

ORIGINAL

FILED

MAY 23 2016

CLERK OF THE SUPERIOR COURT

BY *[Signature]*

1 PRECILIANO MARTINEZ
2 ATTORNEY AT LAW
3 State Bar No.: 93253
4 1120 14th Street, Ste. 5
5 Modesto, CA 95354
6 (209) 579-2206 / (209) 579-2211 Fax
7 attymartinezp@yahoo.com

8 Attorney for Defendant
9 FRANK C. CARSON

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 IN AND FOR THE COUNTY OF STANISLAUS

12 PEOPLE OF THE STATE OF)
13 CALIFORNIA,)

14 Plaintiff,)

15 vs.)

16 FRANK C. CARSON, et. al.,)

17 Defendants.)

CASE NO.: 1490969
OBJECTION TO AND NOTICE
OF MOTION AND MOTION
TO QUASH SUBPOENA DUCES
TECUM PURSUANT TO
CCP. §§ 1985-1997

Date: 5/23/2016
Time: 10:00 a.m.
Dept.: 26

18 To: THE DISTRICT ATTORNEY OF THE COUNTY OF STANISLAUS, HER
19 ASSISTANTS, DEPUTIES, AGENTS AND EMPLOYEES:

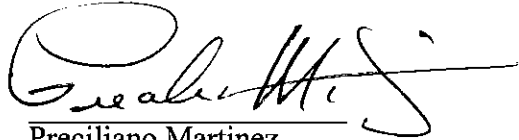
20 PLEASE TAKE NOTICE that on May 23, 2016 or as soon thereafter as it may be heard,
21 a motion to quash the subpoena duces tecum served on Acacia Memorial Park dated May 17,
22 2016 concerning property owned by Mr. Frank Carson and Ms. Georgia DeFilippo jointly shall
23 be made for the following reasons:

- 24 1) It is over broad;
- 25 2) It is irrelevant;
- 26 3) It is privileged;
- 27 4) It is untimely.

28 The motion will be based on this notice of motion, on the attached memorandum of
points and authorities served and filed herewith, on such supplemental memoranda of points and

1 authorities as may hereafter be filed with the court, on all the papers and records on file in this
2 action and on such oral and documentary evidence as may be presented at the hearing of the
3 motion.

4 Dated: 5-23-16


Preciliano Martinez
Counsel for Frank Carson

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5 Attorney for Defendant
FRANK C. CARSON

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF STANISLAUS

9 PEOPLE OF THE STATE OF)
10 CALIFORNIA,)
11 Plaintiff,)
12 vs.)
13 FRANK C. CARSON, et. al.,)
14 Defendants.)

CASE NO.: 1490969
MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
OF MOTION TO QUASH SUBPOENA
DUCES TECUM PURSUANT TO
CCP. §§ 1985-1997
Date: 5/23/2016
Time: 10:00 a.m.
Dept.: 26

18 **STATEMENT OF THE FACTS**

19 The People have subpoenaed the entire lender's file and short sale file from Acacia
20 Memorial Park, Lender, for the property located at 1026 McHenry Avenue, Modesto CA 95350
21 and 8319 E. Monte Vista Avenue, Denair, CA 95316. The SDT is dated May 17, 2016 and the
22 court hearing date is listed as May 23, 2016 at 8:30 a.m. in a department 26 that is located at 800
23 11th Avenue in Modesto, California. As an aside, there is no 11th Avenue in Modesto, and if the
24 district attorney's office meant the department 26 on 12th Street, the hearing would not begin
25 until 10:00 a.m., which makes the form of the SDT unnecessarily confusing and sloppy.

26 Frank Carson alone is charged in Count IV of a criminal complaint of perjury concerning
27 a 2014 campaign disclosure form of assets. Those forms do not demand disclosure of tax
28 information or lender's files.

1 Neither defendants Carson or DeFilippo are charged with tax evasion or financial crimes
2 of any type. Defendants Carson and DeFilippo have no criminal history whatsoever, much less
3 an offense involving tax fraud or evasion.

4 In 2014 Carson ran unsuccessfully for the Office of District Attorney of Stanislaus
5 County. The campaign disclosure form 700 alleged as the basis for Count IV arose out of that
6 election effort.

