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Attorneys for WELLS FARGO BANK, NA

FILED & ENTERED

JUL 16 2010

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY steinber DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

In re JAMES C GIANULIAS, Debtor(s)	Case No. 8:08-BK-13150-RK Chapter 11 ORDER ON STIPULATION RE: TREATMENT OF WELLS FARGO BANK NA'S CLAIM UNDER DEBTOR'S PROPOSED CHAPTER 11 PLAN OF REORGANIZATION 411 West Fourth Street Santa Ana, CA 92701-4593

Wells Fargo Bank, NA, by and through its counsel of record, Joseph C. Delmotte: Debtor, James C Gianulias, by and through their respective attorney of record, Kerri A. Lyman.; hereby stipulate to the Treatment of Creditor's Claim Pursuant to Debtors' Chapter 11 Plan in regards to the Real Property commonly described as 747 South Galena #340, Aspen Colorado 81611.

IT IS HEREBY ORDERED:

I. The Stipulation Regarding Treatment of Creditors Claim Under Debtor's Proposed Chapter 11 Plan of Reorganization that was filed on July 13, 2010 is hereby adopted as an Order of the Court.

###

DATED: July 16, 2010

United States Bankruptcy Judge

PROOF OF SERVICE OF ORDER

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

4375 Jutland Drive, Suite 200
P.O. Box 17933
San Diego, CA 92177-0933

The foregoing document described ORDER ON STIPULATION RE: AVOIDANCE OF LIEN 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 July 13, 2010 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 July 13, 2010 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 N. Kwan
Ronald Reagan Federal Building
411 W. Fourth Street, Suite 5165
Santa Ana, CA 92701-4593

Alan J. Friedman, Esq.
Kerri A Lyman
Mike D Neue
840 Newport Center Dr Ste 400
Newport Beach, CA 92660

James E Till
601 S Figuroa St 30th Fl
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Joshua D Wayser
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Los Angeles, CA 90067-3012

James C Gianulias
1105 Quail Street
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Lori Scott
1301 Fifth Ave Ste 3100
Seattle, WA 98101

Steven G Polard
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Santa Monica, CA 90404

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Elissa Miller
Steven Werth
Victor A Sahn
333 S Hope St 35th Fl
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19800 MacArthur Blvd Ste 500
Irvine, CA 92612-2435

Whitman L Holt
1901 Ave of the Stars 12th Flr
Los Angeles, CA 90067

☐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.

July 13, 2010	Michael W. Leewright	/s/ Michael W. Leewright
Date	*Type Name*	*Signature*

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled ORDER ON STIPULATION RE: AVOIDANCE OF LIEN 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. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – 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 July 13, 2010, 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.

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Whitman L Holt wholt@stutman.com

Victor A Sahn vsahn@sulmeyerlaw.com

Steven G Polard spolard@perkinscoie.com

☐ Service information continued on attached page

II. <u>SERVED BY THE COURT VIA U.S. MAIL:</u> A copy of this notice and a true copy of this judgment or order was sent by U.S. Mail to the following person(s) and/or entity(ies) at the address(es) indicated below:

James C Gianulias
1105 Quail Street
Newport Beach, CA 92660

Lori Scott
1301 Fifth Ave Ste 3100
Seattle, WA 98101

☐Service information continued on attached page

III. <u>TO BE SERVED BY THE LODGING PARTY</u>: Within 72 hours after receipt of a copy of this judgment or order which bears an “Entered” stamp, the party lodging the judgment or order will serve a complete copy bearing an “Entered” stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s) and/or email address(es) indicated below:

☐Service information continued on attached page

CERTIFICATE OF NOTICE

District/off: 0973-8 User: admin Page 1 of 3 Date Rcvd: Jul 16, 2010
Case: 08-13150 Form ID: pdf031 Total Noticed: 99

The following entities were noticed by first class mail on Jul 18, 2010.

