4. Dismissal entered as requested on (date): _____
 5. Dismissal entered on (date): _____ as to only (name): _____
 6. Dismissal not entered as requested for the following reasons (specify): _____

7. a. Attorney or party without attorney notified on (date): _____
 b. Attorney or party without attorney not notified. Filing party failed to provide a copy to be conformed means to return conformed copy
 Date: _____ Clerk, by _____, Deputy