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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF CONTRA COSTA, PITTSBURG BRANCH
10

11 DEUTSCHE BANK NATIONAL)
TRUST COMPANY,)

12 Plaintiff,)
13)

14 vs.)

15 HERMENEGILDO J. CAPARAS;)
16 JUANITA R. CAPARAS;)
and DOES 1 to 10,)
17 Inclusive,)

18 Defendants.)
19)
20)
21)

CASE NO. PS 09-1331

**SPECIAL INTERROGATORIES OF PLAINTIFF
DEUTSCHE BANK NATIONAL TRUST
COMPANY TO DEFENDANT
JUANITA R. CAPARAS, SET ONE**

Complaint Filed: July 7, 2009
Mot. Cut-Off: n/a
Disc. Cut-Off: n/a
Trial Date: Not Assigned

22 **PROPOUNDING PARTY: Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY**

23 **RESPONDING PARTY: Defendant, JUANITA R. CAPARAS**

24 **SET NUMBER: ONE**

25 1. If you contend that the loan secured by the real property commonly described as 3554 Lovebird
26 Way, Antioch, CA 94509 from which a foreclosure sale occurred that caused Plaintiff
27 DEUTSCHE BANK NATIONAL TRUST COMPANY to acquire title to said real property was
28 invalid, state all facts that support said contention.

- 1 2. If you contend that the loan secured by the real property commonly described as 3554 Lovebird
2 Way, Antioch, CA 94509 from which a foreclosure sale occurred that caused Plaintiff
3 DEUTSCHE BANK NATIONAL TRUST COMPANY to acquire title to said real property was
4 invalid, identify each document which supports said contention.
- 5 3. If you contend that the loan secured by the real property commonly described as 3554 Lovebird
6 Way, Antioch, CA 94509 from which a foreclosure sale occurred that caused Plaintiff
7 DEUTSCHE BANK NATIONAL TRUST COMPANY to acquire title to said real property was
8 invalid, identify the name, address, and telephone number of each person who supports said
9 contention.
- 10 4. If you contend that the foreclosure sale concerning 3554 Lovebird Way, Antioch, CA 94509
11 from which Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY acquired title is
12 void, state all facts that support said contention.
- 13 5. If you contend that the foreclosure sale concerning 3554 Lovebird Way, Antioch, CA 94509
14 from which Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY acquired title is
15 void, identify each document that supports said contention.
- 16 6. If you contend that the foreclosure sale concerning 3554 Lovebird Way, Antioch, CA 94509
17 from which Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY acquired title is
18 void, identify the name, address, and telephone number of each person who supports said
19 contention.
- 20 7. If you contend that the foreclosure sale concerning 3554 Lovebird Way, Antioch, CA 94509
21 from which Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY acquired title is
22 invalid, state all facts that support said contention.
- 23 8. If you contend that the foreclosure sale concerning 3554 Lovebird Way, Antioch, CA 94509
24 from which Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY acquired title is
25 invalid, identify each document that supports said contention.
- 26 9. If you contend that the foreclosure sale concerning 3554 Lovebird Way, Antioch, CA 94509
27 from which Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY acquired title is
28 invalid, identify the name, address, and telephone number of each person who supports said

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contention.

10. Describe each mortgage payment made by you to any lender associated with the loan that was foreclosed upon concerning the subject property commonly described as 3554 Lovebird Way, Antioch, CA 94509 from which DEUTSCHE BANK NATIONAL TRUST COMPANY acquired title to said real property at any time since January 1, 2006 to the present date.

11. If you contend that at any time you had the financial ability to reinstate the loan that was foreclosed upon concerning the real property commonly described as 3554 Lovebird Way, Antioch, CA 94509, state all facts that support said contention.

12. If you contend that at any time you had the financial ability to reinstate the loan that was foreclosed upon concerning the real property commonly described as 3554 Lovebird Way, Antioch, CA 94509, identify each document which supports said contention.

13. If you contend that at any time you had the financial ability to reinstate the loan that was foreclosed upon concerning the real property commonly described as 3554 Lovebird Way, Antioch, CA 94509, identify the name, address, and telephone number of each person who supports said contention.

