Docket #0001 Date Filed: 6/22/2012
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U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In Re: Residential Capital, LLC, et al., (RESCAP) & GMAC Mortgage Company LLC (12-12032)	)	Case No. 12-12020. (Ch.11)
	)	JUDGE: MARTIN GLENN
Debtor	)	18 USC §1962 (2:96-cv-494, USDC, SD, OH.), (Related Case No. 05-bk-75111, SD.,Ohio)

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO;
EASTERN DIVISION

In Re: SIDNEY T. LEWIS, pro se,	)	Case No. 07-bk-57237 (Ch.7)
Debtor	)	(Related Bankr Case No. 05-bk-75111)
Social Security No.: xxx-xx-5959	)	JUDGE: HOFFMAN, JOHN, Jr.

In Re: Yvonne D. Lewis,	)	Case No. 05-bk-75111 (Ch.7)
Debtor	)	(Related Case No. 07-bk-57237)
Social Security No.: xxx-xx-2390	)	JUDGE: HOFFMAN, JOHN, Jr.

IN THE UNITED STATES DISTRICT COURT, S. D. OF OHIO
EASTERN DIVISION (at Columbus)

UNITED STATES of America, Ex Rel.,

Sidney T. Lewis, et al., Plaintiffs,	)	Action No. 2:08-cv-1042 (Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
Vs.	)	2:09-cv-179); JUDGE: HOLSCHUH
Larry McClatchey, et al., Emens, Hurd, Kegler & Ritter nka Emens, Kegler, Brown, Hill & Ritter, LPC. Defendants.	)	Magistrate Judge: KING

PRAECIPE

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Dear Clerk of Bankruptcy Court:

Please find enclosed for filing the following:

I. Adversary Proceeding

1. Adversary Proceeding Cover Sheet ~~+ Civil Cover Sheet~~
2. IFP - AFFIDAVIT OF YVONNE D. LEWIS
3. Summons in an Adversary Proceeding
4. Adversary Complaint by Surplus Creditors for False Claims and RICO with Attachments 1 and A.
5. 285's

II. Creditor's, Notice of Evidence of Transfer of Debtor's Claims

1. Creditor's, Notice of Filing and Evidence of Transfer
2. With Exhibit 1, Confirmation Entry of Sale and Distribution of proceeds
3. With Exhibit 2, Notice of Chapter 11 Bankruptcy Cases, Meeting of Creditors and Deadlines

III. NOTICE OF FILING EMERGENCY MOTION W/ MOTION TO STAY

1. FRAUDULENT ORDER OF SALE W/out Signature of OFFICER OF COURT TO EXECUTE COMMAND TO SELL. *(SEE: EXHIBIT A)

Dated: June 18, 2012

Sidney T. Lewis, pro se
1875 Alvason Avenue
Columbus, Ohio 43219
(614) 940-3306

Dated: June 18, 2012

Yvonne D. Lewis, pro se
1875 Alvason Avenue
Columbus, Ohio 43219
(614) 940-3306

RECEIVED
JUN 22 2012
U.S. BANKRUPTCY COURT
SO DIST OF NEW YORK

UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF NEW YORK;

In Re: Residential Capital, LLC., et al., And,	)	Case No. 12-bk-12020 (MG)
In Re: GMAC, Mortgage Co., et al,	)	Chapter___(Ch.11, Joint Admin.)
Debtors	)	(Related BR Case No.07-bk-57237, S.D., OHIO)
	)	(Related BR Case No. 12-bk-12032, S.D., N.Y.)
	)	JUDGE: GLENN, MARTIN
UNITED STATES of America, Ex Rel.,	)	
Yvonne D. Lewis, et al.,	)	Adversary Case No.: _____
Plaintiffs/ Surplus Creditors	)	(Related Case No. 12-bk-12020 (MG);
Vs.	)	05-CV-7346 (03-CV-7478); 03-CV-10836;
	)	05-CV-4555; 03-CV-6954);(11-AP-875,
GMAC, Mortgage Co., et al,	)	COA10th Dist., OHIO), (10-AP-110, COA10th
Defendants/ Bankrupt Debtor,	)	Dist., OHIO)

ADVERSARY COMPLAINT BY SURPLUS CREDITORS FOR FALSE CLAIMS AND RICO, 31 U.S.C.A. §§ 3729 to 3733; 18 USC §§ 666, 1962; BR Rule 7008

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF OHIO;
(at Columbus)

[18 USC §§ 245(b)(2)(B), 664, 666, 1962][29 USC §§ 1131, 1132(h), 1140]
[26 USC §§ 101(h), 267(b)(1)][42 U.S.C. §§ 4651(2),7407(d)(1)(C)(i)]

In Re: SIDNEY T. LEWIS, pro se,	)	Case No. 2:07-bk-57237
	)	(Ch.7)
Debtor	)	(Related Bankr Case No. 2:05-bk-75111)
	)	
Social Security No.: xxx-xx-5959	)	JUDGE: HOFFMAN, JOHN, Jr.

In Re: Yvonne D. Lewis,	)	Case No. 2:05-bk-75111
	)	(Ch.7)
Debtor	)	(Related Case No. 2:07-bk-57237)
	)	
Social Security No.: xxx-xx-2390	)	JUDGE: HOFFMAN, JOHN, Jr.

IN THE UNITED STATES DISTRICT COURT, S. D. OF OHIO
EASTERN DIVISION (at Columbus)

UNITED STATES of America, Ex Rel.,	)	
Sidney T. Lewis, et al.,	)	Action No. 2:08-cv-1042
Plaintiffs	)	(Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
Vs.	)	2:09-cv-179);

Larry McClatchey, et al.,) JUDGE: HOLSCHUH
Magistrate Judge: KING

Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FRIENDS OF THE EARTH, et al., Plaintiff,	)	Case: 1: 12-cv-00363
Vs.	)	Assigned To: Jackson, Amy Berman, Judge
UNITED STATES E.P.A. and LISA JACKSON, Administrator, Defendants.	)	

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

SECURITIES AND EXCHANGE COMMISSION Plaintiff,	)	
vs.	)	Case No. 4:10-cv-87
AMERICAN EQUITY INVESTMENT LIFE HOLDING COMPANY; DAVID J. NOBLE; and WENDY C. WAUGAMAN, Defendants.	)	

IN THE COURT OF APPEALS, FRANKLIN COUNTY; OHIO
TENTH DISTRICT COURT OF APPEALS

UNITED STATES OF AMERICA, EX REL.

GMAC, Mortgage Co., et al., Plaintiffs/Creditor	:	Case No. 12-AP-506, COA10th Dist., Ohio (Related Case Nos. 02-MS-20; 05-JG-6455;
Vs.	:	05-CV-7346 (03-CV-7478); 03-CV-10836; 05-CV-4555; 03-CV-6954)(11-AP-875)
Yvonne D. Lewis, et al., Defendants/Discharged Debtors	:	

ADVERSARY COMPLAINT FOR FALSE CLAIMS AND RICO, BR Rule 7008

Plaintiffs/Relators/and Surplus Creditors, for their complaint in this action, states as follows:

1. Plaintiffs SIDNEY LEWIS and YVONNE D. LEWIS are named Creditors in both BR Case No. 12-bk-12020 and No. 12-bk-12032, S.D., N.Y.; and are Discharged Debtor's as Surplus Creditors in both BR Case No. 2:05-bk-75111 and No. 2:07-bk-57237, S.D., Ohio; with principle residences at Lots 11 and 17, in the Argyle Park Subdivision, aka 1875 Alvason Avenue, Columbus, Ohio [Lot 17] and aka 1913 Argyle Drive, Columbus, Ohio [Lot 11] in this "core" chapter 11, Bankruptcy Reorganization case brought in the wrong forum to evade a "set-off" of claims that arose before the commencement of the chapter 11 case under 11 U.S.C. §§ 524(a), 553 pursuant to 28 U.S.C. § 1406 (the "IMPERMISSIBLE FORUM[1]"),

2. Defendant Debtor GMAC, Mortgage Co., LLC, is a corporation, and an affiliate of Residential Capital LLC, whose principal place of business is located at 1100 Virginia Dr, in Montgomery County, Ft Washington, PA 19034.

3. This is an adversary action to aver allegation on behalf of the United States of America under the False Claims act. (See and Compare: Attachment A, False Claims Complaint; Compare With: Attachment 1, Motion To Reopen Closed Case, 11 USC § 350(b)) And, this action is to avoid Debtor GMAC's preferential transfers to Fannie Mae on June 4, 2012 by virtue of a "Writ of Possession" by the State Court, and to Fortress Investment Company on May 18, 2012 by virtue of an Interim Order (Barclys DIP Order) under 11 U.S.C. §§ 547 and 550.

4. The Ohio BR Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1334(b). This is a proceeding arising under title 11 of the United States Code and is a proceeding arising in or related to an

[1] "section 1406 applies to actions that are brought in an impermissible forum; the district court need not have personal jurisdiction over defendants before transferring pursuant to this section. Martin, 623 F.2d at 471, 474." (See: **Jackson v. L&F Martin Landscape, 421 Fed. Appx. 482, 483 (6th Cir. Ohio 2009))**

ongoing Fraudulent "Securities" case as a RICO case under title 18 of the United States Code. (See: 2:96-cv-494, S.D., Ohio, E. Div. "RICO case", 18 USC §§ 664, 1001, 1341, 1962)

5. This is not a core proceeding in the BR Court of New York within the meaning of 28 U.S.C. § 157, and Ohio Plaintiffs do not consent to entry of final New York bankruptcy court orders under 11 U.S.C. 363(m) for the "at issue" seized and uncompensated subdivision aviation easements for said Lots 11 and 17, as real properties in Argyle Park Subdivision. Effective September 25, 1987 the Federal Aviation Administration (FAA) issued its Order as a Record of Approval (ROA) for "takings" of private aviation easements for noisy aircrafts with designated "flight tracks" [Compare: 49 U.S.C. § 47504(a)(2)(D)&(E) "flight tracks" and "easement"; With: 53 FR 2800, "flight tracks""] in "designated non-attainment areas" for toxic "lead" enriched aviation fuel ("Av-gas) "By Operation of Law" (See: 42 U.S.C. § 7407(d)(1)(C)(i) and (5) "By Operation of Law") The Bankruptcy Judge in this proceeding would be forced to "alter" the September 25, 1987 FAA, ROA and "dispossess" the City of Columbus of absolute "Fee-Simple" acquired interest in an ongoing "Federal Program" by the Secretary of Transportation under ASNA.

> "ASNA, codified at 49 U.S.C. § 47501 et seq., directs the Secretary of Transportation to establish "a single system of measuring noise" from aircraft operations and the exposure of individuals to that noise. 49 U.S.C. § 47502.

(See: Nat'l Bus. Aviation Ass'n v. City of Naples Airport Auth., 162 F. Supp. 2d 1343, 1350 (2001))

Plaintiffs hereby request Transfer of this case to OHIO pursuant to 28 U.S.C. § 1406 due to the fact that Debtor GMAC concealed the "set-off" of claims, "repurchase agreement by Huntington National Bank", and "unpaid transfer gain taxes" in the Ohio BR cases "so as to cure a defect of personal jurisdiction over the defendants". More to the point, the perjury issue for "insufficiency of service of summons and complaint" was never resolved by judicial order to allow a lawful commencement of the State Court

Foreclosure case. The case began by the filing of false affidavits as filed by GMAC through its PROCESS SERVER on **MAY 2, 2005** in the underlying state common pleas court case no. 05-cv-4555, Fr. Cnty., Ohio. GMAC seeks another BR forum to evade a judgment in an Ohio Adversary Proceeding filed by an untainted U.S. Bankruptcy (Ch. 7) Trustee in the surplus creditor's BR case no. 07-bk-57237 since the former U.S. (Ch. 7) Trustee was tainted under the aforesaid RICO case (id. 494) and the "tolling" of the Ohio statute of limitations began on **MAY 14, 2012** by the US EPA's Answer in a related U.S. District Court case no. 12-cv-363, S.D., DC.

> "In a thorough and well-reasoned opinion, 687 F. Supp. 48 (N.D.N.Y. 1988), Chief Judge McCurn considered each of the plaintiffs' claims and held, inter alia, that where a plaintiff moves to transfer a case *** from one federal trial court to another **so as to cure a defect of personal jurisdiction over the defendant,** the state law of the transferee forum governs the action for the purposes of the statute of limitations. See Ellis v. Great Southwestern Corp., 646 F.2d 1099 (5th Cir. 1981); Martin v. Stokes, 623 F.2d 469 (6th Cir. 1980). The district court further found that the plaintiffs' filing of a suit in the United States District Court for the District of Maryland is not equivalent to service pursuant to N.Y. Civ. Prac. L. & R. § 203(b)(5). See Gold v. Jeep Corp., 579 F. Supp. 256 (E.D.N.Y. 1984); see also Young v. Clantech, Inc., 863 F.2d 300 (3d Cir. 1988) (timely filing of a case in a court that lacks personal jurisdiction over the defendant did not toll the New Jersey statute of limitations).
>
> We agree with Chief Judge McCurn's sound analysis, and adopt the two rulings described above."
>
> **(See: Levy v. Pyramid Co. of Ithaca, 871 F.2d 9, 10 (2d Cir. N.Y. 1989))**

It follows that GMAC's filing of a voluntary petition in the United States Bankruptcy Court for the Southern District of New York is 'not equivalent to service' of summons and complaint (by affidavit) in the state court foreclosure case to obtain a "writ of possession" of the alleged Mortgagee's interest held under a FAA Order Id. § 47504(a)(2)(D)&(E) in connection with the "Truth In Lending Act". (53 FR 2800)

Respectfully Submitted,

Sidney T. Lewis, Debtor
1875 Alvason Avenue
Columbus, OH 43219
(614) 940-3306

Yvonne D. Lewis, Spouse of Debtor
1875 Alvason Avenue
Columbus, OH 43219
(614) 940-3306

B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)	**ADVERSARY PROCEEDING NUMBER** (Court Use Only)

PLAINTIFFS	**DEFENDANTS**
United States of America, Ex Rel, Yvonne D. Lewis, et al. Pro Se	GMAC Mortgage Co., LL, et al.
ATTORNEYS (Firm Name, Address, and Telephone No.) 1875 Alvason Ave. Columbus, OH 43219 (614) 940-3306	**ATTORNEYS** (If Known) Tammy Hamzehpour 1100 Virginia Dr. Ft. Washington, PA 19034
PARTY (Check One Box Only) ☐ Debtor ☐ U.S. Trustee/Bankruptcy Admin ☑ Creditor ☐ Other ☐ Trustee	**PARTY** (Check One Box Only) ☑ Debtor ☐ U.S. Trustee/Bankruptcy Admin ☐ Creditor ☐ Other ☐ Trustee

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)
Concealment of repurchase agreements with Fannie Mae; avoidance of preferential transfer pursuant to 11 USC 547 & 550, 18 USC 1962 grounded on false claims and RICO in related BR case No. 07-bk-57237, S.D. of Ohio, E. Div.

