

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

Defendant Pro Se

: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION  
: \_\_\_\_\_ COUNTY

Plaintiff,

: DOCKET NO. F-\_\_\_\_\_

vs.

: Civil Action

Defendant,

: **DEFENDANT’S DEMAND FOR THE**  
: **PRODUCTION OF DOCUMENTS**  
: **PURSUANT TO R. 4:18-1 and 4:18-2**

**TO:**

Pursuant to Rule 4:18-1 *et seq.*, Defendants hereby demand that Plaintiff produce the documents called for by Schedule A and the annexed Definitions and Instructions hereto at

\_\_\_\_\_ within 35 days after service of this request as prescribed by the Rules of Court.

Dated:

BY: \_\_\_\_\_

Print Name:

Defendant Pro Se

## INSTRUCTIONS

1. Please furnish all documents within the possession, custody or control of the party to whom these requests are directed, including but not limited to all documents in the possession, custody or control of the party's accountants, affiliates, auditors, agents, employees, officers, directors, shareholders, contractors, or other personnel.

2. Each request for a document calls for not only the final document, but also any drafts or non-identical versions of the document that exist within the possession, custody or control of the party to whom these requests are directed. A document with handwritten notes, editing marks, or any other notations or markings shall be deemed to be non-identical to any version of the document not bearing such modifications, and shall be produced.

3. If any document requested is withheld by reason of a claim of privilege or otherwise, please furnish the following information with regard to the withheld document:

- (a) The date of the document;
- (b) An identification of its author(s); and
- (c) An identification of each person who received a copy of the document, viewed the document, and/or has custody of the document.

4. In the event that any document covered by these requests has been misplaced, destroyed, erased, or cannot be located, identify each such document and provide the following additional information:

- (a) Set forth a detailed description of the contents of the document;
- (b) Identify each person who wrote or edited the document, and the employer, business, and title or position of each;

(c) Identify all intended recipients of the document, all other known recipients of the document, and the employer, business, title or position of each;

(d) State the last known location of the document;

(e) Set forth the due diligence undertaken by the party to whom these request are directed in order to obtain the document;

(f) Set forth the reason for the inability to produce the document;

(g) If the document was destroyed, state the date on which the document was destroyed, the reason why the document was destroyed, and identify the person(s) who authorized the document to be destroyed and/or who destroyed the documents.

5. Please identify the source of any document(s) that are produced.

6. These requests shall be deemed to be on-going and continuing in nature so as to require continuous supplemental responses if the party to whom they are addressed obtains further information between the time responses are served and the time of trial.

### **DEFINITIONS**

1. "You," "your" and "yourself" refer to the party to whom the following requests are addressed, and its agents, representatives, officers, directors and employees.

2. "Person" means natural persons, firms, proprietorships, associations, partnerships, corporation, and every other type of organization or entity.

3. "Identify" means when used in reference to:

(a) A document, to state separately (i) its description (e.g., letter, report, memorandum, etc.), (ii) its date, (iii) its subject matter; (iv) the identity of each author or signer, (v) its present location, and (vi) the identity of its custodian.

(b) An oral statement, communication, conference or conversation, to state separately (i) its date and the place where it occurred; (ii) its substance; (iii) the identity of each person making the statement or participating in the communication, conference or conversation; and (iv) the present location and custodian of all notes, memoranda, or other documents memorializing, referring to or relating to the subject matter of the statement, communication, conference or conversation.

(c) a natural person or persons, to state separately (i) the full name of each such person; (ii) his or her present, or last known business address and his or her present, or last known residential address; and (iii) the employer of the person at the time to which the interrogatory answer is directed and the person's title or position at that time;

(d) an organization or entity other than a natural person (e.g., a corporation, company, firm, association, or partnership), to state separately (i) the full name and type of organization or entity; (ii) the date and state of organization or incorporation; (iii) the address of its principal place of business; and (iv) the nature of the business conducted.

