

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
TO DEFENDANT WELLS FARGO HOME MORTGAGE, INC.**

You are hereby requested to produce the documents and materials listed herein for inspection and copying at the law offices of Plaintiffs' attorneys, THE BARNES LAW GROUP, LLC, whose address is 31 Atlanta Street, Marietta, Georgia 30060 at 10:00 a.m. on the 31st day after service hereof, or otherwise at a time and place convenient to counsel for Plaintiffs.

Should you decline voluntarily to produce any of the requested documents and materials on the ground of either attorney-client privilege or the "work product doctrine," you are hereby requested to describe in writing those documents and materials which will not be voluntarily produced, and to include in such description information as to date such documents were either prepared or received by you, the parties to such documents (if in a letter or other form of communication), and the individual or entity having possession of such document or material. You are hereby requested to describe such documents or things that you will not voluntarily produce so that Plaintiffs will have adequate information with which to file a motion to compel discovery as to these documents and materials prior to ruling on any motion to compel discovery. In the event that any answer called for by any interrogatory or document covered by any request is withheld on the basis of privilege or any similar claim, please furnish a list identifying each answer or document so withheld, together with the following information:

- (i) The reason for withholding, and
- (ii) A statement of facts construing the basis for any claim of privilege, work product or other ground of non-disclosure.

This request shall be deemed continuing, so that if Defendants, at any time, come into possession of any document or material herein requested, not in its custody and control at the time set for this request, counsel for Plaintiffs shall be immediately notified and a convenient

time and place arranged for inspection and copying.

Defendants are further notified to produce at the time of any deposition taken of it, hearings or at trial in the above-styled case, and from time to time and term to term until the above-styled case is concluded, the documents and records listed herein which are in Defendants' possession, custody or control, the same to be used as evidence by said Plaintiffs.

### **DEFINITIONS**

A. The words "you," "your" and "yours" mean the named Defendant who is answering these interrogatories or responding to these requests, as well as all attorneys, consultants, agents, representatives, and any and all other persons or entities acting on behalf of or at the direction of Defendant.

B. As used herein, the definition for the term "document" includes, without limitation, the following items, whether printed, recorded, or reproduced by any other mechanical means or process, or written or produced by hand: agreements; contracts; orders; purchase orders; communications; correspondence; letters; telegrams; tape recordings; memoranda, summaries, notes or other recordings of telephone conversations, personal conversations or meetings; agenda of meetings; notices; records; interoffice memoranda, personal memoranda; photographs; photographic slides; motion picture film; charts; graphs; diagrams; drawings; bookkeeping entries; bills; invoices; orders; receipts; canceled checks; vouchers; ledger sheets; computer printouts; reports; statements of witnesses; findings of investigations; files; records of negotiations; reports of experts; reports of consultants; papers; books; records; objects; summaries; video tape; maps; posters; pamphlets; flyers; and any and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

C. As used herein, the term "oral communication" means any words heard or spoken, and, including without limitation, words spoken at any meeting, discussion, speech or conversation, including a telephone conversation.

D. As used herein, the term "person" includes natural persons, corporations, partnerships, ventures, and all other forms of organizations or associations.

E. As used herein, the term "Defendants" shall mean any Defendant named in the action, jointly and severally, together with their agents, employees, or representatives and all persons acting or purporting to act on their behalf.

F. As used herein, the term "agreement" shall mean any and all contracts, agreements, deeds, accords, understandings, notes, certificates, and letters.

G. As used herein, the term "identify" or "identification" means to set forth:

1. When used with reference to a person;
  - a. Full name;
  - b. Present or last known business address; and if an individual, his present or last known address and telephone number;
2. When used with reference to a document:
  - a. The date the document bears, or if not, the date it was written;
  - b. Name and address of each person who wrote it or participated in the writing of it;
  - c. The name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed;
  - d. The name and address of each person who received a copy of the document;
  - e. A description of the document; as for instance, a letter, memorandum, etc.;

- f. Its present location or custodian, or if unknown, its last known location or custodian;
- g. The present location or custodian of each copy, or if unknown, its last known location or custodian;
- h. If any document is no longer in Defendant's possession, or subject to Defendant's control, state what disposition was made of it, the reason for such disposition and the date thereof.

3. When used with reference to an oral communication:

- a. The persons participating in such oral communication;
- b. The date, number (e.g., telephone) and place at which each person who participated in or heard the oral communication was located;
- c. A description of the circumstances surrounding the communication as, for instance, meeting, speech, conversation;
- d. The name of each person who was present other than the participants;
- e. The substance of the oral communication; and
- f. The information listed in G(2) (a) through (h) for each document concerning, referring, recording or relating to the oral communication.

H. As used herein, the term "date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.

I. As used herein, the term "describe" shall mean to set forth fully and clearly every fact or event of which you have knowledge relevant to the answer called for by the Interrogatory.

J. Whenever relevant, words in the singular shall include the plural thereof.

K. As used herein the term "and" shall include "or," and "or" shall include "and."

"All" and "any" shall also mean "any and all."

M. "Original Loan" means the loan related to that security deed dated August 20, 1999 from Consumer to First Union Mortgage Corporation filed August 23, 1999 at Deed Book 12825, Page 392, Cobb County, Georgia records, in the original amount of \$88,350.00.

N. "Refinance Loan" means the loan related to that security deed dated May 1, 2003 from Consumer to Wells Fargo Home Mortgage, Inc. filed August 6, 2003 at Deed Book 13812, Page 3028, Cobb County, Georgia records, in the original amount of \$85,659.00.

L. All of the following Requests shall be continuing in nature until the date of the trial and you are required to serve supplemental answers as additional information may become available to you:

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1.

Please produce any and all documents identified in Plaintiff's First Interrogatories to Defendant.

2.

Please produce any and all documents reflecting communications you have had with Plaintiff.

3.

Please produce all documents that reflect Wells Fargo Home Mortgage, Inc., took over the Original Loan from First Union Mortgage Corporation.

4.

Please produce a payment history of payments made on the Refinance Loan by Plaintiff.

5.

Please produce all disclosures that you provided to Plaintiff regarding lender paid mortgage insurance.

6.

Please produce current curriculum vitae for any expert you may call as a witness.

7.

Please produce all appraisals and/or documents related to the appraised value or assessed value of Plaintiff's property for the Old Loan and the Refinance Loan.

8.

Please produce all documents regarding loan stipulations, requirements or contingencies related to Plaintiff's Refinance Loan.

9.

Please produce the declaration page of any policy of LPMI associated with Plaintiff's Old Loan or the Refinance Loan.

10.

Please produce any subrogation requests or any documentation related to subrogation of any loan as it relates to the Plaintiff and the Plaintiff's property.

11.

Please produce any written correspondence, notices or documents passed between Wells Fargo and the Plaintiff.

12.

Please produce any closing instructions and/or documents delivered to or prepared by the closing attorney and/or settlement agent related to the Plaintiff's refinance transaction, including schedules of fees and receipt and disbursement documentation of closing funds.