

IN THE STATE COURT OF COLLIER COUNTY
STATE OF FLORIDA

21st Mortgage Corporation

NICOLE P. PLANELL FL BAR# 072325

QUINTARIROS, PRIETO, WOOD & BOYER PA.

Plaintiff

v.

Civil Action No. 2015-CA-001170

Marion Gregory (Limited Guardian)

Mary Jean Ziska

Defendant

DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Comes Now Defendant Marion Gregory (from this time forth known to be representing Mary Jean Ziska as her limited guardian) Who was previously represented by defending Lawyer: Linda Yerger FL Bar # 645893 of Yerger/Tyler Pa Attorneys at law firm: Yerger/Tyler Pa Attorneys at Law, 1570 Shadowlawn Drive Naples Florida 34104-4321.

As per rules of discovery motions: Marion Gregory invokes the court to please submit an order compelling Linda Yerger to disclose and submit all discovery information concerning the foreclosure case 2015-CA-001170. Within the scope of rule FL 1.280(b), any party may request any other party

- (1) to produce and permit the party making the request, or someone acting in the requesting party's behalf to inspect and copy any designed documents, including electronically stored information, notes and recorded phone conversations, writings, drawing, graphs, charts, photographs, photographs, phono records and other data compilations from which information can be obtained, translated, if necessary, by the party to whom the request is directed through detection devices into reasonably usable form, that constitute or contain matters within the scope of rule FL 1.280(b) and that are in the possession, custody, or control (Linda Yerger personally or the law firm of Yerger/Tyler PA Attornies at Law) to whom the request is directed.
- (2) To inspect and copy, test, or sample any tangible things that constitute or contain matters within the scope of rule 1.280(b) and that are in the possession, custody, or control of the party to whom the request is directed; requesting past defendants lawyer/law firm: Yerger/Tyler PA attorneys at law and their representing attorney on file. (Linda Yerger FI Bar #645893 of Yerger/Tyler PA Attorneys at Law 1570 Shadowlawn Drive Naples Florida 34104-4321 tel: 239-732-5555. to produce the documents indicated below for inspection and copying by the defendant Marion J Gregory You are required to inform Marion J Gregory of the date, place and time that Marion J Gregory can review and inspect eh documents and make copies in the local attorneys office of Linda Yerger, (Yerger Tyler Attorneys at Law 1570 Shadow lawn Drive Naples Florida 34104) Alternately, you can furnish Marion J Gregory with verified copies of all documentations If the documents does not exist, you are required to state that it does not exist, Failure to comply fully or partially with this request with in thirty days of receipt of service of service shall be deemed a confession that the document does not exist. You are further requested to produce these documents 30 days prior to any deposition, mediation session hearing or trial in this case.

21st Mortgage Plaintiff, Foreclosure Case: Case Number # 2015-CA-001170 Marion J Gregory (defendant) / Linda Yerger (Defendant lawyer)

DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Comes Now Defendant, Marion Gregory (from this time forth known to be representing Mary Jean Ziska as her limited guardian) who was represented by defending lawyer: Linda Yerger.

Linda Yerger has dismissed herself from the foreclosure case stating irreconcilable differences and will no longer be defending or representing anyone in this case. Therefore, Marion Gregory(defendant) files this motion for Defendant's Request for Production of Documents pro se until further legal counsel can be obtained to continue with appeal and defense of the objection to the foreclosure and the subsequent defense/ vacating and dismissal of the foreclosure sale of Condominium owned by Mary Jean Ziska (5632 Whisperwood Blvd. Unit 1601 Naples, Florida 34110 .

