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4 Attorney for Debtors
5 Richard Souza Caporale
Isabel Ann Caporale
6

The following constitutes the
Order of the Court. Signed 7/13 2009

HON. ARTHUR S. WEISSBRODT
United States Bankruptcy Judge

7
8 United States Bankruptcy Court
9 Northern District of California

10 In re:) Case No.: 07-54109
11 RICHARD SOUZA CAPORALE) Adv. No 09-05050
12 ISABEL ANN CAPORALE)
13)
14 Debtors.)

15)
16 RICHARD CAPORALE AND ISABEL) **PRELIMINARY INJUNCTION**
CAPORALE)
17 Plaintiffs,)

18 vs.) Date: May 28, 2009
Time: 3:00 p.m.
Room: 3020

19 SAXON MORTGAGE SERVICES INC.,)
20 DEUTSCHE BANK NATIONAL TRUST)
COMPANY, AS TRUSTEE FOR MORGAN)
21 STANLEY, MSAC 2007-NC3 AND DOES 1-)
10)

22 Defendants.)
23)
24)
25)

1 TO DEFENDANTS SAXON MORTGAGE SERVICES INC., DEUTSCHE BANK
2 NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY, MSAC 2007-
3 NC3 AND THEIR ATTORNEY OF RECORD:

4 The Court having read and considered the Plaintiff's complaint, Memorandum of Points
5 and Authorities in support of a preliminary injunction, Request for Judicial Notice, hearing oral
6 argument of counsel and for the reasons set forth on the record;

7 IT IS HEREBY ORDERED AS FOLLOWS:

8 The Application for a Preliminary Injunction is GRANTED. You and/or your, assigns
9 and all those acting in concert with you are hereby restrained and enjoined from attempting to
10 foreclose on any equitable or legal interest in the real property located at 14943 Conway Ave,
11 San Jose, California (the "Property"), including but not limited to, commencing a Trustee's Sale
12 to foreclose on any interest in the Property until August 31, 2009.

13 IT IS FURTHER ORDERED that a further hearing will be held on August 31, 2009 at
14 2:15 p.m. to determine whether a permanent injunction should issue. Any papers in support of
15 the permanent injunction shall be filed ^{and served} by August 5, 2009 any opposition shall be filed by
16 August 12, 2009 and any reply shall be filed by August 19, 2009.

17 IT IS SO ORDERED.

18
19 Approved as to Form:

20
21 /s/ David C. Hunter
22 David C. Hunter, Esq.,
23 Attorney for defendants
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25

*** END OF ORDER ***

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COURT SERVICE LIST

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David C. Hunter, Esq.
11601 Wilshire Blvd., Suite 800
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Notice Recipients

District/Off: 0971-5
Case: 09-05050

User: awong2
Form ID: pdfaoapc

Date Created: 7/14/2009
Total: 2

Recipients of Notice of Electronic Filing:

aty Marc Voisenat voisenat@gmail.com

TOTAL: 1

Recipients submitted to the BNC (Bankruptcy Noticing Center):

David C. Hunter 11601 Wilshire Blvd. #800 Los Angeles, CA 90025

TOTAL: 1