NATURE OF SUIT

(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

FRBP 7001(1) – Recovery of Money/Property
- ☐ 11-Recovery of money/property - §542 turnover of property
- ☑ 12-Recovery of money/property - §547 preference
- ☑ 13-Recovery of money/property - §548 fraudulent transfer
- ☐ 14-Recovery of money/property - other

FRBP 7001(2) – Validity, Priority or Extent of Lien
- ☑ 21-Validity, priority or extent of lien or other interest in property

FRBP 7001(3) – Approval of Sale of Property
- ☐ 31-Approval of sale of property of estate and of a co-owner - §363(h)

FRBP 7001(4) – Objection/Revocation of Discharge
- ☐ 41-Objection / revocation of discharge - §727(c),(d),(e)

FRBP 7001(5) – Revocation of Confirmation
- ☐ 51-Revocation of confirmation

FRBP 7001(6) – Dischargeability
- ☐ 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims
- ☑ 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud
- ☐ 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

FRBP 7001(6) – Dischargeability (continued)
- ☐ 61-Dischargeability - §523(a)(5), domestic support
- ☑ 68-Dischargeability - §523(a)(6), willful and malicious injury
- ☐ 63-Dischargeability - §523(a)(8), student loan
- ☐ 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)
- ☐ 65-Dischargeability - other

FRBP 7001(7) – Injunctive Relief
- ☐ 71-Injunctive relief – imposition of stay
- ☐ 72-Injunctive relief – other

FRBP 7001(8) Subordination of Claim or Interest
- ☐ 81-Subordination of claim or interest

FRBP 7001(9) Declaratory Judgment
- ☐ 91-Declaratory judgment

FRBP 7001(10) Determination of Removed Action
- ☐ 01-Determination of removed claim or cause

Other
- ☐ SS-SIPA Case – 15 U.S.C. §§78aaa *et.seq.*
- ☐ 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

☐ Check if this case involves a substantive issue of state law	☐ Check if this is asserted to be a class action under FRCP 23
☐ Check if a jury trial is demanded in complaint	Demand $

Other Relief Sought

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR GMAC Mortgage, LLC, et al.	BANKRUPTCY CASE NO. 12-6K-12032 Joint Administration (12-6K-12020)	
DISTRICT IN WHICH CASE IS PENDING Southern District of New York	DIVISION OFFICE	NAME OF JUDGE Martin Glenn
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF United States of America, Ex Rel Yvonne D. Lewis, et al.	DEFENDANT GMAC Mortgage LLC, et al.	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING Southern District of New York	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) Yvonne D. Lewis, Pro se Sidney Lewis		
DATE June 19, 2012	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Yvonne D. Lewis, Pro se Sidney T. Lewis, Pro se	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and **Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

ATTACHME I

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

[11 USC §§ 101(53B)(A)(i)(IV), 350(b), 362(a), 524(a), 727, 1452(a); Fed. R. Bankr. P. 5010; [12 USCS §§ 1453(a), 5511 et seq., 5538, 5565(a)(2); (12 CFR § 81.62)][15 USC §§ 1639A&B][18 USC §§ 154, 242, 245(b)(2)(B), 664, 666, 1001, 1341, 1503, 1962][29 USC §§ 1001(a), 1110(a); 1131, 1106(a)(1)(B), 1109(a)-"LIABILITY FOR BREACH OF FIDUCIARY DUTY", 1132(a)(1) (B),(h), 1140, 1141, 1144][49 USC §§ 106(f)(2)(A)(ii), 40117(a)(5),(b), 47504(a)(2)(E)][28 USC §§ 157(c)(1), 1343(a), 1406, 1651][42 USC §§ 1982, 1983, 1985, 7401(c), 7407(d)(1)(C)(i) and (5)]

In Re: Residential Capital, LLC, et al., (RESCAP)	)	Case No. 12-12020; (12-12032).
In Re: GMAC Mortgage LLC., (GMAC),	)	(Ch.11)
	)	Under Joint Administration
Debtor(s)	)	(Related BR Case No.05-75111, SD.,Ohio)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF OHIO;
(at Columbus)

[11 U.S.C. §§ 350(b), 524(a); Fed. R. Bankr. P. 5010; S.D. Ohio Civ. 82.1(b), Franklin County, Loc. R. 31.02(D); S.D. Ohio, LBR 9019-1(a); 29 USC 1131, 1141]

In Re: SIDNEY T. LEWIS, pro se,	)	Case No. 2:07-bk-57237
	)	(Ch.7)
Debtor	)	(Related Bankr Case No. 2:05-bk-75111)
	)	**DEBTORS MOTION TO REOPEN CASES**
Social Security No.: xxx-xx-5959	)	JUDGE: HOFFMAN, JOHN, Jr.

In Re: Yvonne D. Lewis,	)	Case No. 2:05-bk-75111
	)	(Ch.7)
Debtor	)	(Related Case No. 2:07-bk-57237)
	)	**DEBTORS MOTION TO REOPEN CASES**
Social Security No.: xxx-xx-2390	)	JUDGE: HOFFMAN, JOHN, Jr.

IN THE UNITED STATES DISTRICT COURT, S. D. OF OHIO
EASTERN DIVISION (at Columbus)

UNITED STATES of America, Ex Rel.,		
Sidney T. Lewis, et al.,	)	Action No. 2:08-cv-1042
Plaintiffs		(Related Dist. Ct. Cases 2:08-cv-16; 2:96-cv-494;
Vs.	)	2:09-cv-179; 2:08-cv-736);
		JUDGE: HOLSCHUH
Larry McClatchey, and,	)	Magistrate Judge: KING
Lawfirm Emens, Hurd, Kegler & Ritter LPC, nka		
Emens, Kegler, Brown, Hill & Ritter,		
Defendants		

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

SECURITIES AND EXCHANGE COMMISSION Plaintiff,	)	
vs.	)	Case No. 4:10-cv-87
AMERICAN EQUITY INVESTMENT LIFE HOLDING COMPANY; DAVID J. NOBLE; and WENDY C. WAUGAMAN, Defendants.	)	

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FRIENDS OF THE EARTH, et al., Plaintiff, Vs UNITED STATES E.P.A. and LISA JACKSON, Administrator, Defendants.	)	Case: 1: 12-cv-00363 Assigned To: Jackson, Amy Berman, Judge Description: Admin. Agency Review ("I-670")

I. **Notice/Motion for Leave by Debtors To Reopen Closed Ohio BR. Estates to Allow Prosecution of Contempt Action Against Creditors GMAC and Others, 11 U.S.C. §§ 524(a), 727;**

And,

II. **Notice/Motion for Leave by Surplus Creditors To Transfer to Cure, 28 U.S.C. § 1406 the New York BR. Estates to Allow Prosecution Against Attorney for BR Trustee Larry McClatchey under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-5 (b) and Contempt Action Against Creditors GMAC, 11 U.S.C. § 362; for Violations of Bankruptcy Injunctions 11 U.S.C. §§ 362, 524(a); And to Administer ERISA, Bankrutcy, EEOC settlement agreement, and RICO claims as Debtors Assets concealed by Creditors GMAC and HNB; 11 USC §§ 350(b), 541(a), 704(a)(1); Fed. R. Bankr. P. 5010;**

And,

III. **Notice/Motion for Leave by Debtors To allege Fraudulent Mortgage Note Claims by Creditors GMAC Mortgage LLC; Grounded on "Non-Attainment Areas" around Columbus Airport "by Operation of Law", 49 USC § 47504(a)(2)(E) and 42 USC §§ 7407(d)(1)(C)(i),[See: 53 FR 2800 and 73 FR 32622];**

NOTICE AND MOTION TO REOPEN CLOSED OHIO BR. ESTATES

The Discharged Debtors, Sidney T. Lewis and Yvonne D. Lewis, as surplus creditors in the above-named Ohio Bankruptcy cases request that each of the above-captioned Ohio case no. 05-bk-75111 and 07-bk-57237, S.D., Ohio, be reopened pursuant to 11 U.S.C. §§ 350(b), 704(a) in order to accord relief to the Debtors as "surplus creditors" Civil Rights victims by virtue of "unlawful employment practice" by U.S. Trustee and attorneys for the Chapter 7 trustee and in support thereof avers as follows:

1.0. The Debtor Sidney T. Lewis in case no. 07-bk-57237 filed bankruptcy pursuant to chapter 7 of the Bankruptcy Code on **Sept. 12, 2007** and received a discharge pursuant to 11 U.S.C. § 727 on January 29, 2008.
(See: **EXHIBIT A,** BR Discharge Order of Sidney T. Lewis);
1.1. The Debtor Yvonne D. Lewis in case no. 05-bk-75111 filed bankruptcy pursuant to chapter 7 of the Bankruptcy Code on **Oct. 14, 2005** and received a discharge pursuant to 11 U.S.C. § 727 on February 21, 2006.
(See: **EXHIBIT B,** BR Discharge Order for Yvonne D. Lewis);

2.0. Movants are the Debtors in Ohio BR case nos. 07-bk-57237 and 05-bk-75111 and have undisputed interest in a **"reasonably related"** cause of action for "**unlawful employment practice**[1]" under RI-CO and the doctrine of "**equitable tolling**" as "equity claims[2]" against the lawfirm Emens, Hurd, Kegler & Ritter nka Kegler, Brown, Hill & Ritter and its Senior "Equity Partner", Attorney Larry J. McClatchey, as "Chapter 7 Trustee". Debtors claim are for concealment of the 1987 "**Regulatory**

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[1] "Claims can also be timely through the doctrine of equitable tolling. Morgan, 536 U.S. at 102. There are three general instances in which equitable tolling is appropriate, "(1) **a plaintiff was unaware of his or her cause of action due to misleading conduct of the defendant**; (2) a plaintiff actively pursued judicial remedies by filing defective pleadings during the statutory period; or (3) extraordinary circumstances have prevented the employee from exercising his or her right." Jacobs v. SUNY at Buffalo School of Medicine, 204 F. Supp. 2d 586, 592 (S.D.N.Y. 2002) (citing Miller v.IT&T Corp., 755 F.2d 20, 24 (2d Cir. 1985)). Equitable tolling will stay the running of the statutory period "'only so long as the plaintiff has exercised reasonable care and diligence.'" Id. (quoting Dodds v. Cigna Sec., Inc., 12 F.3d 346, 350 (2d Cir. 1993))." (See: **Robinson v. Brooklyn College, 2010 U.S. Dist. LEXIS 103131, 11-12 (E.D.N.Y. Sept. 29, 2010));**

[2] See: the "Carlie firm" Settlement Emens, Kegler, Brown, Hill & Ritter Co, LPA under the name Kegler, Brown, Hill & Ritter (See, 2:96-cv-494,USDC, SD,Ohio, E.Div.)

Taking[3]" of the subject Argyle Park Subdivision properties by the City of Columbus and the Federal Aviation Administration (FAA) under its "*noise compatibility program*[4]" as "*acquired property*" in "at issue" "Non-Attainment Areas" around Columbus Airport [See: 53 FR 2800] "by Operation of Law" (See: 49 USC § 47504(a)(2)(E) and 42 USC §§ 7407(d)(1)(C)(i)).

Said Debtors appear herein as "aggrieved persons" under a "**"reasonably related" claim**[5]" nka RI-CO action for losses from fraudulent "Issuers Stock" of "Deweys Candy Company[6]" and "National Sorbents, Inc[7]." as illegally sold through Dublin Securities and custodial accounts by Meeder Funds

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[3] (See and Compare: 53 FR 2800 at "land acquisition"; Compared With: **Nat'l Bus. Aviation Ass'n v. City of Naples Airport Auth., 162 F. Supp. 2d 1343, 1350 (M.D. Fla. 2001)**("Once the airport operators have completed a noise exposure map, they may use it to prepare a noise compatibility program for Secretarial approval; if approved, the program entitles the airport operators to federal grants for measures intended to reduce noncompatible land uses, such as *acquiring property* in the too-noisy area. 49 U.S.C. § 47504.");

[4] (See: **Nat'l Bus. Aviation Ass'n, Id., 162 F. Supp. 2d 1343, 1350 (M.D. Fla. 2001)**("The noise compatibility program's measures may also include "restricting the use of the airport by a type or class of aircraft because of the noise characteristics of the aircraft." 49 U.S.C. § 47504 (a)(2)(C). The FAA implements ASNA through regulations found at 14 C.F.R. § 150 ("Part 150").");

[5] "The first type of **"reasonably related" claim** is "essentially an allowance of loose pleading." Id. at 1402 (quoting Smith v. American Pres. Lines, Ltd., 571 F.2d 102, 107 n.2 (2d Cir. 1978)). Because many complainants do not have counsel when they file their EEOC charges, a stringent pleading rule might trap unwary grievants into an overly narrow theory of their cases. See Silver v. Mohasco Corp., 602 F.2d 1083, 1090 (2d Cir. 1979) ("we look not merely to the four corners of the often inarticulately framed . . . charge"), rev'd on other grounds, 447 U.S. 807, 65 L. Ed. 2d 532, 100 S. Ct. 2486 (1980). Moreover, since the EEOC charge merely serves to alert the EEOC to the discrimination from which Plaintiff is allegedly suffering, so that the agency can investigate and attempt a conciliation, see *42 U.S.C. § 2000e-5(b),* neither the agency nor defendants are prejudiced by this **"loose pleading" standard.** See Butts, 990 F.2d at 1402." (See: **Choi v. Chemical Bank, 939 F. Supp. 304, 312 (S.D.N.Y. 1996));**

[6] Compare: Exhibit C, Deweys Candy Company Common Stock Certificate for Vacy O Webb Living Trust; With: Exhibit D, National Sorbents, Inc., Common Stock Certificate for Vacy O Webb Living Trust;

[7] "National Sorbents, Inc." has unregistered Ohio Securities for its field offices of the ***foreign corporation*** in the State Of OHIO, located at 10139 Commerce Park Drive, Cincinnati, Ohio 45246 (See: case no. 2:95-cv-1096, S.D., Ohio, at Cincinnati) as sold through Dublin Securities, C/O Huntington National Bank, 41 S. High St. Columbus, Ohio 43215 causing the RICO case to be transferred to Columbus (See: case no. 2:96-cv-494, S.D., Ohio, E. Div., at Columbus). National Sorbents, Inc. has an original "Las Vegas, Nevada" address for its principal executive offices as said principle registered stock and executive offices of the ***domestic corporation*** in the State Of Nevada, at 2080 E. Flamingo Rd., Suite 112, Las Vegas, Nevada 89119, Resident agent is Chapman & Flanagan, Ltd.; Sean P. Flanagan who acts as

Ohio, for the incurable Vacy O. Webb Living Trust matters and **reasonably related** to aforesaid RICO case no. 2:96-cv-494, USDC, SD, Ohio, E. Div. and BR case no. 12-bk-12032 (12-12020), USDC, SD, New York.

> "("This case requires us to determine whether *11 U.S.C. § 524(a)* makes a *state-court judgment* void ab initio when entered against a debtor whose dischargeable debts had been discharged, ***. We conclude that *§ 524(a)* prevails and state court judgments that modify a discharge order are void ab initio.");

(See: Hamilton v. Herr (In re Hamilton), 540 F.3d 367, pp.369 (6th Cir., 2008))

2.3. The U.S. Bankruptcy estates, i.e., 07-bk-57237 and 05-bk-75111, S.D., Ohio, and the U.S. District Court case 4:10-cv-87, S.D., Iowa, were both closed and the trustee discharged on or before **MARCH 4, 2010.**

3.0. HNB/ GMAC and WSC/CNA received notice of the Ohio Bankruptcy discharges on or before **May 14, 2012.**

At the time of the filing of the related GMAC Mortgage LLC bankruptcy petition (May 14, 2012) herein the debtors as surplus creditors were the owners of 1,875,000 shares of AEL common stock/claims with an aggregate value of $10 Million Dollars through securities transfers of CITIGROUP, Inc.; FEDERAL NATIONAL MORTGAGE ASSOCIATION; SALOMON SMITH BARNEY, Inc.; WELLS FARGO & Co.; MORGAN STANLEY DEAN WITTER & Co.; and J.P. MORGAN & Co., Inc.; under the **custodial accounts** between Meeder, Huntington, Star Bank, and U.S. Bank.

(See: Custodian, The Huntington Nat'l Bank, Columbus, Ohio, 43215;
at<www.sec.gov/Archives/edgar/data/889170/000119312504042878/dncsr.txt>)

GMAC; Meeder; SALOMON SMITH BARNEY, Inc; Huntington Nat'l Bank; Star Bank; U.S. Bank, NA; US Bancorp; and Larry McClatchey, all concealed from the Courts in Ohio, the prohibited transaction of Meeder; Huntington Bancshares Inc (repurchase agreement); FEDERAL NATIONAL MORTGAGE ASSOCIATION (repurchase agreement) and GMAC Mortgage LLC (servicer and agent under

repurchase agreement) related to Meeder Employees Deferred Compensation **Plan** under the Trust Portfolio.

(See: Institutional investment manager, Terra D. Case, at the Huntington Bancshares Inc; at<www.sec.gov/Archives/edgar/data/809443/000114420408004283/v100919_13fhra.txt>)

Meeder's related transactions by **US Bancorp**[9] and **AEL** as settlor/administrator of aggrieved persons as injured members of the January 1, 1997 to December 31, 2007 AEL class who acquired NMO Deferred Compensation stock options and un-registered AEL Stock shares. Such AEL claims were not scheduled by the Movant and Debtor in case nos. 07-bk-57237 and 05-bk-75111, and were not administered by the trustee in these cases, and were not abandoned by the trustee(s).

(See and Compare: www.sec.gov/Archives/edgar/data/1039828/000095017204003153/amer8k.txt, at **FORM 8-K** of AEL, at Item 3.02 Unregistered Sales of Equity Securities, by AMERICAN EQUITY INVESTMENT LIFE HOLDING CO., for the fiscal year ended December 31, 2004)("AEL agreed to sell $10 million aggregate principal amount of its *** Notes due 2024 (the "Notes") to the Initial Purchaser. The closing of the sale of the Notes occurred on **December 30, 2004**. The Notes were not registered under the Securities Act of 1933, as amended (the "Securities Act"),"); Compared To: www.sec.gov/Archives/edgar/data/1039828/000104746905007953/a2154577z10-ka.htm, at Page 38 of 48, **FORM 10-K/A** of AEL, as filed with the SECURITIES AND EXCHANGE COMMISSION for the fiscal year ended December 31, 2004;("*Stockholders' Equity*: During 1998, we issued 625,000 shares of 1998 Series A Participating Preferred Stock (aggregate liquidation preference of **$10.0 million**). **During 2004**, all of these shares converted into **1,875,000 shares of our common stock.** Prior to conversion, these shares had participating dividend rights with the shares of our common stock, when and as such dividends were declared. During 2004, we issued 54,385 shares of our common stock to an agent's beneficiaries in relation to shares earned under the American Equity Investment **NMO Deferred Compensation Plan.** See note 10 to our audited consolidated financial statements.")