As per rules to discovery motions: Marion Gregory invokes the court to please submit an order compelling Linda Yerger to disclose and submit all discovery information concerning the foreclosure case 2015-CA-001170. (Any party may request any other party (1) to produce and permit the party making the request, or someone acting in the requesting party's behalf, to inspect and copy any designated documents, including electronically stored information, notes and recorded phone conversations, writings, drawings, graphs, charts, photographs, phonorecords, and other data compilations from which information can be obtained, translated, if necessary, by the party to whom the request is directed through detection devices into reasonably usable form, that constitute or contain matters within the scope of rule Fl. 1.280(b) and that are in the possession, custody, or control of the party (Linda Yerger personally or the law firm of Yerger/Tyler PA Attornies at Law) to whom the request is directed; (2) to inspect and copy, test, or sample any tangible things that constitute or contain matters within the scope of rule 1.280(b) and that are in the possession, custody, or control of the party to whom the request is directed; requesting past defendants lawyer/ law firm : Yerger/Tyler PA attorneys at law and their representing attorney on file, (Linda Yerger, Fl. Bar# 645893 of Yerger/Tyler PA Attorneys at Law, 1570 Shadowlawn Drive, Naples Florida 34104-4321 tel: 239-732-5555) to produce the documents indicated below for inspection and copying by the Defendant, Marion J. Gregory. You are required to inform Marion J Gregory of the date, place, and time that Marion J Gregory can view and inspect the documents and make copies in the locale attorney's office Linda Yerger, (Yerger/Tyler PA Attorneys at Law 1570 Shawowlawn Drive Naples Florida 34104-4321). Alternately, you can furnish Marion J Gregory with verified copies of all documents. If the document does not exist, you are required to state that it does not exist. Failure to comply fully or partially with this request

within thirty days of receipt of service shall be deemed a confession that the document does not exist. You are further requested to produce these documents 30 days prior to any deposition, mediation session, hearing or trial in this case.

DEFINITIONS The following definitions are to be used in responding to the following requests.

A. "Plaintiff," means 21st Mortgage, or any agent, employee, officer, director, or any other person acting on its behalf.

B. "Defendant" means, Marion J Gregory (as limited guardian, representing Mary Jean Ziska) Defended by Linda Yerger.

C. "Document" means any written, recorded or graphic matter, whether produced, reproduced or stored on papers, cards, tapes, belts, or computer devices or any other medium in your possession, custody or control, or known by you to exist, and includes originals, all copies of originals, and all prior drafts. It includes all original business records, non-identical copies, computations, memoranda of oral or telephone conversations, tabulations, records of correspondence, notes made on other documents, microfilms, etc. Any and all notes, memoranda, or likewise, be they handwritten, computerized, or typed, regularly kept in the normal transaction and business of collecting debts, that relate to the Defendant and/or ""Account"" in possession of plaintiff and/or plaintiff's attorney; or law firms possession.

INSTRUCTIONS :

1. This request for production of documents is directed toward all information known or available to Plaintiff including information contained in the records and documents in Plaintiff's custody or control or available to Plaintiff upon reasonable inquiry.

2. A request to identify a document is a request to state as applicable:

a) The date of the document;

b) The type of document;

c) The names and present addresses of the person or persons who prepared the document and of the signers and addressers of the document;

d) The name of the employer or principal whom the signers, addressers and preparers were representing;

e) The present location of the document;

f) The name and current business and home addresses of the present custodians of the original document, and any copies of it;

g) A summary of the contents of the document; Any and all notes, memoranda, or likewise, be they handwritten, computerized, or typed, regularly kept in the normal transaction and business of collecting

debts, that relate to the Defendant and/or ""Account"" in possession of plaintiff and/or plaintiff's attorney; or law firms possession.

h) If the original document was destroyed, the date and reason for or circumstances by which it was destroyed.

3. Each request for production of documents is to be deemed a continuing one. If, after serving an answer to any requests for documentation, you obtain or become aware of any further information pertaining to that requested production of documents, you are requested to serve a supplemental answer setting forth such information.

DOCUMENTS TO BE PRODUCED:

1. Verified authentic/original documentation showing how the Plaintiff acquired the "alleged mortgage", including but not limited to Any and all notes, memoranda, or likewise, be they handwritten, computerized, or typed, regularly kept in the normal transaction and business of collecting debts, that relate to the Defendant and/or ""Account"" in possession of plaintiff and/or plaintiff's attorney; or law firms possession.:

a) the previous owner or owners of the "alleged mortgage"; ie ALL original paperwork of transfers/sales/and complete mortgage history from Aegis (2005) until current alleged claim from 21st Mortgage.

b) the acquisition price of the "alleged mortgage"; The history of all acquisition prices/ designated fees starting from from Aegis (2005) until current "alleged mortgage claim" from 21st Mortgage.

c) The identity of any brokers that assisted in the transaction, including proof of their location both time and date when transaction occurred /including their personal and professional address/ phone/ email and sworn confirmation of their location during exact time period (date and time) when alleged transaction occurred. The amount of consideration a broker received with respect to the sale; transfer or acquisition of the "alleged mortgage"

2. Documentation relevant to the assignment of " alleged mortgage" including, but not limited to: past title transfer information with regards to ALL documentation/forensic examination of all documentations and transfer information/including past transfers alleging chain of title ownership from Aegis until current 21st Mortgage "alleged claim".

a) The identity of the assignor and their address; including all information such as: notary information and stamp verification/signature verification and authentication of date for alleged assignment of mortgages/titles/notes and subsequent transfers.

