

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address JaVonne M. Phillips, Esq., SBN 187474 Kelly M. Raftery, Esq., SBN 249195 McCarthy & Holthus, LLP 1770 Fourth Avenue San Diego, California 92101  Phone (619) 685-4800 Ext. 1834 Fax (619) 685-4810 <a href="mailto:bknotice@mccarthyholthus.com">bknotice@mccarthyholthus.com</a>	FOR COURT USE ONLY
<input type="checkbox"/> <i>Movant appearing without an attorney</i> <input checked="" type="checkbox"/> <i>Attorney for Movant</i>	

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION**

In re: Estate Financial Inc          Debtor(s).	CASE NO.: 9:08-bk-11457-RR CHAPTER: 11
	<b>NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (WITH SUPPORTING DECLARATIONS) REGARDING REAL PROPERTY</b>
	DATE: 6/11/2014 TIME: 9:30 AM COURTROOM: 201

**The Bank of New York Mellon Trust Company, N.A., as Trustee for Chase Mortgage Finance Corporation Multi-Class Mortgage Pass-Through Certificates ChaseFlex Trust,  
MOVANT: Series 2007-3, its assignees and/or successors**

**Movant is the (check one):**

- Holder of deed of trust
- Assignee of holder of deed of trust
- Servicing agent for holder of deed of trust or assignee of holder of deed of trust

1. NOTICE IS HEREBY GIVEN to the Debtor and trustee (*if any*)(Responding Parties), their attorneys (*if any*), and other interested parties that on the above date and time and in the stated courtroom, Movant in the above-captioned matter will move this court for an order granting relief from the automatic stay as to Debtor and Debtor's bankruptcy estate on the grounds set forth in the attached Motion.

2. **Hearing Location:**

- 255 East Temple Street, Los Angeles, CA 90012
- 21041 Burbank Boulevard, Woodland Hills, CA 91367
- 3420 Twelfth Street, Riverside, CA 92501
- 411 West Fourth Street, Santa Ana, CA 92701
- 1415 State Street, Santa Barbara, CA 93101

3. a.  This motion is being heard on REGULAR NOTICE pursuant to LBR 9013-1. If you wish to oppose this motion, you must file a written response to this motion with the court and serve a copy of it upon the Movant's attorney (or upon Movant, if the motion was filed by an unrepresented individual) at the address set forth above no less than 14 days before the above hearing and appear at the hearing of this motion.
- b.  This motion is being heard on SHORTENED NOTICE. If you wish to oppose this motion, you must appear at the hearing. Any written response or evidence may be filed and served:
- at the hearing  at least \_\_\_\_ days before the hearing.
- (1)  A Motion for Order Shortening Time was not required according to the calendaring procedures of the assigned judge.
- (2)  A Motion for Order Shortening Time was filed pursuant to LBR 9075-1(b) and was granted by the court, and such motion and order have been or are being served upon the Debtor and trustee, if any.
- (3)  A Motion for Order Shortening Time has been filed and is pending. Once the court has ruled on that motion, you will be served with another notice or an order that will specify the date, time and place of the hearing on the attached motion and the deadline for filing and serving a written opposition to the motion, if any.
4. You may contact the clerk's office to obtain a copy of an approved court form for use in preparing your response (*optional LBR form F 4001-1.RESPONSE*), or you may prepare your response using the format required by LBR 9004-1 and the Court Manual.
5. If you fail to file a written response to the motion, if required, or fail to appear at the hearing, the court may treat such failure as a waiver of your right to oppose the motion and may grant the requested relief.

Date: 5/15/2014

McCarthy & Holthus, LLP  
Printed name of law firm (if applicable)

Kelly M. Raftery, Esq.  
Printed name of individual Movant or attorney for Movant

/s/ Kelly M. Raftery  
Signature of individual Movant or attorney for Movant

## MOTION FOR RELIEF FROM THE AUTOMATIC STAY

1. **The Property at Issue:** Movant moves for relief from the automatic stay with respect to following real property (Property):

Street address: 354 24th Street  
Unit/suite no.:  
City, state, zip code: Paso Robles, CA 93446

Legal description or document recording number (including county of recording): 2007013807, San Luis Obispo County, California

See attached continuation page.

2. **Case History:**

- a.  A voluntary petition  An involuntary petition  
under chapter  7  11  12  13 was filed on (*specify date*): 06/25/2008
- b.  An Order of Conversion to chapter  7  11  12  13  
was entered on (*specify date*):
- c.  Plan, if any, was confirmed on (*specify date*):
- d.  Other bankruptcy cases affecting this Property were pending within the past two years. See attached declaration.

