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COPY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **COUNTY OF SAN MATEO**
 10 **SAN MATEO SOUTHERN BRANCH**

11 Federal Home Loan Mortgage Corporation,

Case No. CLJ205995

12 Plaintiff,

13 vs.

**PLAINTIFF'S SEPARATE STATEMENT
 OF UNDISPUTED MATERIAL FACTS IN
 OPPOSITION TO DEFENDANT'S
 MOTION FOR SUMMARY JUDGMENT**

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

Date: 9/21/2012

Time: 9:00 am

Dept: presiding

16 Defendant.

17 Pursuant to Code of Civil Procedure §437c(b)(1) and California Rule of Court 3.1350,
 18 Plaintiff Federal Home Loan Mortgage Corporation submit this Separate Statement of Undisputed
 19 Material Facts in opposition to Defendant's Motion for Summary Judgment, or Alternatively,
 20 Summary Adjudication.

21 **a. ISSUES NOT APPROPRIATE FOR SUMMARY JUDGMENT**

Opposing Party's Undisputed Material Facts and Supporting Evidence in opposition the Defendant's Motion for Summary Judgment:	Moving Party's Response and Supporting Evidence:
25 1. Defendant Alexander B. Paragas executed a 26 Deed of Trust on 1/28/2008 in the principal amount of \$417,000. 27 Request for Judicial Notice Exhibit 1 at ¶ F 28	

1	2. Quality Loan issued a Notice of Default and Election to Sell Under Deed of Trust relating to the subject property. The Defendant was delinquent \$9,847.45 as of 1/19/2011.	
2		
3	Request for Judicial Notice Exhibit 4; Bounlet Louvan's Declaration ¶ 4.	
4	Exhibit A to Louvan's Declaration.	
5	3. On 2/7/2011, a copy of the Notice of Default was sent to Defendant by U.S. First Class and Certified Mail.	
6		
7	Louvan's Declaration ¶ 5. Exhibits B & C to Louvan's Declaration.	
8		
9	Also see Defendant's MSJ admitting the Notice of Default was recorded ¶ 9	
10	4. Quality Loan issued a Notice of Sale relating to the subject property on 4/29/2011.	
11	Request for Judicial Notice Exhibit 5; Bounlet Louvan's Declaration ¶ 6.	
12	Exhibit D to Louvan's Declaration.	
13	5. On 4/29/2011, a copy of the Notice of Trustee's Sale was sent to Defendant by U.S. First Class and Certified Mail.	
14		
15	Louvan's Declaration ¶ 7. Exhibits E & F to Louvan's Declaration.	
16	6. The Notice of Sale was posted to the property on 4/29/2011	
17		
18	Louvan's Declaration ¶ 8. Exhibit G to Louvan's Declaration.	
19	7. The public auction was posted in a newspaper of general circulation	
20	Louvan's Declaration ¶ 10. Exhibit H to Louvan's Declaration.	
21	8. The public auction was postponed several times	
22		
23	Louvan's Declaration ¶ 11.	
24	9. The public auction took place on 4/23/2012	
25	Louvan's Declaration ¶ 12. Exhibit I to Louvan's Declaration.	
26	See also Defendant's MSJ admitting the foreclosure sale took place ¶ 11	
27	10. Plaintiff acquired title to the subject property at the foreclosure on 4/23/2012	
28	Louvan's Declaration ¶ 12.	

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1 Exhibit I to Louvan's Declaration.

2 See also Defendant's MSJ admitting the
3 foreclosure sale took place ¶ 11

4 As there are no triable issues of material fact that Plaintiff holds valid title to the subject
5 property, as evidenced by the undisputed facts numbered 1 through 10, as set forth above, the
6 Defendant's Motion for Summary Judgment must be denied.

7 **b. There Are No Triable Issues of Material Fact That Defendant Was Served with a
8 Three-Day Notice for Possession.**

9 The fact that Defendant was properly served with a three-day notice for possession is based on
10 undisputed fact number 11. Pursuant to California Rule of Court 3.1350(h), this undisputed fact
11 is restated below using the same paragraph numbers as designated above.

12 11. On 5/7/2012, Defendant was served with a
13 Three-Day Notice for Possession.

14 See Proof of Service of the Notice for Possession
15 as attached to the Plaintiff's Complaint as Exhibit
16 "C" and Evidence code 647

17 **c. There Are No Triable Issues of Material Fact That Defendant Remains in Unlawful
18 Possession of the Property.**

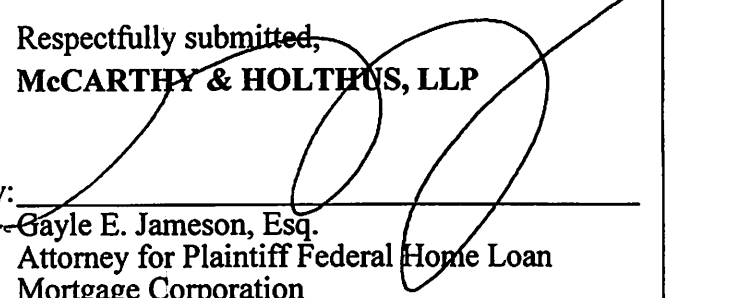
19 The Fact that Defendant remain in possession of the subject property is based on
20 undisputed fact number 12. Pursuant to California Rule of Court 3.1350(h), this undisputed fact is
21 restated below using the same paragraph numbers as designated above.

22 12. Defendant remains in unlawful possession of
23 the Property.

24 See Defendant's MSJ admitting to being in
25 possession ¶ 4 and 14

26 Dated: September 17, 2012

27 Respectfully submitted,
28 **McCARTHY & HOLTHUS, LLP**

By: 
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Attorney for Plaintiff Federal Home Loan
Mortgage Corporation