- b) The identity of the individual making this assignment and any materials authorizing them to do so (ex. job description, corporate resolution, etc); verification of their employment at time of "alleged assignment" and verification their location on specific day/time of "alleged assignment"
- c) If consideration was exchanged between the assignor and Plaintiff, then provide the amount of consideration. Also provide details of the consideration exchanged;
3. The alleged mortgage ""Account"", bearing the defendant's signature; notarized and forensically verified/ stamped and original.
 4. The alleged mortgage that has been notarized/verified/stamped and is original from ""Account"" that states interest rate, grace period, terms of repayment, et cetera;
 5. A complete accounting of the amount Plaintiff claimed due from the Defendant, including principal, interest, fees, collection charges and any other components that contribute to the alleged amount.
 6. A notarized/verified/stamped original contract, agreement, assignment, or other means demonstrating that Plaintiff did/ did not have the authority and capacity, and was legally entitled to collect on the alleged debt from "Account";
 7. Letter(s) sent to defendant by Plaintiff, demonstrating an attempt to collect on the alleged "mortgage Account"; including clear and exact reference to: full and complete name/names used in all documents; location of "alleged mortgage" including all variation of and not limited to the proof of Exact residence.

(Proof of Exact residence of "alleged mortgage"): including but not limited to: geographical identification of residence / id codes of residence as per credit reporting bureaus / physical address of residence and mailing address of "alleged mortgage account" especially if different/ exact residence of "alleged mortgage account."
 8. A notarized statement, if presently existing or otherwise, by a person with original knowledge of the alleged mortgage debt, as it was constituted, and who can testify, or be so interrogated in a deposition, that the alleged debt was incurred legally;
 9. Any and all further documents that you believe establish that defendant did/did not legally have an outstanding account or debt related to "Account";
 10. Any further documentation, beyond what has been previously requested, that clearly establishes defendant's liability and/or responsibility to the alleged debt;
 11. Any and all written communication, received by the plaintiff and/or plaintiff's attorney from the defendant, regarding the reporting of the alleged ""Account"" to any credit reporting agency, as well as plaintiff's and/or plaintiff's attorney accessing of defendant's credit report(s).

12. Any and all communications from plaintiff and/or plaintiff's attorney to the defendant explaining why plaintiff and/or plaintiff's attorney may have reported the alleged debt to any credit reporting agency, as well as obtaining defendant's credit report(s);

13. Any and all credit report(s) plaintiff and/or plaintiff's attorney obtained from any credit reporting agency concerning the defendant;

14. Any and all notes, memoranda, or likewise, be they handwritten, computerized, or typed, regularly kept in the normal transaction and business of collecting debts, that relate to the Defendant and/or ""Account"" in possession of plaintiff and/or plaintiff's attorney; or law firms possession.

This 6th day of October 2016.

Respectfully submitted, By: MARION J. GREGORY Marion J Gregroy (9202 Vanderbilt Beach Road Naples Florida 34108 (239) 598-1515 IN THE CITY OF NAPLES, STATE OF FLORIDA, COLLIER COUNTY . Marion J Gregory (Defendant) I hereby certify that I served the Defendant's Request for Production of Documents to Plaintiff via U.S. Mail & email to the following attorney of record: CERTIFICATE OF SERVICE (Linda Yerger) Attorney for Plaintiff Florida BAR #(645893). Yerger/Tyler PA Attorneys at law 1570 Shadowlawn Drive, Naples Florida 34104-4321 (239) 732-5555 This 06th day of October, 2016.

Respectfully submitted, By: Marion J. Gregory Marion J Gregory 9202 Vanderbilt Drive, Naples Florida 34108 (239) 598-1515.