

CERTIFIED FOR PUBLICATION

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

POSEIDON DEVELOPMENT, INC.,

Plaintiff and Appellant,

v.

WOODLAND LANE ESTATES, LLC,

Defendant and Respondent.

C052573
C053481

(Super. Ct. No.
05AS03549)

ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on June 28, 2007, be modified as follows:

On page 17, add the following paragraph between part IV, "Actual Damages," and the paragraph beginning "As noted above."

Woodland does not contend, and therefore we do not consider, whether the First Assignment divested Poseidon of the power to enforce the Note. Hence, we proceed to the question of whether Poseidon is entitled to any damages for nonpayment on the Note.

There is no change in the judgment.

 HULL , Acting P.J.

 CANTIL-SAKAUYE , J.