7 There has been no discovery provided that details the charged "MISREPRESENTATION
8 ON FORM 700," nor is there an arrest warrant that details the supposed falsehood.

9
10 Defendant submits the following points and authorities in support of the motion to quash
11 the subpoena duces tecum:

12
13 **I.**

14 **A COURT MAY MAKE AN ORDER QUASHING A SUBPOENA**
15 **DUCES TECUM FOR GOOD CAUSE**

16 Code of Civil Procedure §1987.1:

17 "When a subpoena requires the attendance of a witness or
18 the production of books, documents or other things before a court,
19 or at the trial of an issue therein, or at the taking of a deposition,
20 the court, upon motion reasonably made by the party . . . or upon
21 the court's own motion after giving counsel notice and an
22 opportunity to be heard, may make an order quashing the subpoena
23 entirely, modifying it, or directing compliance with it upon such
24 terms or conditions as the court shall declare."

25 Although there is no statutory authority for the quashing of a subpoena regular on its face,
26 the court has inherent power to issue an order quashing a subpoena. As stated by the appellate
27 court in *People v Rhone* (1968, 4th Dist) 267 Cal App 2d 652m 657, 73 Cal Rptr 463:

28 "There is no statutory authority to quash a subpoena, other

1 than a subpoena duces tecum. It was held in an early case that in
2 the absence of a statutory provision for such an order, an order
3 quashing a subpoena was a nullity.”
4

5 **II.**

6 **DEFENDANT’S FEDERAL PRIVILEGE AGAINST SELF-INCRIMINATION**
7 **PROTECTS DEFENDANT FROM COMPULSORY**
8 **PRODUCTION OF PERSONAL PAPER IN HIS OR HER POSSESSION**

9 “ ‘A party is privileged from producing the evidence but
10 not from its production.’ This principle recognizes that the
11 protection afforded by the Self-Incrimination Clause of the Fifth
12 Amendment ‘adheres basically to the person, not to information
13 that may incriminate him.’ Thus, although the Fifth Amendment
14 may protect an individual from complying with a subpoena for the
15 production of his personal records in his possession because the
16 very act of production may constitute a compulsory authentication
17 of incriminating information, a seizure of the same materials by
18 law enforcement officers differs in a crucial respect—the individual
19 against whom the search is directed is not required to aid in the
20 discovery, production, or authentication of incriminating
21 evidence.” (*Andresen v Maryland* (1976) 427 US 463, 473, 49 L
22 Ed 2d 267, 96 S Ct 2737.)
23

24 **III.**

25 **THERE IS A STATUTORY RIGHT OF PRIVACY CONCERNING,**
26 **AND PRIVILEGE AGAINST DISCLOSURE OF TAX RETURNS**

27 The Court in *Weingarten v. Superior Court* (2002) 102 Cal.App.4th 268, 274 recognized
28 that California Courts have “interpreted state taxation statutes as creating a statutory privilege

1 against disclosing tax returns.” Cal. Revenue & Tax Code, §19542, provides:

2 Except as otherwise provided in this article and as required
3 to administer subdivision (b) of §19005, it is a misdemeanor for
4 the Franchise Tax Board or any member thereof, or any deputy,
5 agent, clerk, or other officer or employee of the state (including its
6 political subdivisions), or any former officer or employee or other
7 individual, who in the course of his or her employment or duty has
8 or had access to returns, reports, or documents required to be filed
9 under this part, to disclose or make known in any manner
10 information as to the amount of income or any particulars
11 (including the business affairs of a corporation) set forth or
12 disclosed therein.

13 Starting with *Webb v. Standard Oil Co.* (1957) 49 Cal.2d 509, 513, the seminal case
14 establishing the right to a privilege in tax returns, California law has long recognized statutory
15 privileges against disclosing tax returns. See also, *Weingarten v. Superior Court* (2002) 102
16 Cal.App.4th 268, 270; *Firestone v. Hoffman* (2006) 140 Cal.App.4th 1408, 1420.

