

IN THE COURT OF _____ IN AND FOR
_____ COUNTY, STATE OF
CIVIL DIVISION

[Fill out the above with the official name of your court]

[name of lender] _____,

CASE NO.: [fill in case number]

Plaintiff,

vs.

[your name] _____,

Defendant.

_____ /

DEFENDANT'S MOTION TO COMPEL

Defendant [your name], moves the court for the entry of an Order directing Plaintiff to produce to Defendant the document described in the request to produce which is attached as an exhibit to this action. The basis for the relief requested is set forth below.

On [date you sent request to produce to Plaintiff's lawyer], Defendant sent to Plaintiff's Counsel by U.S. Mail the request to produce, a copy of which is attached as an exhibit.

Despite the passage of 30 days (in addition to 5 days, as this request was sent by U.S. Mail for the services of Plaintiff's counsel*) of this request on Plaintiff's counsel, Plaintiff has not produced the requested document to Defendant or contacted Defendant to state that the document is available for inspection and copying.

*You should check the Rules of Procedure in your jurisdiction or call the Clerk of Court to confirm how much time a litigant has to respond to Discovery before you can Move to Compel the production of this document. Thirty days has been inserted in the Motion as this is the amount of time most states give a litigant to respond. Your state's rules may be different, and you need to state in the Motion the number of days which your state provides. (*Note: delete this passage before filing)

Defendant hereby requests that this court enter an Order directing Plaintiff to produce the document requested by Defendant in the request to produce, and provide to Defendant such other and further relief to which Defendant may be justly entitled to under the circumstances.

[Sign your name on this line] _____
[Type or print your name here]
[Type or print your address here]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by U.S. Mail to: [name and address of Plaintiff / Bank or Mortgage Company], this _____ day of [month] , 2008

[Sign your name here] _____
[Type or print your name here]