


1 Carol Reid
2 311 North Hollywood Way
3 Burbank, California 91505
4 (818) 519-0954

5 In Propria Persona


FILED
LOS ANGELES SUPERIOR COURT

APR 13 2012

JONNA A. CLAPKE, CLERK

BY L. McDONALD, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES**
10 **NORTH CENTRAL DISTRICT BURBANK**

11 FEDERAL NATIONAL MORTGAGE
12 ASSOCIATION,

13 Plaintiff(s),

14 vs.

15 Carol Reid,

16 Defendant.

Case No.: 11C00569
(Unlawful Detainer)

**[PROPOSED] ORDER GRANTING
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT AND JUDGMENT THEREON**

Action Date: December 29, 2011

MSJ Hearing Date: April 5, 2012

Time: 8:30 am

Department: NCB

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20 **ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY**
21 **JUDGMENT AND JUDGMENT THEREON**

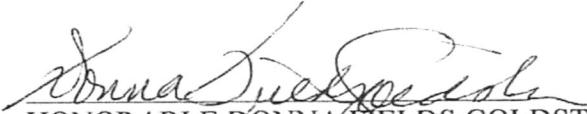
22 Defendant, Carol Reid's, motion for summary judgment having come regularly on for
23 hearing before the above-entitled court, on the date above-mentioned, and the court having
24 reviewed the motion and supporting documents submitted in support of said motion, and any
25 *opposition thereto, and having determined that there are no material facts in dispute nor triable*
26 *controversies with respect to the Standing of Plaintiff to bring this Unlawful Detainer action*
27 *against Defendant the ownership of the subject real property located at 311 North Hollywood*
28 *Way Burbank, California 91505 ("Property"), and proof satisfactory to the court having been*

[PROPOSED] ORDER

1 made that title to the Property has not been "duly perfected" in the name of Plaintiff
2 FEDERAL NATIONAL MORTGAGE ASSOCIATION and that the Trustee's Deed Upon
3 Sale, recorded in the Official Records for the County of Los Angeles is unenforceable against
4 Defendant and the Property was therefore not acquired in accordance with Section 2924 of the
5 California Civil Code, and further proof having been made and the court having concluded
6 that possession of the Property should not be restored to Plaintiff and good cause appearing,

7
8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff, FEDERAL
9 NATIONAL MORTGAGE ASSOCIATION, does not have standing to bring this Unlawful
10 Detainer action and shall take nothing by way of their complaint.

11 Dated and done this _____ Day of April, 2012
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15 HONORABLE DONNA FIELDS GOLDSTEIN
16 JUDGE OF THE SUPERIOR COURT
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NORTH CENTRAL DISTRICT, BURBANK COURTHOUSE (-19425-)
300 EAST OLIVE AVENUE, BURBANK, CA 91502
TELEPHONE: (818) 557-3461

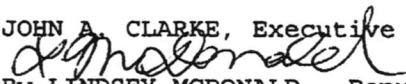
FEDERAL NATIONAL MORTGAGE ASSO vs.
REID, VIRGINIA

Case Number: 11C00569

CLERK'S NOTICE OF ENTRY OF JUDGMENT AND NOTICE RE EXHIBITS/DEPOSITIONS

To the parties and their attorneys of record; You are hereby notified that pursuant to section CCP 664.5, the attached copy of the judgment in the above entitled case was entered on 04/12/2012 . Further, Exhibits/Depositions, if any, will be destroyed at the end of 60 days from expiration of appeal time.

JOHN A. CLARKE, Executive Officer/Clerk


By LINDSEY MCDONALD , Deputy
Clerk of the above named Court

*Costs determined by Memorandum of Costs (1033 CCP et seq.)

CLERK'S CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Clerk's Notice of Entry upon each party or counsel named below by depositing in the United States mail at the courthouse in BURBANK, CALIFORNIA, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

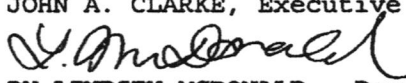
REID, CAROL

311 NORTH HOLLYWOOD WAY
BURBANK, CA 91505

WILLIAM G. MALCOLM
MALCOLM, CISNEROS
2112 BUSINESS CENTER DRIVE, SECOND FLOOR
IRVINE, CA 92612

Dated 04/12/2012

JOHN A. CLARKE, Executive Officer/Clerk


BY LINDSEY MCDONALD , Deputy

FNMA v. Reid 11C00569

The Court having considered the memoranda of points and authorities, and argument of the parties, The Court hereby sets aside the judgment in this matter. As a matter of law, Petitioner has not established good title. Summary Judgment is granted Defendant Carol Reid. The uncontradicted evidence establishes that On October 10, 2010 Mortgage Electronic Registration System assigned the Deed of Trust to OneWest Bank F.S.B. as beneficiary and to First American Title as Trustee on the property at issue, but failed to transfer the Promissory Note. The promissory note and the Deed of Trust are inseparable. "The note and the mortgage are inseparable; the former as essential, the later as an incident. An assignment of the note carries the mortgage with it, while an assignment of the latter alone is a nullity." *Carpenter v. Longan*, 83 U.S. 271, 274 (1872); accord *Henley v. Hotaling*, 41 Cal. 22, 28 (1871); *Seidell v. Tuxedo Land Co.*, 216 Cal. 165, 170 (1932); Cal. Civ. Code §2936.

Judgment to Defendant