4. 0. On or about **May 14, 2012** (See: **EX. ~~B~~ E**), the Debtors began receiving "revived" collection attempts by GMAC Mortgage LLC for its defective mortgage loans after the government's "taking" of the "at issue" real properties in Ohio "non-attainment areas" under the statutory effects of 49 USC 47504(a)(2)(E) effective Sept. 25, 1987 (See 53 FR 2800) through [p]re-activation of NY Bankruptcy

[9] See: US Bancorp <www.sec.gov/Archives/edgar/data/809443/000114420408004283/v100919_13fhra.txt>

"chapter 11" court proceedings. Fact is neither Debtor was "owner[10] at the time of taking" Id. 47504(a)(2)(E), nor never served with a September 19, 2011 complaint (with a mortgage note) and summons including the *head of the Federal agency* (FAA) as parties in case no. 05-CV-4555 when the Government filed its declaration of taking in 2007 (See: 73 FR 32622, 32623) which represented Bankruptcy authorized collections of the government's acquired interest under 49 USC 47504(a)(2)(E).

> "Dow can prevail only if the "taking" occurred while he was the owner. For it is undisputed that "[since] compensation is due at the time of taking, the owner at that time, not the owner at an earlier or later date, receives the payment." Danforth v. United States, 308 U.S. 271, 284; cf. United States v. Dickinson, 331 U.S. 745. We hold, contrary to the Court of Appeals, that the "taking" did not occur in 1946 when the Government filed its declaration of taking, but rather when the United States entered into possession of the land in 1943."
>
> **(See: UNITED STATES v. DOW, 357 U.S. 17, 20-21 (U.S. 1958))**

4.1. Movants of case nos. 07-bk-57237 and 05-bk-75111 are informed that said concealed estate property being 1,875,000 shares of AEL unregistered common stock [see Id. §§230.501-502, 240.10b-5] has a present aggregate value of $10 Million Dollars and should be administered by a trustee in order that the unsecured creditors and surplus creditors of the Ohio BR estates may be benefited hereby.

5.0. The Ohio Debtors informed HNB/GMAC of the "*incurable Webb Living Trust*", and *discharge certificate of service* and by letter, but nevertheless HNB/ GMAC filed a false "**ALIAS ORDER OF SHERIFFS SALE**" falsely averring that it filed an amended complaint on September 19, 2011 in case no. 05-CV-4555, CPC, Franklin County, Ohio, filed **January 6, 2012** after filing its **MOTION TO VACATE ORDER OF SHERIFFS SALE filed December 16, 2011** on for collection/foreclosure of an alleged Bankruptcy "dower interest[11]" in the subject real properties located in an Ohio "non-

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[10] "42 U.S.C. § 4651 states, inter alia, "...(1) *The head of the Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.* (2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property . . . In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property." **(See: Wash. Metro. Area Transit Auth. v. One Parcel of Land, 342 F. Supp. 2d 378, 380 (D. Md. 2004));**

[11] "Therefore, it becomes well-settled in Ohio that a dower interest capable of measurement is includible in the bankrupt estate. *** The fact that the sale can affect how much of the proceeds, if any, are received for the dower interest illustrates why a dower interest is entitled to protection by the § 362(a) stay. See In re Digby, 47 B.R. 614, 624 (Bankr. N.D. Ala. 1985). Thusly, a dower interest does constitute a recognizable interest in a bankruptcy estate. (See: In re Lambert, 57 B.R. 710, 713 (Bankr. N.D. Ohio 1986))

attainment area" for air pollutants under the statutory effects of 49 USC 47504(a)(2)(E) effective Sept. 25, 1987.

5.1. The Ohio Debtor(s) were first informed by GMAC's 362 Notice of Bankruptcy Filing dated May 14, 2012 (See: **EXHIBIT E**, GMAC's 362 Notice on May 14, 2012) that Ohio Debtors were claims creditors of GMAC, but GMAC never turned this equity claim over to the Ohio Trustee, Larry McClatchey, under 11 USC 704(a)(1) to discharge trustee's duties on Jan 29, 2008 in case no. 07-bk-57237, S.D., Ohio, nor before the Movant Bankrupt's discharge on Feb. 21, 2006 in case no. 05-bk-75111, S.D., Ohio.

DEFENDANT GMAC'S FRAUDULENT CONDUCT

5.1.(A) 1. Since **April 22, 2005** GMAC falsely averred equity claims owed to New York Debtor GMAC by Ohio Debtors /Plaintiff(s) Sidney T. Lewis, (debtors spouse), Yvonne D. Lewis (Debtor).

5.1.(A) 2. On **May 14, 2012**, GMAC Mortgage LLC failed to report its agency-relationship with and "repurchase agreement of HNB" and FEDERAL NATIONAL MORTGAGE ASSOCIATION for Meeder (Trust) with HNB as custodian of "Death Benefits" (Trust Proceeds) as custodian of stocks (securities) from Smith Barney through AEL, Meeder, HNB, Star Bank, and U.S. Bank NA, as custodian fiduciary (CF) of ERISA plan funds owed to Yvonne D. Lewis from Vacy O. Webb IRA (father and plan participant), said equity claims of Debtors as surplus creditors to the U.S. Bankruptcy estates, case nos. 05-bk-75111 and 07-bk-57237, S.D., Ohio, or the U.S. District Court cases 2:96-cv-494, S.D., Ohio and 4:10-cv-87, S.D., Iowa.

5.1.(A) 3. Less than *10 years* later, on **May 14, 2012**, GMAC Mortgage announced aforesaid BR claims.

5.1.(A) 4. By Notice in BR Form for a 362 Stay on **May 14, 2012**, defendant GMAC first admitted that Ohio "surplus creditors" Yvonne D. Lewis and Sidney Lewis equity claims arose from GMAC's servicing errors for HNB's Mortgage Loans originating in Ohio "non-attainment areas" by operation of law Id. 407(d)(1)(C)(i), after the government's "Taking" under Id. 47504(a)(2)(E).

BASIS OF ALLEGATIONS

5.1.(A) 15. Plaintiff(s) Sidney T. Lewis and Yvonne D. Lewis allege GMAC intentionally withheld their

equity claims from the Ohio BR Trustee before the Ohio BR court order in 2:07-bk-57237, S.D., Ohio and the Iowa District Court order in U.S. District Court case 4:10-cv-87, S.D., Iowa, as both Court Orders were issued on **MARCH 4, 2010** to pilfer real property from Ohio "non-attainment areas" before the EPA filed its "Answer[12]" in the U.S. District Court case 12-cv-363, USDC, DC, admitting its failure to regulate the air pollution from aircraft emission with lead additives in the Ohio non-attainment areas around Port Columbus International Airport's Noise Exposure Program (53 FR 2800). Ironically, Both the EPA's Answer and GMAC's Voluntary Petition in Bankruptcy were both filed on **MAY 14, 2012** and Ohio surplus debtors believes that substantial evidentiary support will exist for the allegations set forth in their False Claims, ERISA, NEPA, and Civil Rights complaint after a reasonable opportunity for discovery and EEOC investigation of the Chapter 7 Trustee Larry McClatchey's unlawful hiring practices of himself as Attorney for the Chapter 7 Trustee Larry McClatchey being a senior equity partner of Kegler, Brown, Hill & Ritter related to fraudulent Securities of National Sorbents Inc. and Dewey's Candy Co. (Issuer's Stock) through Dublin Securities (broker) in suit by Vacy O. Webb (ERISA participant) in the Ohio RICO action, Id 494.

It appears that *material weaknesses* were in the management controls (owners accounts) of omnibus pension plan accounts of AEL; HNB; MEEDER, and J.P. Morgan's *Deferred Compensation Plans* causing the surplus creditors losses.

(SEE AND COMPARE: Strube v. Am. Equity Inv. Life Ins. Co., 2005 U.S. Dist. LEXIS 8589; 226 F.R.D. 688, pp.690 (Feb. 8, 2005)("***Settlement (***filed Sept. 2, 2004)"); COMPARE WITH: www.sec.gov/Archives/edgar/data/1039828/000104746905006360/a2152938z10-k.htm, at Page 43 of 46, Section 9A and at Page F-34, Section 10, on FORM 10-K of AEL., for the fiscal year ended **Dec. 31, 2004,** ("***, *management determined a lack of formal documentation exist surrounding the company's review of its deferred policy acquisition costs and deferred sales inducements,* ***. *As a result management has concluded that a material weakness exists****on FORM 10-K.* *** During 1997, the company established the American Equity Investment **NMO** Deferred Compensation Plan* ***");)

6.0. The Bankruptcy Debtors Sidney T. Lewis and Yvonne D. Lewis as surplus creditors have prepared an action against **HNB/ GMAC**; WSC/CAN; Kegler, Brown, Hill & Ritter, along with **AEL**, and U.S. Bancorp Equity Capital, and Others for contempt for violation of the discharge injunction and *violations of* the RICO Settlement Decrees in case 4:10-cv-87, S.D., Iowa and case no. 2:96-cv-494, S.D., OHIO applicable to these NY and OHIO cases by virtue of *11 U.S.C. §§* 101(53B)(A)(i)(IV), 362, and *524(a); 28 U.S.C. §§157, 1406.* A copy of the Docket Sheet of that RICO action case no. 2:96-cv-494, is at-

[12] See: FoE vs US EPA, in U.S. Dist. Court case 12-cv-363, S.D., DC., at ANSWER, at May 14, 2012.

tached hereto and labeled Exhibit F. A copy of the False Claims action case no. 12-cv-12032 is attached hereto and labeled Attachment A.

WHEREFORE, the Debtor(s) request that this case be reopened to allow the U.S. Attorney General as Ex. Relator to the Debtor(s) as Relators, to file and prosecute adversary actions and actions in contempt for violation of bankruptcy injunctions (id§§ 362, 524(a)) against **HNB/ GMAC**; WSC/CNA; along with **AEL;** Dublin Securities; Kegler, Brown, Hill & Ritter; and U.S. Bancorp Equity Capital, and Others as John Doe(s).

Dated: June 15, 2012. Sidney T. Lewis

Sidney T. Lewis, pro se
1875 Alvason Avenue
Columbus, Ohio 43219

Dated: June 15, 2012. Yvonne D. Lewis

Yvonne D. Lewis, pro se
1875 Alvason Avenue
Columbus, Ohio 43219

NOTICE/CERTIFICATE OF SERVICE

Sidney T. Lewis, as OHIO Debtors have filed papers with the court to reopen Bankruptcy Court case nos. 05-bk-75111 and 07-bk-57237, S.D., OHIO, E. Div., in order to reopen Ohio U.S. District Court case nos. 2:09-cv-179 and 2:96-cv-494, S.D., OHIO, E. Div. to prosecute or settle newly discovered matured Bankruptcy Estate Claims. Said assets are securities and annuities that distribute a lump sum settlement to Bankrupt ("Applicable Policyholder" 26 U.S.C. §§ 101(j)(3)(ii)(I), 267(b)) on common stock and qualified life insurance benefits and securities issued by Dewey's Candy Company; National Sorbents Inc., and AEL ("Issurers", 15 U.S.C. §§ 77d(5), 77k, 78a, 78j(b) [see 17 C.F.R. §§230.501-505, 240.10b-5]) as those "indispensable parties" that violated Title VII of the Civil Rights Act; and § 10(b) of the Exchange Act and whose fraud coincides with securities transactions; And, to Allow Prosecution of Contempt Action Against Creditors HNB as Custodian of Meeder Funds (corporate trustee, 12 U.S.C. § 92a(a)&(g) [see 12 C.F.R. §§9.2, 9.10]) and GMAC for Violation of Discharge and Stay Injunction in connection with AEL's violation of Rule 10b-5; 11 U.S.C. §§ 350(b), 524(a) and; Fed. R. Bankr. P. 5010.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to Transfer and reopen aforesaid Bankruptcy Court cases in OHIO, in order to reopen Ohio District Court cases, or if you want the court to consider your views on the **MOTION**,

then on or before _____, you or your attorney must:

File with the court a written request, response, or answer, explaining your position at:

The United States Bankruptcy Court,
Clerk's Office
170 North High Street,
Columbus, Ohio 43215; (614) 469-6638

The United States Bankruptcy Court,
Trustee's Office
170 North High Street,
Columbus, Ohio 43215; (614) 469-6638

Office of the Clerk,
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Office of the United States Trustee
TRACY HOPE DAVIS
Office of the United State Trustee
33 Whitehall St 21st Fl, Region 2
New York, NY 10004-2111

United States Bankruptcy Court
Southern District of New York
Surplus Creditors
One Bowling Green
New York, NY 10004

If you mail your response to court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

MORRISON & FOERSTER LLP
Larren M. Nashelsky, Gary S. Lee,
or Lorenzo Marinuzzi,
1290 Avenue of the Americas
New York, NY 10104

SIDNEY T. LEWIS
YVONNE D. LEWIS
Surplus Creditors
1875 Alvason Avenue
Columbus, Ohio 43219

And

Huntington National Bank (HNB),
C/O Bradley K Baker, Esq.,

PORTER, WRIGHT, MORRIS & ARTHUR, LLP,
41 South High Street,
Columbus, Ohio 43215; (614) 227-2000

And

General Motors Acceptance Corp. (GMAC),
C/O Mark Richardson, Esq.,
Manley, Deas, and Kochalski, L.L.C,
495 South High Street, Ste. 300
Columbus, Ohio 43215;

And

United States District Attorney (DOJ),
for the Southern District of Ohio,
C/O Carter Stewart, U.S. District Attorney/ S.D. Ohio
303 Marconi Blvd., 2 fl.,
Columbus, Ohio 43215; (614) 469-5715

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: June 15, 2012. Sidney Lewis
Sidney T. Lewis, pro se

Dated: June 15, 2012. Yvonne D. Lewis
Yvonne D. Lewis, pro se

CERTIFICATE OF SERVICE

Surplus Creditors, Sidney T. Lewis and Yvonne D. Lewis as debtors have served the foregoing Motion/Notice on Larren M Nashelsky, Gary S Lee & Lorenzo Marinuzzi, Morrison & Foerster LLP., 1290 Avenue of the Americas, New York, NY 10104, as Counsel to the Debtors; and to: Kramer Levin Naftallis & Frankel LLP, Kenneth H Eckstein, Thomas Moers Mayer & Douglas H Mannal, 117 Avenue of the Americas, New York, NY 10036, as Counsel to the Official Committee of Unsecured Creditors; U.S. Department of Justice, Attn: Glenn D. Gillette, Civil Division, 1100 L Street NW, Room 10018, Washington, DC., 20005; and Office of the United State Trustee; and others; by E mail, or mailing a copy by ordinary U. S. mail to their offices on June 15, 2012.

Dated: June 15, 2012. Sidney Lewis

Sidney T. Lewis, pro se
1875 Alvason Avenue
Columbus, Ohio 43219
(614) 940-3306

Dated: June 15, 2012. Yvonne D. Lewis

Yvonne D. Lewis, pro se
1875 Alvason Avenue
Columbus, Ohio 43219
(614) 940-3306

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO

In re:	:	
Sidney T Lewis	:	Case No. 07-57237
XXX-XX- 5959	:	Chapter 7
	:	Judge John E Hoffman
XXX-XX-	:	
Debtor(s).	:	

Notice of Failure to Comply With ECF Procedure 5 And
Order Preserving Initial Filing Date Upon Timely Compliance
Or Deeming Document(s) Stricken Without further Notice, Hearing or Separate Order

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The following document(s) has(have) been scanned and therefore transmitted without complying with ECF Procedure 5, which requires all transmitted documents to contain Electronically Generated Text (ECF Procedure 5(a),(b)), with certain exceptions not applicable (ECF Procedure 5(c)):

Document #13 Generic Motion (First Motion for Remand)

For the document(s) to be effectively filed, the document(s) must be re-transmitted as Electronically Generated Text in compliance with ECF Procedure 5 not later than TEN (10) days from the date of this order. If the word "Substitute" is included in the title of the re-transmitted document(s), and the document is re-transmitted using the **"Substitute PDF"** docketing event, the date of the original transmission shall be deemed the filing date of the substitute document(s).

Failure to timely comply with the requirements of this order shall result in the document(s) being DEEMED stricken, TEN (10) days from the date of this order, without further notice, hearing or separate order.

IT IS SO ORDERED.

Date: October 2, 2007

/s/ BY THE COURT

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: SIDNEY T. LEWIS *Debtor*	:	Case No: 07-bk-57237
	:	Chapter 7
	:	Judge: John Hoffman Jr.

MOTION FOR REMAND OF OHIO CASES 07 AP 549, 05 AP 748, 05 CV 04-4555, AND 05 CV 7346

Now comes Respondent, The Honorable Judge, Julie Lynch, and hereby requests, pursuant to Fed. R. Bankr. P 9014 and Fed. R. Bankr. P 9027, that the Court remand the above captioned cases because they are not properly before this court. In support of this motion Relator respectfully submits the following memorandum of support.

Respectfully submitted,

RON O'BRIEN
PROSECUTING ATTORNEY
FRANKLIN COUNTY OHIO

/s/ Robert E. Williams
ROBERT E. WILLIAMS (0060969)
COUNSEL OF RECORD
Assistant Prosecuting Attorney
373 South High Street, 13th Fl.
Columbus, Ohio 43215-6318
Tel: (614) 462-6399
Fax: (614) 462-6012
E-mail: rewillia@co.franklin.oh.us
ATTORNEY FOR RESPONDENT

Ex. A

MEMORANDUM IN SUPPORT

The cases that Relators, Sidney and Yvonne Lewis seek to remove from both the Franklin County Ohio Court of Common Pleas and The Ohio Tenth District Court of Appeals should be remanded because their removal is improper under both Fed. R. Bankr. P 9027 and the Rooker-Feldman doctrine.

