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6 Attorneys for Defendant,
RECONTRUST COMPANY, N.A.

7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CRUZ

10
11 KIMBERLY COX,

12 Plaintiff,

13 vs.

14 RECONTRUST COMPANY, N.A.; all
persons known or unknown claiming any legal
15 or equitable right, title, estate, lien or interest
in the property described in this Complaint
16 adverse to COX's title or any cloud upon
COX's title thereto; and DOES 1-100
17 inclusive,

18 Defendants.

Case No. CV174201

**NOTICE OF RECONTRUST
COMPANY'S DEMURRER AND
DEMURRER TO COMPLAINT OF
KIMBERLY COX**

(Filed concurrently with Memorandum of
Points and Authorities on Demurrer; Request
to Take Judicial Notice)

Date: July 18, 2012
Time: 8:30 a.m.
Dept.: 4

Action Filed: May 24, 2012
Trial Date: none set

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22 **NOTICE OF DEMURRER**

23 **PLEASE TAKE NOTICE** that on July 18, 2012, at 8:30 a.m., or as soon thereafter as the
24 matter may be heard in Department 4 of the above-entitled Court located at 701 Ocean Street,
25 Santa Cruz, California 95060, a hearing will be held on Defendant Recontrust Company, N.A.'s
26 demurrer to Plaintiff Kimberly Cox's Complaint.

27 The Demurrer is based on this Notice, the Memorandum of Points and Authorities, the
28 concurrently filed Request for Judicial Notice, the pleadings and papers on file in this case, and

1 upon such other oral argument and documentary evidence which may be presented prior to or at
2 the hearing of this Demurrer.

3 DATED: June 15, 2012

SEVERSON & WERSON
A Professional Corporation

5 By: 
6 DAVID E. PINCH

7 Attorneys for Defendants
8 RECONTRUST COMPANY, N.A.

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DEMURRER

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2 Defendant Reconstit Company, N.A., files this Demurrer to Plaintiff Kimberly Cox's
3 Complaint on the following grounds:

4 1. Defendants generally demurrer to the entire complaint because Plaintiff lacks
5 standing to bring this action. (CCP ¶ 430.10(a) and (b).)

6 2. Defendants generally demurrer to the entire complaint because Plaintiff's
7 complaint are barred by the doctrine of issue preclusion as her claims have previously been denied
8 before the United States Bankruptcy Court. (CCP ¶ 430.10(a) and (b).)

9 3. Plaintiff's first cause of action for "Defective Note and Deed of Trust" fails to state
10 facts sufficient to constitute a cause of action. ((See Code Civ. Proc., §430.10(e).)

11 4. Plaintiff's second cause of action for "Defective Substitution of Trustee and Notice
12 of Default and Notice of Sale" fails to state facts sufficient to constitute a cause of action. (*Id.*)

13 5. Plaintiff's third cause of action for "Injunctive Relief" fails to state facts sufficient
14 to constitute a cause of action. (*Id.*)

15 6. Plaintiff's fourth cause of action for "Violation of Unfair Business Practices" fails
16 to state facts sufficient to constitute a cause of action. (*Id.*)

17 7. Plaintiff's fifth cause of action for "Slander of Title" fails to state facts sufficient to
18 constitute a cause of action. (*Id.*)

19 8. Plaintiff's sixth cause of action for "Quiet Title" fails to state facts sufficient to
20 constitute a cause of action. (*Id.*)

21
22 DATED: June 15, 2012

SEVERSON AND WERSON,
A Professional Corporation

23
24 By: 
25 DAVID E. PINCH

26 Attorneys for Defendants
27 RECONTRUST COMPANY, N.A.
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1 **PROOF OF SERVICE**

2 At the time of service, I was over 18 years of age and not a party to this action. I am
3 employed in the County of San Francisco, State of California. My business address is One
Embarcadero Center, Suite 2600, San Francisco, CA 94111.

4 On June 15, 2012, I served true copies of the following document(s):

5 **NOTICE OF RECONTRUST COMPANY'S DEMURRER AND DEMURRER TO
6 COMPLAINT OF KIMBERLY COX**


7 on the interested parties in this action as follows:

8 Timothy Y. Fong, Esq. 3333 Bowers Avenue, Suite 130 Santa Clara, CA 95054	Attorney for Plaintiff, Kimberly Cox
9 Phone: 408.627.7810 10 Fax: 408.457.9417 11 Email: tvfong919@gmail.com	

12 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
13 persons at the addresses listed in the Service List and placed the envelope for collection and
mailing, following our ordinary business practices. I am readily familiar with Severson &
14 Werson's practice for collecting and processing correspondence for mailing. On the same day that
the correspondence is placed for collection and mailing, it is deposited in the ordinary course of
15 business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

16 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

17 Executed on June 15, 2012, at San Francisco, California.

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19 
20 Imelda Hernandez