

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Nichole Williams,

Civil: _____

Johnson Sendolo,

Plaintiffs.

vs.

Timothy F. Geithner, as United States
Secretary of the Treasury

U.S. Department of the Treasury,

ORDER

The Federal Housing Finance Agency,
as conservator for the Federal National
Mortgage Association, d/b/a Fannie
Mae and the Federal Home Loan
Mortgage Corporation d/b/a Freddie
Mac,

Federal National Mortgage Association,
d/b/a Fannie Mae,

Federal Home Loan Mortgage
Corporation d/b/a Freddie Mac,

Ocwen Loan Servicing, LLC, and

GMAC Mortgage, f/d/b/a
Homecomings Financial,

Defendants.

On July 28, 2009, Plaintiffs Nichole Williams and Johnson Sendolo filed their Complaint in the above-named matter seeking a preliminary injunction related to alleged violations of Plaintiffs constitutional right to procedural due process.

Based upon the supporting memorandum, arguments, and all other related documents:

Plaintiffs' Motion for a Preliminary Injunction is hereby **GRANTED**.

IT IS HEREBY ORDERED:

1. Defendants and their agents, nominees, attorneys, employees, representatives or anyone acting in concert or participation with Defendants are hereby preliminarily enjoined, related to sub-class 1, from accelerating mortgage payments or the amount due, authorizing a foreclosure or Sheriff's sale, requesting or scheduling a Sheriff's sale, foreclosing, publishing a notice of foreclosure or Sheriff's sale, or filing a lawsuit or initiating a foreclosure sale unless or until:

- i. Promulgating regulations, guidelines, or rules that require mortgage loan servicers to notify, in writing, that a homeowner has been denied access to participate in HAMP and other loan modification or loss mitigation programs offered by the servicer;
- ii. Promulgating regulations, guidelines, or rules that require mortgage loan servicers provide a written decision stating the reason for denial, and showing proper application of the "loss mitigation waterfall;"
- iii. Promulgating regulations, guidelines, or rules that require notice of an opportunity for the homeowner to appeal or provide additional information to a neutral decision-maker;
- iv. Promulgating regulations, guidelines, or rules that require the disclosure of the factors and specific formula used to determine a

“positive” or “negative” result by the Net Present Value calculator;
and

- v. Promulgating regulations, guidelines, or rules that provide a reasonable opportunity for a homeowner to appeal to an unbiased decision-maker;

2. Defendants and their agents, nominees, attorneys, employees, representatives or anyone acting in concert or participation with Defendants are hereby preliminarily enjoined, related to sub-class 2, from liquidating, selling, transferring, repossessing, or in any other way proceeding against or depriving Plaintiffs’ of their property unless and until:

- i. Defendants identify all Minnesota homeowners who are eligible for HAMP and were foreclosed upon from March 4, 2009 to the present;
- ii. Promulgating regulations, guidelines, or rules that require mortgage loan servicers to notify, in writing, that a homeowner has been denied access to participate in HAMP and other loan modification or loss mitigation programs offered by the servicer;
- iii. Promulgating regulations, guidelines, or rules that require mortgage loan servicers provide a written decision stating the reason for denial, and showing proper application of the “loss mitigation waterfall;”

- iv. Promulgating regulations, guidelines, or rules that require notice of an opportunity for the homeowner to appeal or provide additional information to a neutral decision-maker;
- v. Promulgating regulations, guidelines, or rules that require the disclosure of the factors and specific formula used to determine a “positive” or “negative” result by the Net Present Value calculator;
- vi. Promulgating regulations, guidelines, or rules that provide a reasonable opportunity for a homeowner to appeal to an unbiased decision-maker; and
- vii. Promulgating regulations, guidelines, or rules that create a process for the foreclosure sale or Sheriff’s sale to be avoided, the foreclosure lawsuit or foreclosure by action dismissed, and the homeowner’s property rights restored if the homeowner is eligible and qualified for HAMP and chooses to avail themselves of HAMP or other loan modification or loss mitigation programs offered by the servicer.

Dated:

Judge of District Court