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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

GINA CHAMPION-CAIN AND ANI
DEVELOPMENT, LLC

Defendants, and

AMERICAN NATIONAL INVESTMENT,
INC.,

Relief Defendant.

CASE NO: 3:19-cv-01628-LAB-AHG

**ORDER GRANTING JOINT MOTION
AND STIPULATED REQUEST FOR
ORDER GRANTING SYMETRA LIFE
INSURANCE COMPANY RELIEF
FROM PRELIMINARY INJUNCTION
TO FORECLOSE ON REAL
PROPERTY [DOCKET NO. 324]**

The unopposed Joint Motion and Stipulated Request for Order Granting Symetra Life Insurance Company Relief from Preliminary Injunction to Foreclose on Real Property [Docket No. 324] is **GRANTED**.

With respect to the property located at 4437 & 4445 Lamont St., San Diego, CA 92109 (the “Lamont Property”), Symetra Life Insurance Company (“Symetra”) is granted limited relief from the prohibitions set forth in Section XIII B and C of the Appointment Order [Docket No. 6] for the purpose of permitting Symetra to enforce the security interest created by its Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing, recorded on July

1 16, 2015, San Diego County Recorder’s Office, Instrument No. 2015-0375187 (“DOT”).
2 Symetra, and any person or entity serving as foreclosure trustee under the DOT, is permitted
3 to commence and prosecute non-judicial foreclosure proceedings under the DOT, with respect
4 to the Lamont Property, including serving, posting, and publishing required notices and
5 conducting a non-judicial trustee’s sale of the Lamont Property. Such foreclosure proceedings
6 may be consummated without the necessity of any further order of the Court. The successful
7 bidder at any foreclosure sale acquires and takes possession of the Lamont Property free and
8 clear of any interest of the receivership estate.

9 Such relief from the prohibitions under Section XIII of the Appointment Order shall be
10 limited to Symetra and shall not extend to any other creditor of the Receivership Entities.
11 Symetra retains all other rights and remedies it currently has, including without limitation the
12 right to petition this Court for further relief. The Receiver and the Receivership Entities will
13 execute and deliver to Symetra such documents as Symetra may reasonably request in order
14 to complete the non-judicial foreclosure proceedings.

15 Such relief from the prohibitions under Section XIII of the Appointment Order shall be
16 limited to non-judicial foreclosure of the real property and real property fixtures constituting
17 the Lamont Property. Nothing herein shall preclude the Receiver from moving forward with
18 any sale of the personal property of The Patio on Lamont restaurant or of the liquor license of
19 tenant The Patio on Lamont, LP.

20 Nothing herein shall preclude the Receiver from soliciting or developing offers for the
21 Lamont Property pending the foreclosure sale. In the event an offer is secured in an amount
22 sufficient to pay off all sums owed in full under the Loan including all advances made by the
23 lender (including, without limitation, all sums paid by Symetra for force-placed insurance),
24 plus all expenses of the Receiver in pursuing such an offer, so as to secure a net recovery for

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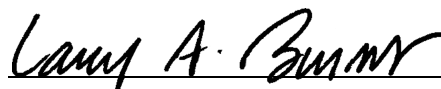
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1 the receivership estate, and the buyer has released all contingencies, the Receiver will confer
2 with Symetra and seek additional relief from the Court.

3 **IT IS SO ORDERED.**

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5 Dated: June 9, 2020


6 Hon. Larry A. Burns
7 Chief United States District Judge

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