17 Supreme Court has applied the privilege in a criminal case. See *Aday v. Superior Court*,
18 (1961) 55Cal.2d 789, at 797, where the court held “the sole exception permitting disclosure for
19 purposes of a criminal prosecution appears in sections 19283 and 26453, which are limited to
20 prosecutions for tax violations, thereby indicating that disclosure is not to be made in other
21 criminal cases.” Although, unquestionably, *Schnabel v. Superior Court* (1993) 5 Cal.4th 704, at
22 721 recognizes that there can be limited exception to this privilege, that case involves disclosure
23 and inspection of corporate tax returns, which are not comparable with personal tax returns at
24 issue here, especially, given the fact that California does not recognize that corporations have a
25 constitutional right to privacy under Article I, Section 1 of the California Constitution, whereas
26 individuals manifestly do. *Roberts v. Gulf Oil Corp.* (1983) 147 Cal.App.3d 770, 773.

27 Furthermore, in addition to the failure to offer any particularized need for the tax returns
28 in this case, and the failure to explain why less intrusive alternatives are not available, much less

1 failing to even identify what precisely the People hope to elicit from the subject tax returns as to
2 the nature of the alleged misrepresentation on Form 700, the People completely ignore the fact
3 that these are joint returns and there is absolutely no allegations of any misrepresentation against
4 Ms. DeFilippo. Given the nature of tax returns, it would be completely wrong and an invasion of
5 Ms. DeFilippo's privacy and privilege rights to allow disclosure, review or inspection of the
6 subject tax returns, irrespective of any possible relevancy to any claims against Mr. Carson. It
7 should be an insurmountable hurdle for the People to invade an innocent bystander's privilege
8 and privacy rights on the absolute lack of any showing of any possible relevancy to this matter.

9 In addition, under Article I, Section 1 of the California Constitution, the courts in this
10 state have repeatedly recognized a right of privacy in financial matters. *Schnable supra*, at 712.
11 Clearly, Article I, Section 1 of the California Constitution guaranteeing a right of privacy covers
12 tax returns. The argument made to the California voters in support of the right of privacy into the
13 California Constitution by means of the referendum process is set forth in the case of *Wilkinson*
14 *v. Time Mirror Corp.* (1989) 2145 Cal.App.3d 1034. Specifically, at page 1041, the arguments
15 of the People of California in support of the referendum expressly included the recognition of the
16 relationship between tax returns and privacy.

17 In sum, the voters of the State of California have clearly spoken, as have the courts, and
18 have on repeated occasions made unequivocally clear that tax returns are privileged and
19 considered highly private information. There has been absolutely no showing here significant
20 enough to overcome the Article I, Section 1 privacy guarantee of the California Constitution,
21 much less the privilege recognized in tax returns by the courts in the State of California.

22 23 IV.

24 THE RELEASE SOUGHT INVADES THE PRIVACY OF GEORGIA DEFILIPPO 25 AND PREJUDICES HER INTERESTS AND PRIVILEGES

26 Georgia DeFilippo, already being victimized by a prosecution based on being married to
27 Carson, is further harassed and harmed by a questionable and unjustified search of her finances.
28 The fishing expedition sought puts her common and separate finances under an accusatory

1 microscope.

2 *Coate v. Superior Court* (1978) 81 Cal.App.3d 113, stands for the proposition that both
3 parties to a joint return are holders of the privacy privilege and both must waive as to a joint
4 return.

5 **V.**

6 **THE PEOPLE'S REQUEST IS UNTIMELY**

7 The issue of the basis for the perjury charge alleged in Count IV of the complaint has
8 been at issue since the inception of the case. The Ramey Arrest Warrant of August 13, 2015 does
9 not address this charge whatsoever. Tax records of Carson and DeFilippo subpoenaed by the
10 people in October of 2015 remain sealed. No discovery was provided as to the 700 form charge
11 of perjury until May 9, 2016, two days before the scheduled hearing date of the motion to compel
12 discovery filed by this office. That discovery, Bates #25211-25216, was a copy of the 700 form
13 filled out by Mr. Carson. There were no investigative reports provided whatsoever that discuss
14 this charge. In the seventh month of preliminary hearing, this charge seems still lack foundation.

