



THE TRACK RECORD OF SUCCESS

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File No.:	5874-91
File:	CIV
Dist.:	TPB/PLD/BC/IMG
ABACUS:	WP/KW
Date:	
CL/DB/EX/DD	

ORDER VERIFICATION

RE: SIERRA PACIFIC SAWMILL AND FOSKETT RANCH
 COUNTY: PLACER COUNTY
 CASE: SMOLICH vs. MERITAGE HOMES, ET AL.

DOCUMENT DATE: 04/04/2007

DEPOSITION DATE: 04/30/2007

CASE NO.: SCV 20090

RECORDS PERTAIN TO: SIERRA PACIFIC SAWMILL AND FOSKETT RANCH (RT: 165747)

TYLER P. BERDING
 BERDING & WEIL
 3240 STONE VALLEY ROAD WEST
 ALAMO, CA 94507-1558

Please take note that **RECORDTRAK SERVICES** has requested the following records and materials on your behalf and noticed all parties as indicated.

CUSTODIAN OF RECORD (DEPONENT)	TAG
CITY OF LINCOLN BUILDING DIVISION	1

ALL RECORDS WILL BE PROVIDED (INCLUDING CERTIFICATES OF NO RECORDS) AS PRODUCED BY EACH DEPONENT. RECORDS CANNOT BE LIMITED BEYOND THE SCOPE OF THE SUBPOENA.

*** ALL ORDERS REMAIN IN FORCE UNLESS CANCELLED IN WRITING PRIOR TO THEIR PRODUCTION ***

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TYLER P. BERDING BERDING & WEIL 3240 STONE VALLEY ROAD WEST ALAMO, CA 94507-1558 TELEPHONE NO.: (925) 838-2090 FAX NO. (Optional) (925) 820-5592 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: PLACER COUNTY SUPERIOR COURT 101 MAPLE ST MAILING ADDRESS: CITY AND ZIP CODE: AUBURN, CA 95603 BRANCH NAME:	
PLAINTIFF/PETITIONER: SMOLICH DEFENDANT/RESPONDENT: MERITAGE HOMES, ET AL.	
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS	CASE NUMBER SCV 20090

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 CITY OF LINCOLN BUILDING DIVISION (916) 645-3320

COMMUNITY DEVELOPMENT DEPT. 640 FIFTH STREET, LINCOLN, CA 95648

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): **RecordTrak (800) 220-3200**

On (date): 04/30/2007

At (time): 10:00 AM

Location (address): 100 Webster Street, Suite 201 Oakland, CA 94607

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b), or
- c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows: See Attachment 3.

Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: April 4, 2007

TYLER P. BERDING

(TYPE OR PRINT NAME)

/S/ TYLER P. BERDING

(SIGNATURE OF PERSON ISSUING SUBPOENA)

ATTORNEY AT LAW

(Proof of service on reverse)

(TITLE)

ATTACHMENT 3

RE: SMOLICH vs. MERITAGE HOMES, ET AL.

CASE NO. SCV 20090

RECORDTRAK FILE #: 165747; TAG 1

LOCATION: CITY OF LINCOLN BUILDING DIVISION

RECORDS PERTAIN TO: SIERRA PACIFIC SAWMILL AND FOSKETT RANCH SS #: - -, DOB:

RECORDS AND THINGS AS IDENTIFIED ON EXHIBIT A.