4. "Document" means any written, typed, printed, recorded, computer generated, or graphic matter, however produced or reproduced, of any type or description regardless of origin or location (including but not limited to documents located on computer disks, drives, tapes, or networks), including without limitation all correspondence, records, tables, charts, analyses, graphs, schedules, reports, memoranda, notes, lists, calendar and diary entries, letter (sent or received), telegrams, telexes, messages (including, but not limited to, reports of telephone conversations or conferences), studies, books, periodicals, magazines, booklets, circulars, bulletins, instructions, papers, files, minutes, other communications (including, but not limited to inter and intra office communications), questionnaires, contracts, memoranda, agreements,

assignments, licenses, ledgers, books of account, orders, invoices, statements, bills, checks, vouchers, notebooks, receipts, acknowledgements, photographs, photographic negatives, tape or other mechanical recordings, transcripts or logs of any such recordings, all other data compilations from which information can be obtained, or translated if necessary, and any other tangible thing of a similar nature.

5. Information "relates to" or "pertains to" a particular fact, matter or event when it tends to prove or disprove that fact, matter or event, or contains information concerning, explaining, relating, or providing a background for understanding that fact, matter, or event or could lead to additional relevant information concerning, explaining, relating or providing a background for understanding the fact, matter or event, or was produced, altered or signed as a part of or as a result of that fact, matter, or event.

6. The term "subject matter of this litigation" means any and all matters described or alleged in any complaint, answer, defense, or counterclaim, filed in this action by any party.

7. "Premises" refers to the property that is the subject of the above-captioned matter.

8. The singular shall be deemed to include the plural and vice versa. The feminine shall be deemed to include the masculine and vice versa. The word "and" shall be deemed to include the word "or" and vice versa.

9. "Party" means any person or entity specifically named in this matter, in addition to any known subsidiaries, affiliates, acceptance corporations, holding companies, parent companies or the like.

## SCHEDULE A

1. Any and all documents that pertain to Defendant(s) and/or the mortgage loans at issue in this litigation, including without limitation all documents that were prepared, generated, and/or reviewed by Plaintiff in connection with the application, underwriting, review, credit assessment, approval, funding, closing, recording, collection, purchase, sale or assignment of the mortgage loan at issue in this litigation.

2. All documents in Plaintiff's possession or available to Plaintiff that establish its standing to bring a foreclosure action or enforce a security agreement or mortgage, including but not limited to:

a. Copies of all contracts, documents, agreements and other disclosure forms written communications, notes, memoranda and records concerning the note and mortgage that are the subject of this action, including attorney fee contracts.

b. Copies of all receipts for payments made by or to and/or received by the plaintiff concerning the note and mortgage that are the subject of this foreclosure action.

3. All documents in Plaintiff's possession or available to Plaintiff that establish that it is the legal, beneficial or equitable owner of the promissory note that is the subject of this foreclosure action.

4. All documents in Plaintiff's possession or available to Plaintiff that identify what entity or entities are the beneficial owner of the subject promissory note that is this foreclosure action.

5. Any and all assignments of the mortgage at issue in this litigation, whether the assignment is recorded or unrecorded.

6. Documents related to the endorsement and/or negotiation of the Promissory Note which is the subject of this litigation.

7. The original Promissory Note and any and all allonges

8. Any and all documents related to the physical transfer of any Promissory Note.

9. The complete mortgage loan file including but not limited to any and all versions of the following:

- a. any and all applications made by or on behalf of Defendant(s) for a mortgage loan;
- b. any and all documents pertaining to credit worthiness of Defendant(s), including but not limited to any credit report(s) obtained as to Defendant(s);

