Motion for Summary Judgment

Please prepare a Notice of Motion and Motion for Summary Judgment, Points and Authorities, Declaration, and Separate Statement of Undisputed Facts based on the following facts:

Walter Johnson and Maureen Schmidt have been friends for years. Walter decides he would like to own a brand new Mercedes but he can't afford the down payment so he asks Maureen to lend him \$10,000. Maureen agrees to lend Walter the money but requests that Walter sign a promissory note which states that the loan will be paid back over a period of two years. A copy of the promissory note is contained below. After Walter signed the promissory note, Maureen gave Walter the \$10,000.

Later, during an argument, Maureen tells Walter that she thinks the Mercedes is ugly and wasn't worth the money Walter spent. In order to spite Maureen, Walter decides not to make any of the payments on the loan. Walter never makes the first payment nor any payments thereafter.

Maureen decided not to pursue the matter until ten years after signing the promissory note, when the relationship between Maureen and Walter completely deteriorated. She then filed a complaint against Walter. Your firm represents Walter and the partner has asked you to prepare a motion for summary judgment based upon the fact that the statute of limitations has run.

The complaint was filed x/x/xxxx (6 months ago).

PROMISSORY NOTE

I, Walter Johnson, agree to pay Maureen Schmitd the amount of \$10,000. In addition, I agree to pay interest on said amount at the rate of 7.75% compounded annually. A payment shall be made on the first day of each month in the amount of \$1,000. If payment is not received by the 15th day of each month, a late fee in the amount of \$20.00 will be due and owing. The first payment shall be made on the first day of the month following the date this promissory note was executed (see below).

Dated: x/x/xxxx (10 yrs. ago)	Signed:	/s/
2 ato at 70,000 at (10). 5. ago)	Oigiliou.	Walter Johnson



RELEVANT CALIFORNIA LAW FOR MOTION FOR SUMMARY JUDGMENT ASSIGNMENT

- California Code of Civil Procedure (CCP) 335. The periods prescribed for the commencement of actions other than for the recovery of real property, are as follows:
- 337. Within four years: 1. An action upon any contract, obligation or liability founded upon an instrument in writing, except as provided in Section 336a of this code; provided, that the time within which any action for a money judgment for the balance due upon an obligation for the payment of which a deed of trust or mortgage with power of sale upon real property or any interest therein was given as security, following the exercise of the power of sale in such deed of trust or mortgage, may be brought shall not extend beyond three months after the time of sale under such deed of trust or mortgage