

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

BARBARA DIECKMEYER,

Plaintiff and Respondent,

v.

REDEVELOPMENT AGENCY OF THE  
CITY OF HUNTINGTON BEACH et al.,

Defendants and Appellants.

G031869

(Super. Ct. No. 02CC12956)

ORDER MODIFYING OPINION  
AND DENIAL OF PETITION  
FOR REHEARING; NO CHANGE  
IN JUDGMENT

It is ordered that the opinion filed herein on May 21, 2004, be modified in the following particular:

1. On page 6, at the end of the first full paragraph, add the following new paragraph:

“In a petition for rehearing, Dieckmeyer contends the parties did not brief whether the City was required to convey the existing deed of trust upon prepayment of the note. But the point was raised by the court at oral argument, explored extensively by both sides, and neither side requested the opportunity to submit supplemental briefing on the issue. We feel that was sufficient to comply with Government Code section 68081.

“Dieckmeyer also argues, in effect, that prepayment of the loan will extinguish the equity share. She points to language in the loan agreement that the equity share is payable concurrently with repayment of the loan. But that is only one scenario. We do not read the loan agreement as allowing a borrower to both prepay *and* simultaneously terminate the City’s equity share. If the loan has already been prepaid, the equity share is not extinguished, but rather remains due upon the happening of the events specified in the acceleration clause, set out above in footnote 1.”

This modification does not effect a change in the judgment.

The petition for rehearing is DENIED.

BEDSWORTH, J.

WE CONCUR:

SILLS, P. J.

RYLAARSDAM, J.