

COMMONWEALTH OF MASSACHUSETTS

FRANKLIN, SS

SUPERIOR COURT

CIVIL ACTION NO.

KAREN MICHELE SALA MICHAELS,  
Plaintiff

Vs.

WELLS FARGO HOME MORTGAGE,  
a Division of WELLS FARGO BANK,  
N.A.,  
Defendant

PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER  
OR  
PRELIMINARY INJUNCTION

The plaintiff, Karen Michele Sala Michaels, pursuant to Massachusetts Rule of Civil Procedure 65, hereby request that this Court issue either a temporary restraining order (or, after due notice, a preliminary injunction) against the defendant, Wells Fargo Home Mortgage, a division of Wells Fargo Bank, N.A., (and it or any of its agents, servants, employees, attorneys, independent contractors, auctioneers, or any person acting on its behalf) from conducting a mortgage foreclosure auction seeking to terminate the plaintiff's right, title, and interest in her property known and identified as 240 South Silver Lane, Sunderland, Franklin County, Massachusetts.

In support of this motion, the plaintiff states that there is a substantial likelihood that she will prevail on the merits of this action and that she is eligible for and entitled to a permanent mortgage loan modification under HAMP, as she has fulfilled all of the criteria and conditions under the HAMP Trial Period Plan.

If such injunctive relief is not granted, then the plaintiff will suffer irreparable harm by the loss of the right, title, and interest in her property known and identified as 240 South Silver Lane, Sunderland, Franklin County, Massachusetts.

The impending irreparable injury to the plaintiff far outweighs whatever damage the proposed injunctive relief would impose on the defendant, Wells Fargo Home Mortgage, as the plaintiff seeks only to maintain the *status quo*, which has been in effect since December 2009, to stop any mortgage foreclosure proceedings and continue to pay the modified mortgage loan amount, pending a resolution of this action.

The injunctive relief would not be adverse to the public interest. To the contrary, it would further the public policy of keeping homeowners in their homes.

In support of this motion, the plaintiff relies upon the averments of fact within her complaint and the affidavits filed with this motion.

Respectfully Submitted  
KAREN MICHELE SALA MICHAELS, Plaintiff,  
By her attorney,

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Francis K. Morris  
Western Massachusetts Legal Services  
Suite 400  
One Monarch Place  
Springfield, Massachusetts 01144  
413-781-7814  
B.B.O. No. 355660