

Puccini & Meagle, P.A.

ATTORNEYS AT LAW

Post Office Box 50700
Albuquerque, NM 87181-0700
Telephone: (505) 255-0202
Facsimile: (505) 255-8726
Email: pmlaw@puccinilaw.com

LOUIS PUCCINI, JR.*
SHAY E. MEAGLE**

**Board Certified - Business Bankruptcy Law
American Board of Certification
**Board Certified - Creditors' Rights Law
American Board of Certification*

July 24, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Melissa Anne Wright
1305 S Brown
Roswell NM 88203

**RE: Melissa Wright vs. Vanderbilt Mortgage and
Rio Grande Title Company, et al.
Adversary Proceeding No. 09-01048-m; Pending in the
United States Bankruptcy Court for the District of New Mexico
Case No. 09-10892-m; Rule 9011 Notice**

Dear Ms. Wright:

As you know, this law firm represents Rio Grande Title Company. We have previously communicated with you and you have received a copy of the Motion to Dismiss filed by Rio Grande. You have acknowledged receipt of that Motion. We have asked you informally to consider dismissing your case against Rio Grande since Rio Grande was obviously not involved in any transaction with you, ever.

This letter is sent to you pursuant to Rule 9011 of the Federal Rules of Bankruptcy Procedure, which in pertinent part states:

"Representations to the Court. By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion or other paper, an attorney or unrepresented party (emphasis added) is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, - 1) it is not being presented for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation; 2) the claims, defenses and any other contentions therein are warranted by existing law or by a non-frivolous argument for the extension, modification or reversal

Melissa Anne Wright

July 24, 2009

Page 2

of existing law, or the establishment of new law; 3) the allegations and other factual contentions have evidentiary support, or if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;"

We have previously notified you, and pursuant to your own pleadings, you have acknowledged that Rio Grande Title Company did not close any of the transactions and was not involved in any way in the transactions which are the subject of your adversary proceeding. You have to date, failed and refused to dismiss Rio Grande Title from this Adversary proceeding.

You are further notified, pursuant to Rule 9011 c of the following:

"Sanctions. If, after notice and a reasonable opportunity to respond, the court determines that Subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms or parties that have violated subdivision (b) or are responsible for the violation."

In the event that you do not dismiss Rio Grande Title Company from this adversary proceeding, with prejudice, within fifteen (15) days of the date of this letter, Rio Grande Title Company shall seek sanctions against you, including but not limited to monetary sanctions.

In the event you have any questions on this matter, you may contact me or my partner, Shay Meagle, or have your attorney, should you retain an attorney, contact one of us.

Very truly yours,

PUCCHINI & MEAGLE, P.A.

By: 

Louis Puccini, Jr.

OLP/ea

cc: Rio Grande Title Company
Doug Stuart, Esq.

T:\K\R\Rio Grande Title - Wright\Ltrs\Wright.072409.wpd
5583.02

Puccini & Meagle, P.A.

ATTORNEYS AT LAW

July 23 11:00
AM

Post Office Box 50700
Albuquerque, NM 87181-0700
Telephone: (505) 255-0202
Facsimile: (505) 255-8726
Email: pmlaw@puccinilaw.com

LOUIS PUCCINI, JR.*
SHAY E. MEAGLE**

*Board Certified - Business Bankruptcy Law
American Board of Certification
**Board Certified - Creditors' Rights Law
American Board of Certification

July 8, 2009

Melissa Anne Wright
1305 S Brown
Roswell NM 88203

**RE: Melissa Wright vs. Vanderbilt Mortgage and
Rio Grande Title Company, et al.
Adversary Proceeding No. 09-01048-m; Pending in the
United States Bankruptcy Court for the District of New Mexico**

Dear Ms. Wright:

As you are aware this law firm represents Rio Grande Title Company. We have talked to our client at length and they really don't know why they are involved in this case. They were not the title company that closed your Santa Fe property purchase and they were not the title company that was involved in the purchase of your Roswell property. About four years after you closed the Santa Fe purchase, Rio Grande Title bought some assets of the title company, but did not buy the business and did not continue its business. *Not have exhibits*

Rio Grande Title Company was not involved directly or indirectly in any way in the mortgages and foreclosures by Vanderbilt. Rio Grande Title Company did not issue a title insurance policy to you or the mortgagee. Rio Grande Title is not a creditor and took no action to collect any debt from you in violation of the automatic stay.

You apparently are aggrieved at certain actions taken by Vanderbilt and you have asked to be treated fairly and with justice. However, that position is reciprocal, meaning that you should treat others fairly and with justice as well and suits should not be brought against parties who are not involved.

We have enclosed a copy of our Motion to Dismiss which states Rio Grande's position and the facts of the case known to Rio Grande.

Melissa Wright
July 8, 2009
Page 2

We are asking you to consider dismissing Rio Grande with prejudice, meaning permanently, since Rio Grande has no involvement. We have enclosed a proposed form of Order for your convenience. In the event that you do approve this form of Order dismissing Rio Grande, this will be a full and complete settlement of any and all issues between you and Rio Grande, and Rio Grande will not ask for any reimbursement of attorneys' fees. This letter is sent pursuant to Rule 408 of the Federal Rules of Evidence as a settlement offer and this letter and its contents may not be used in court or for any other purpose.

I ask you to carefully review the enclosed Motion and this letter and feel free to call me at your convenience to discuss this request.

Although I would prefer to keep this request on a professional level, you need to appreciate that Rio Grande will ask for attorneys' fees and other sanctions in the event that they are not dismissed from this suit. I am sure that you would request sanctions and reimbursement of attorneys' fees and costs if you were brought into a law suit concerning events in which you were not involved. Please understand that on behalf of my client we are not attempting in any way to threaten you but Rule 9011 of the Federal Rules of Bankruptcy Procedure states in pertinent part that by presenting to the Court (whether by signing, filing, submitting or later advocating) a petition, pleading, written motion or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry, reasonable under the circumstances...the allegations and other factual contentions have evidentiary support and are warranted by existing law and are not presented for an improper purpose such as to harass or cause unnecessary delay or needless increase in the cost of litigation. Since you are apparently experienced at representing yourself in court, including representing yourself in litigation with Vanderbilt, in taking appeals, and in filing your own bankruptcy, you obviously have some sophistication to analyze this situation yourself. You certainly may take it to an attorney of your choice should you choose to do so. However, since you are representing yourself, this communication is directed to you.

In light of the circumstances, including the Motion to Dismiss, we would ask your fair and honest review of the complaint and advise us of your decision as to whether you will dismiss Rio Grande Title. On behalf of Rio Grande Title, we appreciate your thoughtful consideration of this proposal.

Melissa Wright
July 8, 2009
Page 3

Please feel free to call me should you have any questions.

Very truly yours,

PUCCINI & MEAGLE, P.A.

By: Shay E. Meagle
Shay E. Meagle

OLP/ea
Enclosures

T:\K\R\Rio Grande Title - Wright\Ltrs\Wright.070809.wpd
5583.02