

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**Document Scanning Lead Sheet**

Feb-09-2015 9:18 am

Case Number: CGC-15-543478

Filing Date: Feb-09-2015 9:16

Filed by: CAROL BALISTRERI

Juke Box: 001 Image: 04785905

GENERAL DENIAL

**BANK OF AMERICA, N.A. VS. CLIFFORD H PORTER ET AL**

001C04785905

**Instructions:**

Please place this sheet on top of the document to be scanned.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Clifford H. Porter</b> 362 28th Ave San Francisco, CA 94121  TELEPHONE NO.: 4152156525      FAX NO. (Optional): 4153291709 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY  <div style="text-align: center;"> <b>FILED</b>          Superior Court of California          County of San Francisco   <b>FEB 09 2015</b>           CLERK OF THE COURT          BY: <i>Candace [Signature]</i>          Deputy Clerk       </div>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO</b> STREET ADDRESS: 400 McAllister St MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: CIVIL	
PLAINTIFF/PETITIONER: BANK OF AMERICA, N.A. DEFENDANT/RESPONDENT: CLIFFORD H. PORTER	
<b>GENERAL DENIAL</b>	CASE NUMBER: CGC-15-543478

If you want to file a general denial, you **MUST** use this form if the amount asked for in the complaint or the value of the property involved is \$1,000 or less.

You **MAY** use this form for a general denial if:

1. The complaint is not verified; **or**
2. The complaint is verified and the case is a limited civil case (the amount in controversy is \$25,000 or less),  
 BUT NOT if the complaint involves a claim for more than \$1,000 that has been assigned to a third party for collection.

(See Code of Civil Procedure sections 85–86, 90–100, 431.30, and 431.40.)

1. DEFENDANT (name): CLIFFORD H. PORTER  
 generally denies each and every allegation of plaintiff's complaint.
2. ☒ DEFENDANT states the following FACTS as separate affirmative defenses to plaintiff's complaint (attach additional pages if necessary):  
 Account was settled with Bank of America through Elite Financial Services (999 Broadway, Suite 200, Saugus, MA01906) for \$6,456.00. The settlement agreement is attached to this response. The monthly payments of \$538 were made between March of 2013 and January of 2014. The account has been paid in full.

The opposing party has been notified of the settlement.

ORIGINAL

Date: 02/03/2015

CLIFFORD H. PORTER

(TYPE OR PRINT NAME)

▶ *Clifford H. Porter*

(SIGNATURE OF DEFENDANT OR ATTORNEY)

If you have a claim for damages or other relief against the plaintiff, the law may require you to state your claim in a special pleading called a cross-complaint or you may lose your right to bring the claim. (See Code of Civil Procedure sections 426.10–426.40.)

The original of this *General Denial* must be filed with the clerk of this court with proof that a copy was served on each plaintiff's attorney and on each plaintiff not represented by an attorney. There are two main ways to serve this *General Denial*: by personal delivery or by mail. It may be served by anyone at least 18 years of age EXCEPT you or any other party to this legal action. Be sure that whoever serves the *General Denial* fills out and signs a proof of service. You may use the applicable Judicial Council form (such as form POS-020, POS-030, or POS-040) for the proof of service.



CLIFFORD H PORTER  
365 28TH AVE  
SAN FRANCISCO CA 94121-180365

New account ending
4878

Previous account ending
4492

March 18, 2013

Dear Clifford H Porter:

As we recently agreed, this letter confirms our conversation to settle the above referenced account. We will accept \$6,456.00 as a settlement on this account. As of the date of this letter your current balance is \$16,128.61. To accept this offer, you must agree to send the first installment payment of \$538.00 by March 28, 2013. Each future installment is listed below.

<u>Due date</u>	<u>Payment amount</u>	<u>Due date</u>	<u>Payment amount</u>
April 28, 2013	\$538.00	May 28, 2013	\$538.00
June 28, 2013	\$538.00	July 28, 2013	\$538.00
August 28, 2013	\$538.00	September 28, 2013	\$538.00
October 28, 2013	\$538.00	November 28, 2013	\$538.00
December 28, 2013	\$538.00	January 18, 2014	\$538.00
February 28, 2014	\$538.00		

EXHIBIT



Stonehill Corporate Center  
999 Broadway, Suite 200  
Saugus, MA 01906

Monday, March 18, 2013  
ID: 46369

Clifford Porter III  
365 28th Ave  
San Francisco, CA 94121-

**Re: Settlement Terms, Bank of America Account No. 4800 1340 2673 4492**

Dear Clifford,

This letter serves as written explanation of the settlement agreement Elite Financial Services has negotiated with **Bank of America** regarding the above mentioned account. **Bank of America** has agreed to accept the sum of \$6,500.00 to settle the current outstanding balance of \$16,128.00 if paid by February 28, 2013. The individual payment details of the settlement agreement are:

\$538.00 due by March 28, 2013 thru February 28, 2014
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Per your Agreement for Services, the following fees will be processed for negotiating the above settlement:

\$1,379.29 due by March 29, 2013
\$395.17 due by April 13, 2013 thru September 13, 2013
\$44.49 due by October 13, 2013

By signing this letter you acknowledge that you authorize Elite Financial Services to make payment(s) from your Global Client Solutions account to complete the agreement. You also acknowledge that you authorize Elite Financial Services to process settlement fees in accordance with the terms above. Failure to make the necessary program deposit(s) will not only result in losing the settlement opportunity, but also adversely affect the remainder of your debt reduction program. In the event that an agreed upon settlement is commenced, but not completed, any fee(s) paid to Elite Financial Services for the settlement of that account are non-refundable.

CLIFFORD PORTER III  
Client Name (Printed)

Clifford Porter III  
Client Signature

3/18/13  
Date

\_\_\_\_\_  
Company Representative (Printed)

\_\_\_\_\_  
Company Representative Signature

\_\_\_\_\_  
Date

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Clifford H. Porter III</b> <b>365 28th Ave.</b> <b>San Francisco, CA 94121</b>  TELEPHONE NO.: <b>415 215 6525</b> FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco</b> STREET ADDRESS: <b>400 McAllister Street, Room 103</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>San Francisco, CA 94102</b> BRANCH NAME: <b>Civic Center Courthouse</b>	
PETITIONER/PLAINTIFF: <b>Bank of America, N.A.</b>  RESPONDENT/DEFENDANT: <b>Clifford H. Porter III</b>	
<b>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</b>	CASE NUMBER: <b>CGC-15-543478</b>

(Do not use this Proof of Service to show service of a Summons and Complaint.)

- I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
- My residence or business address is:  
**365 28th Ave. San Francisco, CA 94121**
- On (date): **2/5/15** I mailed from (city and state): **San Francisco, CA**  
the following documents (specify):  
**PLD-050**

☐ The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).

- I served the documents by enclosing them in an envelope and (check one):
  - ☒ depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
  - ☐ placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- The envelope was addressed and mailed as follows:
  - Name of person served: **Matthew J. Kumar, EQS. SBN: 283521**
  - Address of person served:  
**30699 Russell Ranch Rd. Suite 215**  
**Westlake Village, CA 91362**

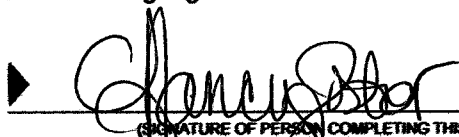
☐ The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date: **2/5/15**

**Nancy Porter**

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)