The cases which Relators seek to remove stem from a foreclosure action and collection dispute. *GMAC Mortgage Corp. v. Lewis*, 05 CV 4555; *The Huntington National Bank v. Lewis, et al.*, 05 CV 7346 (final orders attached as exhibits A and B respectively). Judge Holbrook adjudged Relator Sidney Lewis to be a vexatious litigant in *The Huntington National Bank v. Lewis et. al.* and he is required to seek leave from the Court of Common Please before filing and maintaining any action. *Id.* Relators sought review of the Common Pleas Court's final order in *GMAC Mortgage Corp. v. Lewis*, 05 AP 748, (final order attached as exhibit C). In a further attempt to prevent the final order in that case from taking affect Relators filed *State of Ohio, ex rel, Yvonne D. Lewis, et al. v. Judge Julie Lynch*, 07 AP 549, (final order attached as exhibit D). All of these cases have received final adjudication and have been closed. Relators' only legal option is a timely appeal of 07 AP 549.

I. The Rooker-Feldman Doctrine.

The Rooker-Feldman doctrine applies to cases in which the Plaintiff/Respondent seeks redress in the Bankruptcy Court or any other Federal District level court for harms stemming from a final order of a state court. *D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 483 (1983). In *Feldman* the Court ruled, "lower federal courts possess no power whatever to sit in direct review of state court decisions." *Id.* at 483, citing, *Atlantic Coast*

Ex. A

Line R. Co. v. *Locomotive Engineers*, 398 U.S. 281, 296 (1970). The Court further stated, "[I]f the constitutional claims presented to a United States district court are inextricably intertwined with the state court's denial in a judicial proceeding...then the district court is in essence being called upon to review the state-court decision. This the district court may not do." *Feldman* at 483.

Relators through removal seek to have this Court review the final actions of various state court decisions. It should be noted that Relator has previously attempted the removal of all cases except 07 AP 549 to the Bankruptcy Court and to the District Court. See, *Plaintiff's Motion To Reinstate Case To The Active Docket* 05 CV 4555, (attached as exhibit E). Under the Rooker-Feldman doctrine and because the bankruptcy case was then closed the motion to remove was denied. The previous removal was both impermissible and improper and so is Relators' current motion. Therefore, Respondent, Judge Julie Lynch respectfully requests the court grant Respondent's motion and remand the cases back to the state courts.

II. Respondent's violation of Fed. R. Bankr. P 9027.

Under Fed. R. Bankr. P 9027(a)(3) the removal of a state case to the Bankruptcy Court may only be accomplished if done in a timely manner. See Fed. R. Bankr. P 9027(a)(3); Plo*wman v. Bedford Fin. Corp. (In re Plowman)*, 218 B.R. 607 (Bankr. W.D. AL. 1998). Extensions of time may only be permitted if good cause is shown. *In re Stamm*, 21 B.R. 715, 718 (Bankr. W.D. Pa. 1982).

Relators have failed to effectuate the removal of the case to the Bankruptcy Court in a timely manner by failing to adhere to the thirty day limit required by Fed. R. Bankr. P 9027(a)(3). Additionally, nothing in Relator's incoherent notice of removal gives this

Ex. A

Court any reason to grant an extension of the time permitted for removal under the rule. Relator seeks only to overturn proper judgments of the Franklin County Ohio Court of Common Pleas and the Ohio Tenth District Court of Appeals. Therefore, Respondent, Judge Julie Lynch respectfully requests the court grant Respondent's motion and remand the cases back to their respective state courts.

III. Conclusion.

For the aforementioned reasons Relators have sought an improper removal of cases with valid and final judgments to the Bankruptcy Court. Relator's attempt at removal is improper under both the Rooker-Feldman doctrine and Fed. R. Bankr. P 9027(a)(3). Therefore, Respondent, Judge Julie Lynch, respectfully requests this Court through Fed. R. Bankr. P 9027(d) remand the cases to their prospective state courts.

Respectfully submitted,

RON O'BRIEN
PROSECUTING ATTORNEY
FRANKLIN COUNTY OHIO

/s/ Robert E. Williams
ROBERT E. WILLIAMS (0060969)
COUNSEL OF RECORD
Assistant Prosecuting Attorney
373 South High Street, 13th Fl.
Columbus, Ohio 43215-6318
Tel: (614) 462-6399
Fax: (614) 462-6012
E-mail: rewillia@co.franklin.oh.us
ATTORNEY FOR RESPONDENT

Ex. A

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing motion and memorandum in support was served upon Yavonne Lewis and Sidney T. Lewis, Pro Se, at 1875 Alvason Ave., Columbus, Ohio 43219, by regular U.S. Mail, postage prepaid on the 1st day of October, 2007.

/s/ Robert E. Williams
Robert E. Williams 0060969
Assistant Prosecuting Attorney

EX. A

Form b18

D2258E05

UNITED STATES BANKRUPTCY COURT
Southern District of Ohio

In Re Yvonne DeCarol Lewis 1875 Alkazan Avenue Columbus, OH 43219	)
	) Case No 2 05-bk-75111
Debtor(s)	)
	) Chapter 7
Social Security Number Debtor xxx-xx-2390 Joint	)

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

Dated: 2/21/06

BY THE COURT:

John E Hoffman Jr.

John E Hoffman
United States Bankruptcy Judge

SEE BACK OF THIS ORDER FOR IMPORTANT INFORMATION

EXHIBIT B

B0508359

D2258E06

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re	)	CASE NO 05-75111
	)	CHAPTER 7
Yvonne Lewis	)	
	)	
Debtor	)	JUDGE HOFFMAN
	)	
	)	(1875 Alvason Ave, Columbus)

TRUSTEE'S ABANDONMENT OF PROPERTY AFTER CERTIFICATION AND REPRESENTATIONS BY PARTY REQUESTING ABANDONMENT

The Trustee having been requested by GMAC Mortgage Corporation to abandon the property set forth below and based on the representations made by such party as follows

1 The property to be abandoned is real estate ("Property"), and the property is located at 1875 Alvason Ave, Columbus, Ohio 43219

2 The fair market value of the Property is $55,200 00

3 The amount of the claim of the party requesting abandonment as of the date of the Petition Date is $60,779 47

4 The liens or encumbrances against the Property are No others known to Movant

5 The party requesting abandonment, as set forth above, certifies, that pursuant to Local Bankruptcy Rule 6007-1, that it has checked the Docket Sheet in this proceeding as of the date set for the 341 meeting (December 9, 2005) and has determined that no parties have requested further notice of abandonment other than that given by the 341 Notice

6 The party requesting abandonment, as set forth above, has attached to this Abandonment, the applicable note, filed copies of mortgages, and assignments, if any

Ex. B

02258E07

Based on the representations and certifications of the party requesting abandonment, as set forth above, Clyde C Hardesty, III, the duly qualified and acting Trustee for the above named bankruptcy estate, pursuant to 11 U S C Section §554, abandons the identified Property as such Property is burdensome to and/or is of inconsequential value and benefit to the bankruptcy estate

/S/ Clyde C. Hardesty, III
Clyde C Hardesty, III #
P O Box 731
Newark, OH 43058-0731
(740) 344-6567
trusteeclyde@adelphia net
Attorney for Trustee

EX. B

CERTIFICATE OF SERVICE D2258E08

A copy of the foregoing Trustee's Abandonment of Real Property was served by regular U S Mail and electronically as appropriate, as permitted by the rules, this 8th day of March, 2006, upon the following parties in interest at the addresses stated below

Yvonne Lewis
1875 Alvason Ave
Columbus, OH 43219

Sidney Lewis
1875 Alvason Ave
Columbus, OH 43219

Clyde C Hardesty, III, Trustee
P O Box 731
Newark, OH 43058-0731

Office of the U S Trustee
The Schaff Building
170 North High Street, Suite 200
Columbus, OH 43215

The Law Offices of
John D Clunk Co , LPA

/S/ Andrew A. Paisley
Andrew A Paisley (#42515)Ext 248
Scott P Crupak (#0076117) Ext 237
Attorneys for Movant
5601 Hudson Drive
Hudson, Ohio 44236
(330) 342-8203 telephone
(330) 342-8205 facsimile
Email ceubank@johnclunk.com

EX. B

235-32-0336

INCORPORATED UNDER THE LAWS OF THE STATE OF OHIO
See reverse side for transfer information

NUMBER
1158

SHARES
500

DEWEY'S CANDY COMPANY

Authorized 3,250,000 Shares

VACY O WEBB

Share Without Par Value

This Certifies That

FIVE HUNDRED********

is the owner of the above stated number of the fully paid and non-assessable Class A Common Shares, without par value, of **Dewey's Candy Company** *transferable on the books of the Corporation by the registered holder in person or by duly authorized attorney upon surrender of this certificate properly endorsed.*

This certificate is not valid until countersigned by the transfer agent and registered by the registrar.

WITNESS the facsimile signatures of its duly authorized officers.

Dated

SEPTEMBER 23, 1991

DEWEY'S CANDY COMPANY

COUNTERSIGNED AND REGISTERED:
DUBLIN STOCK TRANSFER, INC. (WORTHINGTON, OH)
TRANSFER AGENT AND REGISTRAR

BY Eileen Johnson
AUTHORIZED SIGNATURE

DEWEY'S CANDY COMPANY WARREN, OHIO

John M. Gfeller
PRESIDENT

John K. Sloge
SECRETARY

EXHIBIT C

© GOES 748

LITHO IN U.S.A.

THESE SHARES ARE NOT REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, AND ARE SOLD IN RELIANCE UPON THE EXEMPTION PROVIDED IN SECTION 3(a)(11) OF SAID ACT AND RULE 147 PROMULGATED THEREUNDER. THEREFORE, THE SHARES ARE OFFERED EXCLUSIVELY TO BONA FIDE RESIDENTS OF THE STATE OF OHIO WHO PURCHASE OTHER THAN WITH A VIEW TO RESALE, TRANSFER OR OTHER DISTRIBUTION TO NON-RESIDENTS OF THE STATE OF OHIO. THERE ARE RESTRICTIONS ON THE TRANSFER OF THE SHARES TO NON-RESIDENTS OF THE STATE OF OHIO PRIOR TO THE EXPIRATION OF NINE MONTHS AFTER THE DATE THE SECURITIES HAVE COME TO REST IN THE HANDS OF OHIO RESIDENTS, AND THERE MAY BE NO PUBLIC MARKET FOR THE SHARES. THE SHARES MAY NOT BE SOLD, PLEDGED, HYPOTHECATED, DONATED OR OTHERWISE TRANSFERRED TO A NON—RESIDENT OF THE STATE OF OHIO, WHETHER OR NOT FOR CONSIDERATION, BY THE HOLDER EXCEPT UPON THE ISSUANCE TO THE COMPANY OF A FAVORABLE OPINION OF COUNSEL AND SUBMISSION TO THE COMPANY OF SUCH EVIDENCE AS MAY BE SATISFACTORY TO COUNSEL FOR THE COMPANY, TO THE EFFECT THAT ANY SUCH TRANSFER WILL NOT BE IN VIOLATION OF THE SECURITIES ACT OF 1933, AS AMENDED.

The following abbreviations, when used in the inscription on the face of this certificate, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM — as tenants in common

TEN ENT — as tenants by the entireties

JT TEN — as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT _____ custodian _____
(Cust) (Minor)
under Uniform Gifts to Minors
Act _____
(State)

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED, _____ *hereby sell, assign and transfer unto*

_____

_____ *Shares beneficially represented by the within Certificate, and do hereby irrevocably constitute and appoint*

_____ *Attorney, to transfer the said Shares on the books of the within named Corporation, with full power of substitution in the premises.*

Dated _____ *19*____

In Presence of _____

_____

NOTICE. The signature of this Assignment must correspond with the name written upon the face of this Certificate, in every particular without alteration or enlargement, or any change whatever.

State of Ohio
Department of State

Bob Taft
Secretary of State

Date 5/10/91 Number 795550 Receipt No. 82350

H111-0300 3074

Received of EMENS, HURD, KEGLER & RITTER H0111-0300
or filed by

The sum of $ 75.00 for filing ARF of

DEWEY'S CANDY COMPANY

Returned to: 82350
EMENS, HURD, KEGLER & RITTER

RECEIPT

ARF $ 75.00

Total Fees: $

Ex. C

12-01731-mg Doc 1-2 Filed 06/22/12 Entered 06/26/12 12:39:10 Attachment 1
Pg 26 of 27

235-32-3336

INCORPORATED UNDER THE LAWS OF THE STATE OF OHIO
See reverse side for transfer information

NUMBER 5288

SHARES **500**

NATIONAL SORBENTS, INC.

Authorized 3,000,000 Shares

Share Without Par Value

This Certifies That VACY O WEBB

FIVE HUNDRED********

is the owner of the above stated number of the fully paid and non-assessable Class A Common Shares, without par value, of **National Sorbents, Inc.** *transferable on the books of the Corporation by the registered holder in person or by duly authorized attorney upon surrender of this certificate properly endorsed.*

This certificate is not valid until countersigned by the transfer agent and registered by the registrar.

WITNESS *the facsimile signatures of its duly authorized officers.*

Dated JANUARY 02, 1992

NATIONAL SORBENTS, INC. CINCINNATI, OHIO

NATIONAL SORBENTS, INC.

Daniel B Jones
PRESIDENT

Judi E. Jones
SECRETARY

COUNTERSIGNED AND REGISTERED:
DUBLIN STOCK TRANSFER, INC. (WORTHINGTON, OH)
TRANSFER AGENT AND REGISTRAR

BY Eileen Johnson
AUTHORIZED SIGNATURE

© GOES 730

EXHIBIT D

THESE SHARES ARE NOT REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, AND ARE SOLD IN RELIANCE UPON THE EXEMPTION PROVIDED IN SECTION 3(a)(11) OF SAID ACT AND RULE 147 PROMULGATED THEREUNDER. THEREFORE, THE SHARES ARE OFFERED EXCLUSIVELY TO BONA FIDE RESIDENTS OF THE STATE OF OHIO WHO PURCHASE OTHER THAN WITH A VIEW TO RESALE, TRANSFER OR OTHER DISTRIBUTION TO NON-RESIDENTS OF THE STATE OF OHIO. THERE ARE RESTRICTIONS ON THE TRANSFER OF THE SHARES TO NON-RESIDENTS OF THE STATE OF OHIO PRIOR TO THE EXPIRATION OF NINE MONTHS AFTER THE DATE THE SECURITIES HAVE COME TO REST IN THE HANDS OF OHIO RESIDENTS, AND THERE MAY BE NO PUBLIC MARKET FOR THE SHARES. THE SHARES MAY NOT BE SOLD, PLEDGED, HYPOTHECATED, DONATED OR OTHERWISE TRANSFERRED TO A NON—RESIDENT OF THE STATE OF OHIO, WHETHER OR NOT FOR CONSIDERATION, BY THE HOLDER EXCEPT UPON THE ISSUANCE TO THE COMPANY OF A FAVORABLE OPINION OF COUNSEL AND SUBMISSION TO THE COMPANY OF SUCH EVIDENCE AS MAY BE SATISFACTORY TO COUNSEL FOR THE COMPANY, TO THE EFFECT THAT ANY SUCH TRANSFER WILL NOT BE IN VIOLATION OF THE SECURITIES ACT OF 1933, AS AMENDED.

The following abbreviations, when used in the inscription on the face of this certificate, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM — as tenants in common

TEN ENT — as tenants by the entireties

JT TEN — as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT _____ custodian _____
(Cust) (Minor)
under Uniform Gifts to Minors
Act _____
(State)

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED, _____ *hereby sell, assign and transfer unto*

_____

_____ *Shares beneficially represented by the within Certificate, and do hereby irrevocably constitute and appoint*

_____ *Attorney, to transfer the said Shares on the books of the within named Corporation, with full power of substitution in the premises.*

Dated _____ *19*____

In Presence of _____

_____

NOTICE. The signature of this Assignment must correspond with the name written upon the face of this Certificate, in every particular without alteration or enlargement, or any change whatever.

INCORPORATED UNDER THE LAWS OF THE STATE OF OHIO
See reverse side for transfer information

NUMBER 5590

SHARES **500**

NATIONAL SORBENTS, INC.

Authorized 3,000,000 Shares

Share Without Par Value

This Certifies That VACY O WEBB

235-32-3336

FIVE HUNDRED********

is the owner of the above stated number of the fully paid and non-assessable Class A Common Shares, without par value, of **National Sorbents, Inc.** *transferable on the books of the Corporation by the registered holder in person or by duly authorized attorney upon surrender of this certificate properly endorsed.*

This certificate is not valid until countersigned by the transfer agent and registered by the registrar.

WITNESS the facsimile signatures of its duly authorized officers.

Dated MARCH 19, 1992

NATIONAL SORBENTS, INC.

