Attorney or Party Name, Address, Telephone & Fax Numbers, and California State Bar Number Wright, Finlay & Zak, LLP Donna L. LaPorte, Esq. SBN 93428 Nichole L. Glowin, Esq. SBN 262932 4665 MacArthur Court, Ste. 280 Newport Beach, CA 92660 Tel: 949-477-5050 Fax: 949-477-9200 Individual appearing without counsel Attorney for Movant: National Bank of Arizona, a national banking association	FOR COURT USE ONLY FILED & ENTERED SEP 16 2009 CLERK U.S. BANKRUPTCY COURT Central District of California BY mccall DEPUTY CLERK CHANGES MADE BY COURT	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA		
In re:	CHAPTER: 11	
JAMES C. GIANULIAS	CASE NO.: 8:08-13150-RK	
Debtor(s).	DATE: 9/8/09 TIME: 10:30 am CTRM: 5D FLOOR: 5th	
UNDER 11 U.S.C. § 362 (Re (MOVANT: National Bank of Arizona, a nat 1. The Motion was: Contested Uncontested The Motion offects the following real property ("Property"):	• • • •	
 The Motion affects the following real property ("Property"): Street Address: 12553 Settlers Lane Apartment/Suite No.: City, State, Zip Code: Truckee, California 96161 Legal description or document recording number (including county of recording): THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE TOWN OF TRUCKEE, COUNTY OF NEVADA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: 		
Lot R38 of Old Greenwood Phase 1 as per map recorded November 3, 20 County Records.	003, in Book 8 of Subdivisions, at Page 111, Nevada	
See attached page.		
3. The Motion is granted under:	C. § 362(d)(2)	
 4. As to Movant, its successors, transferees and assigns ("Movant"), the stay of 11 U.S.C. § 362(a) is: a. X Terminated as to Debtor(s) and Debtor's(s') bankruptcy estate. b. Annulled retroactively to the date of the bankruptcy petition filing. c. Modified or conditioned as set forth in Exhibit to this Order. 		
5. Movant may enforce its remedies to foreclose upon and obtain possession of the Property in accordance with applicable non-bankruptcy law, but may not pursue any deficiency claim against the Debtor(s) or property of the estate except by filing a Proof of Claim pursuant to 11 U.S.C. § 501.		

(This Order is continued on next page)

Order on Motion for Relief from Stay (Real Property) - Page 2 of 5 In re: CHAPTER 11 JAMES C. GIANULIAS Debtor(s). CASE NUMBER 08-13150-RK Movant shall not conduct a foreclosure sale before the following date (specify): The stay shall remain in effect subject to the terms and conditions set forth in the Adequate Protection Attachment to this In chapter 13 cases, the trustee shall not make any further payments on account of Movant's secured claim after entry of this Order. The secured portion of Movant's claim is deemed withdrawn upon entry of this Order without prejudice to Movant's right to file an amended unsecured claim for any deficiency. Absent a stipulation or order to the contrary, Movant shall return to the trustee any payments received from the trustee on account of Movant's secured claim after entry of this Order. The filing of the petition was part of a scheme to delay, hinder and defraud creditors that involved either: transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval. multiple bankruptcy filings affecting the Property. If recorded in compliance with applicable state laws governing notices of interest or liens in the Property, this Order is binding and effective under 11 U.S.C. § 362(d)4(A) and (B) in any other bankruptcy case purporting to affect the Property filed not later than two (2) years after the date of entry of this Order, except that a debtor in a subsequent bankruptcy case may move for relief from this Order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local governmental unit that accepts notices of interests or liens in real property shall accept a certified copy of this Order for indexing and recording. 10. This Court further orders as follows: This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code. The 10-day stay provided by Bankruptcy Rule 4001(a)(3) is waived. ☐ The provisions set forth in the Extraordinary Relief Attachment shall also apply (attach Optional Form F 4001-10-ER).

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DATED: September 16, 2009

See attached continuation page for additional provisions.

