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6 Attorneys for Charles B. Anderson, in his
7 Capacity as Trustee of the Charles B. Anderson
Trust and Rita P. Anderson, in her capacity as
8 Trustee of the Rita P. Anderson Trust

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF SAN DIEGO**

12 SPCP GROUP, L.L.C, a Delaware limited
liability company,
13
Plaintiff,
14
vs.
15
60TH STREET VENTURE, LLC, et al.
16
Defendants.

No. GIC881373
[Assigned to Hon. Luis R. Vargas-Dept. 63]
First Amended Complaint Filed:
April 27, 2007
**ANSWER TO FIRST AMENDED
COMPLAINT**

18
19 COME NOW, Defendant Charles B. Anderson, in his capacity as Trustee of the Charles B.
20 Anderson Trust, and Defendant Rita P. Anderson, in her capacity as Trustee of the Rita P.
21 Anderson Trust (the "Andersons"), by and through its attorneys, Jones Vargas. Pursuant to
22 California Code of Civil Procedure 1014 and San Diego County Superior Court Rule 2.1.6, the
23 Andersons answer the First Amended Complaint on file herein, and admits, denies and alleges as
24 follows:

25 1-2. The Andersons have insufficient knowledge to admit or deny the allegations
26 contained in Paragraphs 1-2 of the first amended complaint.
27
28

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PARTIES

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2 3-8. The Andersons have insufficient knowledge to admit or deny the allegations
3 contained in Paragraphs 3-8 of the first amended complaint.

4 9. The Andersons admit that they are beneficiaries under the Second Trust Deed as
5 listed in Paragraph 9(e)-(f) of the first amended complaint and claim some right, title or interest in
6 the "Subject Property." To the extent plaintiff makes representations based on the Second Trust
7 Deed and other trust deeds, the documents are the best evidence and speak for themselves. The
8 Andersons have insufficient knowledge to admit or deny all other allegations contained in
9 Paragraph 9 of the first amended complaint.

10 10-12. The Andersons have insufficient knowledge to admit or deny the allegations
11 contained in Paragraphs 10-12 of the first amended complaint.

12 13. The Andersons admit that they are beneficiaries under the Second Trust Deed as
13 listed in Paragraph 13 of the first amended complaint and claim some right, title or interest in the
14 "Subject Property." To the extent plaintiff makes representations based on the Second Trust Deed
15 and other trust deeds, the documents are the best evidence and speak for themselves. The
16 Andersons have insufficient knowledge to admit or deny all other allegations contained in
17 Paragraph 13 of the first amended complaint. Plaintiff also makes legal arguments as to priority of
18 claims, to which no answer is required.

19 GENERAL FACT ALLEGATIONS

20 A. Introduction

21 14. To the extent plaintiff makes representations based on documents in Paragraph 14
22 of the first amended complaint, the documents are the best evidence and speak for themselves.
23 The Andersons have insufficient knowledge to admit or deny all other allegations contained in
24 Paragraph 14 of the first amended complaint.

25 B. The \$11,500,000 BofA Loan

26 15. To the extent plaintiff makes representations based on documents in Paragraph 15
27 of the first amended complaint, the documents are the best evidence and speak for themselves.
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1 The Andersons have insufficient knowledge to admit or deny all other allegations contained in
2 Paragraph 15 of the first amended complaint.

3 C. November 2005 Modification

4 16-18. To the extent plaintiff makes representations based on documents in Paragraphs 16-
5 18 of the first amended complaint, the documents are the best evidence and speak for themselves.
6 The Andersons have insufficient knowledge to admit or deny all other allegations contained in
7 Paragraphs 16-18 of the first amended complaint.

8 D. April 2006 Modification

9 19. To the extent plaintiff makes representations based on documents in Paragraph 19
10 of the first amended complaint, the documents are the best evidence and speak for themselves.
11 The Andersons have insufficient knowledge to admit or deny all other allegations contained in
12 Paragraph 19 of the first amended complaint.

13 E. August 2006 Modification

14 20-22. To the extent plaintiff makes representations based on documents in Paragraphs 20-
15 22 of the first amended complaint, the documents are the best evidence and speak for themselves.
16 The Andersons have insufficient knowledge to admit or deny all other allegations contained in
17 Paragraphs 20-22 of the first amended complaint.

18 F. Assignment of the BofA Loan

19 23. To the extent plaintiff makes representations based on documents in Paragraph 23
20 of the first amended complaint, the documents are the best evidence and speak for themselves.
21 The Andersons have insufficient knowledge to admit or deny all other allegations contained in
22 Paragraph 23 of the first amended complaint.

23 **FIRST CAUSE OF ACTION**

24 **(For Breach of Promissory Note and Loan Agreement Against Borrower and DOES 1-20,**
25 **Inclusive)**

26 24-27. The First Cause of Action does not run against the Andersons, and no answer is
27 required. To the extent an answer is necessary, the Andersons have insufficient knowledge to
28 admit or deny all allegations contained in Paragraphs 24-27 of the First Amended Complaint.

