

[Note per Siren: Send the "Letter to Lender" FIRST. If they do not produce the original note, next file an action against the lender using the "Request to Produce," then file this Motion to Compel if they subsequently do not respond to the Request to Produce, OR if they respond but do not produce the original note, etc. Delete everything in red before printing!]

IN THE [SPECIFY] COURT OF [RES-COUNTY] COUNTY,
STATE OF [RES-STATE], CIVIL DIVISION

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

[Name of Lender],

Plaintiff,

v.

[Your name],

Alleged Defendant

CASE NO: *[fill in case number]*

**ALLEGED DEFENDANT'S
MOTION TO COMPEL**

Alleged Defendant [your name], moves the court for the entry of an Order directing Plaintiff to produce to alleged Defendant the document described in the request to produce which is attached as an exhibit to this action. *[Note per Siren: attach a copy of the Request to Produce]* The basis for the relief requested is set forth below.

On [date you sent request to produce to Plaintiff's lawyer], alleged 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 alleged Defendant nor contacted alleged Defendant to state that the document is available for inspection and copying.

*I*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)*

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