db +James C Gianulias, 1105 Quail St, Newport Beach, CA 92660-2705
aty +Alan Friedman Irell & Manella, 840 Newport Center Drive, Suite 400, Newport Beach, CA 92660-6323
aty +Alan J Friedman, 840 Newport Center Dr Ste 400, Newport Beach, CA 92660-6323
aty Andrew K Mauthe, PO Box 51147, Irvine, CA 92619-1147
aty +Anthony J Rothman, Esq, 1901 Avenue of the Stars 2nd Fl, Los Angeles, CA 90067-6001
aty +Beth Gaschen, 650 Town Center Dr Ste 950, Costa Mesa, CA 92626-7021
aty +Bradford Klein, Lanak & Hanna, 400 N Tustin Ave, Ste 120, Santa Ana, CA 92705-3879
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, Los Angeles, CA 90071-1514
aty +Daniel A Lev, 333 S Hope St 35th Fl, Los Angeles, CA 90071-1406
aty +Daniel Denny, 333 S Grand Ave, Los Angeles, CA 90071-1504
aty +David F Makkabi, 20750 Ventura Blvd, Ste 100, Woodland Hills, CA 91364-6207
aty +David K Eldan, 555 S Flower St 30th Fl, Los Angeles, CA 90071-2300
aty +Deborah A Winslow, Shermeta Adams & Von Allmen PC, PO Box 80908, Rochester, MI 48308-0908
aty +Donna L La Porte, Wright Finlay & Zak, LLP, 4665 MacArthur Ct Ste 280, Newport Beach, CA 92660-1811
aty +Elissa Miller, 333 S Hope St 35th Flr, Los Angeles, CA 90071-1406
aty +Hamid R Rafatjoo, Venable LLP, 2049 Century Pk East, Ste.2100, Suite 2100, Los Angeles, CA 90067-3133
aty +Houston M Watson, Klinedinst PC, 501 W Broadway Ste 600, San Diego, CA 92101-3584
aty +James E Till, 601 S Figuroa St 30th Fl, Los Angeles, CA 90017-5704
aty +Jess R Bressi, Luce Forward Hamilton & Scripps LLP, 2050 Main St Ste 600, Irvine, CA 92614-8261
aty +John B Acierno, 4375 Jutland Dr Ste 200, PO Box 17933, San Diego, CA 92177-7921
aty +John D Klinedinst, Klinedinst PC, 501 W Broadway Ste 600, San Diego, CA 92101-3584
aty +John D Schlotter, Aldridge Connors LLP, 780 Johnson Ferry Rd Ste 600, Atlanta, GA 30342-1439
aty +John H Wunsch, Wells Fargo Bank NA, 21680 Gateway Center Dr Ste 280, Diamond Bar, CA 91765-2456
aty +John J Immordino, ESQ, 1055 W. Seventh St Ste 2700, Los Angeles, CA 90017-2553
aty Jon M Chatalian, Office of the Chief Counsel, 1200 K St., N.W., Washington, DC 20005-4026
aty +Jose A Garcia, 4375 Jutland Dr Ste 200, San Diego, CA 92117-3600
aty +Joseph C Delmotte, Pite Duncan LLP, 4375 Jutland Dr Ste 200 POB 17933, San Diego, CA 92177-7921
aty Joshua D Wayser, 2029 Century Park East, Ste 2600, Los Angeles, CA 90067-3012
aty +Lanak & Hanna P C, 400 N Tustin Ave, Santa Ana, CA 92705-3813
aty Lance N Jurich, Loeb & Loeb LLP, 10100 Santa Monica Blvd, Ste.2200, Los Angeles, CA 90067-4120
aty +Lei Lei Wang Ekvall, Weiland, Golden, et al., 650 Town Center Drive, Suite 950, Costa Mesa, CA 92626-7021
aty +Lei Lei Wang Ekvall, 650 Town Center Drive Ste 950, Costa Mesa, CA 92626-7021
aty +Leonard M Shulman, Shulman Hodges & Bastian LLP, 26632 Towne Ctr Dr Ste 300, Foothill Ranch, CA 92610-2814
aty +Lori Scott, 1301 Fifth Ave Ste 3100, Seattle, WA 98101-2649
aty Mark C Schnitzer, Reid & Hellyer APC, P O Box 1300, Riverside, CA 92502-1300
aty +Marsha A Houston, 355 S Grand Ave Ste 2900, Los Angeles, CA 90071-1514
aty +Martha E Romero, Romero Law Firm, 6516 Bright Ave, Whittier, CA 90601-4503
aty +Matthew S Walker, 12255 El Camino Real Ste 300, San Diego, CA 92130-4088
aty +Melissa Davis, 26632 Towne Centre Dr Ste 300, Foothill Ranch, CA 92610-2814
aty +Michael J Hauser, 411 W Fourth St #9041, Santa Ana, CA 92701-8000
aty +Mike D Neue, 840 Newport Center Dr Ste 750, Newport Beach, CA 92660-6364
aty +Paul J Couchot, Winthrop Couchot PC, 660 Newport Ctr Dri Ste 400, Newport Beach, CA 92660-6427
aty +Penelope Parmes, Rutan & Tucker LLP, 611 Anton Blvd Fourteenth Flr, Costa Mesa, CA 92626-7005
aty +Peter L Duncan, 401 B St Ste 1500, San Diego, CA 92101-4238
aty Randall P Mroczynski, Cooksey Toolen Gage Duffy & Woog, 535 Anton Blvd 10th Fl, Costa Mesa, CA 92626-1947
aty Robert C Martinez, 460 N Magnolia Ave, Drawer 1466, El Cajon, CA 92022-1466
aty +Robert P Goe, Goe & Forsythe, LLP, 18101 Von Karman Ave Ste 510, Irvine, Ca 92612-7127
aty +Steven G Polard, 1620 26th St Ste 600 S Tower, Santa Monica, CA 90404-4075
aty +Steven Werth, SulmeyerKupetz, 333 S Hope St, 35th Flr, Los Angeles, CA 90071-1406
aty Susan S Davis, 2049 Century Park East Ste 2800, Los Angeles, CA 90067-3284
aty +Timothy J Silverman, Solomon Grindle Silverman & Spinell, 12651 High Bluff Dr Ste 300, San Diego, CA 92130-2023
aty +Timothy R Pomeroy, Klinedinst PC, 501 W Broadway Ste 600, San Diego, CA 92101-3584
aty Victor A Sahn, 333 S Hope St 35th Fl, Los Angeles, CA 90071-1406
aty +Whitman L Holt, 1901 Ave of the Stars 12th Flr, Los Angeles, CA 90067-6001
ust +United States Trustee (SA), 411 W Fourth St., Suite 9041, Santa Ana, CA 92701-8000
cr +Arch Insurance Company, 135 North Los Robles Ave Suite 825, Pasadena, CA 91101-4531
cr +BAC Home Loans Servicing, LP, 7105 Corporate Drive, PTX-B-35, Plano, TX 75024-4100
consult +BMC Group Inc, 444 N. Nash Street, El Segundo, CA 90245-2822
cr +California Bank & Trust, c/o Peter L. Duncan, Esq., Pyle Sims Duncan & Stevenson, APC, 401 B Street, Suite 1500, San Diego, CA 92101-4238
ptcrd +California National Bank, 221 South Figueroa Street, Los Angeles, CA 90012-2524
intp +Cameo Homes, 1105 Quail St, Newport Beach, CA 92660-2705
cr +Capital Drywall, LP, c/o Hines Smith Carder, 3080 Bristol St Ste 540, Costa Mesa, CA 92626-7321
intp +Charlene H. Immell, Trustees of the M and C Immell Trust, c/o Michael W. Immell, 611 Anton Blvd., 14th Floor, Costa Mesa, CA 92626-7681

