

1 Aldon L. Bolanos, Esq., SBN. 233915  
2 Law Offices of Aldon L. Bolanos, Esq.  
3 Sacramento, CA 95814  
4 PH. 916.446.2800  
5 FX. 916.446.2828  
6 www.aldonlaw.com

FILED  
ENDORSED

13 MAY 28 PM 1:45

LEGAL PROCESS #3

4 Attorneys for Plaintiff Danilo SESE

8 State of California  
9 County of Sacramento

11 Danilo SESE,  
12 Plaintiff,  
13  
14 vs.  
15 Wells Fargo Bank, N.A.,  
16  
17 Defendant.

Case No. 34-2013-00144287

Ex Parte Application for  
Temporary Restraining Order and  
OSC Re: Preliminary Injunction

Date: May 30, 2013  
Time: 9 a.m.  
Dept: 53

20 1. Introduction

21 Plaintiff Danilo Sese seeks emergency relief in  
22 the form of a temporary restraining order to prevent  
23 the foreclosure sale of his family home at 8781  
24 Longmore Way, Fair Oaks, California 95628-6347,  
25 currently scheduled for June 4, 2013.

1 **2. Legal Standard for a Temporary Restraining Order**

2 The party seeking TRO relief must show either "(1)  
3 a combination of likelihood of success on the merits  
4 and the possibility of irreparable harm, or (2) that  
5 serious questions going to the merits are raised and  
6 the balance of hardships tips sharply in favor of the  
7 moving party." *Immigrant Assistance Project of the*  
8 *L.A. County of Fed'n of Labor v. INS*, 306 F.3d 842, 873  
9 (9th Cir.2002)). "[T]hese two formulations represent  
10 two points on a sliding scale in which the required  
11 degree of irreparable harm increases as the probability  
12 of success decreases." *Dep't Parks & Rec. of Calif. v.*  
13 *Bazaar Del Mundo, Inc.*, 448 F.3d 1118, 1123 (9th  
14 Cir.2006).

15 The underlying purpose of a TRO is to preserve the  
16 status quo and prevent irreparable harm before a  
17 preliminary injunction hearing may be held. *Granny*  
18 *Goose Foods*, 415 U.S. at 439, 94 S.Ct. 1113 (1974); see  
19 also *Reno Air Racing Ass'n v. McCord*, 452 F.3d 1126,  
20 1130-31 (9th Cir.2006).

21  
22 **3. Homeowners' Bill of Rights**

23 Here, the court looks to the law at issue:  
24 California's Homeowners' Bill of Rights. That law  
25 provides that "It is the intent of the Legislature that  
26 the mortgage servicer offer the borrower a loan  
27 modification or workout plan if such a plan is  
28 consistent with its authority." *California Civil Code*

1 § 2923.6(b). If a borrower submits financials toward a  
2 loan modification effort, then the  
3 servicer/beneficiary/bank shall not conduct a trustee's  
4 sale while the application is pending and the servicer  
5 must make a written determination that the borrower is  
6 ineligible. *Civil Code* § 2923.6(c).

7 Also under this new law, the mortgage servicer  
8 must establish a single point of contact and provide  
9 one or more direct means of communication with the  
10 single point of contact. *Civil Code* § 2923.7(a). That  
11 contact shall be responsible for communicating the  
12 process for foreclosure prevention alternatives and  
13 coordinating receipt of all documents associated with  
14 same. *Id.* at (b)(1). Further, that point of contact  
15 shall have access to all current information and timely  
16 provide same to adequately inform the borrower. *Id.*,  
17 (b)(2) and (3).

18

19 **4. Notice**

20 Plaintiff, through counsel, undertook exhaustive  
21 efforts to give the bank notice as stated in the  
22 concurrently filed declaration of diligence by Mr.  
23 Dauterman, Esq. This included hand-delivering the  
24 papers to a Wells Fargo Bank representative at their  
25 main Sacramento branch on Capitol Mall (inside a  
26 skyscraper called "The Wells Fargo Building"), and  
27 sending the documents via facsimile to a known number

28

1 for the bank's representative in connection with the  
2 loan modification.

3  
4 **5. Irreparable Injury and Likelihood of Success**

5 Mr. Sese suffers irreparable injury if the TRO is  
6 not granted because his family home is unique real  
7 estate, and no amount of money damages would properly  
8 compensate him for its loss without due process of law.  
9 Furthermore, because the sale is scheduled for June 7,  
10 2013, there is insufficient time for this matter to be  
11 heard on notice, and Mr. Sese is in grave danger of  
12 being deprived of his home before this matter can be  
13 heard by the court on regular notice.

14 At the same time, Mr. Sese, in his accompanying  
15 declaration, makes a substantial showing of likelihood  
16 of success on the merits. Specifically, the  
17 documentary evidence proffered by Mr. Sese shows,  
18 unquestionably, that Wells Fargo Bank dual-tracked him  
19 by engaging in loan modification negotiations and the  
20 exchange of information to that end, and then moved for  
21 a foreclosure at the same time.