3. **Grounds for Relief from Stay:**

- a.  Pursuant to 11 U.S.C. § 362(d)(1), cause exists to grant Movant the requested relief from stay as follows:
- (1)  Movant's interest in the Property is not adequately protected.
- (a)  Movant's interest in the collateral is not protected by an adequate equity cushion.
- (b)  The fair market value of the Property is declining and payments are not being made to Movant sufficient to protect Movant's interest against that decline.
- (c)  No proof of insurance re Movant's collateral has been provided to Movant, despite borrower's obligation to insure the collateral under the terms of Movant's contract with Debtor.
- (d)  Payments have not been made as required by an Adequate Protection Order previously granted to Movant.
- (2)  The bankruptcy case was filed in bad faith to delay, hinder, and defraud Movant.
- (a)  Movant is the only creditor or one of very few creditors listed on the Debtor's master mailing matrix.
- (b)  Non-individual entity was created just prior to bankruptcy filing for the sole purpose of filing bankruptcy.
- (c)  The Debtor filed what is commonly referred to as a "face sheet" filing of only a few pages consisting of the petition and a few other documents. No other Schedules or Statement of Financial Affairs (or chapter 13 Plan, if appropriate) have been filed.
- (d)  Other (*see attached continuation page*).

- (3)  (Chapter 12 or 13 cases only)
- (a)  Postconfirmation plan payments have not been made to the standing trustee.
- (b)  Postpetition payments due on the note secured by a deed of trust on the Property have not been made to Movant.
- (4)  For other cause for relief from stay, see attached continuation page.
- b.  Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property, and pursuant to § 362(d)(2)(B), the Property is not necessary to an effective reorganization.
- c.  Pursuant to 11 U.S.C. § 362(d)(3), Debtor has failed within the later of 90 days after the order for relief or 30 days after the court determined that the Property qualifies as "single asset real estate" as defined in 11 U.S.C. § 101(51B) to file a reasonable plan of reorganization or to commence monthly payments.
- d.  Pursuant to 11 U.S.C. § 362(d)(4), Debtor's filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved:
- (1)  The transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval; or
- (2)  Multiple bankruptcy filings affecting the Property.
4.  Movant also seeks annulment of the stay so that the filing of the bankruptcy petition does not affect postpetition acts, as specified in the attached declaration(s).
5. **Evidence in Support of Motion: (Important Note: Declaration(s) in support of the Motion MUST be attached hereto.)**
- a.  Movant submits the attached declaration(s) on the court's approved forms (if applicable) to provide evidence in support of this motion pursuant to the LBR.
- b.  Other declaration(s) are also attached in support of this motion.
- c.  Movant requests that the court consider as admissions the statements made by Debtor under penalty of perjury concerning Movant's claims and the Property set forth in Debtor's schedules. Authenticated copies of the relevant portions of the schedules are attached as Exhibit \_\_\_\_\_.
- d.  Other evidence (specify): Deed of Trust attached hereto as **Exhibit "1"**, Assignments attached hereto as **Exhibit "2"**, A copy of the promissory note is attached hereto as **Exhibit "3"**, Broker Price Opinion attached hereto as **Exhibit "4"**, Payment History attached hereto as **Exhibit "5"** and Itemization of Costs and Advances attached hereto as **Exhibit "6"**
6.  **An optional Memorandum of Points and Authorities is attached to this motion.**

**WHEREFORE, Movant prays that the court issue an Order terminating or modifying the stay and granting the following (specify forms of relief requested):**

1. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable nonbankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. **Movant, or its agents, may, at its option, offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement. Movant, through its servicing agent, may contact the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be nonrecourse unless stated in a reaffirmation agreement.**
3.  Annulment of the stay so that the filing of the bankruptcy petition does not affect postpetition acts, as specified in the attached declaration(s).

4.  Additional provisions requested:
- a.  That the 14-day stay described by FRBP 4001(a)(3) is waived.
  - b.  That Extraordinary Relief be granted as set forth in the Attachment (*attach optional LBR Form F 4001-1.EXT.RELIEF.ATTACH*).
  - c.  For other relief requested, see attached continuation page.
5. If relief from stay is not granted, Movant respectfully requests the court to order adequate protection.