Daniel B Jones
PRESIDENT

Judi E. Jones
SECRETARY

NATIONAL SORBENTS, INC. CINCINNATI, OHIO

COUNTERSIGNED AND REGISTERED:
DUBLIN STOCK TRANSFER, INC (WORTHINGTON, OH)
TRANSFER AGENT AND REGISTRAR

BY Gilbert Johnson
AUTHORIZED SIGNATURE

© GOES 730

EXHIBIT D

12-01731-mg Doc 1-2 Filed 06/22/12 Entered 06/26/12 12:39:10 Attachment 1

THESE SHARES ARE NOT REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, AND ARE SOLD IN RELIANCE UPON THE EXEMPTION PROVIDED IN SECTION 3(a)(11) OF SAID ACT AND RULE 147 PROMULGATED THEREUNDER. THEREFORE, THE SHARES ARE OFFERED EXCLUSIVELY TO BONA FIDE RESIDENTS OF THE STATE OF OHIO WHO PURCHASE OTHER THAN WITH A VIEW TO RESALE, TRANSFER OR OTHER DISTRIBUTION TO NON-RESIDENTS OF THE STATE OF OHIO. THERE ARE RESTRICTIONS ON THE TRANSFER OF THE SHARES TO NON-RESIDENTS OF THE STATE OF OHIO PRIOR TO THE EXPIRATION OF NINE MONTHS AFTER THE DATE THE SECURITIES HAVE COME TO REST IN THE HANDS OF OHIO RESIDENTS, AND THERE MAY BE NO PUBLIC MARKET FOR THE SHARES. THE SHARES MAY NOT BE SOLD, PLEDGED, HYPOTHECATED, DONATED OR OTHERWISE TRANSFERRED TO A NON—RESIDENT OF THE STATE OF OHIO, WHETHER OR NOT FOR CONSIDERATION, BY THE HOLDER EXCEPT UPON THE ISSUANCE TO THE COMPANY OF A FAVORABLE OPINION OF COUNSEL AND SUBMISSION TO THE COMPANY OF SUCH EVIDENCE AS MAY BE SATISFACTORY TO COUNSEL FOR THE COMPANY, TO THE EFFECT THAT ANY SUCH TRANSFER WILL NOT BE IN VIOLATION OF THE SECURITIES ACT OF 1933, AS AMENDED.

The following abbreviations, when used in the inscription on the face of this certificate, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM — as tenants in common

TEN ENT — as tenants by the entireties

JT TEN — as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT _____ custodian _____
(Cust) (Minor)
under Uniform Gifts to Minors
Act _____
(State)

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED, _____ *hereby sell, assign and transfer unto*

_____

_____ *Shares beneficially represented by the within Certificate, and do hereby irrevocably constitute and appoint*

_____ *Attorney, to transfer the said Shares on the books of the within named Corporation, with full power of substitution in the premises.*

Dated _____ *19*____

In Presence of _____

_____

NOTICE. The signature of this Assignment must correspond with the name written upon the face of this Certificate, in every particular without alteration or enlargement, or any change whatever.

GMAC Mortgage

May 14, 2012

Dear Homeowner,

As you may have read or heard, Residential Capital, LLC (ResCap), recently announced that it and its subsidiaries, including GMAC Mortgage, are restructuring under Chapter 11. Although you may not be familiar with our name, ResCap is the parent company of GMAC Mortgage, which services your mortgage. As servicer, GMAC Mortgage collects and keeps track of your mortgage payments and ensures that they are applied to your account and properly distributed to the lenders and investors who own your loan.

The restructuring of ResCap and GMAC Mortgage does not change your obligations as a mortgage borrower. **As such, you must continue to make your scheduled mortgage payments on time and in full to the address listed on your monthly account statement.**

While nothing has changed in relation to the amount of your mortgage payments or where you send those payments, we understand you may have some questions. Please feel free to contact our toll-free Homeowner Hotline at (888) 926-3479 between 8 a.m. and 5 p.m. EST, or refer to http://www.kccllc.net/rescap for additional information regarding ResCap's Chapter 11 reorganization. If you have specific questions about your loan, please reach out to the customer service number listed on your monthly statement.

In the coming weeks, you will receive a Notice of Chapter 11 Bankruptcy Cases, Meeting of Creditors, and Deadlines in the mail. No action is required on your part, related to this restructuring.

For our part, everyone on the GMAC Mortgage team is committed to providing the same high level of service and responsiveness we've always shown to the homeowners whose mortgage loans are entrusted to us. We look forward to helping you continue to build equity and value in your home.

Sincerely,

Thomas Marano
Chief Executive Officer
Residential Capital, LLC

GMAC Mortgage, LLC
1100 Virginia Drive
Fort Washington, PA 19034

EXHIBIT E

CLOSED

U.S. District Court
Southern District of Ohio (Columbus)
CIVIL DOCKET FOR CASE #: 2:96-cv-00494-JPK-MRA
Internal Use Only

Bryk, et al v. Hurd, et al
Assigned to: Joseph P. Kinneary
Referred to: Magistrate Judge Mark R. Abel
Demand: $0
Case in other court: Eastern Division, 1:95-cv-01096
Cause: 18:1962 Racketeering (RICO) Act

Date Filed: 05/17/1996
Date Terminated: 09/28/2000
Jury Demand: Plaintiff
Nature of Suit: 470 Racketeer/Corrupt Organization
Jurisdiction: Federal Question

Plaintiff

John P Bryk

represented by **William Henry Blessing**
119 East Court Street, Ste 500
Cincinnati, OH 45202
513-621-9191
Fax: 513-621-7086
Email: billblessing@cinci.rr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Gregory J Burkhart

represented by **William Henry Blessing**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

William A Burkhart

represented by **William Henry Blessing**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Dwight I Hurd
TERMINATED: 05/11/1999

represented by **Stephen Joseph Butler**
Thompson Hine LLP - 1
312 Walnut Street
14th Floor
Cincinnati, OH 45202-4029
513-352-6700
Email: steve.butler@thompsonhine.com

EXHIBIT F

TERMINATED: 12/24/1996
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Chester Wilkinson
Attorney at Law
341 S. Third Street
Suite 101
Columbus, OH 43215
614-224-6527
Fax: 614-224-6529
Email: wilkinwc@hotmail.com
TERMINATED: 05/11/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

David M Carmichael

Defendant

Robert D Hodge

represented by **Anil V Anthony**
655 Metro Place South
Suite 230
Dublin, OH 43017
614-760-5500
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Lawrence Summers
DISCIPLINARY ACTION PENDING
Summers Vargas & Resnick - 2
23240 Chagrin Boulevard
Suite 525
Cleveland, OH 44122
216-591-0727
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Beth A Eyerman

represented by **Mary Jane McFadden**
McFadden, Winner, Savage & Segerman, LLP
175 South Third Street
Suite 350
Columbus, OH 43215-5188
614-221-8868
Fax: (614) 221-3985
Email: m_mcfadden@earthlink.net

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Anthony Kohl

Defendant

Emens Kegler Brown Hill & Ritter Company LPA
TERMINATED: 06/09/1998

represented by **John Wolcott Zeiger**
Zeiger Tiges Little & Lindsmith LLP
3500 Huntington Center
41 S High Street
Columbus, OH 43215
614-365-9900
Fax: 614-365-7900
Email: zeiger@litohio.com
TERMINATED: 06/09/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Carlile Patchen & Murphy
Attorneys at Law
TERMINATED: 05/11/1999

represented by **Stephen Joseph Butler**
(See above for address)
TERMINATED: 12/24/1996
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Chester Wilkinson
(See above for address)
TERMINATED: 05/11/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/12/1995	1	COMPLAINT (Summonses issued) (no. pgs: 17) (dm) (Entered: 12/13/1995)
12/14/1995	2	ORDER OF PROCEDURE by Judge Herman J. Weber ; Parties have to 2/20/96 to respond. (cc: all counsel) (no pgs: 3/consent form, ltr & mag bk) (do) (Entered: 12/14/1995)
12/14/1995		(Court only) Docket Modification (Utility Event) ; Case mgnt ddl set for 2/20/96 (do) (Entered: 12/14/1995)
02/12/1996	3	MOTION by defendant Emens Kegler Brown to vacate Order of Procedure of 12/14/95 (no pgs: 5+Proposed order) (dm) (Entered: 02/13/1996)
02/12/1996	4	MOTION by defendant Emens Kegler Brown to dismiss (no pgs: 13) (dm) (Entered: 02/13/1996)

02/12/1996	5	STIPULATION by Pltfs and Defts Hurd and Carlile, Patchen & Murphy may have to 3/4/96 to respond re complaint [1-1] (no pgs: 2) (dm) (Entered: 02/13/1996)
02/15/1996		NOTATION ORDER by Judge Herman J. Weber granting stipulation [5-1]; Defts to respond to complaint 3/4/96 (cc: all counsel) (dm) (Entered: 02/15/1996)
02/28/1996	6	RESPONSE by plaintiffs to [2-1] order of procedure (no pgs: 4) (vp) (Entered: 02/29/1996)
03/04/1996	7	NOTICE of adopting Motion to Dismiss filed on behalf of Emens Kegler Brown Hill & Ritter by defendant Robert D Hodge (no pgs: 2) (dm) (Entered: 03/04/1996)
03/04/1996	8	MOTION by defendant Dwight I Hurd, defendant Carlile Patchen & to dismiss complaint (no pgs: 3) (dm) (Entered: 03/05/1996)
03/04/1996	9	MOTION by defendant Dwight I Hurd, defendant Carlile Patchen & to vacate Order of procedure (no pgs: 3) (dm) (Entered: 03/05/1996)
03/04/1996	10	STIPULATION by Pltf and Deft Robert D Hodge that deft may have to 3/4/96 to respond re complaint [1-1] (no pgs: 2) (dm) (Entered: 03/05/1996)
03/05/1996		NOTATION ORDER by Judge Herman J. Weber granting stipulation [10-1] (cc: all counsel) (dm) (Entered: 03/05/1996)
03/13/1996	11	MOTION by defendant Beth A Eyerman to dismiss (no pgs: 4) (dm) (Entered: 03/13/1996)
03/19/1996	12	Stipulation and ORDER by Judge Herman J. Weber and parties; Pltfs may have to 3/21/96 to respond to Docs 4,7,8 (cc: all counsel) (no pgs: 2) (dm) (Entered: 03/19/1996)
03/21/1996	13	RICO Case Statement by plaintiff (no pgs: 17+) (vp) (Entered: 03/22/1996)
03/21/1996	14	MEMORANDUM by plaintiffs in opposition to [8-1] [3-1] defts motions to dismiss (no pgs: 8) (vp) (Entered: 03/22/1996)
04/01/1996	15	REPLY by defendant Dwight I Hurd, defendant Carlile Patchen & to response to motion to dismiss complaint [8-1] (no pgs: 5) (dm) (Entered: 04/02/1996)
04/03/1996	16	REPLY by defendant Emens Kegler Brown to response to motion to dismiss [4-1] (no pgs: 9) (dm) (Entered: 04/03/1996)
05/01/1996	17	ORDER by Judge Herman J. Weber granting motion to vacate Order of procedure [9-1], granting motion to vacate Order of Procedure of 12/14/95 [3-1] vacating [2-1] procedure order (cc: all counsel) (no pgs: 1) (dm) (Entered: 05/01/1996)
05/09/1996	18	MOTION by defendant Dwight I Hurd, defendant Carlile Patchen & to dismiss (no pgs: 2) (dm) (Entered: 05/09/1996)
05/13/1996	19	ORDER by Judge Herman J. Weber denying motion to dismiss [11-1], denying motion to dismiss complaint [8-1], denying motion to dismiss [4-1] transferring case to the SDO Eastern division Division (cc: all counsel) (no pgs: 4) (dm)

		(Entered: 05/13/1996)
05/13/1996		(Court only) Docket Modification (Utility Event) terminating case (dm) (Entered: 05/13/1996)
05/14/1996	20	MOTION by plaintiff for class certification (no pgs: 13) (vp) (Entered: 05/14/1996)
05/17/1996	21	Original file, certified copy of transfer order docket sheet received from SDO-Cincinnati [C1-95-1096]; to Chief Judge John D. Holschuh (referred to Mag. Judge Mark R. Abel) (pl) (Entered: 05/20/1996)
05/30/1996	22	NOTICE by defendant Emens Kegler Brown of pending motions to dismiss (no pgs: 3) (pl) (Entered: 06/03/1996)
06/07/1996	23	Stipulation and ORDER by Mag. Judge Mark R. Abel: dfts have until 6/28/96 to respond to pltfs;' motion for class certification and pltfs have until 7/17/96 to file reply brief (cc: all counsel) (no pgs: 2) (gk) (Entered: 06/10/1996)
06/25/1996	24	NOTICE setting this action for Preliminary PTC 10:00 8/15/96 no pgs: 2 (cc: all counsel) (gk) (Entered: 06/25/1996)
06/28/1996	25	ORDER by Mag. Judge Mark R. Abel telephone disc conf held 6/27/96; defts to serve disc upon pltf by 7/3/96; resp due 8/5/96; deft resp to motion to certify due 9/30/96; Prelim pretrial conf reset 11:30 8/8/96 (cc: all counsel) (no pgs: 2) (pl) (Entered: 06/29/1996)
06/28/1996	26	NOTICE by defendant Emens Kegler Brown of taking deposition of John P. Bryk on 8/26/96 at 9:30 a.m. (no pgs: 2) (pl) (Entered: 07/01/1996)
06/28/1996	27	NOTICE by defendant Emens Kegler Brown of taking deposition of Gregory J. Burkhart on 8/28/96 at 9:30 (no pgs: 2) (pl) (Entered: 07/01/1996)
06/28/1996	28	NOTICE by defendant Emens Kegler Brown of taking deposition of William A. Burkhart on 8/29/96 at 9:30 (no pgs: 2) (pl) (Entered: 07/01/1996)
07/09/1996	29	ORDER by Chief Judge John D. Holschuh recusing himself and directing the Clerk to randomly draw the Judge to whom this case should be transferred (cc: all counsel) (no pgs: 1) (pl) (Entered: 07/10/1996)
07/09/1996		(Court only) Docket Modification (Utility Event) Case reassigned to Judge Joseph P. Kinneary Sr. by random draw (pl) (Entered: 07/10/1996)
08/05/1996		Mail Returned [24-1] addressed to Anthony Kohl (pl) (Entered: 08/06/1996)
08/09/1996	30	ORDER by Mag. Judge Mark R. Abel ; Prelim pretrial conf held 8/8/96 ; oppos to motion for class certification due 9/30/96; reply due 10/23/96; Status conference set 11:00 10/30/96 ; Pltf to quarterly report fees to deft; Status report ddl set 9/16/96 ; Discovery ddl set 6/30/97 ; Mtn filing ddl set 8/15/97 (cc: all counsel) (no pgs: 2) (pl) (Entered: 08/12/1996)
09/17/1996	31	AGREED SCHEDULING ORDER by Mag. Judge Mark R. Abel, -Status conference w/MagJ Abel set for 10:00 1/14/97 -Discovery ddl reset to 9/1/97 -Mtn filing ddl reset to 10/15/97 -brief stay of proceedings to permit completion of discovery in related case -if case unresolved depo of John P Bryk 10/23/96 @

		8:00 am -depo of William Burkhart & Gregory Burkhart 10/28/96 @ 9:00 am -pltfs expert Rule 26 disclosures by 4/1/97, defts by 5/15/97 (cc: all counsel) (no pgs: 4) (seal) (Entered: 09/18/1996)
11/20/1996	32	NOTICE of Settlement conference by phone w/MagJ Abel set for 3:00 12/4/96 (cc: all counsel) (wh) (Entered: 11/21/1996)
12/02/1996	33	MOTION by defendant Carlile Patchen & to extend time for m/c class cert (no pgs: 3) (wh) (Entered: 12/03/1996)
12/02/1996	34	AGREED ORDER by Mag. Judge Mark R. Abel -m/c class cert by Emens firm due 1/6/97 (cc: all counsel) (no pgs: 2) (wh) (Entered: 12/03/1996)
12/04/1996	35	CORRECTION by defendant Carlile Patchen to motion to extend time for m/c class cert [33-1] (no pgs: 2) (wh) (Entered: 12/05/1996)
12/06/1996	36	ORDER by Mag. Judge Mark R. Abel -Settlement conference held 3:00 12/4/96 -m/c class cert due 1/16/97 (cc: all counsel) (no pgs: 1) (wh) (Entered: 12/09/1996)
12/06/1996	37	ORDER by Mag. Judge Mark R. Abel granting motion to extend time for m/c class cert [33-1], -ext to 1/16/97 (cc: all counsel) (no pgs: 1) (wh) (Entered: 12/10/1996)
12/17/1996	38	ORDER by Judge Joseph P. Kinneary Sr. denying motion to dismiss [18-1] (cc: all counsel) (no pgs: 4) (wh) (Entered: 12/17/1996)
12/19/1996	39	AGREED ORDER by Mag. Judge Mark R. Abel -Emens firm ans due 1/16/97 (cc: all counsel) (no pgs: 2) (wh) (Entered: 12/20/1996)
12/24/1996	40	ATTORNEY SUBSTITUTION: terminating attorney Stephen Joseph Butler for Carlile Patchen &, attorney Stephen Joseph Butler for Dwight I Hurd and substituting attorney William Chester Wilkinson (no pgs: 2) (wh) (Entered: 12/27/1996)
01/16/1997	41	ANSWER by defendant Dwight I Hurd, defendant Carlile Patchen (no pgs: 8) (wh) (Entered: 01/17/1997)
01/16/1997	42	ANSWER by defendant Emens Kegler Brown (no pgs: 10) (wh) (Entered: 01/17/1997)
01/16/1997	43	MOTION by defendant Emens Kegler Brown for summary judgment (no pgs: 51) (wh) (Entered: 01/17/1997)
01/16/1997	44	MEMO IN OPPO by defendant Emens Kegler Brown to motion for class certification [20-1] (no pgs: 46) (wh) (Entered: 01/17/1997)
01/16/1997	45	BRIEF IN OPPO by defendant Dwight I Hurd, defendant Carlile Patchen & to motion for class certification [20-1](no pgs: 21 + exhibits) (wh) (Entered: 01/17/1997)
01/16/1997	46	APPENDIX OF EXHIBITS by defendant Emens Kegler Brown re motion response [44-1], re motion for summary judgment [43-1] (wh) (Entered: 01/17/1997)