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1 6. Conclusion

2 It is respectfully requested that this court issue  
3 a temporary restraining order against the transfer or  
4 sale of title in the property and issue an order to  
5 show cause for a preliminary injunction hearing.

6

7

8 Dated: May 26, 2013

9 Law Offices of Aldon L. Bolanos, Esq.

10 

11 Aldon L. Bolanos, Esq.  
12 Attorney for Plaintiff Danilo Sese

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# SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

Superior Court of California, County of Sacramento

720 Ninth Street  
Sacramento, CA 95814-1311

## PAYMENT RECEIPT

Receipt #: 462420

Clerk ID: amacias

Transaction No: 1171438

Transaction Date: 05/28/2013

Transaction Time: 01:51:09 PM

Case Number	Fee Type	Qty	Fee Amount\$	Balance Due	Amount Paid	Remaining Balance
34-2013-00144287-CU-WE-GDS	36 - Motion or other (not 1st) paper requiring a hearing	1	\$60.00	\$60.00	\$60.00	\$0.00
					Sales Tax:	\$0.00
					<b>Total:</b>	<b>\$60.00</b>
						<b>Total Rem. Bal:</b>
						<b>\$0.00</b>
Check Number(s): 1708					Check:	\$60.00
					Total Amount Tendered:	<u>\$60.00</u>
					Change Due:	<u>\$0.00</u>
					Balance:	\$0.00

**ORIGINAL**

FILED  
ENDORSE  
13 MAY 28 PM 1:49  
LEGAL PROCESS #3

1 Aldon L. Bolanos, Esq., SBN. 233915  
2 Law Offices of Aldon L. Bolanos, Esq.  
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7 Attorneys for Plaintiff Danilo SESE

8 State of California  
9 County of Sacramento

10  
11 Danilo SESE,  
12 Plaintiff,  
13  
14 vs.  
15 Wells Fargo Bank, N.A.,  
16  
17 Defendant.

Case No. 34-2013-00144287  
  
Declaration re: Diligence of  
Walter C. Dauterman, Esq.  
  
Date: May 30, 2013  
Time: 9 a.m.  
Dept: 53

18  
19 I, Walter C. Dauterman, Jr., Esq., declare as  
20 follows:  
21  
22 1. I am over the age of 18 years and not a party to  
23 this action. If called I could and would testify  
24 competently to everything herein.  
25  
26 2. On Tuesday May 28, 2013, I caused the Summons and  
27 Complaint in this action to be filed in the Sacramento  
28 County Superior Court.

1 3. On May 28, 2013, I reserved a hearing date and  
2 time for this ex parte application. Then I caused to  
3 be served the summons, verified complaint, notice of ex  
4 parte application, ex parte application for TRO and OSC  
5 Re: Preliminary Injunction, and the declaration of  
6 Danilo Sese on the defendant Wells Fargo Bank. I  
7 served these documents in two ways: First, I hand-  
8 delivered them at 11:56 a.m. to a Wells Fargo service  
9 manager, Todd A. Silver, at the main downtown branch of  
10 Wells Fargo Bank, which is located at 400 Capitol Mall,  
11 Sacramento, CA 95814 in a skyscraper called "The Wells  
12 Fargo Bank Building". Second, I faxed all the above-  
13 referenced documents at 1:35 p.m. to Anthony Hacker at  
14 800.313.0892. Mr. Hacker's name and fax number are  
15 featured prominently on Mr. Sese's correspondences with  
16 the bank regarding a loan modification.

17  
18 I declare on penalty of perjury under the laws of  
19 the State of California that the foregoing is true and  
20 correct, so help me God.

21  
22 Dated: May <sup>28</sup>, 2013

23 By:   
24 Walter C. Daüterman, Jr., Esq.



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6 www.aldonlaw.com

FILED  
MIDORSKI  
13 MAY 28 PM 1:47  
LEGAL PROCESS #3

4 Attorneys for Plaintiff Danilo SESE

7 State of California  
8 County of Sacramento

11 Danilo SESE,  
12 Plaintiff,  
13 vs.  
14 Wells Fargo Bank, N.A.,  
15  
16 Defendant.

Case No. 34-2013-00144287  
  
Declaration of Danilo Sese in  
Support of Ex Parte Application  
for Temporary Restraining Order  
and OSC Re: Preliminary  
Injunction  
  
Date: May 30, 2013  
Time: 9 a.m.  
Dept: 53

19 I, Danilo Sese, declare as follows:  
20 1. I am the plaintiff in this action and make this  
21 declaration on my own personal knowledge. If called I  
22 could and would testify competently to everything  
23 contained herein.  
24 2. I am the titled owner of my family's home at 8781  
25 Longmore Way, Fair Oaks, California 95628. I have a  
26 first loan on the property through Wells Fargo Bank.  
27 The loan number is 0047393731.

1 3. Approximately one year ago, my business as an  
2 independent insurance salesman began to falter. As a  
3 result, I fell behind on my mortgage payments on my  
4 home.

