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6 GORDY A SPIRES

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2009 APR 27 PM 4:08  
U.S. BANKRUPTCY CT  
SD DIST. OF CALIF.

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8  
9 UNITED STATES BANKRUPTCY COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11

12 GORDY A SPIRES )

13 )  
14 Debtor/Plaintiff, )

15 v. )

16 G8 CAPITAL FUND VII, LLC.; )  
17 MORTGAGE ELECTRONIC )  
18 REGISTRATION SYSTEMS, INC. )  
"MERS" and DOES 1-50, inclusive. )

19 )  
20 )  
21 Defendant )  
22 )  
23 )  
24 )

CHAPTER 13  
CASE NO: 08-13091-LT 13

ADVERSARIAL CASE NO:  
**09-90133-LT**

**DECLARATION OF JOSEPH REGO  
RE: REQUEST FOR EXPEDITED  
EMERGENCY HEARING**

25  
26  
27  
28 1. I JOSEPH REGO am Counsel for Plaintiff request an advanced hearing date in

1 the form of ex parte and request for an order shortening time. Such request is  
2 warranted as I will be explain.

3 1. The Debtor herein filed a Chapter 7, which was later converted to a Chapter 13  
4 pursuant noticed motion.

5 2. The reason the matter was converted from 7 to 13 was two fold. One the Debtor  
6 had filed a Chapter 7 proceeding in another State about 6 years ago which was  
7 disclosed at the initial 341 (a) meeting of creditors, and Two, the entire purpose of the  
8 relief sought was to modify the loan on the Debtor's residence.

9 Debtor was candid with me about initial filing of the Chapter 7, however I thought  
10 that the time limitations varied from State to State, as it would be controlled by State  
11 Law. The trustee Mr. Kipperman disagreed as this was disclosed at the initial 341 (a)  
12 Meeting, and I agreed that the matter would be converted to a Chapter 13.

13 4. The matter was converted to a Chapter 13.

14 5. Relief from Stay has not been made under the Chapter 13.

15 6. The lender improperly recorded its interest on October 27, 2008, prior to  
16 foreclosure proceedings.

17 7. If emergency relief is not granted as to the merits of this matter, the Debtor will  
18 not be able to be compensated by damages.

19 I declare under the penalty of perjury that the foregoing is true and correct and if  
20 called to testify I would be competent to do so. I execute this Declaration at 8765 Aero  
21 Drive, ste. 306, San Diego, CA 92123.

22  
23  
24 DATED: 04-27-09



JOSEPH REGO ATTORNEY FOR DEBTOR