cr +Chase Home Finance LLC - OHIO, its successors and/, 4375 Jutland Drive, Suite 200, P.O. Box 17933, San Diego, CA 92177-7921
cr +Clarke Masonry, Inc., Lanak & Hanna PC, 625 The City Dr S Ste 190, Orange, CA 92868-4983
sp +Croudace & Dietrich LLP, 4750 Von Karman Avenue, Newport Beach, CA 92660-2123
intp +DAHL California, LLC, c/o Hamid R. Rafatjoo, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd., 11th Floor, Los Angeles, CA 90067-4003
fa +FTI CONSULTING INC, 633 West 5th Street, 16th Fl, Los Angeles, CA 90071-2005
ptcrd +Famille Holdings L.P., 27675 Chapala, Mission Viejo, CA 92692-1236
cr +Gateway Insulation, Inc., c/o Hines Smith Carder, 3080 Bristol St Ste 540, Costa Mesa, CA 92626-7321
cr +Gateway Plastering, Inc., c/o Hines Smith Carder, 3080 Bristol St Ste 540, Costa Mesa, CA 92626-7321
fa +Glassratner Advisory & Capital Group LLC, 18500 Von Karman Ave Ste 390, Irvine, CA 92612-0528
acc +Haskell & White LLP, 16485 Laguna Canyon Road, Third Floor, Irvine, CA 92618-3837
intp +Lantex Landscape Architecture Inc, 28052 Camino Capistrano Ste 211, Laguna Niguel, CA 92677-1107
cr +Linda Watanabe-Mitchell, David Evans and Associates Inc, 320 SW Upper Terrace Dr Ste 200, Bend, OR 97702-1384
ptcrd +M.W. Housing Partners III LP, c/o Perkins Coie LLP, 1620 26th St 6th Fl, Santa Monica, CA 90404-4075
cr +Marilyn Robbins Gianulias, c/o Rutan & Tucker LLP, 611 Anton Blvd Ste 1400, Costa Mesa, CA 92626-1931
cr +Mercedes-Benz Credit Corporation, c/o Shermeta, Adams & Von Allmen, P.C., P.O. Box 80908, Rochester Hills, MI 48308-0908
intp +Michael W. Immell, Michael W. Immell and Charlene H. Immell, as trustees of the M and C Immell Trust, c/o Michael W. Immell, 611 Anton Blvd., 14th Floor, Costa Mesa, CA 92626-7681
cr +National Bank of Arizona, a national banking assoc, Wright, Finlay & Zak, LLP, 4665 MacArthur Court, Ste 280, Newport Beach, CA 92660-1811
cr +PNC Bank, National Association, Polsinelli Shalton Flanigan Suelthaus PC, Daniel J Flanigan, 700 W 47th St Ste 1000, Kansas City, MO 64112-1805
cr +Pacific Mercantile Bank, c/o Shulman Hodges & Bastian LLP, 26632 Towne Centre Drive, Suite 300, Foothill Ranch, CA 92610-2814
cr +Pacific Western Bank, c/o David K. Eldan, Esq., Parker, Milliken, et al., 555 S. Flower St.,, 30th Fl., Los Angeles, CA 90071-2300
intp +Phillip and Janet Hamilton, Co-Trustees of Hamilton Family Trust, c/o Phillip D. Hamilton, 760 West 16th Street, Suite C, Costa Mesa, CA 92627-4319
cr +Riverside County Treasurer - Tax Collector Paul Mc, Romero Law Firm, BMR Professional Building, 6516 Bright Ave., Whittier, CA 90601-4503
intp Squire, Sanders & Dempey LLP, Patrick Fields, 555 S. Flower Street, 31st Floor, Los Angeles, CA 90071-2300
intp +Squire, Sanders & Dempsey LLP, Sean T. Cork, 40 N. Central Ave., #2700, Phoenix, AZ 85004-4498
sp +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
cr +Universal Bank, c/o Anthony Rothman, Rothman Law Offices, 1901 Avenue of the Stars, 2nd Floor, Los Angeles, CA 90067-6001
cr +Victor J Mahony, 2700 E. Adams Avenue, Orange, CA 92867-6240
cr +WELLS FARGO HOME MORTGAGE, PITE DUNCAN, LLP, 4375 Jutland Drive, Suite 200, P.O Box 17933, San Diego, CA 92177-7921
cr Wachovia Bank, National Association, c/o Reed Smith LLP, 355 South Grand Avenue, Suite 2900, Los Angeles, CA 90071-1514
cr +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
cr +c/o Susan S Davis Laing/Sequoia Partners LLC, Cox Castle & Nicholson LLP, 2049 Century Park East Suite 2800, Los Angeles, CA 90067-3284
cr +c/o Susan S Davis South Banning Properties LLC, Cox Castle & Nicholson, 2049 Century Park East Suite 2800, Los Angeles, CA 90067-3284