5 4. On January 29, 2013, I received a letter from the  
6 bank stating my home was "in foreclosure" and inviting  
7 me to provide documents for a loan modification. A  
8 true copy of that letter is Exhibit 1.

9 5. After speaking with a representative from the  
10 "Home Preservation Department" I was induced to provide  
11 something called a "RMA Application Packet." I did  
12 provide that complete package on February 11, 2013. A  
13 true copy of the fax cover page is Exhibit 2. Because  
14 the documents themselves contain substantial personal  
15 financial information, they are not being filed with  
16 the court but will be available for review and  
17 inspection by the court or the opposing party at any  
18 time.

19 6. On February 14, 2013, the bank wrote me and  
20 acknowledged having received my documents. A true copy  
21 of that letter is Exhibit 3.

22 7. In my subsequent conversations with bank  
23 representatives, I was shuttled around to different  
24 people and received different and divergent answers  
25 from all of them regarding the status of my home and  
26 the modification. At every turn, I was assured that I  
27 would be keeping my home and that I was not being  
28 "foreclosed on." The two people with whom I dealt the

1 most were a manager named Jessica and a representative  
2 named Anthony. A true copy of my contemporaneous notes  
3 about these conversations is Exhibit 4.

4 8. Also throughout these interactions, the bank would  
5 continually ask me for more or different documents. On  
6 each occasion, I complied immediately. At the time, I  
7 was suspicious and a little surprised that these  
8 requests kept coming, as I assumed they would just tell  
9 me everything they needed on a checklist, and I would  
10 provide it. Instead, it was always something different  
11 or new, and I always provided it promptly. True copies  
12 of my fax cover sheets providing additional information  
13 at the bank's request is Exhibit 5.

14 9. As late as May 9, 2013, I received a letter from  
15 the bank letting me know that all the documents  
16 requested had been received. Then to my shock and  
17 surprise on or about May 15, 2013, I received a notice  
18 of trustee's sale for June 4, 2013! A true copy of the  
19 May 9, 2013, letter from the bank assuring me  
20 everything was proceeding according to plan, and then  
21 the May 15, 2013, notice of imminent trustee's sale, is  
22 Exhibit 6.

23 10. We will experience substantial hardship if we lose  
24 our home. We have nowhere else to go and would  
25 effectively be rendered homeless.

26  
27  
28 ///

1 11. I have never received any notification, written or  
2 otherwise, that my application for a loan modification  
3 had been rejected.

4

5 I declare on penalty of perjury under the laws of  
6 the State of California that the foregoing is true and  
7 correct, so help me God.

8

9 Dated: May 28, 2013

10 By: *Daniilo V. Sese*

11 Daniilo Sese

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# Exhibit 1

Bank's January 29, 2013 letter: you are in foreclosure.



Fax: 1-866-278-1179  
Telephone: 1-800-416-1472  
Correspondence: PO Box 10335  
Des Moines, IA 50306  
Hours of Operation:  
Monday-Friday, 8:00 a.m. to 8:00 p.m. Central Time

January 29, 2013

DANILO V SESE  
8781 LONGMORE WAY

Loan Number: 0047393731  
Property Address: 8781 LONGMORE WAY

Subject: Notice Pursuant to Cal. Civ. Code § 2924.9

Dear DANILO V SESE:

We're writing to let you know that your mortgage is currently in foreclosure. However, you may still have an opportunity to keep your home or prevent foreclosure, even if you previously indicated that you do not wish to stay in your home.

**We urge you to avoid foreclosure if possible**

Any number of circumstances might have made it difficult for you to make your monthly mortgage payments, such as a job loss, or unexpected expenses. Whatever your current situation, it may still be possible for you to avoid foreclosure.

**You still may have time - if you act immediately**

We previously sent you a letter informing you about available mortgage assistance options to avoid foreclosure, along with a Customer Information Package for you to complete and return to us to be evaluated for these options. If you did not receive these documents, no longer have them, wish to receive new documents, or if you did not return the required information, please contact the Home Preservation Department immediately at the phone number above for a new package. Please keep in mind that we cannot evaluate you for mortgage assistance options until we receive the completed package.

**Don't delay**

We are here to help you, but we must hear from you. If you want to keep your home, or if you no longer wish to stay in your home but want to avoid foreclosure, please call the Home Preservation Department today at the phone number above to discuss your options.

Sincerely,

Wells Fargo Home Mortgage



## Exhibit 2

Proof of submission of all documents requested  
for a loan modification.

FAX COVER SHEET

FAXED  
2/11/13

FAIR OAKS, CALIFORNIA

FAX: (916) 961-0321

FAX: (800) 313-0892

TO: ANTHONY HACKER

COMPANY: WACHOVIA HOME PRESERVATION DEPT.

FROM: DANNY V. SESE  
(916) 718-0135 Cellphone

DATE: 2/11/13

RE: DANILLO V. SESE  
LOAN # 0047993781

TOTAL # OF PAGES 19  
INCLUDING COVER SHEET

HI ANTHONY,

HERE IS MY RMA APPLICATION PACKET.  
THANK YOU FOR YOUR PATIENCE AND KIND  
CONSIDERATION.