15
16 **VI.**

17 **THE PEOPLE'S REQUEST IS NOT RELEVANT**

18 There is no basis to believe that the entire financial files for these properties is required
19 by the 700 form. The form merely asks that property that the candidate has an interest in be
20 listed. On the form filled out by Mr. Carson, the 1026 McHenry Avenue property is listed and
21 the 8319 E. Monte Vista Avenue property had not yet been purchased.

22
23 **VII.**

24 **THE PEOPLE'S REQUEST IS OVER BROAD**

25 The entire financial files for property the candidate has a real interest in requires a list
26 rather than a complete financial history.

27 ////

28 ////

1 **VIII.**

2 **CONCLUSION**

3 For the foregoing reasons we ask that the review, examination, or inspection or any
4 disclosure of the subpoenaed tax returns and lender files be barred and the financial records be
5 kept absolutely under seal.

6 Should the court entertain any thought about allowing the inspection, review, or access to
7 the subject tax returns and financial records, then both Carson and DeFilippo respectfully request
8 an immediate stay of any activity pending a petition of writ of mandate/prohibition.

9
10 Respectfully submitted,

11 

12 Preciliano Martinez
13 Attorney for Defendant

3/10/14 mailed to FPCC



STATEMENT OF ECONOMIC INTERESTS REGISTRATION DIVISION ELECTIONS DIV

COVER PAGE

2014 MAR -6 AM 10:07

Please type or print in ink

NAME OF FILER LAST: CARSON FIRST: FRANK STANISLAUS COUNTY CLERK-RECORDER

1. Office, Agency, or Court

Agency Name (Do not use acronyms): Stan. Co. District Attorney
Division, Board, Department, District, if applicable: your Position

If filing for multiple positions list below or on an attachment. (Do not use acronyms.)

Agency Position

2. Jurisdiction of Office (Check at least one box)

State, Multi-County, City of, Judge or Court Commissioner (Statewide Jurisdiction), County of Stanislaus, Other

3. Type of Statement (Check at least one box)

Annual: The period covered is January 1, 2013 through December 31, 2013
-or- The period covered is through December 31, 2013
Assuming Office: Date assumed
Leaving Office: Date left
Candidate: Elector year 2014 and office sought, if different than Part 1

4. Schedule Summary

Check applicable schedules or "None." Total number of pages including this cover page:
Schedule A-1 - Investments - schedule attached
Schedule A-2 - Investments - schedule attached
Schedule B - Real Property - schedule attached
Schedule C - Income, Loans, & Business Positions - schedule attached
Schedule D - Income - Gifts - schedule attached
Schedule E - Income - Gifts - Travel Payments - schedule attached
None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
811 15TH ST. MODESTO, CA. 95354
DAYTIME TELEPHONE NUMBER 209.549-0984
E-MAIL ADDRESS (OPTIONAL)

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and if any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 3/6/14 Signature [Handwritten Signature]

EXHIBIT

25211

SCHEDULE A-1

Investments

Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

Do not attach brokerage or financial statements

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name
Frank Carson

NAME OF BUSINESS ENTITY
Brian T. Greaves

GENERAL DESCRIPTION OF THIS BUSINESS
Edward Jones Investing

FAIR MARKET VALUE
 \$2,000 - \$10,000
 \$100,001 - \$1,000,000
 \$10,001 - \$100,000
 Over \$1,000,000

NATURE OF INVESTMENT
 Stock
 Other
 Partnership
 Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule D)

IF APPLICABLE LIST DATE
 ACQUIRED 13 DISPOSED 13

NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
 \$2,000 - \$10,000
 \$100,001 - \$1,000,000
 \$10,001 - \$100,000
 Over \$1,000,000

NATURE OF INVESTMENT
 Stock
 Other
 Partnership
 Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule D)

IF APPLICABLE LIST DATE
 ACQUIRED 13 DISPOSED 13

NAME OF BUSINESS ENTITY
Stancera

GENERAL DESCRIPTION OF THIS BUSINESS
Retirement Account

FAIR MARKET VALUE
 \$2,000 - \$10,000
 \$100,001 - \$1,000,000
 \$10,001 - \$100,000
 Over \$1,000,000

NATURE OF INVESTMENT
 Stock
 Other
 Partnership
 Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule D)