United States Bankruptcy Judge

In re: JAMES C. GIANULIAS Debtor(s).	CHAPTER: 11
	Debtor(s).

NOTE: When using this form to indicate service of a proposed order, DO NOT list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

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: 4665 MacArthur Court, Ste 280, Newport Beach, Ca 92660 A true and correct copy of the foregoing document described ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (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 indicated below: I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below: ☐ Service information continued on attached page II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On 9/11/09 I served the following person(s) and/or entity(ies) at the last known address(es) 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/or with an overnight mail service 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. Honorable Robert Kwan Service information continued on attached page III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on I served the following person(s) and/or entity(ies) by personal delivery, 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 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 of America that the foregoing is true and correct. /s/ Jennifer Nguyen Signature Jennifer Nguyen Type Name Date

F 4001-10.RP January 2009

In re:
JAMES C. GIANULIAS

CHAPTER: 11

CASE NUMBER: 08-13150-RK

ADDITIONAL SERVICE INFORMATION (

James C. Gianulias 1105 Quail St. Newport Beach, CA 92660

Capital Drywall, LP c/o Hines Smith Carder 3080 Bristol St Ste 540 Costa Mesa, CA 92626

Peter L Duncan 401 B St Ste 1500 San Diego, CA 92101

Gateway Insulation, Inc. c/o Hines Smith Carder 3080 Bristol St Ste 540 Costa Mesa, CA 92626

Gateway Plastering, Inc. c/o Hines Smith Carder 3080 Bristol St Ste 540 Costa Mesa, CA 92626

John D Klinedinst Klinedinst PC 501 W Broadway Ste 600 San Diego, CA 92101

Lanak & Hanna P C 400 N Tustin Ave Santa Ana, CA 92705-3815

Lantex Landscape Architecture Inc 28052 Camino Capistrano Ste 211 Laguna Niguel, CA 92677 William N. Lobel 840 Newport Center Drive Ste 750 Newport Beach, CA 92660

William N. Lobel Irell & Manella LLP 840 Newport Center Dr, Ste 400 Newport Beach, CA 92660-6324

PNC Bank, National Association Polsinelli Shalton Flanigan Suelthaus PC Daniel J Flanigan 700 W 47th St Ste 1000 Kansas City, MO 64112

Lori Scott 1301 Fifth Ave Ste 3100 Seattle, WA 98101

Squire, Sanders & Dempey LLP Patrick Fields 555 S. Flower Street 31st Floor Los Angeles, CA 90071-2300

Squire, Sanders & Dempsey LLP Sean T. Cork 40 N. Central Ave., #2700 Phoenix, AZ 85004

Linda Watanabe-Mitchell David Evans and Associates Inc 320 SW Upper Terrace Dr Ste 200 Bend, OR 97702

January 2009

In re: JAMES C. GIANULIAS Debtor(s).	CHAPTER: 11
	Debtor(s).

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (REAL PROPERTY)** was entered on the date indicated as Entered on the first page of this judgment or order and will be served in the manner indicated below:

- I. <u>SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")</u> Y Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of **September 16, 2009**, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.
 - Michael J Hauser michael.hauser@usdoj.gov
 - Alan J Friedman afriedman@irell.com

 James E Till jtill@thelobelfirm.com, CSolorzano@thelobelfi Mike D Neue mneue@thelobelfirm.com, csolorzano@thelo Kerri A Lyman klyman@irell.com Donna L La Porte vcorbin@wrightlegal.net, gtran@wrightle 	belfirm.com
I	☐ Service information continued on attached page
II. <u>SERVED BY THE COURT VIA U.S. MAIL:</u> A copy of this notice a United States Mail, first class, postage prepaid, to the following persbelow:	
Debtor James C Gianulias 1105 Quail St Newport Beach, CA 92660	
I	☐ Service information continued on attached page
III. TO BE SERVED BY THE LODGING PARTY: Within 72 hours at bears an Entered stamp, the party lodging the judgment or orde stamp by U.S. Mail, overnight mail, facsimile transmission or email a following person(s) and/or entity(ies) at the address(es), facsimile indicated below:	r will serve a complete copy bearing an Entered nd file a proof of service of the entered order on the
	☐ Service information continued on attached page

