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8 Attorney for Plaintiffs

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES**

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PLAINTIFFS,

vs.

SPECIALIZED LOAN SERVICING, LLC;
MTC FINANCIAL INC., DBA TRUSTEE
CORPS; U.S. BANK NATIONAL
ASSOCIATION AS INDENTURE
TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE TERWIN MORTGAGE
TRUST 2007-QHL1 ASSET-BACKED
SECURITIES, SERIES 2007-QHL1,
WITHOUT RECOURSE; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; ALL PERSONS UNKNOWN,
CLAIMING ANY LEGAL OR EQUITABLE
RIGHT, TITLE, ESTATE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
ADVERSE TO PLAINTIFFS' TITLE, OR
ANY CLOUD ON PLAINTIFFS' TITLE
THERE TO; and DOES 1-20, INCLUSIVE,

DEFENDANTS.

**PLAINTIFF'S FIRST SET OF REQUESTS
FOR ADMISSIONS TO SPECIALIZED
LOAN SERVICING, LLC**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

2 PROPOUNDING PARTY: PLAINTIFF

3 RESPONDING PARTY: DEFENDANT SPECIALIZED LOAN SERVICING, LLC

4 Plaintiff (“Plaintiff”) hereby requests that Defendant SPECIALIZED LOAN
5 SERVICING, LLC (“Defendant,” “YOU” or “YOUR”) admit not later than thirty (30) days
6 after service of this Request for Admissions, the truth of the following facts pursuant to
7 California Code of Civil Procedure Section 2033.210 et seq.:

8 **REQUEST FOR ADMISSIONS**

9 **REQUEST FOR ADMISSION NO. 1:**

10 Admit that YOU did not service Plaintiffs’ mortgage loan in accordance with statute,
11 laws and the terms of the note and deed of trust, including, but not limited to, all accounting or
12 bookkeeping entries commencing with the original loan solicitation through and including any
13 parties, instruments, assignments, letters of transmittal, certificates of asset backed securities and
14 any subsequent transfer thereof.

15 **REQUEST FOR ADMISSION NO. 2:**

16 Admit that Plaintiffs’ mortgage account was not credited, debited, adjusted, amortized
17 and charged correctly and disclosed fully commencing with the original loan solicitation through
18 and including any parties, instruments, assignments, letters of transmittal, certificates of asset
19 backed securities and any subsequent transfer thereof.

20 **REQUEST FOR ADMISSION NO. 3:**

21 Admit that interest and principal were not properly calculated and applied to Plaintiffs’
22 mortgage loan by YOU.

23 **REQUEST FOR ADMISSION NO. 4:**

24 Admit that, at the time of foreclosure, any principal balance allegedly owing by Plaintiffs
25 had not been properly calculated, amortized and accounted for.

26 **REQUEST FOR ADMISSION NO. 5:**

27 Admit that all good faith and reasonable disclosures of transfers, sales, Power of
28 Attorney, monetary instrument ownership, entitlements, full disclosure of actual funding source,
terms, costs, commissions, rebates, kickbacks and fees were not properly disclosed to Plaintiffs
during the time that YOU serviced the mortgage loan.

REQUEST FOR ADMISSION NO. 6:

1 Admit that YOU failed to have a face to face meeting with Plaintiffs before three full
2 monthly installment payments were unpaid by Plaintiffs.

3 **REQUEST FOR ADMISSION NO. 7:**

4 Admit that YOU did not comply with the HUD loan servicing and loss mitigation
5 regulations pursuant to 24 CFR 203(c).

6 **REQUEST FOR ADMISSION NO. 8:**

7 Admit that the special loan servicing requirements promulgated by the Secretary of HUD
8 and codified in the Code of Federal Regulations are incorporated into the terms of the deed of
9 trust and note at issue in this matter.

10 **REQUEST FOR ADMISSION NO. 9:**

11 Admit that failure to comply with the HUD loan servicing regulations constitutes a
12 breach of the note and/or deed of trust.

13 **REQUEST FOR ADMISSION NO. 10:**

14 Admit that charges, fees and expenses not obligated by Plaintiffs to pay in any
15 agreement, were charged, assessed or collected from one or more of Plaintiffs' accounts.

16 **REQUEST FOR ADMISSION NO. 11:**

17 Admit that, at the time of the foreclosure, YOU were not in possession of the account
18 and general ledger statement, authenticated by a competent fact witness, showing a deficiency
19 owed by Plaintiffs.

20 **REQUEST FOR ADMISSION NO. 12:**

21 Admit that YOU were never in possession of the original note.

22 **REQUEST FOR ADMISSION NO. 13:**

23 Admit that YOU were never a holder in due course of the original note.

24 **REQUEST FOR ADMISSION NO. 14:**

25 Admit that YOU did not have actual physical possession of the original note prior to the
26 foreclosure of Plaintiffs' property.

27 **REQUEST FOR ADMISSION NO. 15:**

28 Admit that Plaintiffs' loan was in default when it was allegedly transferred and/or
assigned to YOU.

REQUEST FOR ADMISSION NO. 16:

Admit that MERS was never a beneficiary of Plaintiffs' promissory note.

REQUEST FOR ADMISSION NO. 17:

1 Admit that MERS never claimed any beneficial rights or any form of ownership rights in
2 the original mortgage note.

3 **REQUEST FOR ADMISSION NO. 18:**

4 Admit that MERS had no legal or beneficial interest in the promissory note underlying
5 Plaintiffs' deed of trust.

6 **REQUEST FOR ADMISSION NO. 19:**

7 Admit that the original note has not been lost or destroyed.

8 **REQUEST FOR ADMISSION NO. 20:**

9 Admit that the note at issue in this matter was part of a securitized trust composed of
10 more than one mortgage loan.

11 **REQUEST FOR ADMISSION NO. 21:**

12 Admit that Pooling and Servicing Agreement for THE TERWIN MORTGAGE TRUST
13 2007-QHL1 ASSET-BACKED SECURITIES, SERIES 2007-QHL1, WITHOUT RECOURSE
14 trust obligates YOU to use best practices to avoid foreclosure in servicing mortgage loans that
15 are part of the trust.

16 **REQUEST FOR ADMISSION NO. 22:**

17 Admit that YOU did not comply with the servicing requirements set forth in the Pooling
18 and Servicing Agreement for THE TERWIN MORTGAGE TRUST 2007-QHL1 ASSET-
19 BACKED SECURITIES, SERIES 2007-QHL1, WITHOUT RECOURSE trust in connection
20 with Plaintiffs' loan.

21 DATED: May 6, 2010

LAW OFFICES OF CAMERON H. TOTTEN

22 By: _____

23 Cameron H. Totten
24 Attorney for Plaintiffs
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