IF APPLICABLE LIST DATE
 ACQUIRED 13 DISPOSED 13

NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
 \$2,000 - \$10,000
 \$100,001 - \$1,000,000
 \$10,001 - \$100,000
 Over \$1,000,000

NATURE OF INVESTMENT
 Stock
 Other
 Partnership
 Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule D)

IF APPLICABLE LIST DATE
 ACQUIRED 13 DISPOSED 13

NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
 \$2,000 - \$10,000
 \$100,001 - \$1,000,000
 \$10,001 - \$100,000
 Over \$1,000,000

NATURE OF INVESTMENT
 Stock
 Other
 Partnership
 Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule D)

IF APPLICABLE LIST DATE
 ACQUIRED 13 DISPOSED 13

NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE
 \$2,000 - \$10,000
 \$100,001 - \$1,000,000
 \$10,001 - \$100,000
 Over \$1,000,000

NATURE OF INVESTMENT
 Stock
 Other
 Partnership
 Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule D)

IF APPLICABLE LIST DATE
 ACQUIRED 13 DISPOSED 13

Comments:

SCHEDULE A-2
Investments, Income, and Assets
of Business Entities/Trusts
 (Ownership interest is 10% or Greater)

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION

Name
Frank C. Carson

1. BUSINESS ENTITY OR TRUST

Name Frank C. Carson - Attorney At Law
 Address (Business Address Acceptable)
811 15th St. Modesto, 95354

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE	IF APPLICABLE, LIST DATE	
<input type="checkbox"/> \$0 - \$1,999		
<input type="checkbox"/> \$2,000 - \$10,000	13	13
<input type="checkbox"/> \$10,001 - \$100,000	ACQUIRED	DISPOSED
<input checked="" type="checkbox"/> \$100,001 - \$1,000,000		
<input type="checkbox"/> Over \$1,000,000		

NATURE OF INVESTMENT
 Partnership Sole Proprietorship Other

YOUR BUSINESS POSITION Owner

2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

\$0 - \$499 \$10,001 - \$100,000
 \$500 - \$1,000 OVER \$1,000,000
 \$1,001 - \$10,000

3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach separate sheet if necessary)

None

4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box
 INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property
811 15th St. Office Building

Description of Business Activity or City or Other Precise Location of Real Property

FAIR MARKET VALUE	IF APPLICABLE, LIST DATE	
<input type="checkbox"/> \$2,000 - \$10,000		
<input type="checkbox"/> \$10,001 - \$100,000	13	13
<input checked="" type="checkbox"/> \$100,001 - \$1,000,000	ACQUIRED	DISPOSED
<input type="checkbox"/> Over \$1,000,000		

NATURE OF INTEREST
 Property Ownership/Lease of Trust Sizable Partnership

Leasehold Other

Check box if additional schedules reporting investments in real property are attached

1. BUSINESS ENTITY OR TRUST

Name
 Address (Business Address Acceptable)

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

FAIR MARKET VALUE	IF APPLICABLE, LIST DATE	
<input type="checkbox"/> \$0 - \$1,999		
<input type="checkbox"/> \$2,000 - \$10,000	13	13
<input type="checkbox"/> \$10,001 - \$100,000	ACQUIRED	DISPOSED
<input type="checkbox"/> \$100,001 - \$1,000,000		
<input type="checkbox"/> Over \$1,000,000		

NATURE OF INVESTMENT
 Partnership Sole Proprietorship Other

YOUR BUSINESS POSITION

2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

\$0 - \$499 \$10,001 - \$100,000
 \$500 - \$1,000 OVER \$100,000
 \$1,001 - \$10,000

3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach separate sheet if necessary)

None

4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box
 INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property

Description of Business Activity or City or Other Precise Location of Real Property

FAIR MARKET VALUE	IF APPLICABLE, LIST DATE	
<input type="checkbox"/> \$2,000 - \$10,000		
<input type="checkbox"/> \$10,001 - \$100,000	13	13
<input type="checkbox"/> \$100,001 - \$1,000,000	ACQUIRED	DISPOSED
<input type="checkbox"/> Over \$1,000,000		