January 2009 F 4001-10.RP

CERTIFICATE OF NOTICE

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Newport Beach, CA 92660-6323
                                 +Alan J Friedman, 840 Newport Center Dr Ste 400, Newport Beach, CA 92660-6323
+Andrew K Mauthe, 7700 Irvine Center Dr Ste 800, Irvine, CA 92618-3047
aty
                                 +Andrew K Mauthe, 7700 Irvine Center Dr Ste 800, Irvine, CA 92618-3047
+Anthony J Rothman, Esq, 1901 Avenue of the Stars 2nd FL, Los Angeles, CA 90067-6001
aty
aty
                                 +Cassandra J Richey, Polk Prober & Raphael ALC, 20750 Ventura Blvd Ste 100, Woodland Hills, CA 91364-6207
aty
                                Christopher O Rivas, Reed Smith LLP, 355 S Grand Ave Ste 2900, Lot +Daniel A Lev, 333 S Hope St 35th Fl, Los Angeles, CA 90071-1406 +Daniel Denny, 333 S Grand Ave, Los Angeles, CA 90071-1504 +David K Eldan, 555 S Flower St 30th Fl, Los Angeles, CA 90071-2300 +Donna L La Porte, Wright Finlay & Zak, LLP, 4665 MacArthur Ct Ste 2 Newport Beach, CA 92660-1811 +Flissa Miller, 333 S Hope St 35th Fly Los Angeles, CA 90071-1406
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                                 +Elissa Miller, 333 S Hope St 35th Flr, Los Angeles, CA 90071-1406
+Hamid R Rafatjoo, Pachulski Stang Ziehl & Jones LLP, 10100 Santa I
Los Angeles, CA 90067-4111
atv
                                                                                                                                                                                   10100 Santa Monica Blvd Ste 1100,
aty
                                 +James E Till, 601 S Figuroa St 30th Fl, Los Angeles, CA 90017-5704
+Jess R Bressi, 19800 MacArthur Blvd Ste 500, Irvine, CA 92612-2480
+John B Acierno, 4375 Jutland Dr Ste 200, PO Box 17933, San Diego
aty
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                                                                                                                                                                                           San Diego, CA 92177-7921
                                 +John D Klinedinst, Klinedinst PC, 501 W Broadway Ste 600, San Diego, CA 92101-3584 John D Schlotter, 1544 Old Alabama Rd, Roswell, GA 30076-2102 +John H Wunsch, Wells Fargo Bank NA, 21680 Gateway Center Dr Ste 280,
aty
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aty
                                Diamond Bar, CA 91/05-2133

Jon M Chatalian, Office of the Chief Counsel, Washington, DC 20005-4026

+Jose A Garcia, 4375 Jutland Dr Ste 200, San Diego, CA 92117-3600

Joshua D Wayser, 2029 Century Park East, Ste 2600, Los Angeles, CA 90067-3012

+Lanak & Hanna P C, 400 N Tustin Ave, Santa Ana, CA 92705-3813

Lance N Jurich, Loeb & Loeb LLP, 10100 Santa Monica Blvd #2200, Los Angeles, CA 90067-4120

