

Tuesday, June 30, 2009

JUL 01 2009

RE: Case No. 07-54109 ASW  
Richard & Isabel Caporale, Debtors/Plaintiffs  
v.  
Saxon Mortgage Services Inc. et. al,  
Defendants

Attorney for Debtors/Plaintiffs

Marc Voisenat, Esq.  
Law Offices of Marc Voisenat  
1330 Broadway #1035  
Oakland, Ca 94612

To The Honorable Arthur S. Weissbrodt ✓  
United States Bankruptcy Court  
Northern District of California

Your Honor, I am Deborah A. Caporale, Daughter-in-law of Plaintiffs, Richard & Isabel Caporale. I became involved in 2007 by investigating how the loan with New Century Mortgage was approved. I've been assisting my in-laws since and I felt it was of great importance to notify the Courts of a recent occurrence that clearly defies court orders of which our Attorney for reasons unknown has failed to notify the Courts of himself.

As per the "Order to Continue OSC" date set for May 28 2009, at 3:00 pm. Temporary Restraining Order to be extended until May 29, 2009.

On May 29, 2009 the Caporale's received a notice which was hand delivered by an unknown person who handed the notice to a family member not involved with this case at the property address 14943 Conway ave. San Jose, Ca. 95124. (See copy attached)

This notice sent Mrs. Caporale into hysterics which the family was close to admitting her into the hospital for fear she would suffer another stroke. In my opinion, this notice was extremely unnecessary as the foreclosure was clearly defying court orders. I called our Attorney Mr. Voisenat and left a message as he was not available at that time. I then placed a call to the person listed on the notice Jason Muth with Coldwell Banker and spoke with him directly. He explained to me that the house had been foreclosed on and sold at the Santa Clara County Courthouse on May 28, 2009, the same day this matter was being heard in your Courtroom. I believe this would be the second if not third request made by His Honor for Saxon's Attorneys to produce the Original Note. This has yet to be accomplished by Saxon Mortgage Services, though they have gone forth with a foreclosure despite the Courts requests.

I briefly explained to Mr. Muth the pending litigation regarding this property and whereabouts of the Original Note to the mortgage on this property. He was very concerned as to why he was not made aware of this when closing the deal with Saxon Mortgage Services. I supplied Mr. Muth with our Attorney's information as he expressed how he needed to "get working on this right away" and void any transactions agreed to with Saxon Mortgage Services.

Your Honor, I am not clear as to why our Attorney had not notified the Courts of this foreclosure which took place under the courts restraining order nor am I clear as to the current status of the property since we have received several advertisement flyers (see copies attached) which suggest that this property has indeed been sold.

Lastly Your Honor, our Attorney Mr. Voisenat suggested that we "make a deal with Saxon and sell the house so that both parties will profit and he will make a percentage from the sale as well" which is actually defeating the Caporale's purpose of bringing this "Note" issue into your Court to begin with.

The primary focus is to find out if Saxon does in fact have in their possession the Original Note to this mortgage. While we feel our Attorney may be veering off the intended path of this case, we do plan to meet with him to see eye to eye in this matter.

Thank you for your time Your Honor and I pray that this information will be closely examined, as I don't believe it is acceptable for either party in this case to defy court orders.

Sincerely,

Deborah A. Caporale

A handwritten signature in cursive script, appearing to read "D. Caporale". The signature is written in black ink and is positioned below the typed name.

**FORECLOSURE / EVICTION NOTICE**

**CASH FOR KEYS OFFER**

Property address: 14943. CONWAY AV.

Date: 05-29-09 Time: 10:00 am.

Dear Occupant,

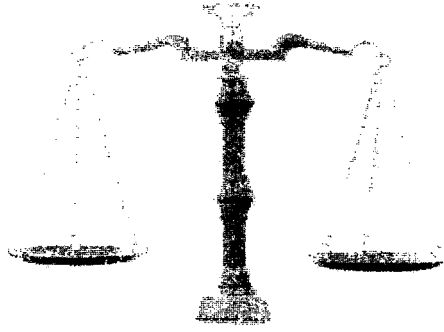
The bank has foreclosed on this property. They have instructed me and hired me to sell the property. The bank is willing to offer you relocation assistance in the form of cash. I need to speak to you immediately as I must report back to the bank if cash for keys was accepted by you otherwise they will proceed with the Sheriff eviction/lock out.

**IT IS IMPERATIVE THAT I SPEAK WITH YOU!**

Call my cell phone at 408-888-1660

Regards,

Jason Muth  
Coldwell Banker  
1096 Blossom Hill Rd. #200  
San Jose, CA 95123  
408-888-1660



**Proyeccion Legal Financiera**  
**5201 E. Gage Ave Suite 204**  
**Bell, Ca. 90201**  
**Tel. (323) 771-8292 Fax (323) 771-8373**

***Dear Homeowner or Tenant:***

***According to the county records we show that the property where you are living has been repossessed. The new owner is the Bank or a Private owner. Unfortunately, the new owner will begin a legal procedure to recover the property against you and all unknown occupants. This means that you will possibly be evicted. However, we can help you REMAIN IN THE PROPERTY FOR up to FOUR MONTHS. DURING the four months you remain in the property you do not have to pay rent. This will allow you to save money to relocate.***

***IF YOU NEED TIME TO MOVE OR NEED FURTHER DETAILS OF YOUR SITUATION PLEASE CALL NOW!!! "TIME IS RUNNING AGAINST YOU".***

***Home visits are available.***  
***(323) 771-8292***

***Thank you,***

*Veronica Toro*

***Veronica Toro***  
***Paralegal***

# Home Solutions Referral Center, Inc.



## Frustrated Homeowners.... "Take a Walk!"

Dear Homeowner,

It has come to our attention that you recently lost your home. Did you know that you have eviction rights too, even if you lost the property already? Do not just leave your home! Do you need time to find a suitable home for your family? Let us help you! You can stay in YOUR PROPERTY for a little longer, we can handle this delicate matter! All you have to do is call us.

Let Home Solutions Referral Center **SOLVE** your problems and **STAY** in your property **90** extra days until we solved this delicate matter (**WITHOUT** paying RENT)!

We refer you to the **BEST** attorney offices Also private investor who will buy your property back from the lender. Lets Keep the American Dream

Please call to make an appointment TODAY. The sooner you call, the sooner you can sleep. We look forward to working with you. Have a great day! ☺

Warm Regards,

Home Solutions Referral Center, Inc.

Direct Line: (510) 415-4621

Email: [homesolutionsreferralcenter@gmail.com](mailto:homesolutionsreferralcenter@gmail.com)

**"Se Habla Español"**