

## HOLD HARMLESS AGREEMENT

THIS HOLD HARMLESS AGREEMENT (**Agreement**) is made this 18th day of January, 2019, by and between \_\_\_\_\_ (**Buyers**) and U.S. BANK, National Association, as Trustee, for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-7N (**Seller**).

WHEREAS, Xome Inc. (**Xome**) is an authorized agent for Seller, \_\_\_\_\_ and \_\_\_\_\_ are "Buyers" under the terms of that certain Purchase and Sale Contract dated January 18, 2019 (the **Contract**), concerning the conveyance by Seller to Buyers of that certain real estate legally described as:

**A CONDOMINIUM COMPOSED OF: PARCEL 1: (A) AN UNDIVIDED ½ INTEREST IN AND TO PARCEL 1 OF PARCEL MAP NO. 60269, IN THE CITY OF REDONDO BEACH, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 335 PAGE(S) 34 AND 35 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPT THEREFROM UNITS 1 THROUGH 2, INCLUSIVE, AS DEFINED AND DELINEATED ON A CONDOMINIUM PLAN RECORDED MARCH 1, 2006, AS INSTRUMENT NO. 06-442178, OF OFFICIAL RECORDS. RESERVING THEREFROM, AN EXCLUSIVE EASEMENT, FOR ALL USES AND PURPOSES OF A YARD AREA, TOGETHER WITH THE RIGHT TO GRANT TO OTHERS, OVER AND ACROSS THOSE PORTIONS OF SAID LAND DEFINED AND DELINEATED AS 1Y-1 AND 2Y-1 ON THE ABOVE REFERRED TO CONDOMINIUM PLAN. RESERVING THEREFROM, AN EXCLUSIVE EASEMENT FOR ALL USES AND PURPOSES OF A DECK AREA TOGETHER WITH THE RIGHT TO GRANT TO OTHERS, OVER AND ACROSS THOSE PORTIONS OF SAID LAND DEFINED AND DELINEATED AS 1D-2, 1D-3, 2D-2 AND 2D-3 ON THE ABOVE REFERRED TO CONDOMINIUM PLAN. (B) UNIT 2 AS DEFINED AND DELINEATED ON THE ABOVE REFERRED TO CONDOMINIUM PLAN. PARCEL 2: AN EXCLUSIVE EASEMENT, APPURTENANT TO PARCEL 1 ABOVE, FOR ALL USES AND PURPOSES OF A YARD AREA OVER AND ACROSS THAT PORTION OF PARCEL 1 OF SAID PARCEL MAP NO. 60269, DEFINED AND DELINEATED AS EXCLUSIVE USE COMMON AREA, WHICH BEARS THE SAME NUMBER AS TO THE UNIT REFERRED TO IN PARCEL 1 ABOVE FOLLOWED BY THE LETTER "Y" ON THE ABOVE REFERENCED CONDOMINIUM PLAN. PARCEL 3: AN EXCLUSIVE EASEMENT, APPURTENANT TO PARCEL 1 ABOVE, FOR ALL USES AND PURPOSES OF A DECK AREA OVER AND ACROSS THAT PORTION OF PARCEL 1 OF SAID PARCEL MAP NO. 60269, DEFINED AND DELINEATED AS EXCLUSIVE USE COMMON AREA, WHICH BEARS THE SAME NUMBER AS TO THE UNIT REFERRED TO IN PARCEL 1 ABOVE FOLLOWED BY THE LETTER "D" ON THE ABOVE REFERENCED CONDOMINIUM PLAN.**

A.P.N.: 7503-031-073

Commonly known as: 309 N. Broadway #B, Redondo Beach, CA 90277

(the **Property**).

WHEREAS, Nationstar Mortgage LLC, doing business as Mr. Cooper (**Nationstar**) was Seller's authorized servicing agent of a loan obtained by former owners of the Property, Matthew A. Hoffman and Julia K. Hoffman (together, **Hoffman**), repayment of which was secured by a deed of trust recorded with the Official Records of the Los Angeles County Recorder's Office (the **Recorder's Office**) on March 29, 2007 as Document Number 200735128 (the **Deed of Trust**);

WHEREAS, Seller obtained title to the Property by virtue of a trustee's deed upon sale (the **TDUS**) recorded with the Recorder's Office on November 17, 2017 as Document No. 20171328389, issued after a trustee's sale of the Property held on November 8, 2017 (the **Trustee's Sale**) conducted pursuant to the power of sale granted by the Deed of Trust;