- c. any and all documents pertaining to title and lien searches and/or title insurance obtained or requested including but not limited to title insurance;
- d. any and all document pertaining to the determination of the terms of the mortgage loans at issue in this litigation;
- e. any and all agreements between any persons or entities that pertain to the mortgage loan at issue in this litigation;
- f. any and all commitment letters;
- g. copies of both sides of each and every check issued to any person or entity in connection with the mortgage loan at issue in this litigation, whether or not the subject payment was charged to Defendant(s), or financed by the loan proceeds;
- h. any and all correspondence between and person or entity and Defendant(s), including proof of mailing and/or receipt where available;
- i. any and all Good Faith Estimates;
- j. any and all Truth in Lending Disclosure Statements;
- k. any and all United States Department of Housing and Urban Development Settlement Statements (HUD 1);
- l. any and all documents pertaining in any way to any determination of the value of the premises, including but not limited to appraisal reports;
- m. copies of any proof of identification produced by Defendant(s);
- n. any and all loan transaction histories, or other documentation of payments made by Defendant(s);
- o. any and all loan telephone logs reflecting telephone communication between Plaintiff and/or its agents and/or servicers of the mortgage loan at issue and Defendant(s) and/or any person answering the Defendant(s)'s telephone; and
- p. any and all memoranda, notes, worksheets, analyses or log entries prepared in connection with the mortgage loan at issue in this litigation.

10. All documents containing the statements, recollections, or impressions of witnesses with knowledge of any aspect of any mortgage loan made to Defendant(s).

11. Any and all documents that pertain to the mortgage loan at issue in this litigation and/or the subject matter of this litigation.

12. Any and all documents that pertain to real estate appraisals, broker price opinions and/or inspections of the premises.

13. Any and all documents that pertain to the title insurance policy issued in connection with the mortgage loan at issue in this litigation.

14. Any and all documents relied upon in determining the terms of the mortgage loans at issue in this litigation (including but not limited to the interest rate, prepaid finance charge, points, fees, and any other terms of the loans).

15. Any and all advertising documents used to advertise mortgage loans in at or around the time of the origination of the mortgage loan at issue in this litigation.

16. Any and all operating manuals, memoranda, instruction sheets, or other documents in effect at or around the time of the origination of the mortgage loan at issue in this litigation pertaining to internal procedures for soliciting, initiating, taking and/or processing applications for, underwriting, closing, purchasing, or performing due diligence for mortgage loans.

17. Any and all documents relating to any consideration, fees, commissions, bonuses, yield spread premiums or other payments made to any person or entity in connection with the loan.

18. Any and all guidelines, policies or procedures pertaining to consideration, fees, commissions, bonuses, yield spread premiums or other payments for mortgage loans at or around the time of the origination of the mortgage in the ordinary course of business.

19. Any and all telephone log sheets, recordings, internal memoranda, notes, and other documents pertaining to any communications in connection with any aspect of the mortgage loan at issue in this litigation.

20. Any and all documents pertaining in any way to any criteria, system, policy or procedure used to determine Defendant(s)'s creditworthiness.

21. Any and all documents pertaining in any way to any criteria, system, policy or procedure used to verify Defendant(s)'s income as part of the underwriting or purchase of the mortgage loan at issue in this litigation.

22. Any and all documents received from or provided to any federal government official or agency pertaining to compliance with the Real Estate Settlement Procedures Act at any time from January 1, 2000 to the present.

23. Any and all “warehouse agreements” and/or “pooling and servicing agreements” applicable to the mortgage loan at issue in this litigation.

24. Any and all documentary and/or tangible evidence intended to be relied upon at the time of trial.

25. Any and all training manuals for employees, representatives, agents or assigns pertaining in any way to the solicitation of home mortgage loans at or around the time of the origination of the mortgage loan at issue in this litigation.

26. Any and all documents pertaining to any other litigation to which Plaintiff was a party that involved any claims similar to those raised in this litigation.

27. Any and all complaints in foreclosure, filed or unfiled, default notices and/or Notice of Intent to Foreclose pertaining to the mortgage loan at issue in this litigation.

28. Any and all Mortgage Interest Statement(s) and/or IRS Form 1098 and/or IRS Form 1098 Substitute pertaining to the mortgage loan at issue in this litigation.

29. Any and all documents relied upon or reviewed by any expert who has or will render a report.

30. Any and all documents referred to in the Complaint.