Date: 5/15/2014

Respectfully submitted,

The Bank of New York Mellon Trust Company, N.A., as  
Trustee for Chase Mortgage Finance Corporation Multi-  
Class Mortgage Pass-Through Certificates ChaseFlex  
Trust, Series 2007-3, its assignees and/or successors  
\_\_\_\_\_  
Printed name of Movant

McCarthy & Holthus, LLP  
\_\_\_\_\_  
Printed name of attorney for Movant (if applicable)

/s/ Kelly M. Raftery  
\_\_\_\_\_  
Signature

Kelly M. Raftery, Esq.  
\_\_\_\_\_  
Printed name of individual Movant or attorney for Movant

**REAL PROPERTY DECLARATION**

I, Yesenia Villagomez, declare as follows  
(Print Name of Declarant)

1. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto. I am over 18 years of age. I have knowledge regarding Movant's interest in the real property that is the subject of this Motion (Property) because (specify):
  - I am the Movant and owner of the Property.
  - I manage the Property as the authorized agent for the Movant.
  - I am employed by Movant as (state title and capacity):
  - Other (specify): Employed by Servicing Agent, Select Portfolio Servicing, Inc., as a Document Control Officer
2. ~~I am~~ Select Portfolio Servicing, Inc. is one of the custodians of the books, records and files of Movant that pertain to loans and extensions of credit given to Debtor concerning the Property. I have personally worked on books, records and files, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge of them from the business records of Movant on behalf of Movant, which were made at or about the time of the events recorded, and which are maintained in the ordinary course of Movant's business at or near the time of the acts, conditions or events to which they relate. Any such document was prepared in the ordinary course of business of Movant by a person who had personal knowledge of the event being recorded and had or has a business duty to record accurately such event. The business records are available for inspection and copies can be submitted to the court if required.
3. The Movant is:
  - Original holder of the beneficial interest in the Property. A true and correct copy of a recorded proof of this interest is attached hereto as Exhibit \_\_\_\_\_ (e.g., deed of trust).
  - Assignee of the original holder of the beneficial interest in the Property. A true and correct copy of recorded proof of this interest is attached hereto as Exhibit 2 (e.g., allonge, assignment, et.al.).
  - Servicing or subservicing agent pursuant to a servicing agreement or other documented authorization to act as Movant for the owner of the beneficial interest. Attached hereto as Exhibit \_\_\_ is a true and correct copy of the relevant part of the document which reflects authority to act as Movant for the owner of the beneficial interest.
4. a. The address of the Property that is the subject of this Motion is:
 

Street address: 354 24th Street  
Unit/suite no.:  
City, state, zip code: Paso Robles, CA 93446

b. The legal description or document recording number (including county of recording) set forth in Movant's deed of trust is attached as Exhibit "1".

  - See attached page.
5. Type of property (check all applicable boxes):
 

a. <input type="checkbox"/> Debtor's principal residence	b. <input checked="" type="checkbox"/> Other single family residence
c. <input type="checkbox"/> Multi-unit residential	d. <input type="checkbox"/> Commercial
e. <input type="checkbox"/> Industrial	f. <input type="checkbox"/> Vacant land
g. <input type="checkbox"/> Other (specify):	

6. Nature of Debtor's interest in the Property:

- a.  Sole owner
- b.  Co-owner(s) (specify):
- c.  Lien holder (specify):
- d.  Other (specify): The Borrower (Karen Guth) is a former principal with this company (Estate Financial Inc, Debtor) and she is listed on page 531 of the schedules filed in this case.
- e.  Debtor  did  did not list the Property in the schedules filed in this case.
- f.  Debtor acquired the interest in the Property by  grant deed  quitclaim deed  trust deed

The deed was recorded on: 03/01/2007

7. Amount of Movant's claim with respect to the Property:

	<u>PREPETITION</u>	<u>POSTPETITION</u>	<u>TOTAL</u>
a. Principal:	\$	\$	\$308,000.00
b. Accrued interest:	\$	\$	\$119,619.19
c. Late charges:	\$	\$	\$0.00
d. Costs (attorney's fees, other costs):	\$	\$	\$1,276.00
e. Advances (property taxes, insurance):	\$	\$	\$49,927.11
f. Less suspense account or partial balance paid:	\$	\$	\$0.00
g. TOTAL CLAIM as of: 04/25/2014	\$	\$	\$478,822.30
h. <input type="checkbox"/> Loan is all due and payable because it matured on (specify date):			

8. Movant holds a  deed of trust  judgment lien  other (specify) that encumbers the Property.

- a. A true and correct copy of the document as recorded is attached as **Exhibit "1"**.
- b. A true and correct copy of the promissory note or other document that evidences the Movant's claim is attached as **Exhibit "3"** which is a copy of the promissory note.
- c.  A true and correct copy of the assignment(s) transferring the beneficial interest under the note and deed of trust to Movant is attached as **Exhibit "2"**.

