



1 **McCARTHY & HOLTHUS, LLP**
 2 Gayle E. Jameson, Esq. (SBN: 207050)
 3 Rebecca L. Lang, Esq. (SBN: 249234)
 4 Anne Ogle-Knee, Esq. (SBN: 253824)
 5 Mishaela Graves, Esq. (SBN 259765)
 1770 Fourth Avenue
 San Diego, CA 92101
 Telephone: (619) 243-3960
 Facsimile: (619) 243-1979

6 Attorneys for Plaintiff,
 7 Federal Home Loan Mortgage Corporation, its assignees and/or successors

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SAN MATEO**

10 **SAN MATEO SOUTHERN BRANCH JUDICIAL DISTRICT**

11 Federal Home Loan Mortgage Corporation,
 12 its assignees and/or successors,

13 Plaintiff,

14 vs.

15 Alexander B. Paragas, Perla O. Paragas, Arlene
 16 Hari
 and DOES 1-10, inclusive,

17 Defendant(s).

Case No. CLJ205995

**PLAINTIFF'S MOTION IN LIMINE 5
 of 6 TO TAKE JUDICIAL NOTICE OF
 ALL PLEADINGS AND CERTIFIED
 DOCUMENTS SUBMITTED
 HEREWITH**

Settlement Conference: 9/20/2012

Time: 1:30 pm

Dept.: presiding

Jury Trial: 9/24/2012

Time: 9:00 am

Dept.: presiding

18
 19
 20 Plaintiff, Federal Home Loan Mortgage Corporation, its assignees and/or successors
 21 ("Plaintiff" and/or "Federal Home Loan Mortgage Corporation"), submits the following Motion in
 22 Limine for Judicial Notice. Plaintiff moves Plaintiff moves that this Court take judicial notice of
 23 all pleadings and certified documents submitted herewith.

24 **SUMMARY OF FACTS**

25 Plaintiff seeks a Judgment for Possession and an issuance of a Writ of Possession for the
 26 real property commonly known as 39 Santa Ana Avenue Daly City, CA 94015 ("Subject
 27 Property"). Plaintiff purchased the Subject Property at a properly held Trustee's Sale on
 28

McCARTHY & HOLTHUS, LLP
 ATTORNEYS AT LAW
 1770 4TH AVENUE
 SAN DIEGO, CALIFORNIA 92101
 TELEPHONE (619) 243-3960 FACSIMILE (619) 243-1979

1 4/23/2012, and Defendant is holding over possession, preventing Plaintiff from possessing its
2 property.

3 **POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S FIFTH MOTION IN**
4 **LIMINE**

5 Plaintiff respectfully requests that pursuant to California Evidence Code §§451, 452 and
6 1330, this Court take judicial notice of records and files, its case file in this matter, including but
7 not limited to the pleadings, and minutes therein and of evidence of a statement contained in a
8 deed of conveyance which affects real property.

9 In addition to this request being made under Evidence Code Sections 451, 452 and 1330,
10 request for judicial notice is also requested pursuant to Sosinsky v. Grant (1992) 6 Cal. App. 4th
11 1548 at 1564, which held that the Court may judicially notice both the existence and truth of
12 matters asserted in court orders, conclusions of law and judgments.

13 Furthermore, pursuant to the recent holding in Fontenot v. Wells Fargo (2011) 198 Cal.
14 App. 4th 256, it is appropriate to take judicial notice of the transfer of beneficial interest to
15 Plaintiff by virtue of the Trustee's Deed Upon Sale and therefore Plaintiff's status as owner is not
16 legitimately in dispute.

17
18 Dated: September 11, 2012

Respectfully submitted,
McCARTHY & HOLTHUS, LLP

19
20
21 By: _____
22 Gayle E. Jameson, Esq.
23 Attorney for Plaintiff,
24 Federal Home Loan Mortgage Corporation
25
26
27
28

McCARTHY & HOLTHUS, LLP
ATTORNEYS AT LAW
1778 FOURTE AVENUE
SAN DIEGO, CALIFORNIA 92101
TELEPHONE (619) 243-3960 FACSIMILE (619) 243-1679