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FILED  
ALAMEDA COUNTY

JUN 08 2023

CLERK OF THE SUPERIOR COURT

By \_\_\_\_\_ Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

RENEE SHIZUE RAMOS, AKA RENEE SHIZUE YAMAGISHI,

Plaintiff,

v.

WILMINGTON TRUST NATIONAL ASSOCIATION, SUCCESSOR TRUSTEE TO CITIBANK, N.A., AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, AND SERIES 2006- HE5, a business entity form unknown; NATIONSTAR MORTGAGE LLC, dba MR. COOPER, a Texas Limited Liability Corporation; AZTEC FORECLOSURE COMPANY, INC., a California Corporation; BRECKENRIDGE PROPERTY FUND 2016, LLC, a Delaware, Limited Liability Company; CHAMPERY ) REAL ESTATE 2015, LLC, a California • Limited Liability Company; ALL PERSONS OR ENTITIES UNKNOWN CLAIMING (A) ) ANY LEGAL OR EQUITABLE RIGHT, ) TITLE, ESTATE, LIEN, OR INTEREST IN PLAINTIFF'S REAL PROPERTY,

Defendants.

Case No. 23CV029813

ORDER GRANTING  
PRELIMINARY INJUNCTION

Judge: Frank Roesch  
Hearing Date: June 7, 2023  
Time: 3:30 pm  
Dept: 17

1 The Order to Show Cause Re: Preliminary Injunction came before the court on June 7, 2023.  
2 Appearing were Steven Lopez for the plaintiff, Brandon Trout for defendant Champery Real Estate  
3 2015, LLC and for defendant Breckenridge Property Fund 2016 LLC, and Andrea Hicks specially  
4 appearing for defendant Nationstar Mortgage LLC.

5 The court, having reviewed the papers filed in support and opposed to the application for a  
6 preliminary injunction and having considered the argument of counsel, and good cause appearing  
7 therefore,  
8

9 The court hereby issues its preliminary injunction enjoining defendants Champery Real  
10 Estate 2015, LLC and Breckenridge Property Fund 2016 LLC from proceeding with an eviction of  
11 the plaintiff from the real property located at 2703 Mathews Street, Berkeley California.

12 Plaintiff shall post a preliminary injunction bond/undertaking in the sum of \$5,000.00 on or before  
13 June 22, 2023 and the failure to do so shall be grounds to move for an Order vacating this  
14 preliminary injunction.

15 Plaintiff has demonstrated a likelihood of success on the merits and that the balance of harms  
16 weighs in Plaintiff's favor. (Brown v. Pacific Foundation, Inc. (2019) 34 Cal App 5<sup>th</sup> 915, 925.)

17 Defendants Breckenridge Property Fund 2016, LLC and Champery Real Estate 2015, LLC  
18 ("Defendants") have filed a memorandum of points and authorities in oppositions but no affidavit or  
19 declaration in support of their Opposition. (Code Civ. Proc., § 527, subd. (e).) None of Defendants'  
20 exhibits have been authenticated. (Evid. Code, § 1401, subd. (a).)

21 The decision of whether to issue a preliminary injunction requires the trial court to evaluate  
22 two interrelated factors: (i) the likelihood that the party seeking the injunction will ultimately prevail  
23 on merits, and (ii) the balance of the harms presented (the comparative consequence of the issuance  
24 verses nonissuance of the injunction). (Brown v. Pacific Foundation, Inc. (2019) 34 Cal App 5<sup>th</sup>  
25 p.925.)  
26

1 Here, Plaintiff's declaration indicates that the property at issue was her family home in which  
2 she and her family have resided since 1965. (Ramos Decl. ¶ 2.) Plaintiff's declaration further  
3 indicates that on numerous occasions she requested to be provided with a payoff amount and  
4 reinstatement of the loan to no avail. (Ramos Decl. ¶¶ 5-6.) Plaintiff further indicates that she  
5 tendered the sale price of the property prior to the sale. (Ramos Decl. ¶¶ 8-12.)  
6

7 As Defendants have submitted no affidavit, declaration or admissible evidence to  
8 demonstrate that these statements are not accurate, Plaintiff has established both a likelihood of  
9 success on the merits and that the balance of harms weighs in Plaintiff's favor. Plaintiff's motion for  
10 preliminary injunction is granted. (Code Civ. Proc., § 527; Brown, supra, 34 Cal.App.5th at p. 925.)  
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12 IT IS SO ORDERED  
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14 Dated: June 8, 2023



15 Frank Roesch  
16 Judge of the Superior Court  
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