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Attorneys for Defendants and Cross-complainants  
David E. Ernce and Lynn Trinka Ernce

ENDORSED  
JAN 26 PM 3:06  
LEGAL PROCESS #11

ENTERED  
JAN 03 2003  
CALENDARED

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO

MJB/BIXBY CONSTRUCTION, INC.,

Plaintiff,

v.

DAVID AND LYNN ERNCE,

Defendants.

Case No. 01AS07168

**NOTICE OF ENTRY OF ORDER  
EXPUNGING MECHANICS' LIEN**

DAVID E. ERNCE and LYNN TRINKA  
ERNCE,

Cross-Complainants,

v.

MJB/BIXBY CONSTRUCTION, INC., a  
corporation and MARK J. BIXBY,  
individually and dba BIXBY  
CONSTRUCTION,

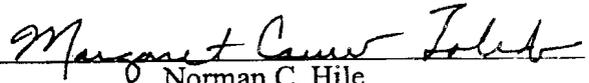
Cross-Defendants.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on December 23, 2002, the Court in the above-  
3 captioned case entered the attached minute order granting the Ernces' motion to expunge the  
4 second mechanics' lien recorded against the Ernces' home, which lien was recorded in the  
5 Official Records of the County of Sacramento, Book 20010927, Page 710 on September 27,  
6 2001. See Exhibit A.

7 Dated: December 24, 2002

ORRICK, HERRINGTON & SUTCLIFFE LLP

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Norman C. Hile

Margaret Carew Toledo

Attorneys for Defendants

David E. Ernce and Lynn Trinkka Ernce

ITEM 5 01AS07168 MJB/BIXBY CONSTRUCTION, INC.-VS. DAVID ERNCE, ET AL  
Nature of Proceeding: MOTION TO EXPUNGE MECHANICS' LIEN  
Filed By: TOLEDO, MARGARET CAREW

The motion to expunge the second mechanics' lien is granted. The Ernces have shown the second lien contains willful misstatements by including charges not furnished for the property described in the lien and was filed with the intent to defraud. C.C. § 3118.

No opposition to the motion has been received by the Court.

This minute order is effective immediately. No formal order is needed, C.R.C. rule 391, nor is further notice of this ruling required. □

Department 54  
December 23, 2002  
Page 3

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