9. Status of Movant's foreclosure actions relating to the Property (fill the date or check the box confirming no such action has occurred):

- a. Notice of default recorded on the following date: \_\_\_\_\_ or none recorded
- b. Foreclosure sale originally scheduled for the following date: \_\_\_\_\_ or none scheduled
- c. Foreclosure sale currently scheduled for the following date: \_\_\_\_\_ or none scheduled
- d. Foreclosure sale already held on the following date: \_\_\_\_\_ or none held
- e. Trustee's deed on sale already recorded on the following date: \_\_\_\_\_ or none recorded

10. Attached (optional) hereto as **Exhibit "5"** is a true and correct copy of a POSTPETITION statement of account that accurately reflects the dates and amounts of all charges assessed to and payments made by the Debtor since the petition date.

11.  (chapter 7 and 11 cases only):

Status of Movant's loan:

- a. Amount of current monthly payment: \$2,306.10 for the month of 04/01/2014.
- b. Number of payments that have come due and were not made: 67. Total amount: \$189,008.22

c. Future payments due by time of anticipated hearing date (if applicable):  
An additional payment of \$2,306.10 will come due on 05/01/2014, and on the 1st day of each month thereafter. If the payment is not received within 15 days of said due date, a late charge of \$0.00 will be charged to the loan.

- d. The fair market value of the entire Property is \$270,000.00, established by:
- Appraiser's declaration with appraisal is attached herewith as Exhibit \_\_\_\_\_.
  - A real estate broker or other expert's declaration regarding value is attached as Exhibit \_\_\_\_\_.
  - A true and correct copy of relevant portion(s) of Debtor's schedules attached as Exhibit \_\_\_\_\_.
  - Other (specify): Exhibit "4" Broker Price Opinion

e. Calculation of equity in Property:  
Based upon  preliminary title report  Debtor's admissions in the schedules filed in this case, the Property is subject to the following deed(s) of trust or lien(s) in the amounts specified securing the debt against the Property:

	<u>Name of Holder</u>	<u>Amount as Scheduled by Debtor (if any)</u>	<u>Amount known to Declarant and Source</u>
1st deed of trust:	Movant	0.00	478,822.30
2nd deed of trust:			
3rd deed of trust:			
Judgment liens:			
Taxes:			
Other:			

**TOTAL DEBT: \$ 478,822.30**

- f. Evidence establishing the existence of the above deed(s) of trust and lien(s) is attached as Exhibit "1" and consists of:
- Preliminary title report
  - Relevant portions of Debtor's schedules as filed in this case
  - Other (specify): Deed of Trust attached hereto as Exhibit "1"
- g. Subtracting the deed(s) of trust and other liens(s) set forth above from the value of the Property as set forth in Paragraph 11d above, the Debtor's equity in the Property is \$(208,822.30) (§ 362(d)(2)(A)).
- h. The value of the "equity cushion" in the Property exceeding Movant's debt and any lien(s) senior to Movant is \$(208,822.30) (§ 362(d)(1)).
- i. Estimated costs of sale: \$21,600.00 (estimate based upon 8% of estimated gross sales price)
- j. The fair market value of the Property is declining based on or due to:

12.  (Chapter 12 and 13 cases only)

Chapter 12 or 13 case status information:

- a. A 341(a) meeting is currently scheduled for (or concluded on) the following date:  
Confirmation hearing currently scheduled for (or concluded on) the following date:  
Plan was confirmed on the following date (if applicable):



b. Postpetition payments due BUT REMAINING UNPAID since the filing of the case:

(Number of)	payment(s) due at	\$	Each =	\$
(Number of)	payment(s) due at	\$	Each =	\$
(Number of)	payment(s) due at	\$	Each =	\$
(Number of)	payment(s) due at	\$	Each =	\$
(Number of)	late charges at	\$	Each =	\$
(Number of)	late charges at	\$	Each =	\$
(Number of)	late charges at	\$	Each =	\$
(Number of)	late charges at	\$	Each =	\$

(See attachment for additional breakdown or information attached as Exhibit \_\_\_\_.)

c. Postpetition advances or other charges due but unpaid: \$  
 (See attachment for details of type and amount attached as Exhibit \_\_\_\_.)

d. Attorneys' fees and costs \$  
 (See attachment for details of type and amount attached as Exhibit \_\_\_\_.)

e. Less suspense account or partial paid balance \$[ ]

TOTAL POSTPETITION DELINQUENCY: \$

f. Future payments due by time of anticipated hearing date (if applicable):  
 An additional payment of \$\_\_\_\_\_ will come due on \_\_\_\_\_, and on the \_\_\_\_\_ day of each month thereafter. If the payment is not received by the \_\_\_\_\_ day of the month, a late charge of \$\_\_\_\_\_ will be charged to the loan.

g. Amount and date of the last 3 postpetition payments received in good funds, regardless of how applied, from the Debtor, if applicable:

\$ \_\_\_\_\_ received on \_\_\_\_\_  
 \$ \_\_\_\_\_ received on \_\_\_\_\_  
 \$ \_\_\_\_\_ received on \_\_\_\_\_

h.  The claim is provided for in the chapter 12 or 13 Plan. Plan payment history is attached as Exhibit \_\_\_\_.

i.  See attached declaration(s) of Chapter 12 or 13 Trustee regarding receipt of payments under the plan (attach LBR Form F 4001-1.DEC.AGENT.TRUSTEE).