SINCERELY,

Danilo V. Lise



## Exhibit 3

February 14, 2013 acknowledgement that bank had received all the documents.

WELLS FARGO HOME MORTGAGE  
 RETURN MAIL OPERATIONS  
 PO BOX 10368  
 DES MOINES IA 50306-0368



02/14/13



1AT 00918/004875/001990 0023 2 AGPYTXHP269 512

DANILO V SESE  
 8781 LONGMORE WAY  
 FAIR OAKS, CA 95628-6347

**Account Information**

<b>Online:</b>	wellsfargo.com
<b>Telephone:</b>	1-877-371-9959
<b>Correspondence:</b>	PO Box 659558 San Antonio, TX 78265-9558
<b>Hours of Operations:</b>	Mon - Fri, 8 AM - 10 PM Sat. 8 AM - 5 PM CT
<b>Loan Number:</b>	0047393731
<b>Property Address:</b>	8781 Longmore Way Fair Oaks CA 95628

**Subject:** Acknowledging receipt of your documentation supporting your request for mortgage assistance

Dear Danilo V Sese:

I'm writing to let you know I've received the documentation you sent us supporting your request for mortgage assistance. And thank you for responding to our request.

**What happens next**

We will review the documentation you've submitted. Please keep in mind, there may be additional documents required before we can determine if you're eligible for mortgage assistance. To find out what additional documents we may need from you:

- Refer to the initial package we sent you listing all required documentation, as well as any subsequent correspondence requesting additional documentation.
- Go to [wellsfargo.com/modification](http://wellsfargo.com/modification) to see what documents we may still need from you. (Please note: For certain loans, online assistance may not be available. If you receive an error message, please call us at 1-800-678-7986.)

**What you need to know about foreclosure for the loan noted above**

We'll continue to work with you to help you avoid a foreclosure sale. If your loan has not previously been referred to foreclosure and you have submitted all of the required documentation needed to evaluate for an alternative, this loan will not be referred to foreclosure while the application is evaluated. If your loan has been referred to foreclosure and you have submitted all required documentation, we will not conduct a foreclosure sale on this loan while your documents are being reviewed and if allowed by state law and/or investor guidelines.

As part of the foreclosure process, you may receive notices from a third-party attorney delivered by mail or see steps being taken to proceed with a foreclosure sale of your home.

**I'm here for you**

If you have any questions or need further assistance, please call the number listed below. A Home Preservation Specialist is available to assist you Monday - Friday 8 AM to 10 PM, and Saturday, 8 AM



WFM307C



HP269 512

5120047393731HP269

001875001000 02BVTY 02.FT.MA.1/002

## Exhibit 4

Contemporaneous notes of conversation with numerous bank representatives.

1/29/13: DAL.

REINSURANCE QUOTE

COL. WESTERN REINSURANCE: (609) 590-9200

2/5/13: WACHOVIA HOME PRESERVATION DEPT.

(877) 371-9900, X-4485

ANTHONY HACKER → X-4472

FAX #: (800) 313-0992

MTWTF: 10:00 A.M. - 8:00 P.M. PT.

FR.: 9:00 A.M. - 1:00 P.M. PT.

JESSICA, WGR.: X-4272

① - RMA FORM

② - 450T - FORMS: IRS FORMS

- Fill UP LINES 1-4, SIGN & DATE

NEED

⑤ P+L: OCT. - DEC. 2012

: NAME & ADDR OF BUSINESS

: 10/1/12 - 12/31/12

- GROSS INCOME

- EXPENSES: BUSINESS ONLY: TOTAL, NOT ITEMIZED

- NET INCOME

- SIGN & DATE

④ 2 MONTHS OF BUSINESS ACCT. NOV. & DEC.

③ 2011 TAX RETURN

## Exhibit 5

Evidence of numerous subsequent and timely submissions to the bank representatives on each and every occasion they asked for more or different documentation.

**FAXED**  
2/18/13

**FAX COVER SHEET**

**FAIR OAKS, CALIFORNIA**

**FAX: (916) 961-0321**

**FAX: (800) - 313-0852**

**TO:** ANTHONY HACKER

**COMPANY:** WACHOVIA HOME PRESERVATION DEPT.

**FROM:** **DANNY V. SESE**  
**(916) 718-0135 Cellphone**

**DATE:** 2/18/13

**RE:** DANILO V. SESE

LOAN # 0047393731

**TOTAL # OF PAGES** 19  
**INCLUDING COVER SHEET**

HI ANTHONY,

HERE IS MY REMA PACICET AND BANK STATEMENTS

THANK YOU FOR YOUR KIND CONSIDERATION.

SINCERELY,

Daniilo V. Sese

FAX COVER SHEET

FAXED  
2/20/13

FAIR OAKS, CALIFORNIA

FAX: (916) 961-0321

FAX: (800) 313-0892

TO: ANTHONY HACKER

COMPANY: WACHOVIA HOME PRESERVATION DEPT.