01/16/1997	47	NOTICE by defendant Emens Kegler Brown of filing depos of John P Bryk, William A Burkhart & Gregory J Burkhart (no pgs: 2) (wh) (Entered: 01/17/1997)
01/16/1997		Deposition of Gregory J Burkhart (1 vol 10/28/96) (wh) (Entered: 01/17/1997)
01/16/1997		Deposition of William J Burkhart (1 vol 10/28/96) (wh) (Entered: 01/17/1997)
01/16/1997		Deposition of Dr John Paul Bryk, Jr (1 vol 10/23/96) (wh) (Entered: 01/17/1997)
01/30/1997	48	AGREED ORDER EXTENDING TIME by Mag. Judge Mark R. Abel, -ext of 10 days for rply to mtn to cert class & m/c MSJ (cc: all counsel) (no pgs: 2) (seal) (Entered: 02/03/1997)
02/10/1997	49	ORDER by Mag. Judge Mark R. Abel, -ext to 2/17/97 for reply to mtn for class cert & 3/3/97 for m/c MSJ (cc: all counsel) (no pgs: 1) (wh) (Entered: 02/12/1997)
02/18/1997	50	REPLY by plaintiff to response to motion for class certification [20-1] (wh) (Entered: 02/18/1997)
03/03/1997	51	MOTION by defendant Emens Kegler Brown for leave to file sur-reply in oppo to class cert (no pgs: 2 + sur-reply) (wh) Modified on 03/04/1997 (Entered: 03/04/1997)
03/04/1997	52	MEMO IN OPPO by plaintiff to motion for summary judgment [43-1] (no pgs: 26 + exhibits) (wh) (Entered: 03/04/1997)
03/17/1997	53	AGREED ORDER by Mag. Judge Mark R. Abel -ext to 4/16/97 for reply to m/c MSJ (cc: all counsel) (no pgs: 1) (wh) (Entered: 03/18/1997)
04/16/1997	54	REPLY by defendant Emens Kegler Brown to response to motion for summary judgment [43-1] (no pgs: 30 + exhibits) (wh) (Entered: 04/17/1997)
04/17/1997	55	AGREED AMENDMENT TO SCHEDULING ORDER by Mag. Judge Mark R. Abel -pltfs Rule 16 disclosures by 5/15/97 -defts 6wks thereafter (cc: all counsel) (no pgs: 1) (wh) (Entered: 04/18/1997)
05/29/1997	56	AMENDED SCHEDULING ORDER by Mag. Judge Mark R. Abel -conf w/counsel held 5/22/97 -pltfs expert Rule 26 disclosures by 6/30/97 -defts by 8/11/97 (cc: all counsel) (no pgs: 1) (wh) (Entered: 05/29/1997)
06/17/1997	57	NOTICE of Settlement conference set for 10:00 7/16/97 (cc: all counsel) (wh) (Entered: 06/18/1997)
06/25/1997	58	MOTION by defendants Carlile Patchen &, Hurd (Carlile Firm) for hearing on Bryk fitness to serve as class rep (no pgs: 6) (wh) (Entered: 06/27/1997)
08/07/1997	59	NOTICE of Settlement conference w/MagJ Abel set for 11:00 8/15/97 (cc: all counsel) (wh) (Entered: 08/07/1997)
08/13/1997	60	NOTICE of Settlement conference reset to 10:30 9/22/97 (cc: all counsel) (wh) (Entered: 08/13/1997)

01/29/1998	61	ORDER by Mag. Judge Mark R. Abel granting motion for leave to file sur-reply in oppo to class cert [51-1] (cc: all counsel) (no pgs: 1) (wh) (Entered: 01/29/1998)
01/29/1998	62	REPLY by Emens Kegler Brown to response to motion for class certification [20-1] (no pgs: 5) (wh) (Entered: 01/29/1998)
02/05/1998	63	MOTION by Carlile Patchen & to dismiss all claims brought under RICO statute (no pgs: 34) (wh) (Entered: 02/06/1998)
02/06/1998	64	MOTION by Carlile Patchen &, Dwight I Hurd for summary judgment on all common law clms brought by pltf (no pgs: 16 + exhibits) (wh) (Entered: 02/06/1998)
02/11/1998		(Court only) Docket Modification (Utility Event) finding the motion for summary judgment [43-1] moot. -settlement pending (wh) (Entered: 02/11/1998)
02/11/1998	65	MOTION by Carlile Patchen &, Dwight I Hurd for summary judgment on all clms of pltfs William & Greg Burkhart (no pgs: 14 + exhibits) (wh) (Entered: 02/12/1998)
03/02/1998	66	ORDER by Mag. Judge Mark R. Abel -ext to 3/20/98 for m/c dft Carlile Patchen's MSJ, MSJ & MTD (cc: all counsel) (no pgs: 1) (wh) (Entered: 03/03/1998)
03/18/1998	67	STIPULATION of class action setttlement and JOINT MOTION for preliminary approval (no pgs: 3 + exhibits) (wh) (Entered: 03/19/1998)
03/18/1998	68	ORDER by Senior Judge Joseph P. Kinneary granting motion for preliminary approval [67-1] of notice for class action certification sett hrg & administration re stip between pltfs & dft Kegler, Brown, Hill & Ritter -In-court hearing set 10:30 6/8/98 (cc: all counsel) (no pgs: 17) (wh) (Entered: 03/19/1998)
03/23/1998	69	ORDER by Mag. Judge Mark R. Abel -ext to 4/20/98 for responses by pltfs to Carlile Patchen, etc MSJ's & MTD (cc: all counsel) (no pgs: 1) (wh) (Entered: 03/25/1998)
03/26/1998	70	OPINION AND ORDER: by Senior Judge Joseph P Kinneary -denying motion for hearing on Bryk fitness as class rep [58-1] -granting motion for class certification [20-1] as to those claims which do not arise from unique oral representations, for the following class: All persons who purchased securities from Dublin Securities Inc during the time period of 1988 through 1992, execpting those purchasers presently within the class certified in Glatz v. Beaman, No. 92-CV-058 (Erie Co., Ohio Common Pleas). The Court finds pltfs W Burkhart & J Bryk are adequate class reps but G Burkhart may not serve as class rep (cc: all counsel) (no pgs: 39) (wh) (Entered: 03/27/1998)
03/27/1998	71	ORDER by Senior Judge Joseph P. Kinneary -amd to order w/respect to class action certification's notice sett hrg & admin (cc: all counsel) (no pgs: 1) (wh) (Entered: 03/31/1998)
04/02/1998	72	NOTICE of Final pretrial conf set for 10:30 10/2/98 (cc: all counsel) (wh) (Entered: 04/02/1998)

04/02/1998	73	NOTICE OF TRIAL: -Final PTO due: 9/29/98 -Jury Trial set for 9:00 11/2/98 (cc: all counsel) (no pgs: 1) (wh) (Entered: 04/02/1998)
04/21/1998	75	RESPONSE by plaintiff to motion for summary judgment on all common law clms brought by pltf [64-1] (no pgs: 7) (wh) (Entered: 04/23/1998)
04/21/1998	76	RESPONSE by William A Burkhart to motion for summary judgment on all clms of pltfs William Burkhart (no pgs: 5 + exhibits) (wh) (Entered: 04/23/1998)
04/21/1998	77	RESPONSE by plaintiff to motion to dismiss all claims brought under RICO statute [63-1] (no pgs: 13) (wh) (Entered: 04/23/1998)
04/22/1998	74	NOTICE of Status conference w/MagJ Abel set for 2:00 4/27/98 (cc: all counsel) (wh) (Entered: 04/22/1998)
04/30/1998	78	STATUS & SCHEDULING CONFERENCE ORDER by Mag. Judge Mark R. Abel -Status conference held 2:00 4/27/98 -joint written Status report ddl set for 8/28/98 -Notice to class to Court by 5/27/98 (cc: all counsel) (no pgs: 3) (wh) (Entered: 04/30/1998)
05/04/1998	79	NOTICE by Robert D Hodge of change of address for atty Anil V Anthony (no pgs: 2) (wh) (Entered: 05/04/1998)
05/05/1998	80	ORDER by Mag. Judge Mark R. Abel -ext to 5/30/98 for rply to MTD & MSJ's (cc: all counsel) (no pgs: 2) (wh) (Entered: 05/05/1998)
05/06/1998	81	NOTICE of Final pretrial conf VACATED 10:30 10/2/98 (cc: all counsel) (wh) (Entered: 05/06/1998)
05/06/1998	82	NOTICE OF Jury trial VACATED 9:00 11/2/98 (cc: all counsel) (wh) (Entered: 05/06/1998)
05/06/1998	83	REPLY by Carlile Patchen & to response to motion to dismiss all claims brought under RICO statute [63-1] (no pgs: 13) (wh) (Entered: 05/08/1998)
05/08/1998	84	REPLY by Carlile Patchen &, Dwight I Hurd to response to motion for summary judgment on all common law clms brought by pltf [64-1] (no pgs: 12) (wh) (Entered: 05/11/1998)
05/12/1998	85	REPLY by Carlile Patchen &, Dwight I Hurd to response to motion for summary judgment on all clms of pltfs William & Greg Burkhart [65-1] (no pgs: 7) (wh) (Entered: 05/18/1998)
05/18/1998	86	CERTIFICATION on issuance of notice of proposed settlement by plaintiff (no pgs: 3 + exhibits) (wh) (Entered: 05/19/1998)
05/26/1998	87	MEMORANDUM by plaintiff in support of settlement [68-2] (no pgs: 13) (wh) (Entered: 05/27/1998)
05/26/1998	88	MOTION by plaintiff for award of attorney fees, incentive awards & reimbursement of litigation expenses (no pgs: 19 + exhibits) (wh) (Entered: 06/08/1998)
05/27/1998	89	MOTION by Carlile Patchen & Murphy and D Hurd for fairness hearing (no pgs: 15) (wh) (Entered: 05/28/1998)

06/02/1998	90	MOTION by plaintiff for approval of misc class sett matters (no pgs: 6) (wh) (Entered: 06/03/1998)
06/08/1998	91	ORDER by Senior Judge Joseph P. Kinneary -3/26/98 order expressly amended to state that nothing therein shall be construed as to supersede, modify or impair the settlement class described in the 3/18/98 order (cc: all counsel) (no pgs: 2) (wh) (Entered: 06/08/1998)
06/08/1998	92	ORDER by Senior Judge Joseph P. Kinneary -approving class counsel's treatment of each different social security number designation as a separte class member (cc: all counsel) (no pgs: 2) (wh) (Entered: 06/08/1998)
06/08/1998	93	ORDER by Senior Judge Joseph P. Kinneary -approving mailing of notice of proposed settlement to certain class members (cc: all counsel) (no pgs: 2) (wh) (Entered: 06/08/1998)
06/08/1998	94	CIVIL MINUTES: Proceeding before Senior Judge Joseph P. Kinneary Fairness hearing held 6/8/98 -W Blessing, M Florez, J Sunderland, J Zeiger present -Court approves fairness of settlement between pltfs & Emens Kegler & grants pltfs request for incentive awards -J Koenig C/R -WJ Harrison D/C (wh) (Entered: 06/09/1998)
06/09/1998	95	FINAL JUDGMENT by Senior Judge Joseph P. Kinneary approving class-wide settlement dismissing party Emens Kegler Brown w/prejudice and specified claims against Dwight I Hurd (cc: all counsel) (no pgs: 8) (wh) (Entered: 06/10/1998)
06/15/1998	96	ORDER by Senior Judge Joseph P. Kinneary granting motion for award of attorney fees, incentive awards & of litigation expenses [88-1] -class counsel awarded atty fees of 22 1/2% of sett proceeds ($495,000.00) & reimbursement of litigation expenses through 5/20/98 of $38,453.52 -incentive award to pltf John P Bryk Jr in amt of $10,000.00 & William Burkhart in amt of $2,500.00 (cc: all counsel) (no pgs: 2) (wh) (Entered: 06/16/1998)
06/15/1998	97	ORDER by Senior Judge Joseph P. Kinneary granting motion for approval of misc class sett matters [90-1] -re payments of amts (cc: all counsel) (no pgs: 2) (wh) (Entered: 06/16/1998)
06/16/1998	98	STATEMENT by Kenneth L. Schneider re shares of Edward J Schneider (no pgs: 3) (wh) (Entered: 06/16/1998)
06/18/1998	99	RETURN OF class notification to Ronald Pope, reason unknown (wh) (Entered: 06/19/1998)
06/23/1998	100	RESPONSE by plaintiff to motion for fairness hearing [89-1] (no pgs: 41) (wh) (Entered: 06/24/1998)
07/06/1998	101	REPLY by Carlile Patchen &, Dwight I Hurd to response to motion for fairness hearing [89-1] (no pgs: 5) (wh) (Entered: 07/07/1998)
07/23/1998	102	MOTION by plaintiff for order authorizing payment of sett proceeds (no pgs: 3) (wh) (Entered: 07/27/1998)

07/24/1998	103	ORDER by Senior Judge Joseph P. Kinneary granting motion for order authorizing payment of sett proceeds [102-1] -sum of $1,483,681.67 to qualifying class members -$533,453.52 to class counsel -$12,500.00 to class reps & $1,000.00 to Provident Bank (cc: all counsel) (no pgs: 2) (wh) (Entered: 07/27/1998)
08/28/1998	104	NOTICE of Settlement conference w/Judge Kinneary set for 9:30 9/14/98 (cc: all counsel) (wh) (Entered: 08/28/1998)
09/09/1998		(Court only) Docket Modification (Utility Event) Motion not referred motion for summary judgment on all clms of pltfs William & Greg Burkhart [65-1], motion for summary judgment on all common law clms brought by pltf [64-1], motion to dismiss all claims brought under RICO statute [63-1] (wh) (Entered: 09/09/1998)
09/23/1998	105	MOTION by plaintiff class for order authorizing changes to class members names for distribution of proceeds () (bw) (Entered: 09/23/1998)
09/23/1998	106	ORDER by Senior Judge Joseph P. Kinneary granting motion for order authorizing changes to class members names for distribution of proceeds [105-1] (cc: all counsel) (no pgs: 2) (bw) (Entered: 09/23/1998)
12/14/1998	107	MOTION by plaintiff for order to change class member names for purposes of distribution of sett proceeds (no pgs: 2) (wh) (Entered: 12/15/1998)
12/18/1998	108	ORDER by Senior Judge Joseph P. Kinneary granting motion for order to change class member names for purposes of distribution of sett proceeds [107-1] (cc: all counsel) (no pgs: 1) (wh) (Entered: 12/18/1998)
01/28/1999	109	MOTION by John P Bryk, Gregory J Burkhart, William A Burkhart, Dwight I Hurd, Carlile Patchen & for entry of fnl jgm approving 2nd class sett & dismissing w/prejudice dfts Carlile, Patchen & Murphy and Hurd (no pgs: 2 + exhibits) (wh) (Entered: 01/29/1999)
01/28/1999	111	STIPULATION re motion for entry of fnl jgm approving 2nd class sett & dismissing w/prejudice dfts Carlile, Patchen & Murphy and Hurd [109-1] (wh) (Entered: 01/29/1999)
01/28/1999	111	MOTION by John P Bryk, Gregory J Burkhart, William A Burkhart, Dwight I Hurd, Carlile Patchen & for prelim approval (no pgs: 2 + exhibits) (wh) (Entered: 01/29/1999)
01/28/1999	110	ORDER by Senior Judge Joseph P. Kinneary granting motion for prelim approval [111-1] (cc: all counsel) (no pgs: 4 exhibits) (wh) (Entered: 02/01/1999)
02/02/1999	112	ORDER by Senior Judge Joseph P. Kinneary finding the motion for fairness hearing [89-1] moot (cc: all counsel) (no pgs: 2) (wh) (Entered: 02/02/1999)
04/22/1999	113	Class Counsel's CERTIFICATION on issuance of Notice of proposed Settlement (no pgs: 2 + exhibits) (wh) (Entered: 04/28/1999)
04/27/1999	114	MEMORANDUM in support of Second Settlement by class counsel (no pgs: 12) (wh) (Entered: 04/28/1999)