13.  Movant has not been provided with evidence that the Property is currently insured, as required under the terms of the loan.

14.  The court determined on \_\_\_\_\_ that the Property qualifies as "single asset real estate" as defined in 11 U.S.C. § 101(51B). More than 90 days have passed since the filing of the petition, more than 30 days have passed since the court determined that the Property qualifies as single asset real estate; the Debtor has not filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; or the Debtor has not commenced monthly payments to Movant as required by 11 U.S.C § 362(d)(3).

15.  See attached continuation page for facts establishing that the bankruptcy case was filed in bad faith to delay, hinder, and or defraud Movant.

16.  The filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved:

- a.  The transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval. See attached continuation page for facts establishing the scheme.
- b.  Multiple bankruptcy filings affecting the Property. The multiple bankruptcy filings include the following cases:

1. Case name: \_\_\_\_\_ Chapter: \_\_\_\_\_  
 Case number: \_\_\_\_\_ Date dismissed: \_\_\_\_\_ Date discharged: \_\_\_\_\_  
 Date filed: \_\_\_\_\_

Relief from stay re this Property  was  was not granted.

2. Case name: Chapter:  
Case number: Date dismissed: Date discharged:  
Date filed:  
Relief from stay re this Property  was  was not granted.

3. Case name: Chapter:  
Case number: Date dismissed: Date discharged:  
Date filed:  
Relief from stay re this Property  was  was not granted.

See attached continuation page for more information about other bankruptcy cases affecting the Property.

See attached continuation page for facts establishing that the multiple bankruptcy cases were part of a scheme to delay, hinder, and defraud creditors.

17.  Movant seeks annulment of the automatic stay so that the filing of the bankruptcy petition does not affect any and all of the enforcement actions set forth in paragraph 8 above that were taken after the filing of the bankruptcy petition in this case.

a.  These actions were taken by Movant without knowledge of the bankruptcy filing, and Movant would have been entitled to relief from stay to proceed with these actions.

b.  Although Movant knew about the bankruptcy filing, Movant had previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting this Property as set forth in Exhibit \_\_\_\_\_ attached hereto.

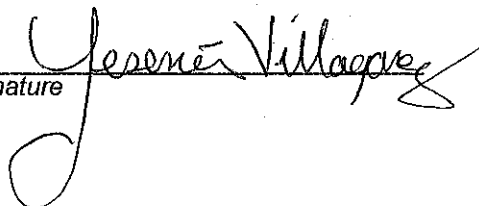
c.  For other facts justifying annulment, see attached continuation page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

M/DECLARATION\_SHEET

4/30/14  
Date

Yesenia Villagomez  
Printed name  
Document Control Officer

  
Signature

Select Portfolio Servicing, Inc.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1770 Fourth Avenue  
San Diego, CA 92101

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (WITH SUPPORTING DECLARATIONS) REGARDING REAL PROPERTY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 5/15/2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

UNITED STATES TRUSTEE  
ustpregion16.nd.ecf@usdoj.gov

DEBTOR ATTORNEY  
William C Beall  
will@beallandburkhardt.com

TRUSTEE  
Thomas P Jeremiassen  
tjeremiassen@brg-expert.com

TRUSTEE COUNSEL  
Samuel R Maizel  
smaizel@pszjlaw.com

TRUSTEE COUNSEL  
Larry W Gabriel  
lgabriel@ebg-law.com

Robert B Orgel  
rorgel@pszjlaw.com

Steven T Gubner  
sgubner@ebg-law.com

David M Poitras  
dpoitras@jmbm.com

David A Juhnke  
docket@sjlmlaw.com

Peter Susi  
kim@susigura.com

Jeffrey L Kandel  
jkandel@pszjlaw.com

Corey R Weber  
ecf@ebg-law.com

Kelly A Woodruff  
kwoodruff@fbm.com

Service information continued on attached page

### 2. **SERVED BY UNITED STATES MAIL:**

On (date) 5/15/2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR - Estate Financial Inc, 806 9th St Ste 1A, Paso Robles, CA 93446