FROM: **DANNY V. SESE**  
(916) 718-0135 Cellphone

DATE: 2/20/13

RE: DANILO V. SESE

LOAN # 0047393731

TOTAL # OF PAGES 5  
INCLUDING COVER SHEET

Hi ANTHONY,

ENCLOSED ARE MY SCHEDULE E, SCHEDULE K-1,  
AND 1120 S FORMS.

ALSO, YOU ASKED ME ABOUT NON-RECURRING  
\$2,000 INCOME. IT ACTUALLY, <sup>WAS</sup> FROM FORM W-2G,  
CERTAIN COMBLING WINNINGS THAT I WON IN  
A CASINO.

THANK YOU FOR YOUR KIND CONSIDERATION.

SINCERELY,

Daniilo V. Sese

FAX COVER SHEET

FAXED  
2/27/13

FAIR OAKS, CALIFORNIA  
FAX: (916) 961-0321  
FAX: (800) 313-0852

FAXED  
3/1/13

TO: ANTHONY HACKER

COMPANY: WACHOVIA HOME PRESERVATION DEPT.

FROM: DANNY V. SESE  
(916) 718-0135 Cellphone

DATE: 2/27/13

RE: DANILO V. SESE  
LOAN # 0047393731

TOTAL # OF PAGES 2  
INCLUDING COVER SHEET

Hi ANTHONY,

ENCLOSED IS FORM 4506-T.

THANK YOU FOR YOUR ASSISTANCE.

SINCERELY,

Daniilo V. Sese



FAXED  
(4/16/13)

FAX COVER SHEET

FAIR OAKS, CALIFORNIA

FAX: (916) 961-0321

FAX: (800) 313-0892

TO: ANTHONY HACKER

COMPANY: WACHOVIA HOME PRESERVATION DEPT.

FROM: DANNY V. SESE  
(916) 718-0135 Cellphone

DATE: 4/16/13

RE: DANILLO V. SESE

LOAN # 0047393731

TOTAL # OF PAGES 3  
INCLUDING COVER SHEET

Hi ANTHONY,

ENCLOSED IS THE 2011 FORM 1040.

THANKS,

Danilo V. Sese

FAX COVER SHEET

FAIR OAKS, CALIFORNIA

FAX: (916) 961-0321

FAX: (907) - 313-0892

FAXED  
3/7/13

FAXED  
3/14/13

TO: ANTHONY HACKER

COMPANY: WACHOVIA HOME PRESERVATION DEPT.

FROM: DANNY V. SESE  
(916) 718-0135 Cellphone

FAXED  
3/21/13

DATE: 3/7/13

RE: DANILLO V. SESE  
LOAN # 0047393781

TOTAL # OF PAGES 2  
INCLUDING COVER SHEET

Hi ANTHONY,

ENCLOSED IS FORM 4506-T

THANKS,

Danilo V. Sese

FAX COVER SHEET

FAXED  
5/6/13

FAIR OAKS, CALIFORNIA  
FAX: (916) 961-0321  
FAX - (800) - 313 - 0892

TO: ANTHONY HACKER

COMPANY: WACHOVIA HOME PRESERVATION DEPT.

FROM: DANNY V. SESE  
(916) 718-0135 Cellphone

DATE: 5/6/13

RE: DANILO V. SESE

LOAN # 0047393731

TOTAL # OF PAGES 18  
INCLUDING COVER SHEET

Hi ANTHONY,

HERE ARE MY JANUARY 1 - MARCH 31, 2013 P+L  
AND JANUARY - MARCH, 2013 BANK STATEMENTS.

THANK YOU.

Daniilo V. Sese

FAX COVER SHEET

FAXED  
5/8/13

FAIR OAKS, CALIFORNIA

FAX: (916) 961-0321

FAX - (800) - 313-0892

TO: ANTHONY HACKER

COMPANY: WACHOVIA HOME PRESERVATION DEPT.

FROM: DANNY V. SESE  
(916) 718-0135 Cellphone

DATE: 5/8/13

RE: DANILO V. SESE  
LOAN # 0047393731

TOTAL # OF PAGES 3  
INCLUDING COVER SHEET

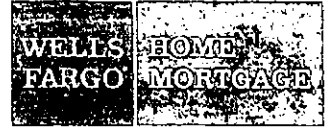
JANUARY - PAGE 1

FEBRUARY. PAGE 4

## Exhibit 6

May 9, 2013 letter from bank stating that all documents were being received and that they were considering my modification. Then the May 15, 2013, notice of trustee's sale scheduled for June 4, 2013!

WELLS FARGO HOME MORTGAGE  
RETURN MAIL OPERATIONS  
PO BOX 10368  
DES MOINES IA 50306-0368



05/09/13



1AT 01223/005640/002379 0027 2 AGQ944HP269 512

DANILO V SESE  
8781 LONGMORE WAY  
FAIR OAKS, CA 95628-6347

Account Information	
Online:	wellsfargo.com
Telephone:	1-877-371-9959
Correspondence:	PO Box 659558 San Antonio, TX 78265-9558
Hours of Operations:	Mon - Fri, 8 AM - 10 PM Sat. 8 AM - 5 PM CT
Loan Number:	0047393731
Property Address:	8781 Longmore Way Fair Oaks CA 95628

Subject: Acknowledging receipt of your documentation supporting your request for mortgage assistance

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- Go to **wellsfargo.com/modification** to see what documents we may still need from you. (Please note: For certain loans, online assistance may not be available. If you receive an error message, please call us at 1-800-678-7986.)