14. If you contend that Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY does not have the legal right to prosecute the subject Unlawful Detainer action as against each occupant of the real property commonly described as 3554 Lovebird Way, Antioch, CA 94509, state all facts that support said contention.

15. If you contend that Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY does not have the legal right to prosecute the subject Unlawful Detainer action as against each occupant of the real property commonly described as 3554 Lovebird Way, Antioch, CA 94509, identify the name, address, and telephone number of each of person who supports said contention.

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1 16. If you contend that Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY does not
2 have the legal right to prosecute the subject Unlawful Detainer action as against each occupant
3 of the real property commonly described as 3554 Lovebird Way, Antioch, CA 94509, describe
4 all documents which support said contention.
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6 DATED: September 3, 2009

ROSENTHAL, WITHEM & ZEEF

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8 BY 

MICHAEL L. WITHEM

Attorneys for Plaintiff,

DEUTSCHE BANK NATIONAL TRUST COMPANY
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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I AM EMPLOYED IN THE county of Los Angeles, State of California and am over the age
4 of 18 years and not a party to the within action. My business address is 16027 Ventura Boulevard,
Suite 201, Encino, California 91436.

5 On September 3, 2009 I served the foregoing document(s) described as **PLEASE SEE**
6 **ATTACHED LIST** on all interested parties, through their respective attorneys of record in this
action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

7 **Timothy L. McCandless, Esq.**
8 **Law Offices of Timothy L. McCandless**
9 **13240 Amargosa Road**
10 **Victorville, CA 92392**
11 **Tel: 760-951-3663**
12 **Fax: 909-382-9956**

12 **METHOD OF SERVICE**

13 **BY OVERNIGHT MAIL**

14 X **(BY MAIL)** I caused such envelope(s) fully prepaid to be placed in the United States Mail at
15 Encino, California. I am "readily familiar" with the firm's practice of collection and
16 processing correspondence or mailing. Under that practice it would be deposited with U.S.
17 Postal Service on that same day with postage thereon fully prepaid at Encino, California in
the ordinary course of business. I am aware that on motion of the party served, service is
presumed invalid if postal cancellation date or postage meter date is more than one day after
date of deposit for mailing in affidavit.

18 **(BY PERSONAL SERVICE)** I caused such envelope(s) to be delivered by hand to the
offices of the addressee(s).

19 **(BY FACSIMILE)** I caused such document(s) to be telephonically transmitted to the offices
20 of the addressee(s)' facsimile machine as stated on the attached service list. The transmission
21 by facsimile was reported as complete and without error, and the transmission report shall be
attached to the original Proof of Service.

22 **JURISDICTION**

23 X (State) I declare under penalty of perjury that the above is true and correct.

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

25 Executed on September 3, 2009 at Encino, California.

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MARISA LASKEY

DOCUMENTS SERVED

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1. **Demand for Inspection and Request for Production of Documents of Plaintiff Deutsche Bank National Trust Company to Defendant Hermenegildo J. Caparas, Set One;**
2. **Special Interrogatories of Plaintiff Deutsche Bank National Trust Company to Defendant Hermenegildo J. Caparas, Set One'**
3. **Form Interrogatories of Plaintiff Deutsche Bank National Trust Company to Defendant Hermenegildo J. Caparas, Set One;**
4. **Request for Admissions of Plaintiff Deutsche Bank National Trust Company to Defendant Hermenegildo J. Caparas, Set One;**
5. **Demand for Inspection and Request for Production of Documents of Plaintiff Deutsche Bank National Trust Company to Defendant Juanita R. Caparas, Set One;**
6. **Special Interrogatories of Plaintiff Deutsche Bank National Trust Company to Defendant Juanita R. Caparas, Set One'**
7. **Form Interrogatories of Plaintiff Deutsche Bank National Trust Company to Defendant Juanita R. Caparas, Set One;**
8. **Request for Admissions of Plaintiff Deutsche Bank National Trust Company to Defendant Juanita R. Caparas, Set One.**