WHEREAS, before and after the Trustee's Sale, Hoffman filed several lawsuits against Seller, Nationstar, and others, including but not limited to Los Angeles County Superior Court Case Numbers BC684645, which has been dismissed with prejudice and BC711293, which is currently pending (the **Litigation**), a true and correct copy of the Complaint in Case No. BC711293 is attached hereto as **Exhibit A**; and

WHEREAS, Buyers are fully informed as to the Litigation, and Hoffman's potential challenges to the foreclosure process which culminated in the Trustee's Sale, and wishes to complete the purchase of the Property pursuant to the terms of the Contract.

NOW THEREFORE, in consideration of the covenants and agreements contained in the Contract and for other good and valuable consideration, receipt of which is acknowledged by the parties hereto, the parties agree as follows:

1. The Contract will close pursuant to its terms.
2. Buyers will accept conveyance of the Property subject to the Litigation.
3. Buyers agree to hold harmless Seller, Nationstar and Xome, Title365 and their affiliates, subsidiaries, parent company, representatives, agents, officers, directors, employees, attorneys, shareholders, servicers, tenants, brokers, predecessors, successors and assigns (the **Releasees**) from and against any and all claims, causes of action, whether administrative or judicial, losses, costs (including any and all reasonable attorneys' fees, court costs and reasonable costs of investigation litigation and settlement), expenses, sanctions, curtailments, interest, liabilities, penalties, fines, demands, liens, judgments, compensation, fees, loss of profits, injuries, and/or damages of any kind whatsoever, whether know or unknown, fixed or contingent, joint or several, criminal or civil, or in law or in equity arising from, in connection with, or in any way relating to the Litigation and/or Hoffman.
4. Buyers additionally and specifically waive and relinquish all rights and benefits afforded by California Civil Code section 1542, which provides as follows:

**A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.**

Buyers' waiver of all rights and benefits afforded by section 1542 is done with their understanding and acknowledgement of the significance of such a specific waiver of section 1542. Notwithstanding the provisions of section 1542, and for the purpose of implementing a full and complete release and discharge of each and all Releasees, Buyers expressly acknowledges that this Agreement is intended to include in its effect (without limitation) all claims that Buyers does not know or suspect to exist in their favor at the time they execute this Agreement, which contemplates the extinguishment of any such claims. This waiver also applies to any other relevant re-codification or similar laws implemented hereafter substantially covering the subject matter of section 1542. However, this release shall be limited to the subject matter of this Agreement and not extend to, for example, loan, purchase or other agreements between Buyers and any of the Releasees relating to real property other than the Property. The releases herein shall not constitute a prospective waiver of any claims arising out of a dispute over this Agreement.

**By signing this Agreement, each party represents they have read and understood all provisions of this Agreement and are in agreement with its terms.**

BUYERS:

SELLER:

\_\_\_\_\_  
  
\_\_\_\_\_

U.S. BANK, NATIONAL ASSOCIATION,  
AS TRUSTEE, FOR LEHMAN XS TRUST  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-7N

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

## CASE INFORMATION

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Case Information | Register Of Actions | FUTURE HEARINGS | PARTY INFORMATION | Documents Filed | Proceedings Held

**Case Number:** BC711293

MATTHEW HOFFMAN ET AL VS US BANK NA ET AL

**Filing Courthouse:** Stanley Mosk Courthouse

**Filing Date:** 06/25/2018

**Case Type:** Other Real Property (not eminent domain, landlord/tenant, foreclosure) (General Jurisdiction)

**Status:** Pending

[Click here to access document images for this case](#)

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page

## FUTURE HEARINGS

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Case Information | Register Of Actions | FUTURE HEARINGS | PARTY INFORMATION | Documents Filed | Proceedings Held

**02/27/2019** at 08:30 AM in Department 78 at 111 North Hill Street, Los Angeles, CA 90012

Case Management Conference

## PARTY INFORMATION

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Case Information | Register Of Actions | FUTURE HEARINGS | PARTY INFORMATION | Documents Filed | Proceedings Held