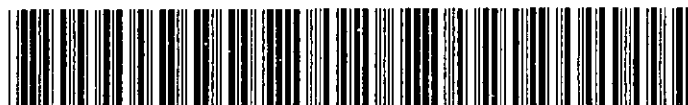
**What you need to know about foreclosure for the loan noted above**

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As part of the foreclosure process, you may receive notices from a third-party attorney delivered by mail or see steps being taken to proceed with a foreclosure sale of your home.

**I'm here for you**

If you have any questions or need further assistance, please call the number listed below. A Home Preservation Specialist is available to assist you Monday - Friday 8 AM to 10 PM, and Saturday, 8 AM



**Account Information**

Loan Number: 0047393731

Property Address: 8781 Longmore Way  
Fair Oaks CA 95628

\_\_\_\_\_ to 5 PM, Central Time at 1-877-371-9959.  
\_\_\_\_\_

Sincerely,

*Anthony Hacker*

Anthony Hacker  
Home Preservation Specialist  
Wells Fargo Home Mortgage  
Ph: 1-877-371-9960 ext. 4472  
Fax: 1-800-313-0892

**Active Servicemembers**

The Servicemembers Civil Relief Act (SCRA) may offer protection or relief to members of the military who have been called to active duty. If either you have been called to active duty, or you are the spouse or financial dependant of a person who has been called to active duty, and you haven't yet made us aware of your status, please contact our Military Customer Service Center at 1-866-936-SCRA (1-866-936-7272) or fax your Active Duty Orders to 1-877-658-4585, attention Special Loans/SCRA.

**Get free counseling to help manage expenses and avoid foreclosure**

Reach out to a local HUD-approved, non-profit housing counseling agency if you're struggling to keep up with monthly expenses, or want help to avoid foreclosure. At no cost, a counselor will work closely with you, providing the information and assistance you need. To find an agency near you, go to [www.hud.gov/offices/hsg/sfh/hcc/fc](http://www.hud.gov/offices/hsg/sfh/hcc/fc). Or call **1-800-569-4287**. You can also call the HOPE Hotline at 1-888-995-HOPE.

Be sure you avoid anyone who asks for a fee for counseling or a loan modification, or asks you to sign over the deed to your home, or to make your mortgage payments to anyone other than Wells Fargo Home Mortgage.

This communication is an attempt to collect a debt and any information obtained will be used for that purpose. However, if you have received a discharge of this debt in bankruptcy or are currently in a bankruptcy case, this notice is not intended as an attempt to collect a debt, and we have a security interest in the property and will only exercise our rights as against the property.

With respect to those loans located in the State of California, the state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

Wells Fargo Home Mortgage is a division of Wells Fargo Bank, N.A. © 2013 Wells Fargo Bank, N.A. All rights reserved. Equal Housing Lender. NMLSR ID399801



5120047393731HP269

**RECORDING REQUESTED BY**

And When Recorded Mail To:

CAL-WESTERN RECONVEYANCE CORPORATION  
525 EAST MAIN STREET  
P.O. BOX 22004  
EL CAJON CA 92022-9004

APN: 246-0493-002-0000

Trustee Sale No. 1379715-31

Space Above This Line For Recorder's Use

**NOTICE OF TRUSTEE'S SALE**

[ATTENTION RECORDER: PURSUANT TO CIVIL CODE §2923.3, THE SUMMARY OF INFORMATION REFERENCED BELOW IS NOT ATTACHED TO THE RECORDED COPY OF THIS DOCUMENT BUT ONLY TO THE COPIES PROVIDED TO THE TRUSTOR.]

**NOTE: THERE IS A SUMMARY OF THE INFORMATION IN THIS DOCUMENT ATTACHED**

注：本文件包含一个信息摘要

참고사항: 본 첨부 문서에 정보 요약서가 있습니다

**NOTA: SE ADJUNTA UN RESUMEN DE LA INFORMACIÓN DE ESTE DOCUMENTO**

**TALA: MAYROONG BUOD NG IMPORMASYON SA DOKUMENTONG ITO NA NAKALAKIP**

**LƯU Ý: KÈM THEO ĐÂY LÀ BẢN TRÌNH BÀY TÓM LƯỢC VỀ THÔNG TIN TRONG TÀI LIỆU NÀY**

TRA:54402

UNVER

REF: SESE, DANILO

Property Address: 8781 LONGMORE WAY, FAIR OAKS CA 95628-6347

**IMPORTANT NOTICE TO PROPERTY OWNER:**

YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED **October 03, 2007**. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER

On **June 04, 2013**, at **10:00am**, **CAL-WESTERN RECONVEYANCE CORPORATION**, as duly appointed trustee under and pursuant to Deed of Trust recorded **October 15, 2007**, as Inst. No. **XX**, in book **20071015**, page **1763**, of Official Records in the office of the County Recorder of **SACRAMENTO** County, State of **CALIFORNIA** executed by: **DANILO V. SESE, A MARRIED MAN**

WILL SELL AT PUBLIC AUCTION TO HIGHEST BIDDER FOR CASH, CASHIER'S CHECK DRAWN ON A STATE OR NATIONAL BANK, A CHECK DRAWN BY A STATE OR FEDERAL CREDIT UNION, OR A CHECK DRAWN BY A STATE OR FEDERAL SAVINGS AND LOAN ASSOCIATION, SAVINGS ASSOCIATION, OR SAVINGS BANK SPECIFIED IN SECTION 5102 OF THE FINANCIAL CODE AND AUTHORIZED TO DO BUSINESS IN THIS STATE: **AT THE EAST MAIN ENTRANCE TO THE COUNTY COURTHOUSE, 720 9TH STREET, SACRAMENTO, CALIFORNIA**

all right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County and State described as: **COMPLETELY DESCRIBED IN SAID DEED OF TRUST**





**NOTICE OF TRUSTEE'S SALE**

Trustee Sales No. 1379715-31

The street address and other common designation, if any, of the real property described above is purported to be:

**8781 LONGMORE WAY  
FAIR OAKS CA 95628-6347**

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein.

Said sale will be held, but without covenant or warranty, express or implied, regarding title, possession, condition, or encumbrances, including fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to pay the remaining principal sums of the note(s) secured by said Deed of Trust. The total amount of the unpaid balance of the obligation secured by the property to be sold and reasonable estimated costs, expenses and advances at the time of the initial publication of the Notice of Sale is:

**\$355,551.82.**

**If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.**

The beneficiary under said Deed of Trust heretofore executed and delivered to the undersigned a written Declaration of Default and Demand for Sale, and a written Notice of Default and Election to Sell. The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located.

**NOTICE TO POTENTIAL BIDDERS:** If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

**NOTICE TO PROPERTY OWNER:** The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call (619)590-1221 or visit the Internet Web Site WWW.RPPSALES.COM using the file number assigned to this case 1379715-31. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web Site. The best way to verify postponement information is to attend the scheduled sale.

**FOR SALES INFORMATION: (619)590-1221  
CAL-WESTERN RECONVEYANCE CORPORATION  
525 EAST MAIN STREET  
P.O. BOX 22004  
EL CAJON CA 92022-9004**

Dated: May 01, 2013

CAL-WESTERN RECONVEYANCE CORPORATION

By: \_\_\_\_\_  
Authorized Signature

P.O. Box 23040  
San Diego, CA 92193-3040

IMPORTANT INFORMATION  
ENCLOSED



71 96900 2484 0253 8637 4

Mailed On: May 15, 2013  
Reference Number: 1379715-31 6  
Mailing Number: 1950480-01 ClientID: CWR CE

DANILO V SESE  
8781 LONGMORE WAY  
FAIR OAKS CA 95628

Pursuant to the requirements contained in section 2924b of the Civil Code of the State of California, we enclose a copy of the Notice of Trustee's Sale, and, pursuant to the requirements contained in section 2923.3 of the Civil Code of the State of California, we enclose a copy of the Summary of the Notice of Trustee's Sale, in an envelope and with postage prepaid.

You will please observe that this copy of the Notice of Trustee's Sale is mailed within the statutory time limit.

Thank you.

CAL-WESTERN RECONVEYANCE CORPORATION

Enclosures

NOSMTCA

Rev. 04/01/13

Cal-Western Reconveyance Corporation

525 East Main Street, El Cajon, California 92020 • P.O. Box 22004, El Cajon, California 92022-9004  
TEL: (619) 590-9200 • FAX: (619) 590-9299 • Website: [www.cwrc.com](http://www.cwrc.com)



1 Aldon L. Bolanos, Esq., SBN. 233915  
2 Law Offices of Aldon L. Bolanos, Esq.  
3 Sacramento, CA 95814  
4 PH. 916.446.2800  
5 Fx. 916.446.2828  
6 www.aldonlaw.com

7 Attorneys for Plaintiff Danilo SESE

FILED  
Superior Court Of California,  
Sacramento  
05/28/2013  
emuniz  
By \_\_\_\_\_, Deputy  
Case Number:  
~~34-2013-00144287~~

8 State of California  
9 County of Sacramento

10  
11 Danilo SESE,  
12 Plaintiff,  
13 vs.  
14 Wells Fargo Bank, N.A.,  
15 Defendant.  
16  
17

Case No.  
  
Verified Complaint for  
Injunctive Relief and Damages

Jury Trial Demanded

18  
19  
20 1. Plaintiff Danilo SESE ("Plaintiff or Mr. Sese")  
21 brings this complaint for damages and injunctive  
22 relieve due to "dual tracking" by defendant Wells Fargo  
23 Bank ("Defendant or Wells Fargo").

