

IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

CLEVELAND ASSET MANAGEMENT, INC.

PLANTIFF

V.s

Lavelle Green

Defendants

Case No. CV -15 - 856418

Judge: SAFFOLD

Magistrate:

Parcel No. 791-06-034

Response LG

Good faith Discovery Notice: Verification of Proof of Claim Requested

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent.

Re: Property Address : 5090 Taylor Rd Bedford Hts Ohio 44128
Loan Number : 7440175149

FILED
2016 JAN 27 A 10:39
COURTS
CUYAHOGA COUNTY

Lavelle G Green
5090 Taylor Rd
Bedford, Hts Ohio
January 25, 2016

Cleveland Asset Management inc.
c/o Bearcat Capital
P.O Box 693
Weatherford, TX 76086

Re: Property Address: 5090 Taylor rd Bedford hts ohio 44128
Loan Number: 7440175149

Good Faith Discovery Notice: Verification of Proof of Claim Requested

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent.

Dear Cleveland Asset Management inc.

Under the Truth in Lending Act pursuant to 15 USC §§ 1601-1667j (full disclosure), I have a right to know who the true party of interest in this transaction is. As such, I am asking you to stipulate whether you are the holder in due course for my promissory note. If you are not the holder, then you admit to being the servicer of this obligation.

Please also stipulate for the record whether or not my loan has been securitized, and if so, the name of the REMIC/Trust my loan is bundled with.

Pursuant of U.C.C. - ARTICLE 3 -§3-501 (b) 2 (1), I am entitled to demand presentation of the negotiable instrument. That demand is hereby ordered. I demand that you present for my visual inspection **MY ORIGINAL WET INK SIGNATURE PROMISSORY NOTE and allonge together with the ORIGINAL WET INK Deed of Trust in Cuyahoga County.** This is required to establish your right of enforcement as Holder in Due Course via a chain of assignment as evidenced by the Note or Allonge. Claiming to be the "the holder in due course" as a statement is insufficient proof of status and is/will be rejected. A photocopy of the documents is insufficient proof as it does not answer the question of who CURRENTLY is the rightful and lawful holder in Due Course.

If you are unable to provide this proof as I have requested within 30 days, then you admit to not being a party of interest and can not rightfully enforce your claim under U.C.C. - ARTICLE 3 § 3-301.

Under Title 12 § 226.39 (regulation Z) part (a), a servicer does not have the rights of a holder in due course and therefore, do not have the right to foreclose. You are hereby given notice that any attempt to foreclose on my property will be construed as prima facia evidence that you are committing fraud.

Certified Mail Number:

7015 0640 0007 6947 3001

In a recent case law, it was ruled as follows:

It is the creditor's responsibility to keep a borrower and the Court informed as to who owns the note and mortgage and is servicing the loan, not the borrower's or the Court's responsibility to ferret out the truth...

It is worth repeating as a warning to lenders and servicers that the rules of this Court apply to them. Their private agreements and the frenzied trading market for mortgages do not excuse compliance with Bankruptcy Rules any more than they would justify ignoring the Bankruptcy Code.

(In re Nosek, 406 B.R. 434, 440 (D.Mass 2009) bankruptcy trial court decision)

Under US Code TITLE 15 > CHAPTER 41 > SUBCHAPTER V > § 1692g part b), this debt is now officially in dispute. By law, all collection activities must cease until this matter is resolved. You are hereby given notice. Blatant disregard for this law is subject to fines by the FTC. You are advised to consult legal council on this matter.

I am giving you formal notice that failure to respond to this letter through a verified and validated proof of claim within 30 days as I have asked for, point for point will be taken as an administrative default.

Please be advised. A COPY of the said Note nor an Affidavit of Loss or any other forms will not be acceptable.

Please contact me in writing to arrange for an appropriate point of inspection in Cleveland, Cuyahoga County, Ohio.

Litigation is very expensive and should be avoided at all cost. This is my good faith attempt to resolve this matter before I am forced to litigate against your company. I am pleading with you to resolve this matter privately and civilly as to avoid burdening our courts with this matter. If I have to, I will see you in court. This is not an idle threat.

Please take this matter seriously.

Sincerely,

Lavelle G Green

A handwritten signature in black ink, appearing to read 'Lavelle Green', written in a cursive style.

CERTIFICATE OF SERVICE

DEFENDANT SERVE A TRUE COPY OF THE FOREGOING MOTION TO OBJECT THE
COMPLAINT IN FORECLOSURE THIS 25TH DAY OF
JANUARY, 2016 BY U.S MAIL TO:

WALKER NOVACK LEGAL GROUP, LLC

/s/ Thomas J. Novack

Thomas J. Novack (0038570)
Colin R. Beach (0080210)
5013 Pine Creek Drive
Westerville, OH 43081
Phone: (614) 423-8276
Fax: (614) 767-0695
Email: tom@walkernovack.com

Mortgage Electronic Registration
Systems, Inc.
P.O. Box 2026
Flint, MI 48501-2026

SouthStar Funding, LLC
400 Northridge Road, Suite 1000
Atlanta, GA 30350

State of Ohio Department of Taxation
c/o Attorney General
150 East Gay Street, 21st Floor
Columbus, OH 43215

Midland Funding DE, LLC
8875 Aero Drive
San Diego, CA 92123

Cuyahoga County Clerk of Courts
1200 Ontario Street, #1
Cleveland, OH 444113

Child Support Enforcement Agency
of Cuyahoga County
1640 Superior Avenue
Cleveland, OH 44114

North Star Capital Acquisition, LLC
c/o Zenith Acquisition Corp., SA
220 John Glenn, Suite 1
Amherst, NY 14228

Cuyahoga County Clerk of Courts
1220 Ontario Street, #1
Cleveland OH 444113

And

Cleveland Asset MGT
c/o Bearcay Capital
P.O. BOX 693
Weatherford , TEXAS 76085

And

LVNV Funding LLC
c/o CSC-Lawyers Incorporating Service
(Corporation Service Company), SA
50 w. Broad Street Suite 1800
Columbus, OH 43215

And

Woods Cove III LLC
1801 West Olympic Boulevard
Pasadena CA 91199-1558

And

United States of America
c/o Steven M. Dettelbach
United States Attorney
Northern District of Ohio
801 West Superior Avenue, ste. 400
Cleveland OH 44113

And

United States of America
c/o Loretta E. Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530-0001