NATURE OF INTEREST
 Property Ownership/Lease of Trust Sizable Partnership

Leasehold Other

Check box if additional schedules reporting investments in real property are attached

Comments:

SCHEDULE B
Interests in Real Property
(Including Rental Income)

Name
Frank Carlson

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS
✓ McHenry Plaza

CITY
2026 McHenry Ave. Modesto

FAIR MARKET VALUE APPLICABLE LIST DATE
 \$2,000 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

ACQUIRED 13 DISPOSED 13

NATURE OF INTEREST
 Ownership/Deed of Trust Easement
 Leasehold Other

IF RENTAL PROPERTY GROSS INCOME RECEIVED
 \$0 - \$499 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

SOURCES OF RENTAL INCOME If you own a 10% or greater interest list the name of each tenant that is a single source of income of \$10,000 or more
 None

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS
✓ 838 9th Street

CITY
Turlock CA 95380

FAIR MARKET VALUE IF APPLICABLE LIST DATE
 \$2,000 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

ACQUIRED 13 DISPOSED 13

NATURE OF INTEREST
 Ownership/Deed of Trust Easement
 Leasehold Other

IF RENTAL PROPERTY GROSS INCOME RECEIVED
 \$0 - \$499 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

SOURCES OF RENTAL INCOME If you own a 10% or greater interest list the name of each tenant that is a single source of income of \$10,000 or more
 None

* You are not required to report loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows

NAME OF LENDER
Acacia Memorial Park

ADDRESS (Business Address Acceptable)
801 Scenic Drive Modesto 95350

BUSINESS ACTIVITY IF ANY OF LENDER
Cornetary

INTEREST RATE TERM (Months/Years)
9 % 15 years

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000
 Guarantor if applicable

NAME OF LENDER
HSBC Mortgage Service Center

ADDRESS (Business Address Acceptable)
2001 Bishops Crater Blvd
Mail Stop SV 09 Mt Laurel, NJ 08054

BUSINESS ACTIVITY IF ANY OF LENDER
Mortgage Lender Service

INTEREST RATE TERM (Months/Years)
6.87 % 30

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000
 Guarantor if applicable

Comments:

SCHEDULE B
Interests in Real Property
(Including Rental Income)

Name
Frank Carson

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS
1405 Gialos Ave

CITY
Modesto,

FAIR MARKET VALUE IF APPLICABLE LIST DATE
 \$0.001 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

ADQUIRED 13 DISPOSED 13

NATURE OF INTEREST
 Ownership/Deed of Trust
 Leasehold
 Other

IF RENTAL PROPERTY GROSS INCOME RECEIVED
 \$0 - \$499
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

SOURCES OF RENTAL INCOME If you own a 10% or greater interest list the name of each tenant that is a single source of income of \$10,000 or more
 None

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY

FAIR MARKET VALUE IF APPLICABLE LIST DATE
 \$0.001 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

ADQUIRED DISPOSED

NATURE OF INTEREST
 Ownership/Deed of Trust
 Leasehold
 Other

IF RENTAL PROPERTY GROSS INCOME RECEIVED
 \$0 - \$499
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

SOURCES OF RENTAL INCOME If you own a 10% or greater interest list the name of each tenant that is a single source of income of \$10,000 or more
 None

* You are not required to report loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY IF ANY OF LENDER

INTEREST RATE TERM (Months/Years)
 % None

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

Guarantor if applicable

NAME OF LENDER

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY IF ANY OF LENDER

INTEREST RATE TERM (Months/Years)
 % None

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

Guarantor if applicable

Comments:

SCHEDULE B
Interests in Real Property
 (Including Rental Income)

Name
Frank C. Carson

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS
12925 Stedman Ranch Rd.
 CITY
Burson, Calaveras Co.

FAIR MARKET VALUE IF APPLICABLE LIST DATE
 \$2,000 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

IF APPLICABLE LIST DATE
 ACQUIRED 13 DISPOSED 13

NATURE OF INTEREST
 Ownership/Deed of Trust
 Easement
 Leasehold
 Other

IF RENTAL PROPERTY GROSS INCOME RECEIVED
 \$0 - \$499
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

SOURCES OF RENTAL INCOME If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.
 None

ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS
406 Fleetwood ✓
 CITY
Modesto, Ca.

