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IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

) CIVIL CASE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

)

Plaintiff(s) )

)

vs. ) RESPONDENT’S CONCISE

) STATEMENT OF MATERIAL FACTS IN ) OPPOSITION TO MOTION FOR

Defendants(s) ) SUMMARY JUDGMENT (SAMPLE)

)

Pursuant to CVLR 56, Respondent submits his concise statement of material facts in opposition to Movant’s Motion for Summary Judgment.

Facts 1 through 5 correspond to the facts and supporting evidence presented in the Movant’s Separate Concise Statement of Material Facts. Where appropriate, Respondent has indicated that the facts relied upon by Movant is controverted. These are followed by additional material facts and supporting evidence that Respondent introduces to demonstrate the existence of a genuine issue of material fact.

|  |  |
| --- | --- |
| **FACTS** | **EVIDENTIARY SUPPORT** |
| 1. Partially disputed. Date of loan was on June 1, 2013 not June 1, 2012. | Ex. A & B to Movant’s Concise Statement, ECF No. \_\_ |
| 2. Undisputed | Movant’s Concise Statement, ECF No. \_\_\_. |
| 3. Undisputed | Movant’s Concise Statement, ECF No. \_\_\_. |
| 4. Undisputed | Movant’s Concise Statement, ECF No. \_\_\_. |
| 5. Disputed. Movant has failed to establish the balance of the loan, the payments made and/or not made and Respondent’s default under the terms of the subject notes. | See Affidavit of Jane Doe, ¶¶ 2 and 3. |

Respondent also contends that the following additional material facts are relevant or in dispute.

**RESPONDENT’S STATEMENT OF FACTS IN OPPOSITION**

|  |  |
| --- | --- |
| **FACTS** | **EVIDENTIARY SUPPORT** |
| 1. Movant did not provide Respondent with “proper” written notification that an overdue amount was owed under each of the notes and the minimum of ten (10) days to pay the overdue amount | Declaration of Jane Doe at ¶¶ 4 and 5 |
| 2. Movant is not the owner and holder of the subject notes and mortgages | Declaration of Jane Doe at ¶¶ 20 and 22. |
| 3. Respondent has exercised its equitable right of reinstatement by offering to pay Movant all amounts due on the subject notes and mortgages affecting Lot 25 | Declaration of Jane Doe at ¶¶ 23-30, Exhibits F-G. |

Dated this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2013.

LAW OFFICES OF XYZ, LLP

By: /s/