BORROWER - Karen Guth, 354 24th Street, Paso Robles, CA 93446

JUDGE'S COPY - The Honorable Judge Peter Carroll, 1415 State Street, Suite 201, Santa Barbara, CA 93101

TRUSTEE COUNSEL - Roger Frederickson, Sinsheimer, Juhnke, Lebens & Mclvor, 1010 Peach St, San Luis Obispo, CA 93401

Service information continued on attached page

### 3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method

for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

5/15/2014

*Date*

David Fry

*Printed Name*

/s/ David Fry

*Signature*

**ADDITIONAL SERVICE INFORMATION**

JUDGE'S COPY

The Honorable Judge Peter Carroll  
1415 State Street, Suite 201  
Santa Barbara, CA 93101

TRUSTEE COUNSEL

Roger Frederickson  
Sinsheimer, Juhnke, Lebens & McIvor  
1010 Peach St, San Luis Obispo, CA 93401

COUNSEL FOR US TRUSTEE

Brian D Fittipaldi  
Office of the US Trustee  
128 E Carrillo St  
Santa Barbara, CA 93101

SPECIAL NOTICE

Lewis R. Landau  
23564 Calabasas Road Suite 104  
Calabasas, CA 91302

Louise Kalsham  
440 Kerwin  
Cambria, CA 93428

David Gould  
23801 Calabasas Road  
Suite 2032  
Calabasas, CA 91302

Michaelson, Susi & Michaelson  
Centennial Livestock  
Seven West Figueroa Street, 2nd Floor  
Santa Barbara, CA 93101

Investment Trends LLC  
4455 Via Bendita  
Santa Barbara, CA 93110

Robert E. Hurlbett  
Hurlbett & Faucher  
3324 State St Ste O  
Santa Barbara, CA 93105

Robert B Orgel  
Pachulski Stang Ziehl & Jones LLP  
10100 Santa Monica Blvd 13th Floor  
Los Angeles, CA 90067

Jerome S. Cohen  
3731 Wilshire Blvd Suite 514  
Los Angeles, CA 90010

Mark E Aronson, Esq  
Anderson, McPharlin & Connors LLP  
444 South Flower Street, 31st Floor  
Los Angeles, CA 90071

The Investment Company  
139 Via Fuchsia  
Paso Robles, CA 93446

Johnathan R Zeko  
Grant & Zeko APC  
1331 India Street  
San Diego, CA 92101

Sidney H Zusman  
465 California Street # 500  
San Francisco, CA 94104

James L Brunello  
POB 4155  
El Dorado Hills, CA 95762

Stan Young  
1084 Trails End Drive  
Placerville, CA 95667

Todd M Wolfe  
1777 East Los Angeles Avenue # 201  
Simi Valley, CA 93065

James Adams  
826 Vales Street  
Santa Barbara, CA 93109

William H. Adams  
c/o Jerome S. Cohen  
3731 Wilshire Boulevard Suite 514  
Los Angeles, CA 90010

Michael Adler  
c/o Goe & Forsythe, LLP  
18101 Von Karman Avenue  
Suite 510  
Irvine, CA 92612

Lorraine Marie Alltounian  
P. O. Box 403  
Pismo Beach, CA 93448

Alvand Construction  
10413 Torre Avenue, Suite 700  
Cupertino, CA 95014

Charles & Debra Applebaum  
P.O. Box 297  
Freeland, CA 98249

BSB Design Inc  
6601 Westown Parkway Suite 240  
West Des Moines, IA 50266

Bernard L. Baker  
438 Via De La Luz  
Thousand Oaks, CA 91320

Carolyn A. Baker  
438 Via De La Luz  
Thousand Oaks, CA 91320

Linda A Barlow  
2700 North Main Street # 850  
Santa Ana, CA 92705

Karen A. Barstow  
930 Brookhill Rdoad  
Paso Robles, CA 93446

Sherri G Bell  
245 Kendal Lane  
Cambria, CA 93428

Jeffrey L Kandel  
10100 Santa Monica Blvd 13th Floor  
Los Angeles, CA 90067

Andrew Berwick  
819 Chelham Way  
Santa Barbara, CA 93108

Bond Safeguard Insurance Company  
444 South Flower Street  
Thirty-First Floor  
Los Angeles,, CA 90071

Adam M Daner  
Daner Law Firm, APLC  
Brian Wilson Construction Company Inc  
5855 Capistrano Avenue  
Suite G  
Atascadero, CA 93422

Ann Brown  
10624 Colorado Road  
Atascadero, CA 93422

Cheryl Brown  
4773 Bodega Avenue  
Petaluma, CA 94952

Bryan Cave LLP  
120 Broadway, Suite 300  
Santa Monica, CA 90401

Elizabeth Anne Butterworth  
721 Jasmine  
Corona del Mar, CA 92625

Lorraine Cagliero  
c/o Farmer & Ready  
1254 Marsh Street  
San Luis Obispo, CA 93401