04/27/1999	115	MOTION by plaintiff counsel for attorney fees , incentive awards & reimbursement of litigation expenses (no pgs: 19 + exhibits) (wh) (Entered: 04/28/1999)
04/28/1999	116	MOTION by plaintiff for special order for Notice to Certain Class Memebers re Revised Loss Calculaitons (no pgs: 5) (wh) (Entered: 04/28/1999)
04/29/1999	117	ORDER by Senior Judge Joseph P. Kinneary granting motion for special order for Notice to Certain Class Memebers re Revised Loss Calculaitons [116-1] & ext to 6/1/99 for these 109 persons to deliver signed clm form to class counsel (cc: all counsel) (no pgs: 2) (wh) (Entered: 04/29/1999)
04/29/1999	118	MOTION by plaintiff's counsel for order authorizing database changes & sett admin procedures (no pgs: 3) (wh) (Entered: 04/30/1999)
05/07/1999	119	NOTICE by plaintiff's counsel of idenitifcation of class members requesting exclusion from proposed 2nd class sett (no pgs: 3) (wh) (Entered: 05/10/1999)
05/11/1999	120	CIVIL MINUTES: Proceeding before Senior Judge Joseph P. Kinneary -Fairness hrg held 5/11/99, 10:30 a.m. on Carlile Patchen, D Hurd settlement -William Blessing for pltfs -John Sunderland for dfts -granting motion for order authorizing database changes & sett admin procedures [118-1] -granting motion for attorney fees [115-1] -granting motion for entry of fnl jgm approving 2nd class sett & dismissing w/prejudice dfts Carlile, Patchen & Murphy and Hurd [109-1] dismissing dfts Carlile, Patchen & Murphy and Hurd -judgment entry to follow -mtn to dismiss remaining dfts to follow -mtn to disburse add funds from first sett to follow -G Wells C/R -WJ Harrison D/C (no pgs: 1) (wh) (Entered: 05/13/1999)
05/11/1999	121	ORDER by Senior Judge Joseph P. Kinneary granting motion for attorney fees [115-1] -counsel awarded 22 1/2 % atty fees, expenses of $26,374.52 & projected expenses of $6,405.00, pltfs incentive award of $45,000 to Bryk & $2500 to Brukhart (cc: all counsel) (no pgs: 2) (wh) (Entered: 05/13/1999)
05/11/1999	122	ORDER by Senior Judge Joseph P. Kinneary -granting database changes & sett admin procedures (cc: all counsel) (no pgs: 2) (wh) (Entered: 05/13/1999)
05/11/1999	123	JUDGMENT approving second class sett by Senior Judge Joseph P Kinneary and dismissing w/prejudice clms against party Carlile Patchen & party Dwight I Hurd, (cc: all counsel) (no pgs: 7) (wh) (Entered: 05/13/1999)
05/13/1999	124	ORDER by Senior Judge Joseph P. Kinneary -Paul A Dabney & Barry Sutherland allowed to participate in settlement (cc: all counsel) (no pgs: 2) (wh) (Entered: 05/13/1999)
06/17/1999	125	MOTION by plaintiff to authorize payment of proceeds of settlement w/dfts Carlile Patchen & Murphy and Hurd (no pgs: 3 + order) (wh) (Entered: 06/23/1999)
06/22/1999	126	ORDER by Senior Judge Joseph P. Kinneary -granting motion to authorize payment of proceeds of settlement w/dfts Carlile Patchen & Murphy and Hurd [125-1] -$1,518,900.15 to Qualifying Class Members -$497,007.48 to Class Counsel -$47,500 to Class Rep -$1,000 to Provident Bank (cc: all counsel) (no pgs: 2) (wh) (Entered: 06/24/1999)

10/26/1999	127	MOTION by plaintiff for order authorizing final distribution of Kegler sett proceeds (no pgs: 3 + exhibits) (wh) (Entered: 11/01/1999)
10/28/1999	128	ORDER by Senior Judge Joseph P. Kinneary granting motion for order authorizing final distribution of Kegler sett proceeds [127-1] -$17,284.69 to class counsel -$301,628.25 to Qualifying Class Members (cc: all counsel) (no pgs: 1) (wh) (Entered: 11/01/1999)
11/09/1999	129	ORDER by Senior Judge Joseph P. Kinneary -holds in abeyance its decision re other individuals that have submitted letter to court (cc: all counsel) (no pgs: 2) (wh) (Entered: 11/09/1999)
11/16/1999	130	LETTER to court from Bernadine Kotlarchik re disbursement of funds (no pgs: 4) (wh) (Entered: 11/17/1999)
11/18/1999	131	ORDER by Senior Judge Joseph P. Kinneary -decision at to Ms Kotlarchik particiaption in settlement held in abeyance -Status report ddl set for 1/10/00 (cc: all counsel) (no pgs: 2) (wh) (Entered: 11/19/1999)
12/08/1999	132	ORDER by Senior Judge Joseph P. Kinneary -court holds in abeyance decision as to Shaku Patel's participation in settlement (cc: all counsel) (no pgs: 2) (wh) (Entered: 12/08/1999)
12/08/1999	133	LETTER to court from Shaku Patel re settlement of case (wh) (Entered: 12/08/1999)
12/20/1999		Mail Returned [132-1] addressed to Anil V Anthony for defendant Robert D Hodge (pl) (Entered: 12/27/1999)
01/11/2000	134	STATUS REPORT by plaintiff John P Bryk, plaintiff Gregory J Burkhart, plaintiff William A Burkhart on disbursements and remaining funds from class settlement with defts Carlile Patchen & Murphy and Dwight Hurd (no pgs: 2) (pl) (Entered: 01/12/2000)
01/12/2000	135	Addendum by plaintiff John P Bryk, plaintiff Gregory J Burkhart, plaintiff William A Burkhart re report [134-1] (containing exemplar check) (no pgs: 3) (pl) (Entered: 01/12/2000)
05/26/2000	136	ORDER by Senior Judge Joseph P. Kinneary ; Status report ddl set 6/16/00 Court holds in abeyance its decision as to whether Ms Brennan or Ms. Swartz may participate in the sharing of the proceeds of the class settlement (cc: all counsel) (no pgs: 4) (pl) (Entered: 05/26/2000)
06/16/2000	137	SUPPLEMENTAL STATUS REPORT by plaintiff John P Bryk, plaintiff Gregory J Burkhart, plaintiff William A Burkhart (no pgs: 3) (sem) (Entered: 06/16/2000)
06/21/2000	138	ORDER by Senior Judge Joseph P. Kinneary ordering payment to qualifying class members in re supplemental status report (cc: all counsel) (no pgs: 3) (sem) (Entered: 06/21/2000)
06/30/2000		Mail Returned [138-1] addressed to Anil V Anthony for defendant Robert D Hodge - no current address available (pl) Modified on 07/05/2000 (Entered: 07/05/2000)

07/20/2000	139	LETTER to court from attorney William Blessing in re Patricia Green (no pgs: 2) (sem) (Entered: 07/20/2000)
07/20/2000	140	ORDER by Senior Judge Joseph P. Kinneary that class counsel shall make payment to Patricia Green as soon as practicable; class counsel shall file a supplemental status report within 30 days from the date of this order (cc: all counsel) (no pgs: 2) (sem) (Entered: 07/20/2000)
08/21/2000	141	STATUS REPORT by plaintiff John P Bryk, plaintiff Gregory J Burkhart, plaintiff William A Burkhart in re remaining funds from class settlements (no pgs: 2) (sem) (Entered: 08/21/2000)
09/28/2000	142	MOTION by plaintiff John P Bryk, plaintiff Gregory J Burkhart, plaintiff William A Burkhart for order of approval in re miscellaneous class settlement matters (no pgs: 2) (sem) (Entered: 09/28/2000)
09/28/2000	143	ORDER by Senior Judge Joseph P. Kinneary that the Court accepts class counsel's recommendation and ORDERS class counsel to transfer any remaining proceeds into the Ohio Victims of Crime Fund dismissing case (cc: all counsel) (no pgs: 3) (sem) (Entered: 09/28/2000)
02/28/2002		Remark: Depositions destroyed per Local Rule 79.2 (sem) (Entered: 02/28/2002)
06/19/2007		File located in Chicago: Accession No. 021 06 0166; Location No. 864910-865207; Box 23 of 298; (Vol.1); Box 24 of 494 (Vols.2-6)(bam) (Entered: 06/19/2007)

ATTACHMENT A

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

RECEIVED
2012 JUN -4 PM 2:13
UNITED STATES
ATTORNEY
COLUMBUS, OHIO

UNITED STATES of America, Ex Rel., Yvonne D. Lewis, Complainant 1, pro se
Sidney T. Lewis, Complainant 2, pro se
1875 Alvason Avenue
Columbus, Ohio 43219
Complainants/Relators

Vs

(RESCAP) case no. 12-12020.
GMAC Mortgage Company LLC (12-12032).
Residential Capital, LLC, et al.,
1100 Virginia Drive
Fort Washington, PA., 19034

And

Huntington Bancshares [HBAN];
41 S. High St.
Columbus, Ohio 43215

And

John Doe [JDoe];
Any Street
Any Town, Any State, USA (domestic or foreign)

Defendants/Respondents

ACTION NO. _____

FALSE CLAIMS ACT COMPLAINT

[31 U.S.C.A. §§ 3729 to 3733]

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

[11 USC §§ 101(53B)(A)(i)(IV), 350(b), 362(a), 524(a), 727, 1452(a); Fed. R. Bankr. P. 5010; [12 USCS §§ 1453(a), 5511 et seq., 5538, 5565(a)(2); (12 CFR § 81.62)][15 USC §§ 1639A&B][18 USC §§ 242, 245(b)(2)(B), 664, 666, 1341, 1503][29 USC §§ 1001(a), 1110(a); 1131, 1106(a)(1)(B), 1132(a)(1)(B),(h), 1141, 1144][49 USC §§ 106(f)(2)(A)(ii), 40117(a)(5),(b), 47504(a)(2)(E)][28 USC §§ 157(c)(1), 1406, 1651]

In Re: Residential Capital, LLC, et al., (RESCAP) Debtor

Case No. 12-12020.
(Ch.11)
(Related BR Case No.05-75111, SD.,Ohio)

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO;
EASTERN DIVISION

In Re: SIDNEY T. LEWIS, pro se,

Case No. 07-bk-57237

	)	(Ch.7)
Debtor	)	(Related Bankr Case No. 05-bk-75111)
	)	
Social Security No.: xxx-xx-5959	)	JUDGE: HOFFMAN, JOHN, Jr.
In Re: Yvonne D. Lewis,	)	Case No. 05-bk-75111
	)	(Ch.7)
Debtor	)	(Related Case No. 07-bk-57237)
	)	
Social Security No.: xxx-xx-2390	)	JUDGE: HOFFMAN, JOHN, Jr.

COMPLAINT IN FEDERAL COURT FOR RECOVERY OF DAMAGES UNDER FALSE CLAIMS ACT

Plaintiffs, Sidney T. Lewis [PRF 48744 1853755] and Yvonne D. Lewis [PRF 48744 2362398], as husband and wife allege:

1.0. Federal Jurisdiction exists pursuant to 49 U.S.C.A. §§ 40117(a)(5),(b), 47504(a)(2)(E); 31 U.S.C.A. § 3730(b)(1) and 31 U.S.C.A. § 3732 inasmuch as this action seeks remedies on behalf of the United States for violations of 31 U.S.C.A. § 3729; 18 U.S.C.A. §§ 242, 245(b)(2)(B) by defendant GMAC Mortgage Company LLC (12-12032) [GMAC] aka Rescap (12-12020); Huntington Bancshares [HBAN]; and John Doe [John Doe], can be found, resides and transacts business in this District. Venue exists in this District pursuant to 31 U.S.C.A. § 3730(b)(1) inasmuch as defendants GMAC and HBAN and John Doe are qualified to do "Mortgage" business in the States of OHIO, Delaware, Pennsylvania, and New York, conducts substantial mortgage business in the State of Ohio, and transacts "Equity Securities Transaction" business in this District. Sidney & Yvonne Lewis' knowledge of the facts upon which this action is based became known to the Lewises in connection with litigation pending in this District sub nom. In Re: Residential Capital, LLC, et al., (RESCAP) case no. 12-12020.

(See: **EXHIBIT 1.1**, Doc. 1, "petition", at pg. 7 of 25, "List of Equity Security Holders")

2.0. Defendants GMAC and HBAN are corporations organized pursuant to the laws of the States of Delaware, Ohio: (A) HBAN's principal place of business at 41 S. High Street, City of Columbus, County of Franklin, in the State of OHIO 43215 under 15 USC § 1639B "mortgage originator", and; **(B)** GMAC's principal place of business at 1100 Virginia Drive, City of Fort Washington, County of Montgomery, in the State of Pennsylvania 19034 under 15 USC § 1639A "servicer", and GMAC is engaged in the business of, inter alia, supplying original and secondary mortgage loan services (Id. § 1639A&B) to the United States as a result of which Defendants GMAC and HBAN have received and continues to receive over $500,000,000.00 a year from the United States by and through Fannie Mae a.k.a. Federal National Mortgage Association. (See: EXHIBIT 2.1, **SHERIFF'S RETURN ORDER OF SALE 10-28-11**) (See: **EXHIBIT2.2, SHERIFF'S RETURN ORDER OF SALE 4-20-12)**

3.0. This action is brought on behalf of the United States to recover all damages, penalties and other remedies established by and pursuant to 31 U.S.C.A. §§ 3729 to 3733, and Sidney T. Lewis and Yvonne D. Lewis, as husband and wife, claims entitlement to a portion of any recovery obtained by the United States as qui tam plaintiff authorized by 31 U.S.C.A. § 3730. (See: EXHIBIT 3.1 & 3.2, **NOTICE OF BANKRUPTCY 5-14-12)**

4.0. GMAC Mortgage Company LLC. (for **"seller's capital gain"**), knowingly, unlawfully and wrongfully submitted false original mortgage claims, records and statements to officials of the United States for the purpose of obtaining excessive payments or approval of "Transfer Gains[1]" as **capital gains** in connection with Repackaged mortgage securities as securitized debt obligations that interfere with

[1] "Although the Transfer Gains Tax is ordinarily imposed at the time of completing legal title and recording a new deed, the Tax is not based on the total value of the property as are traditional transfer taxes, but only on the **seller's capital gain**. See Collins v. U.S., 946 F.2d 864 (Fed. Cir. 1991). Thus, the Transfer Gains Tax is *** to be an income tax." (See: **National R. Passenger Corp. v. 10,178 Square Feet of Land, 789 F. Supp. 142, 143 (S.D.N.Y. 1992))**

"Federally Protected Activities" i.e. 18 U.S.C.A. §§ 242, 245(b)(2)(B) in the ASNA[2] program 49 U.S.C.A. §§106, 47504(a)(2)(E) in violation of FAA regulations 14 C.F.R. § 150.21(e) with a series of contracts and modifications, including:

GMAC Mortgage Loan No. 0307192889:

4.1. SITUATED IN THE COUNTY OF FRANKLIN, STATE OF OHIO, AND IN THE CITY OF COLUMBUS BEING ALL OF LOT NO. SEVENTEEN (17) OF **ARGYLE PARK SUBDIVISION**, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORDED IN PLAT BOOK 36, PAGE 6, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO
PARCEL NO. 010-136633-00 (1875 Alvason Ave., a single family dwelling)

(See: EXHIBIT 4.1. Order in Bankruptcy dated Feb 3, 2006, case no. 05-BK-75111, S.D. Ohio)

GMAC Mortgage Loan No. _____:

4.2. SITUATED IN THE COUNTY OF FRANKLIN, STATE OF OHIO, AND IN THE CITY OF COLUMBUS BEING ALL OF LOT NO. ELEVEN (11) OF **ARGYLE PARK SUBDIVISION**, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORD IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, PARCEL NO. 010-136627-00 (1913 Argyle Dr., a single family dwelling)

(See: EXHIBIT 4.2. Order in Bankruptcy dated Nov. 21, 2007, case no. 07-BK-57237, S.D. Ohio)

DESCRIPTION OF FRAUD OF IMPACTED PROPERTIES

5.0. On or after Sept. 25, 1987 (See: EXHIBIT 1.2, Vol. 53 FR 2800, EFF. Sept. 25, 1987) THE FEDERAL AVIATION ADMINISTRATION (FAA) seized the 1913 Argyle Drive property under Id. § 47504(a)(2)(E) before GMAC's Repackaging of HNB's Original 2001 Mortgage Loan for 1913 Argyle Drive was valued on appraised property at $48,000.00 (See: EXHIBIT 2.0.); GMAC sold the repacked mortgage to Fannie Mae a.k.a. Federal National Mortgage Association for $82,136.00 (12 USCS §

[2] The FAA implements ASNA through regulations found at 14 C.F.R. § 150 ("Part 150"). (See: Nat'l Bus. Aviation Ass'n v. City of Naples Airport Auth., 162 F. Supp. 2d 1343, 1350 (M.D. Fla. 2001))

1453(a)) (See: EX. 2.0); Thus creating a $34,136.00 capital gain on a Fannie Mae asset without payment of a Federal Transfer Gains Tax on October 28, 2011 under 49 USC § 47504(a)(2)(E). (See: **EXHIBIT 2.1**)

> "this Court holds that the Transfer Gains Tax on the transfer of *** property should be borne by Movants as the former owners of the ***property. ***. Those owners were required to pay the Transfer Gains Tax on such sales, ***."

