

1 TIMOTHY L. MCCANDLESS, ESQ. SBN 147715
2 LAW OFFICES OF TIMOTHY L. MCCANDLESS
3 13240 Amargosa Road
4 Victorville, California 92392

5 (760) 951-3663 Telephone
6 (909) 382-9956 Facsimile

7 Attorney for Defendants
8 HERMENEGILDO J. CAPARAS;
9 JUANITA R. CAPARAS

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF CONTRA COSTA**
12 **PITTSBURG BRANCH**

13 DEUTSCHE BANK NATIONAL TRUST
14 COMPANY,

15 Plaintiff,

16 vs.

17 HERMENEGILDO J. CAPARAS;
18 JUANITA R. CAPARAS and DOES 1
19 through 10 inclusive,

20 Defendants.
21

Case No.: PS 09-1331

**DEFENDANT ANTHONY J. NUGENT'S
REQUESTS FOR ADMISSIONS TO
PLAINTIFF DEUTSCHE**

SET ONE

22 **PROPOUNDING PARTY:**

Defendants HERMENEGILDO J. CAPARAS;
23 JUANITA R. CAPARAS

24 **RESPONDING PARTY:**

Plaintiff, DEUTSCHE BANK NATIONAL TRUST
25 COMPANY

26 **SET NO:**

One

27
28 **TO PLAINTIFFS AND ITS ATTORNEY OF RECORD:**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEFINITIONS

“You” and “your” include DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for Deutsche and any and all persons acting for or in concert with PLAINTIFF.

- 1. “Document” includes every piece of paper held in your possession or generated by you.

ADMISSIONS REQUESTED

REQUEST FOR ADMISSIONS NO. 1

Admit or deny that PLAINTIFF never at any time took possession of the original promissory note obligating PLAINTIFF and/or alienable in this instant case.

REQUEST FOR ADMISSIONS NO. 2

Admit or deny that in your capacity as the trustee that you never took physical possession of the Note executed by PLAINTIFF.

REQUEST FOR ADMISSIONS NO. 3

Admit or deny that you did not provide to the Trustee at the time of the Notice of Default or to anyone the original note and deed of trust executed by PLAINTIFF and with an assignment of these documents to you.

REQUEST FOR ADMISSIONS NO. 4

Admit or deny that your execution of the notices and foreclosures failed to conform to the provisions of California Civil Code Sections 1624.

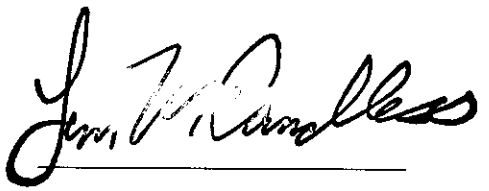
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REQUEST FOR ADMISSIONS NO. 5

Admit or deny that your execution of the notices and foreclosures failed to conform to the provisions of California Civil Code Sections 2923.5 et seq.

Respectfully submitted,

Dated this August 26, 2009



TIMOTHY L. MCCANDLESS, ESQ.
Law Offices of Timothy Mccandless
Attorney for Defendants
HERMENEGILDO J. CAPARAS;
JUANITA R. CAPARAS

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

3 I am over the age of 18 and not a party to this action. My business address is 15647 Village
4 Drive, Victorville, California 92392, which is located in the county where the mailing described
took place.

5 On August 26, 2009, I served the foregoing document(s) described: REQUEST FOR
6 ADMISSIONS

7 Which were served upon:

8 **ATTORNEYS FOR DEUTSCHE**

9
10 ROBERT L. ROSENTHAL
11 MICHAEL D. ZEFF
12 ROSENTHAL, WITHEM & zeff
13 16027 Ventura Blvd., Ste. 201
Encino, CA 91436
818/789-7711

14 _____ I deposited the foregoing documents in the Federal Express Mail (FedEx). Executed
15 on:, in Victorville, California.

16 (State) XXXX I declare under penalty of perjury under the laws of the State of California that
17 the above is true and correct.

18 (Federal) _____ I declare that I am employed in the office of a member of the bar of this Court at
19 whose direction the service was made.

20 _____ BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the
21 addressee(s) above.

22 
23 _____
24 BERNIE KIMMERLE
25
26
27
28