Calaveras Lumber Company  
c/o Steven S Altman  
1127 12th Street Suite 104  
Modesto, CA 95353

California Plastering Inc  
1777 East Los Angeles Avenue Suite 201  
Simi Valley, CA 93065

Robert Clark  
1701 Fern Hollow Drive  
Diamond Bar, CA 91765

Steven T Gubner  
Ezra Brutzkus & Gubner  
21650 Oxnard Street  
Suite 500  
Woodland Hills, CA 91367

Consolidated Propertys  
P.O. Box 1927  
Porterville, CA 93258

Mark Bradshaw  
26632 Towne Centre Suite 300  
Foothill Ranch, CA 92610

Patricia Cullinan  
13505 Old Morro Road  
Atascadero, CA 93422

Jina A Nam  
18000 Studebaker Road Suite 700  
Cerritos, CA 90703

Donna L Wobber  
560 Grove Acre Avenue  
Pacific Grove, CA 93950

Scott Drimmel  
c/o Lang, Richert & Patch  
P.O. Box 40012  
Fresno, CA 93755

Estate Financial Inc  
806 9th Street Suite 1A  
Paso Robles, CA 93446

Farella Braun + Martel LLP  
c/o Mark D Petersen  
235 Montgomery Street  
San Francisco, CA 94104

Florsheim Homes LLC  
c/o Duane Morris LLP  
101 West Broadway, Suite 900  
San Diego, CA 92101



Gary Schaeffer  
P.O. Box 2376  
Atascadero, CA 93423

George and Cathy Hoxie  
3386 Herrier Street  
Oakland, CA 94602

Robert P Goe  
Goe & Forsythe LLP  
18101 Von Karman Avenue Suite 510  
Irvine, CA 92612

Karen Guth  
26632 Towne Centre Suite 300  
Foothill Ranch, CA 92610

Haribol Siddhadas  
3030 Calle Rosales  
Santa Barbara, CA 93105

Highwater Granada Hills, LLC  
c/o Byron Z. Moldo, Esq.  
2029 Century Park East, 21st Floor  
Los Angeles, CA 90067

David R Haberbush  
J&S Excavating, Inc.  
444 West Ocean Blvd Suite 1400  
Long Beach, CA 90802

JPMorgan Chase Bank, National Association  
c/o BDFTW  
20955 Pathfinder Road Suite. 300  
Diamond Bar, CA 91765

Kathleen Scott IRA  
Petitioning Creditor  
6528 Nancy Rd  
Rancho Palos Verdes, CA 90275

James W. Kimball  
1401 Higuera  
San Luis Obispo, CA 93401

Kurt G Stone  
126 Longfellow Court  
Thousand Oaks, CA 91360

LECG LLC  
2049 Century Park East Suite 2300  
Los Angeles, CA 90067

Lance E Mason  
1212 Calle Cerrito  
Santa Barbara, CA 93101

Lauderdale Law Offices  
150 Carmelito Avenue  
Monterey, CA 93940

MACC Foundation  
c/o Goe & Forsythe, LLP  
18101 Von Karman Avenue Suite 510  
Irvine, CA 92612

MKA Real Estate Opportunity Fund I, LLC, and  
650 Town Center Drive, Suite 950  
Costa Mesa, CA 92626

Marilynn M Hanson  
5030 Vineyard Drive  
Paso Robles, CA 93446

Gail Marshall-Arnold  
515 Vardon Court  
Nipomo, CA 93444

Mattos Underground Construction  
c/o Dias Law Firm  
502 W Grangeville Blvd  
Hanford, CA 93230

Jack Montague  
2679 Harbor Boulevard  
Ventura, CA 93003

Charles W Murray  
2853 Johnson Avenue  
San Luis Obispo, CA 93401

Orange RE Recovery Limited  
780 3rd Avenue, 32 Floor  
New York, NY 10017

Carol Pimentel  
3 Vineyard Place  
Ashville, NC 2880

Pippin LLC  
Petitioning Creditor  
POB 702  
Beverly Hills, CA 90213

San Bernardino County Tax Collector  
Romero Law Firm  
6516 Bright Avenue  
Whittier, CA 90601

Scott and Bonnie Drimmel  
22704 NE 182nd Avenue  
Battle Ground, WA 98604

Steven C Smith  
Smith, Chapman & Campbell  
1800 North Broadway, Suite 200  
Santa Ana, CA 92706

