

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

MILLENNIUM ROCK MORTGAGE, INC.,
Plaintiff and Respondent,
v.
T.D. SERVICE COMPANY,
Defendant and Appellant.

C059875
(Super. Ct. No.
34-2008-00015011-CU-OR-GDS)
ORDER MODIFYING OPINION,
DENYING PETITION FOR REHEARING
AND VACATING PRIOR ORDER
[NO CHANGE IN JUDGMENT]

THE COURT:

This court's Order Modifying Opinion and Denying Rehearing filed December 17, 2009, is hereby VACATED.

It is ordered that the published opinion filed herein on November 24, 2009, be modified as follows:

1. At page 1, the second sentence of the opinion, which reads, "The auctioneer at the foreclosure sale read from a script for a different foreclosure, but called out the street address of the subject property." is **deleted** and the following sentence **substituted**:

The auctioneer at the foreclosure sale used an auction script for a different foreclosure, but erroneously called out the street address of the subject property.

2. At page 9, the entire second full paragraph beginning with "According" and ending with "correct address." is **deleted** and the following paragraph **substituted**:

According to his uncontradicted declaration, the auctioneer conducted the auction sale for *the 13th Avenue property* by using a script that mistakenly listed the Arcola Avenue property address. Consequently, all of the information he announced was accurate, including the trustee sale number, opening bid and legal description, but the Arcola Avenue property address was called out instead of the correct address.

With the above modification, the petition for rehearing is denied. This modification does not result in a change in judgment. **(CERTIFIED FOR PUBLICATION.)**

BY THE COURT:

SIMS, Acting P. J.

HULL, J.

BUTZ, J.