HOFFMAN JULIA - Plaintiff

HOFFMAN JULIA AS TRUSTEE OF THE MALIBU L - Plaintiff

HOFFMAN MATTHEW - Plaintiff

HOFFMAN MATTHEW AS TRUSTEE OF THE MALIBU - Plaintiff

QUALITY LOAN SERVICE CORPORATION - Defendant

TRUTANICH DOMINIC JOHN - Attorney for Plaintiff

U.S. BANK N.A. - Defendant

## DOCUMENTS FILED

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### Documents Filed (Filing dates listed in descending order)

**11/16/2018** Proof of Service (not Summons and Complaint)

Filed by Quality Loan Service Corporation (Defendant)

**11/16/2018** Notice (name extension) (of Quality's Declaration of Nonmonetary Status)

**11/16/2018** Quality's Declaration of Nonmonetary Status

**10/30/2018** Notice of Rejection Default/Clerk's Judgment

Filed by Clerk

**10/23/2018** Minute order entered: 2018-10-23 00:00:00

Filed by Clerk

**10/23/2018** Minute Order ( (Case Management Conference))

Filed by Clerk

**10/19/2018** Proof of Personal Service

Filed by Matthew Hoffman (Plaintiff); Hoffman, Matthew as Trustee of the Malibu (Plaintiff); Julia Hoffman (Plaintiff) et al.

**10/19/2018** Request for Entry of Default / Judgment

Filed by Hoffman, Matthew as Trustee of the Malibu (Plaintiff); Hoffman, Julia as Trustee of the Malibu L (Plaintiff)

**10/15/2018** Notice of Rejection Default/Clerk's Judgment

Filed by Clerk

**10/12/2018** Case Management Statement

Filed by Matthew Hoffman (Plaintiff); Julia Hoffman (Plaintiff)

**10/02/2018** Proof of Personal Service

Filed by Matthew Hoffman (Plaintiff); Hoffman, Matthew as Trustee of the Malibu (Plaintiff); Julia Hoffman (Plaintiff) et al.

**10/02/2018** Request for Entry of Default / Judgment

Filed by Matthew Hoffman (Plaintiff); Hoffman, Matthew as Trustee of the Malibu (Plaintiff); Julia Hoffman (Plaintiff) et al.

**09/25/2018** PROOF OF SERVICE OF SUMMONS

**09/18/2018** Request for Entry of Default / Judgment

Filed by Plaintiff/Petitioner

**09/18/2018** REQUEST FOR ENTRY OF DEFAULT

**07/18/2018** Proof of Service (not Summons and Complaint)

Filed by Plaintiff/Petitioner

**07/03/2018** Notice of Case Reassignment and Order for Plaintiff to Give Notice

Filed by Clerk

**07/03/2018** NOTICE OF CASE REASSIGNMENT AND OF ORDER FOR PLAINTIFF TO GIVE NOTICE

**06/29/2018** Ex-Parte Application

Filed by Matthew Hoffman (Plaintiff); Hoffman, Matthew as Trustee of the Malibu (Plaintiff); Julia Hoffman (Plaintiff) et al.

**06/29/2018** Minute order entered: 2018-06-29 00:00:00

Filed by Clerk

**06/29/2018** Minute Order

**06/29/2018** PLAINTIFFS, MATTHEW HOFFMAN AND JULIA HOFFMAN EX PARTE APPLICATION TO RELATE AND CONSOLIDATE UD ACTION WITH THIS CASE AND STAY LOCKOUT, ETC

**06/27/2018** NOTICE OF CASE MANAGEMENT CONFERENCE

**06/27/2018** Notice of Case Management Conference

Filed by Clerk

**06/25/2018** VERIFIED COMPLAINT FOR: A) CA HOMEOWNERS BILL OF RIGHTS; ETC

**06/25/2018** SUMMONS

**06/25/2018** Complaint

Filed by Matthew Hoffman (Plaintiff); Hoffman, Matthew as Trustee of the Malibu (Plaintiff); Julia Hoffman (Plaintiff) et al.

## PROCEEDINGS HELD

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Case Information | Register Of Actions | FUTURE HEARINGS | PARTY INFORMATION | Documents Filed | Proceedings Held

**Proceedings Held (Proceeding dates listed in descending order)**

**10/23/2018** at 08:30 AM in Department 78

Case Management Conference - **Not Held - Continued - Court's Motion**

**07/16/2018** at 08:30 AM in Department 78

Unknown Event Type

**06/29/2018** at 08:30 AM in Department 78

Ex-Parte Proceedings (Exparte proceeding; Motion Denied) -

**REGISTER OF ACTIONS**

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Unknown Event Type

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