+Lei Lei Wang Ekvall, Weiland, Golden, et al., 650 Town Center Drive, Suite 950,
                                     Diamond Bar, CA 91765-2456
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                                +Lei Lei Wang Ekvall, Weiland, Golden, et al., 650 Town Center Drive, Suite Costa Mesa, CA 92626-7021
+Lei Lei Wang Ekvall, 650 Town Center Drive Ste 950, Costa Mesa, CA 92626-7021
+Leonard M Shulman, Shulman Hodges & Bastian LLP, 26632 Towne Ctr Dr Ste 300,
aty
atv
aty
                                     Foothill Ranch, CA 92610-2814
                                  +Lori Scott, 1301 Fifth Ave Ste 3100,
atv
                                +Lori Scott, 1301 Fifth Ave Ste 3100, Seattle, WA 98101-2649
Mark C Schnitzer, Reid & Hellyer APC, P O Box 1300, Riverside, CA 92502-1300
+Marsha A Houston, 355 S Grand Ave Ste 2900, Los Angeles, CA 90071-1514
+Martha E Romero, Romero Law Firm, 6516 Bright Ave, Whittier, CA 90601-4503
+Matthew S Walker, 12255 El Camino Real Ste 300, San Diego, CA 92130-4088
+Melissa Davis, 26632 Towne Centre Dr Ste 300, Foothill Ranch, CA 92610-2814
+Michael J Hauser, 411 W Fourth St #9041, Santa Ana, CA 92701-8000
+Mike D Neue, 840 Newport Center Dr Ste 750, Newport Beach, CA 92660-6364
+Paul J Couchot. Winthrop Couchot PC. 660 Newport Ctr Dri Ste 400.
                                                                                                                                          Seattle, WA 98101-2649
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                                 +Paul J Couchot, Winthrop Couchot PC, 660 Newport Ctr Dri Ste 400,
Newport Beach, CA 92660-6427
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                                 +Penelope Parmes, Rutan & Tucker LLP,
Costa Mesa, CA 92626-7005
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                                                                                                                                        611 Anton Blvd Fourteenth Flr,
                                 +Peter L Duncan, 401 B St Ste 1500, San Diego, CA 92101-4238
Randall P Mroczynski, Cooksey Toolen Gage Duffy & Woog, 535 Anton Blvd 10th Fl,
Costa Mesa, CA 92626-1947
Robert C Martinos 460 N Martinos 460 N Martinos
aty
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                                Costa Mesa, CA 92626-1947
Robert C Martinez, 460 N Magnolia Ave, Drawer 1466, El Cajon, CA 92022-1466
+Robert P Goe, Goe & Forsythe, LLP, 18101 Von Karman Ave Ste 510, Irvine, Ca 92612-7127
+Steven G Polard, 1620 26th St Ste 600 S Tower, Santa Monica, CA 90404-4075
+Steven Werth, SulmeyerKupetz, 333 S Hope St, Thirty-Fifth Flr, Los Angeles, CA 90071-1406
Susan S Davis, 2049 Century Park East Ste 2800, Los Angeles, CA 90067-3284
+Timothy J Silverman, Solomon Grindle Silverman & Spinell, 12651 High Bluff Dr Ste 300,
aty
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aty
                                      San Diego, CA 92130-2023
                                    Victor A Sahn, 333 S Hope St 35th Fl,
                                                                                                                                             Los Angeles, CA 90071-1406
aty
                                 +Whitman L Holt, 1901 Ave of the Stars 12th Fir, Los Angeles, CA 90067-6001
+United States Trustee (SA), 411 W Fourth St., Suite 9041, Santa Ana, CA 92701-8000
+BMC Group Inc, 444 N. Nash Street, El Segundo, CA 90245-2822
aty
consult
                                +BMC Group Inc, 444 N. Nash Street, EI Segundo, CA 90245-2822
+California Bank & Trust, c/o Peter L. Duncan, Esq., Pyle Sims Duncan & Stevenson 401 B Street, Suite 1500, San Diego, CA 92101-4238
+California National Bank, 221 South Figueroa Street, Los Angeles, CA 90012-2524
+Cameo Homes, 1105 Quail St, Newport Beach, CA 92660-2705
+Capital Drywall, LP, c/o Hines Smith Carder, 3080 Bristol St Ste 540,
Costa Mesa, CA 92626-7321
+Charlene H. Immell, Trustees of the M and C Immell Trust, c/o Michael W. Immell,
611 Anton Blyd., 14th Floor, Costa Mesa, CA 92626-7681
                                                                                                                                                                               Pyle Sims Duncan & Stevenson, APC,
ptcrd
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                                 +Charlene H. Immell, Trustees of the Main C Immell Hast, 6/0 Michael M. Immell, 611 Anton Blvd., 14th Floor, Costa Mesa, CA 92626-7681
+Chase Home Finance LLC - OHIO, its successors and/, 4375 Jutland Drive, Suite 200, P.O. Box 17933, San Diego, CA 92177-7921
+Croudace & Dietrich LLP, 4750 Von Karman Avenue, Newport Beach, CA 92660-2123
cr
gp