24 2. Specifically, Mr. Sese has been engaged in ongoing  
25 good faith negotiations with Wells Fargo Bank toward  
26 the modification of a home loan on his property at 8781  
27 Longmore Way, Fair Oaks, California, within this  
28 County.

1 3. At the same time, defendant bank was actively  
2 moving toward foreclosure of the home and took clear  
3 steps to satisfy this state's requirements toward a  
4 non-judicial foreclosure, including recording a notice  
5 of default and notice of trustee's sale. At present,

---

6 and despite the ongoing good faith negotiations, the  
7 trustee's sale is scheduled for June 4, 2013.

8 4. At the same time, the bank continued to "string  
9 along" Mr. Sese, with promises of a modification if  
10 only certain documents were provided, which in many  
11 cases were the same documents that had been previously  
12 requested and previously provided on numerous  
13 occasions.

14 5. Consequently, plaintiff is informed and believes  
15 and based thereon alleges that the negotiations were  
16 not in good faith, and were a mere "smoke screen" for  
17 use by defendant to lull Mr. Sese into a state of  
18 complacency while his home was taken from him.

19 6. During this process, Mr. Sese also encountered  
20 multiple points of contact at the bank. One  
21 representative would tell him that only another  
22 department could handle certain transactions, *et*  
23 *cetera*. The end result would be sophisticated shell  
24 game designed to fatigue Mr. Sese and relieve him of  
25 both his cash income and his assets, including his  
26 family home.

27 7. Jurisdiction and venue are proper because Wells  
28 Fargo Bank is engaged in extensive business within this

1 County, and all the acts alleged herein occurred within  
2 this County, such that jurisdiction before this court  
3 would not offend traditional notions of fair play and  
4 substantial justice.  
5

6 First Cause of Action: Violations of the  
7 Homeowners' Bill of Rights

8 8. Under California law, a borrower may bring an  
9 action for injunctive relief to enjoin a material  
10 violation of *Civil Code* section 2923.5, 2923.7,  
11 2924.11, or 2924.17. Any injunction shall remain in  
12 place and any trustee's sale shall be enjoined until  
13 the court determines that the bank has corrected and  
14 remedied the violations giving rise to the action for  
15 injunctive relief. *Civil Code* § 2924.12.

16 9. Also under these laws, a court may award a  
17 prevailing borrower reasonable attorney's fees and  
18 costs in an action brought pursuant to this section.  
19 *Id.* at subsection (g). Additionally, a borrower shall  
20 be deemed to have prevailed for purposes of this  
21 subdivision if the borrower obtained injunctive relief  
22 or was awarded damages pursuant to this section. *Id.* at  
23 subsection (h).

24 10. Under the recently-enacted California Homeowners'  
25 Bill of Rights, a mortgage servicer/bank may not record  
26 a notice of default until it complies with numerous  
27 specific conditions set forth in the statute at  
28 2924.18.

1 11. Mr. Sese was asked repeatedly to provide the same  
2 documents over and over to Wells Fargo Bank, and he did  
3 provide a complete application to them on repeated  
4 occasions. The bank acknowledged receipt of these  
5 documents in writing, and yet continued to request, in  
6 both writing and by telephone, that Mr. Sese provide  
7 the same documents again! In all instances Mr. Sese  
8 complied and provided the documents again without  
9 protest. This charade went on throughout 2013, until  
10 on or about May 15, 2013, the bank recorded and served  
11 a notice of trustee's sale for June 4, 2013.

12 12. Additionally, upon request from a borrower who  
13 requests a foreclosure prevention alternative, the  
14 mortgage servicer shall promptly establish a single  
15 point of contact and provide to the borrower one or  
16 more direct means of communication with the single  
17 point of contact. The single point of contact is  
18 responsible for numerous obligations set forth in the  
19 statute.

20 15. Wells Fargo Bank did not provide said single point  
21 of contact, and instead plaintiff was shuttled from  
22 representative to representative, with the ultimate  
23 result being the home is facing foreclosure.

24  
25 PRAYER FOR RELIEF

26 WHEREFORE, Plaintiff prays judgment against  
27 defendant as follows:

28 1. For General damages according to proof;



**SUMMONS  
(CITACION JUDICIAL)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

Wells Fargo Bank, N.A.

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Danilo Sese

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, pueda perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Sacramento County Superior Court  
720 9th Street, Sacramento, CA 95814

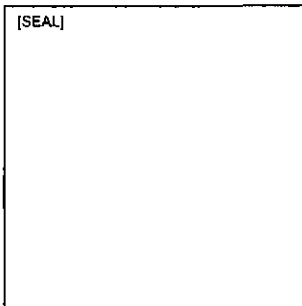
CASE NUMBER:  
(Número del Caso):

34-2013-00144287

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Aldon L. Bolanos, Esq., 925 G Street, Sacramento, CA 95814, (916) 446-2800

DATE: **MAY 28 2013** Clerk, by **E. MUNIZ** Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify):
 

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4.  by personal delivery on (date):