The following entities were noticed by electronic transmission on Jul 17, 2010.
aty +E-mail/Text: dtalerico@loeb.com Derrick Talerico, 10100 Santa Monica Blvd, Los Angeles, CA 90067-4003
aty +E-mail/Text: KLYMAN@IRELL.COM Kerri A Lyman, 840 Newport Center Dr Ste 400, Newport Beach, CA 92660-6323

TOTAL: 2

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BANK OF THE WEST
br BJ Adams and Company
intp Courtesy NEF
cr DCFS TRUST
consult Deloitte Financial Services Group, LLP
cr Deutsche Bank Berkshire Mortgage, Inc.
cr Fasching Haus East Condominum Assoc
cr Housing Capital Company
cr Intervest Mortgage Investment Company
cr Interwest Mortgage Investment Company
cr JPMorgan Chase Bank, N.A.
crcm Joint Committee of Creditors Holding Unsecured Cla
intp M.and C. Immell Revocable Trust, Hamilton Familty
crcm Official Joint Committee of Unsecured Creditors
intp Pension Benefit Guaranty Corporation
cr US Bank National Association

***** BYPASSED RECIPIENTS (continued) *****

cr WELLS FARGO BANK, N.A.

intp ##+Lucas Companies, Robert P. Goe, GOE & FORSYTHE, LLP, 660 Newport Center Drive, Suite 320, Newport Beach, CA 92660-6499

TOTALS: 17, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

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: Jul 18, 2010 **Signature:** Joseph Speetjens