                                 +CHOULDER & DIETICH DEP, 4750 VOIR RATHMAIL AVENUE, Newport Beach, CA 92000-2123
+PAHL California, LLC, c/o Hamid R. Rafatjoo, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd., 11th Floor, Los Angeles, CA 90067-4003
+FTI CONSULTING INC, 633 West 5th Street, 16th Fl, Los Angeles, CA 90071-2005
+Famille Holdings L.P., 27675 Chapala, Mission Viejo, CA 92692-1236
intp
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                                 +Gateway Insulation, Inc.,
Costa Mesa, CA 92626-7321
                                                                                                        c/o Hines Smith Carder,
                                                                                                                                                                            3080 Bristol St Ste 540,
                                 +Gateway Plastering, Inc.,
                                                                                                        c/o Hines Smith Carder, 3080 Bristol St Ste 540,
                                      Costa Mesa, CA 92626-7321
                                 +Haskell & White LLP, 16485 Laguna Canyon Road, Third Floor, Irv
+Lantex Landscape Architecture Inc, 28052 Camino Capistrano Ste 211,
                                                                                                                                                                                                          Irvine, CA 92618-3837
intp
                                      Laguna Niguel, CA 92677-1107
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+Linda Watanabe-Mitchell, David Evans and Associates Inc, 320 SW Upper Terrace Dr Ste 200,
cr
                       Bend, OR 97702-1384
                    +Lucas Companies, Robert P. Goe, GOE & FORSYTHE, LLP, 660 Newport Center Drive, Suite 320, Newport Beach, CA 92660-6499
intp
                    +M.W. Housing Partners III LP,
ptcrd
                                                                     c/o Perkins Coie LLP, 1620 26th St 6th Fl,
                       Santa Monica, CA 90404-4075
                    +Marilyn Robbins Gianulias, c/o Rutan & Tucker LLP, 611 Anton Blvd Ste 1400,
cr
                       Costa Mesa, CA 92626-1931
                    +Michael W. Immell, Michael W. Immell and Charlene H. Immell,
intp
                       as trustees of the M and C Immell Trust,
                                                                                       c/o Michael W. Immell, 611 Anton Blvd., 14th Floor,
                       Costa Mesa, CA 92626-7681
                    +National Bank of Arizona, a national banking assoc, Wright, 4665 MacArthur Court, Ste 280, Newport Beach, CA 92660-1811
cr
                                                                                                       Wright, Finlay & Zak, LLP,
                                                                         Polsinelli Shalton Flanigan Suelthaus PC,
                    +PNC Bank, National Association,
                                                                                                                                         Daniel J Flanigan,
cr
                    +PNC Bank, National Association, Polsinelli Shalton Flanigan Suelthaus PC, Daniel J Flanigan 700 W 47th St Ste 1000, Kansas City, MO 64112-1805
+Pacific Mercantile Bank, c/o Shulman Hodges & Bastian LLP, 26632 Towne Centre Drive, Suite 300, Foothill Ranch, CA 92610-2814
+Pacific Western Bank, c/o David K. Eldan, Esq., Parker, Milliken, et al., 555 S. Flower St., 30th Fl., Los Angeles, CA 90071-2300
+Phillip and Janet Hamilton, Co-Trustees of Hamilton Family Trust, c/o Phillip D. Hamilton, 760 Wort 16th Street Suite C. Conta Mosc. (20 2267-4219)
cr
cr
intp
                       760 West 16th Street, Suite C, Costa Mesa, CA 92627-4319
                    +Riverside County Treasurer - Tax Collector Paul Mc, Romero Law Firm,
BMR Professional Building, 6516 Bright Ave., Whittier, CA 90601-4503
Squire, Sanders & Dempey LLP, Patrick Fields, 555 S. Flower Street,
Los Angeles, CA 90071-2300
cr
intp
                                                                                                                                       31st Floor,
                    +Squire, Sanders & Dempsey LLP,
                                                                       Sean T. Cork, 40 N. Central Ave., #2700,
intp
                       Phoenix, AZ 85004-4498
                    +Stutman Treister & Glatt Professional Corporation, 1901 Avenue of the Stars 12th Floor,
Los Angeles, CA 90067-6001
sp
                   +The Lobel Firm, LLP, 840 Newport Center Dr Ste 750, Newport Beach, CA 92660-6364