State Comp Ins Fund  
PO Box 9102  
Pleasanton, CA 94566

Tom Besmer Construction Inc  
c/o Jeffrey D Rowe Esquire  
23377 West Shaw Avenue Suite 101  
Fresno, CA 93711

US Bank, National Association  
4375 Jutland Drive, Suite 200  
P.O. Box 17933  
San Diego, CA 92177

Alice E. White  
158 Via Robles  
Paso Robles, CA 93446

Kenneth D Willett  
786 Oxen Street  
Paso Robles, CA 93446

Shane Williams  
2259 Florence Avenue  
San Luis Obispo, CA 93401

Robyn B Sokol  
Ezra Brutzkus Gubner LLP  
21650 Oxnard St Ste 500  
Woodland Hills, CA 91367

Steve Gardality  
Petitioning Creditor  
3542 Jasmine Crest  
Encinitas, CA 92024

1994 Scott Revocable Trust, The 1994 James E Scott & Kathleen A Scott Revocable Trust  
Petitioning Creditor  
6528 Nancy Rd  
Rancho Palos Verdes, CA 90275

San Dimas 18 LLC  
Petitioning Creditor  
POB 702  
Beverly Hills, CA 90213

Martin J Brill  
10250 Constellation Blvd Ste 1700  
Los Angeles, CA 90067

**LARGEST UNSECURED CREDITORS**

Estate Financial Mortgage Fund, LLC  
333 S. Grand Ave.  
Los Angeles, CA 90071

Conselho Supremo sa Sociedade do Espirito Santo  
PO Box 247  
Santa Clara, CA 95052

Jim W. Davis  
PO Box 15  
Lemoore, CA 93245

John L Sommer  
5094 Avenida Hacienda  
Tarzana, CA 91356

Thomas K Schultheis  
4455 Via Bendita  
Santa Barbara, CA 93110

Burdette H. Andresen and Georgina C. Andresen  
565 Oak Lane  
Paso Robles, CA 93447

Clifford Andreas Munk  
PO Box 433  
Paso Robles, CA 93447

Frances L. Bellis, IRA  
PO Box 548  
Paso Robles, CA 93447

Marilynn M. Hanson  
5030 Vineyard Dr  
Paso Robles, CA 93446

Donna & Robert Berg Foundation  
5161 Vineyard Dr  
Paso Robles, CA 93446

Melvin L. DeYoung & Marjorie L. DeYoung  
312 Travis Dr  
Los Osos, CA 93402

Nancy Lee Missakian Trotter  
3901 Laguna Blanca Dr  
Santa Barbara, CA 93110

John G. Henry, M.D.  
1905 Hidden Valley Road  
Templeton, CA 93465

Robin and Rosie Fairbairn  
2195 Cloudy Meadow Rd  
Templeton, CA 93465

Brian Cave, LLP  
120 Broadway Ste 300  
Santa Monica, CA 90401

Marjorie L. Jacobsen  
261 Leighton  
Cambria, CA 93428

Lorraine Cagliero  
76362 Vineyard Cyn Rd  
San Miguel, CA 93451

Richard G Alvarez & Patricia A Alvarez  
4750 N Engleheart Ave  
Reedley, CA 93654

Clavis Development International, LLC  
300F Danville Blvd Ste 547  
Alamo, CA 94507

Russell F. Beglau  
6030 Kathy Court  
San Luis Obispo, CA 93401

**Continuation Sheet**

**Item 4 c., Page 5 – Other Relief Requested**

There are two references in Debtor's schedules to Borrower Karen Guth. The first one being list in Schedule B with regard to a life insurance policy, and the second in the General Notes to Schedules of Assets and Liabilities and Statement of Financial Affairs where it states that Karen Guth is a former principal of Estate Financial Inc. Please see schedule B attached here to as **Exhibit "7"** and General Notes to Schedules of Assets and Liabilities and Statement of Financial Affairs attached hereto as **Exhibit "8"**. Nowhere in the schedules is the subject property referenced.

Due to the potential stay as to Borrower Karen Guth and her involvement in this instant bankruptcy Movant is unable to proceed with its state law remedies including foreclosure on the subject property. If the court determines that no stay exists as to Borrower Karen Guth and/or the subject property, Movant would still request an order from the court confirming that there is no stay in affect as to Borrower Karen Guth and/or the subject property.

**Item 7 d. and 7 e., Page 7 - Costs (Attorney's Fees, Other Costs)**

Attached is a full itemization of the Costs and Advances. **See Exhibit "6"**.

The entity has the right to foreclose in the name of: The Bank of New York Mellon Trust Company, N.A., as Trustee for Chase Mortgage Finance Corporation Multi-Class Mortgage Pass-Through Certificates ChaseFlex Trust, Series 2007-3.