FAIR MARKET VALUE IF APPLICABLE LIST DATE
 \$2,000 - \$10,000
 \$10,001 - \$100,000
 \$100,001 - \$1,000,000
 Over \$1,000,000

IF APPLICABLE LIST DATE
 ACQUIRED 13 DISPOSED 13

NATURE OF INTEREST
 Ownership/Deed of Trust
 Easement
 Leasehold
 Other

IF RENTAL PROPERTY GROSS INCOME RECEIVED
 \$0 - \$499
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

SOURCES OF RENTAL INCOME If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.
 None

You are not required to report loans from commercial lending institutions made in the lender's regular course of business or terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY IF ANY OF LENDER

INTEREST RATE TERM (Months/Years)
 _____ % None _____

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

Guarantor if applicable

NAME OF LENDER
Wells Fargo

ADDRESS (Business Address Acceptable)
Mortgage: HELOC P.O. Box 30427 LA, CA 90030

BUSINESS ACTIVITY IF ANY OF LENDER
Bank

INTEREST RATE TERM (Months/Years)
6.7/8.6% None _____

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

Guarantor if applicable

Comments: _____

1 **PROOF OF SERVICE**

2 I declare under penalty of perjury that:

3 I am a citizen of the United States and am employed in the County of Stanislaus. I am
4 over the age of eighteen years and not a party to the within action. My business address is as
5 follows: 811 15th Street, Modesto, CA 95354.

6 On the date set forth below, I caused the attached **NOTICE OF MOTION AND**
7 **MOTION TO QUASH SUBPOENA DUCES TECUM PURSUANT TO CCP SECTIONS**
8 **1985-1997 AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
9 **MOTION TO QUASH SUBPOENA DUCES TECUM PURSUANT TO CCP SECTIONS**
10 **1985-1997** and **EXHIBIT** to be served on the parties to this action as follows:

11 BY MAIL-

12 I placed a true copy thereof, enclosed in a sealed envelope with postage thereon fully
13 prepaid, in the United States mail at Modesto, California, addressed to the parties as set
14 forth on the attached service list. C.C.P. §§1013 (a), 2015.5.

15 BY FEDERAL EXPRESS

16 I retained Federal Express to personally serve a true copy thereof on _____ on the parties
17 as set forth on the attached service list. C.C.P. §§1013 (c), 2015.5.

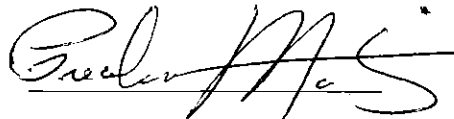
18 BY FACSIMILE TRANSMISSION-

19 I am readily familiar with this law firm's business practices for collection and processing
20 of documents by way of facsimile. I telefaxed a true copy thereof at said facsimile
21 number (s) as set forth on the attached service list. C.C.P. §§1013 (e), 2015.5 and C.R.C.
22 §2008.

23 BY PERSONAL SERVICE-

24 I personally served a true copy thereof on the parties as set forth on the attached service
25 list. C.C.P. §§1011, 2015.5.

26 Executed on May 23, 2016 at Modesto, California.

27 

1 Re: **People of the State of California v. Frank Carson, et al.**, STANISLAUS County Superior
2 Court Case No.: 1490969

3 **SERVICE LIST**

4
5 Chief Deputy District Attorney
6 Marlisa A. Ferreira
7 County of Stanislaus
8 832 12th Street, Suite 300
9 Modesto, CA 95354
10 Telephone: (209)525-5550
11 Facsimile: (209)558-4027

12 Jesse Garcia
13 510 W. Winton Avenue
14 Hayward, CA 94544
15 Telephone: 510-782-7580
16 E-mail:gstcrimlaw@yahoo.com

17 Acacia Memorial Park Association of Modesto
18 801 Scenic Drive
19 Modesto, CA 95350
20 Attention: Chuck Heckendorf
21
22
23
24
25
26
27
28