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2 3	TIMOTHY L. MCCANDLESS, ESQ. SBN LAW OFFICES OF TIMOTHY L. MCCAN 13240 Amargosa Road Victorville, California 92392	147715 NDLESS
4	(760) 951-3663 Telephone (909) 382-9956 Facsimile	
5	Attorney for Defendants	
6 7	HERMENEGILDO J. CAPARAS; JUANITA R. CAPARAS	
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9	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
10	IN AND FOR THE COUNTY OF CONTRA COSTA	
11	PITTSB	BURG BRANCH
12		
13	DEUTSCHE BANK NATIONAL TRUST COMPANY,	Case No.: PS 09-1331
14	,	DEFENDANT ANTHONY J. NUGENT'S
15	Plaintiff,	REQUESTS FOR ADMISSIONS TO PLAINTIFF DEUTSCHE
16		SET ONE
17	vs.	
18	HERMENEGILDO J. CAPARAS;	
19	JUANITA R. CAPARAS and DOES 1 through 10 inclusive,	1
20		
21	Defendants.	
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:	

REQUESTS FOR ADMISSIONS

YOU ARE REQUIRED, pursuant to California Codes of Civil Procedure by and through an authorized officer of your company, to answer completely, in writing and <u>under oath</u>, the following request for admissions, and to return your answers to this request for admissions to Defendant's attorney at his mailing address located at Law Offices of Timothy L. McCandless, 13240 Amargosa Road, Victorville, CA 92392, within five days of the date of service of these request for admissions.

INSTRUCTIONS TO REQUESTS FOR ADMISSIONS

- 1. These requests for admissions are directed toward all information known or available to PLAINTIFF, including information contained in the records and documents in PLAINTIFF'S custody or control or available to PLAINTIFF, upon reasonable inquiry. Your answer to each request for admission shall specifically deny the matter, or set forth in detail the reasons why you cannot truthfully admit or deny the matter. Where requests for admissions cannot be answered fully, they shall be answered as completely as possible and incomplete answers shall be accompanied by a specification of the reasons for the incompleteness of the answer and of whatever actual knowledge is possessed with respect to each unanswered request for admission.
- 2. Each request for an admission is to be deemed a continuing one. If, after serving an answer to any request for admission, an authorized officer for PLAINTIFF obtains or becomes aware of any further information pertaining to that request for admission, the authorized officer for PLAINTIFF is requested to serve a supplemental answer setting forth such information.
- 3. As to every request for an admission which an authorized officer for PLAINTIFF fails to answer in whole or in part, the subject matter of the admissions will be deemed confessed and stipulated as fact to the court.

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.

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REQUEST FOR ADMISSIONS NO. 5

Dated this August 26, 2009

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,

TIMOTHY L. MCCANDLESS, ESQ. Law Offices of Timothy Mccandless Attorney for Defendants

HERMENEGILDO J. CAPARAS;

JUANITA R. CAPARAS

PROOF OF SERVICE

1	TROOF 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 Drive, Victorville, California 92392, which is located in the county where the mailing described took place.		
6	On August 26, 2009, I served the foregoing document(s) described: REQUEST FOR ADMISSIONS		
7 8	Which were served upon:		
9	ATTORNEYS FOR DEUTSCHE		
10	ROBERT L. ROSENTHAL MICHAEL D. ZEFF		
11	ROSENTHAL, WITHEM & zeff 16027 Ventura Blvd., Ste. 201 Encino, CA 91436 818/789-7711		
13			
14 15	I deposited the foregoing documents in the Federal Express Mail (FedEx). Executed on:, in Victorville, California.		
16 17	(State) XXXX I declare under penalty of perjury under the laws of the State of California that 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 whose direction the service was made.		
19 20	BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the		
21	addressee(s) above.		
22	BERNIE KIMMERLE,		
23			
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