+Universal Bank, c/o Anthony Rothman, Rothman Law Offices, 1901 Avenue of the Stars,

2nd Floor, Los Angeles, CA 90067-6001

+Victor J Mahony, 2700 E. Adams Avenue, Orange, CA 92867-6240

+WELLS FARGO HOME MORTGAGE, PITE DUNCAN, LLP, 4375 Jutland Drive, Suite 200, P.O Box

San Diego, CA 9217-7921
cr
cr
                                                                                                4375 Jutland Drive, Suite 200, P.O Box 17933,
cr
                       San Diego, CA 92177-7921
                     Wachovia Bank, National Association, c/o Reed Smith LLP,
                                                                                                                355 South Grand Avenue, Suite 2900,
cr
                   Wallovia Baik, National Association, 6/6 Reed Smith LEP, 355 South Grand Avenue, Surface Los Angeles, CA 90071-1514

+Wells Fargo Bank, National Association, Office of the General Counsel, John H. Wunsch Wells Fargo & Company, 21680 Gateway Center Dr, Ste 280, Diamond Bar, CA 91765-2456
+c/o Susan S Davis Laing/Sequoia Partners LLC, Cox Castle & Nicholson LLP,
                                                                                                                                      John H. Wunsch,
cr
cr
                       2049 Century Park East Suite 2800, Los Angeles, CA 90067-3284
                    +c/o Susan S Davis South Banning Properties LLC,
                                                                                                Cox Castle & Nicholson,
cr
                       2049 Century Park East Suite 2800,
                                                                             Los Angeles, CA 90067-3284
The following entities were noticed by electronic transmission on Sep 17, 2009. aty +E-mail/Text: dtalerico@loeb.com Derrick
                                                                                                            Derrick Talerico,
                      10100 Santa Monica Blvd, Los Angeles, CA 90067-4003
                    +E-mail/Text: KLYMAN@IRELL.COM
aty
                                                                                                         Kerri A Lyman,
                       840 Newport Center Dr Ste 400,
                                                                      Newport Beach, CA 92660-6323
                                                                                                                                            TOTAL: 2
                 **** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
                     BANK OF THE WEST
cr
                     Clarke Masonry, Inc.
cr
                     Courtesy NEF
intp
                     DCFS TRUST
cr
consult
                     Deloitte Financial Services Group, LLP
                     Deutsche Bank Berkshire Mortgage, Inc.
cr
                     Fasching Haus East Condominum Assoc
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                     Glassratner Advisory & Capital Group LLC
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                     Housing Capital Company
                     Intervest Mortgage Investment Company
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                     Interwest Mortgage Investment Company
                     JPMorgan Chase Bank, N.A.
Joint Committee of Creditors Holding Unsecured Cla
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crcm
                     Official Joint Committee of Unsecured Creditors
Pension Benefit Guaranty Corporation
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                     WELLS FARGO BANK, N.A.
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Addresses marked $^{\prime}$ + $^{\prime}$ were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0973-8 User: admin Page 3 of 3 Date Rcvd: Sep 16, 2009 Case: 08-13150 Form ID: pdf031 Total Noticed: 87

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 18, 2009 Signature: Signature: