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4 Attorney for Debtors
Richard Souza Caporale
5 Isabel Ann Caporale

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7
8 United States Bankruptcy Court

9 Northern District of California

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

15)
16)
17 RICHARD CAPORALE AND ISABEL) **NOTICE OF HEARING**
CAPORALE)

18 Plaintiffs,)

19 vs.)

20 SAXON MORTGAGE SERVICES INC.,) Date: February 25, 2009
DEUTSCHE BANK NATIONAL TRUST) Time: 3:15 p.m.
21 COMPANY, AS TRUSTEE FOR MORGAN) Room: 3020
STANLEY, MSAC 2007-NC3 AND DOES 1-)
22 10)

23 Defendants.)
24)
25)

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

4 PLEASE TAKE NOTICE that plaintiff's Emergency Application for a Temporary
5 Restraining Order will be heard on Wednesday, February 25, 2009 at 3:15 p.m., in Courtroom
6 3020 before the Honorable Arthur Weissbrodt, at the United States Bankruptcy Court located at
7 280 South First Street, 3rd Fl., San Jose, California.

8 Dated: February 24, 2009

9
10 /s/ Marc Voisenat
11 Marc Voisenat, Attorney for
12 Plaintiffs
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1 **PROOF OF SERVICE**

2 I am over the age of 18 and not a party to the within action; my business address is 1330
3 Broadway, Suite 1035, Oakland, California 94612

4 On February 24, 2009, I served the foregoing document described as: **NOTICE OF**
5 **HEARING ON APPLICATION FOR A TEMPORARY RESTRAINING ORDER;**
6 **APPLICATION FOR A TEMPORARY RESTRAINING ORDER; MEMORANDUM OF**
7 **POINTS AND AUTHORITIES IN SUPPORT THEREOF; REQUEST FOR JUDICIAL**
8 **NOTICE; DECLARATIONS OF RICHARD CAPORALE AND ISABEL CAPORALE** on
the interested parties via facsimile and by placing a true copy thereof enclosed in a sealed
envelope with postage thereon fully prepaid, in the United States mail at Oakland addressed as
follows:

9 Via facsimile at: (949) 252-1032
10 William Malcolm, Esq.
11 Malcolm & Cisneros
12 2112 Business Center Drive, Second Floor
13 Irvine, CA 92612

14 Via facsimile at: (714) 247-6022
15 Gregory Hwin
16 Deutsche Bank National Trust Company
17 As Trustee for Morgan Stanley MSAC 2007-NC3
18 1761 East St. Andrew Place
19 Santa Ana, Ca. 92705

20 I declare, under penalty of perjury, under the laws of the State of California that the
21 foregoing is true and correct.

22 Executed on February 24, 2009 at Oakland, California.

23 /s/ Marc Voisenat
24 Marc Voisenat, Attorney for
25 Plaintiffs