(See: National R. Passenger Corp. v. 10,178 Square Feet of Land, 789 F. Supp. 142, 143 (S.D.N.Y. 1992))

It follows that on JAN. 26, 1968 Robert Hamilton and Bettie Hamilton as Husband and Wife, were the original property owners at the time of **RELEASE OF ORIGINAL MORTGAGE** by Federal National Mortgage to pay the Transfer Gains on the impacted property on OCTOBER 28, 2011 after the effective date when the FAA Ordered Approval of over $7 million dollars of Passenger Facility Charges (PFC's) collected in connection with the Hamiltons' "uncompensated aviation easements" held under a Federal AIP Grant for Port Columbus International Airport through a "taking" under the ASNA program pursuant to 49 U.S.C.A. § 40117(a)(5),(b) and Vol. 57, of Federal Register 40242. (See: 57 FR 40242, EFF. October 1, 1992 under 49 U.S.C.A. § 40117(a)(5),(b))

5.1. On or after SEPT. 25, 1987 (See: **EXHIBIT 1.2, VOL.** 53 FR 2800) GMAC's servicing of HNB's Original Mortgage Loan No. 0307192889 for 1875 Alvason Avenue was valued on appraised property at $57,000.00 (See: EXHIBIT 2.1), GMAC transferred the Deed for the repacked mortgage to Fannie Mae a.k.a. Federal National Mortgage Association for $81,480.00; Thus creating a $24,480.00 capital gain without payment of a Transfer Gains Tax under 49 USC § 47504(a)(2)(E). (See: **EXHIBIT 2.1 AT PG. 2 DEEDED TO:** Federal National Mortgage Association)

It follows that on SEPT. 25, 1987 Vacy O. Webb and Harry L. Webb as Husband and Wife, were the original property owners to pay the Transfer Gains on the impacted property on SEPT. 25, 1987 as the

effective date when the FAA Ordered Approval of 'Flight Tracks[3]' through "uncompensated aviation easements" under a Federal AIP Grant for Port Columbus International Airport through a "taking" under the ASNA program pursuant to Vol. 53, of Federal Register 2800. (See: 53 FR 2800)

FACTS

5.2.A. Effective Date: Sept. 25, 1987 an FAA Order Approved Port Columbus International Airport ("PCIA") as the effective date for the ASNA program pursuant to vol. 53, of Federal Register 2800 as a declaration of statutory taking of "aviation easements" for "flight tracts" in the "Argyle Park Subdivision" under 49 USC § 47504(a)(2)(E). (See: Exhibit 1.2)

5.2.B. Effective Date: October 1, 1992 a FAA Order Approved the PFC's under an AIP Grant for Port Columbus Airport for $7,341,707.00 Million Dollars and the ASNA program Id. § 40117(b) pursuant to vol. 57, of Federal Register 40242.

> "For it is undisputed that "[since] compensation is due at the time of taking, the owner at that time, not the owner at an earlier or later date, receives the payment." Danforth v. United States, 308 U.S. 271, 284; cf. United States v. Dickinson, 331 U.S. 745. We hold, contrary to the Court of Appeals, that the "taking" did not occur in 1946 when the Government filed its declaration of taking, but rather when the United States entered into possession of the land in 1943."

(See: UNITED STATES v. DOW, 357 U.S. 17, 20-21 (U.S. 1958), also see: Ohio v. Kovacs, 469 U.S. 274, 278-279 (U.S. 1985))

6.0. On numerous occasions subsequent to the above-mentioned acts, GMAC and HBAN knowingly, intentionally and willfully submitted claims, records and statements to officials of the United States for payment or approval of the production and delivery of Original Repackaged Mortgage Loans and for technical services related to "third-party" investors (i.e. see Doc. 1, at pg.14 of 25, Fortress Investment

[3](**See and Compare: EXHIBIT 1.3 DEPARTURE Flight Tracks Map; Compare With: EXHIBIT 1.2, AT PAGE 2, "DEPARTURE TRACKS TO THE WEST")**

Group, L.L.C., "Fortress") Collateral Debt Obligations (CDO's) and Equity Default Swaps or Equity Capital Securitization based on the false representations set forth in this complaint, including in particular that each of the Original Mortgages repacked as securities that complied with all specifications.

7.0. Each of the approximately thousands of original mortgages as delivered by GMAC and HBAN to the United States and the approximately thousands of repackaged mortgages presently being assembled as CDO's fail to meet applicable specifications in that the original mortgages were not properly RELEASED of record before converted to, repackaged as, CDO's or securities and sold to "third-parties".

8.0. The United States has been damaged by all of the above-mentioned misrepresentations and false claims in a sum of not less than $1 Billion Dollars in that with respect to each *repackaged mortgages* delivered to the United States, through Fannie Mae a.k.a. Federal National Mortgage Association, directly or indirectly, GMAC Mortgage Company LLC., knowingly made false claims to officials of the United States for the purpose of obtaining payment or approval for each *repackaged mortgage*, and for services related to those CDO's.

Wherefore, the United States is entitled to damages from GMAC and HBAN in accordance with the provisions of 31 U.S.C.A. §§ 3729 to 3733, of which up to twenty percent 20% should be paid to Sidney T. Lewis and Yvonne D. Lewis, as husband and wife, and as relator, and such further relief as is appropriate in the premises.

Dated: June 4, 2012 Sidney T. Lewis
Sidney T. Lewis, pro se

Dated: June 4, 2012 Yvonne D. Lewis
Yvonne D. Lewis, pro se

VERIFICATION

State of Ohio)
) SS:
Franklin County)

I, Yvonne D. Lewis, declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge as based on my understandings and belief.

FURTHER SAYETH THE AFFIANT NAUGHT.

Executed on June 4, 2012 pursuant to 28 U.S.C.§§ 1367; 1651,1746; U.S. Const., Amend., § 14th.

Yvonne D. Lewis

YVONNE D. LEWIS, Affiant, In Personam

VERIFICATION

State of Ohio)
) SS:
Franklin County)

I, Sidney T. Lewis, declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge as based on my understandings and belief.

FURTHER SAYETH THE AFFIANT NAUGHT.

Executed on June 4, 2012 pursuant to 28 U.S.C.§§ 1367; 1651,1746; U.S. Const., Amend., § 14th.

Sidney Lewis

SIDNEY T. LEWIS, Affiant, In Personam

EXHIBIT 1.1

DOC. 1, pgs. 7 of 25, 14 of 25

Case No. 12032, GMAC

" JOINT ADMINISTRATION"

ACTION BY WRITTEN CONSENT OF THE BOARD OF DIRECTORS OF GMAC MORTGAGE, LLC, A SUBSIDIARY OF RESIDENTIAL CAPITAL, LLC

The undersigned, being all of the Directors of GMAC Mortgage, LLC ("GMAC Mortgage"), an indirect subsidiary of Residential Capital, LLC ("ResCap"), and constituting the entire Board of Directors of GMAC Mortgage (the "Board"), acting pursuant to applicable law, hereby waives any and all requirements for the holding of a meeting, including, without limitation, any requirements as to call and notice thereof, and consents to the adoption of the following recitals and resolutions and to the actions set forth herein as of this 13th day of May, 2012, which actions shall have the same force and effect as if taken by affirmative vote at a meeting of the Board, duly called and held.

WHEREAS, the Board (i) has extensively reviewed the alternatives available to GMAC Mortgage, (ii) has been advised of and considered the decision of the Board of Directors of ResCap to authorize the commencement of a case under the provisions of Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") for itself and for certain of its direct and indirect subsidiaries, and (iii) has determined that seeking relief under the provisions of Chapter 11 of the Bankruptcy Code presents the best opportunity for preserving and maximizing the value of the enterprise for the benefit of GMAC Mortgage, its subsidiaries, creditors, employees, stakeholders and other interested parties;

WHEREAS, GMAC Mortgage has engaged in negotiations ranging from preliminary to late-stage with a number of prospective strategic and financial investors who expressed interest in pursuing a transaction and sale process to acquire substantially all of the assets of GMAC Mortgage pursuant to 11 U.S.C. §§ 105, 363 and 365 (a "Section 363 Sale");

WHEREAS, GMAC Mortgage has narrowed the field of prospective investors interested in pursuing a Section 363 Sale to Fortress Investment Group LLC ("Fortress"), a leading, highly diversified global investment management firm;

WHEREAS, the proposed transaction with Fortress would entail the sale of substantially all of GMAC Mortgage's assets, including its mortgage loan origination and servicing businesses, in a Section 363 Sale as part of a Chapter 11 bankruptcy proceeding filed by GMAC Mortgage, and the institution of an auction process under the supervision of the Bankruptcy Court to ensure that the price and terms obtained by GMAC Mortgage constitute the best available transaction for GMAC Mortgage (such transactions being collectively referred to herein as the "Fortress Transaction");

WHEREAS, the Board has determined that it is in the best interests of GMAC Mortgage that GMAC Mortgage pursue the Fortress Transaction;

WHEREAS, the Board has also been presented by the management of GMAC Mortgage with a proposed Superpriority Debtor-in-Possession Credit and Guaranty Agreement (the "Credit Agreement") by and among GMACM Borrower, LLC ("GMACM Borrower"), GMACM Borrower, LLC ("GMACM Borrower"; together with GMACM Borrower, the "Borrowers"), ResCap, GMAC Mortgage, Residential Funding Company, LLC, certain subsidiaries of ResCap

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	)	Chapter 11
GMAC MORTGAGE, LLC,	)	Case No. 12- _____ ( )
	)	Joint Administration Pending
Debtor.	)	

LIST OF EQUITY SECURITY HOLDERS

Pursuant to Rule 1007(a)(3) of the Federal Rules of Bankruptcy Procedure, GMAC Mortgage, LLC (the "Debtor") submits the following list of the Debtor's equity security holders:

Entity Name and Address	Percent Ownership
GMAC Residential Holding Company, LLC	100%

I, James Whitlinger, the Chief Financial Officer of GMAC Mortgage, LLC, a Delaware limited liability company, declare under penalty of perjury that I have read the foregoing and that it is true and correct to the best of my information and belief, and will be supplemented to the extent additional information becomes available.

Dated: May 14, 2012

/s/ James Whitlinger
Name: James Whitlinger
Title: Chief Financial Officer

EXHIBIT 1.2

53 FR 1800

53 FR 2800

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AGENCY: Federal Aviation Administration, DOT.

53 FR 2800

February 1, 1988

Approval of Noise Compatibility Program; **Port Columbus International Airport, Columbus,** OH
ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of **Columbus,** Department of Public Utilities and Aviation under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report Number 96-52 (1980). On July 28, 1987, the FAA determined that the noise exposure maps submitted by the City of **Columbus,** Department of Public Utilities and Aviation under Part 150 were in compliance with applicable requirements. On September 25, 1987, the Administrator approved the **Port Columbus International Airport** noise compatibility program. All of the recommendations of the program were approved except one measure, A.3., which relates to specific flight procedures requiring additional information and analysis.

EFFECTIVE DATE: The effective date of the FAA's approval of the **Port Columbus International Airport** noise compatibility program is September 25, 1987.

FOR FURTHER INFORMATION CONTACT: Prescott C. Snyder, Federal Aviation Administration, Great Lakes Region, **Airports** Division, AGL-611, 2300 East Devon Avenue, Des Plaines, Illinois 60018, (312) 694-7538. Documents reflecting this FAA action may be reviewed at this same location.

TEXT: SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for **Port Columbus International Airport,** effective September 25, 1987.

Under section 104(a) the Aviation Safety and Noise Abatement Act (ASNA) of 1979, (hereinafter referred to as "the ACT") an **airport** operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the **airport** operator for the reduction of existing noncompatible land uses and **prevention of additional noncompatible land uses within the area covered by the noise exposure maps.** The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, **airport** users, and FAA personnel.

Each **airport** noise compatibility program developed in accordance with Federal Aviation Regulation (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the **airport** proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the **airport** and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of **airport** grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an **airport** noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Detroit **Airports** District Office in Belleville, Michigan.

The City of **Columbus,** Public Utilities and Aviation Department submitted to the FAA on March 26, 1987, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from May 3, 1985 through March 26, 1987. The **Port Columbus International Airport** noise exposure maps were determined by the FAA to be in compliance with applicable requirements on July 28, 1987. Notice of this determination was published in the Federal Register on August 10, 1987.

The **Port Columbus International Airport** study contains a proposed noise compatibility program comprised of actions designed for phased implementation by **airport** management and adjacent jurisdictions from the date of study completion to beyond the year 1992. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on March 26, 1987, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period would have been deemed to be an approval of such program.

The submitted program contained nineteen (19) proposed actions for noise mitigation, on and off the **airport.** The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective September 25, 1987.

Outright approval was granted for eighteen (18) of nineteen (19) specific program elements submitted. One measure, A.3, was not approved at this time, because it relates to specific flight procedures which require additional information and analysis. Program elements approved consist of operational controls, such as establishment of departure tracks to the west, use of standard noise abatement departure profile, restrictions on maintenance run ups and other noise relief procedures. Also, included are land use strategies such as land acquisition, easements, soundproofing, zoning restrictions, and building code requirements. Finally, program management elements are included such as establishing and staffing a noise abatement office to monitor **airport** noise, document noise complaints, educate the public on **airport** noise, and update the noise compatibility program.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on September 25, 1987.

The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the City of **Columbus,** Department of Public Utilities and Aviation.

Issued in Des Plaines, Illinois, on December 29, 1987.

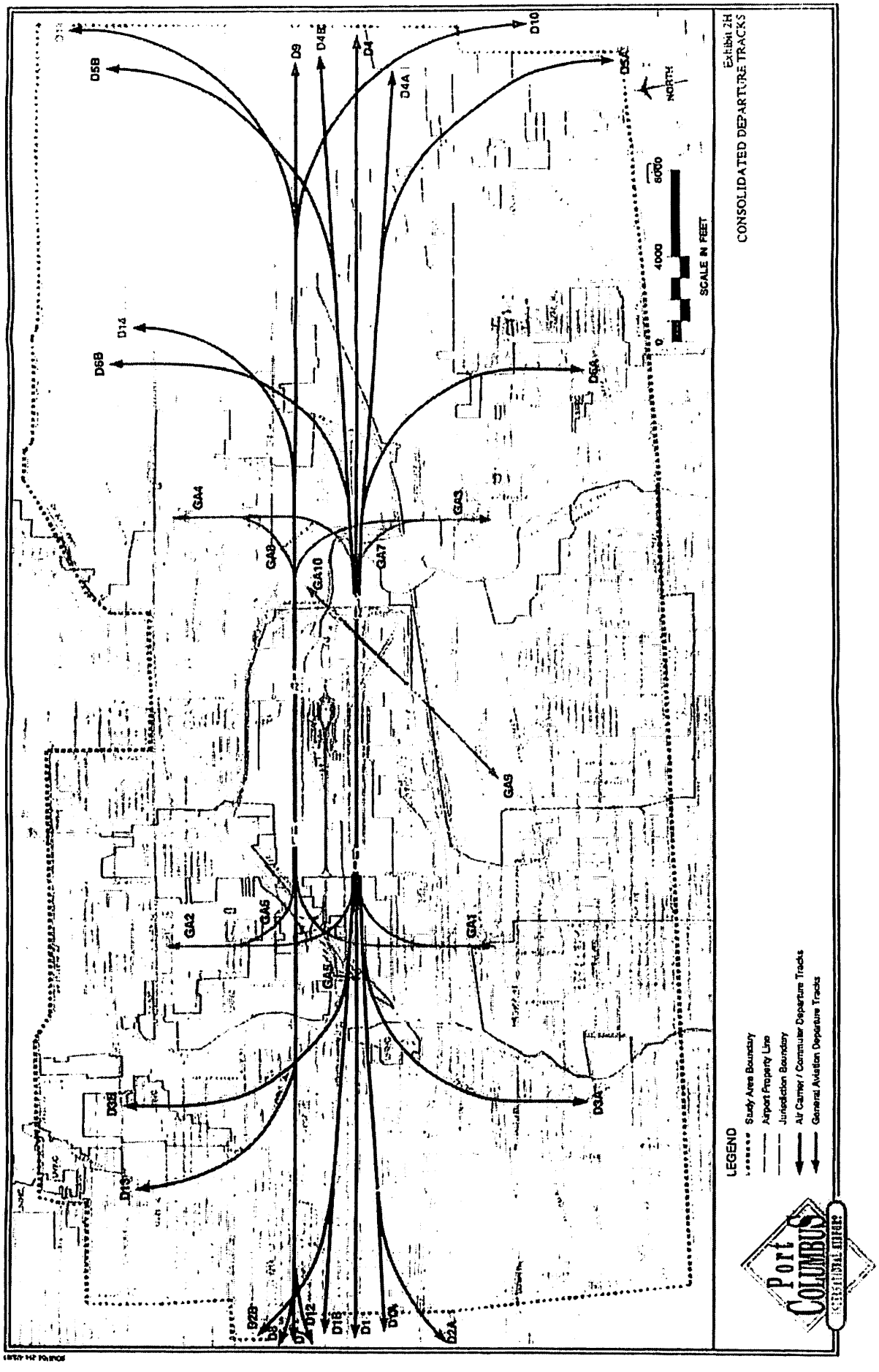
Monte R. Belger,

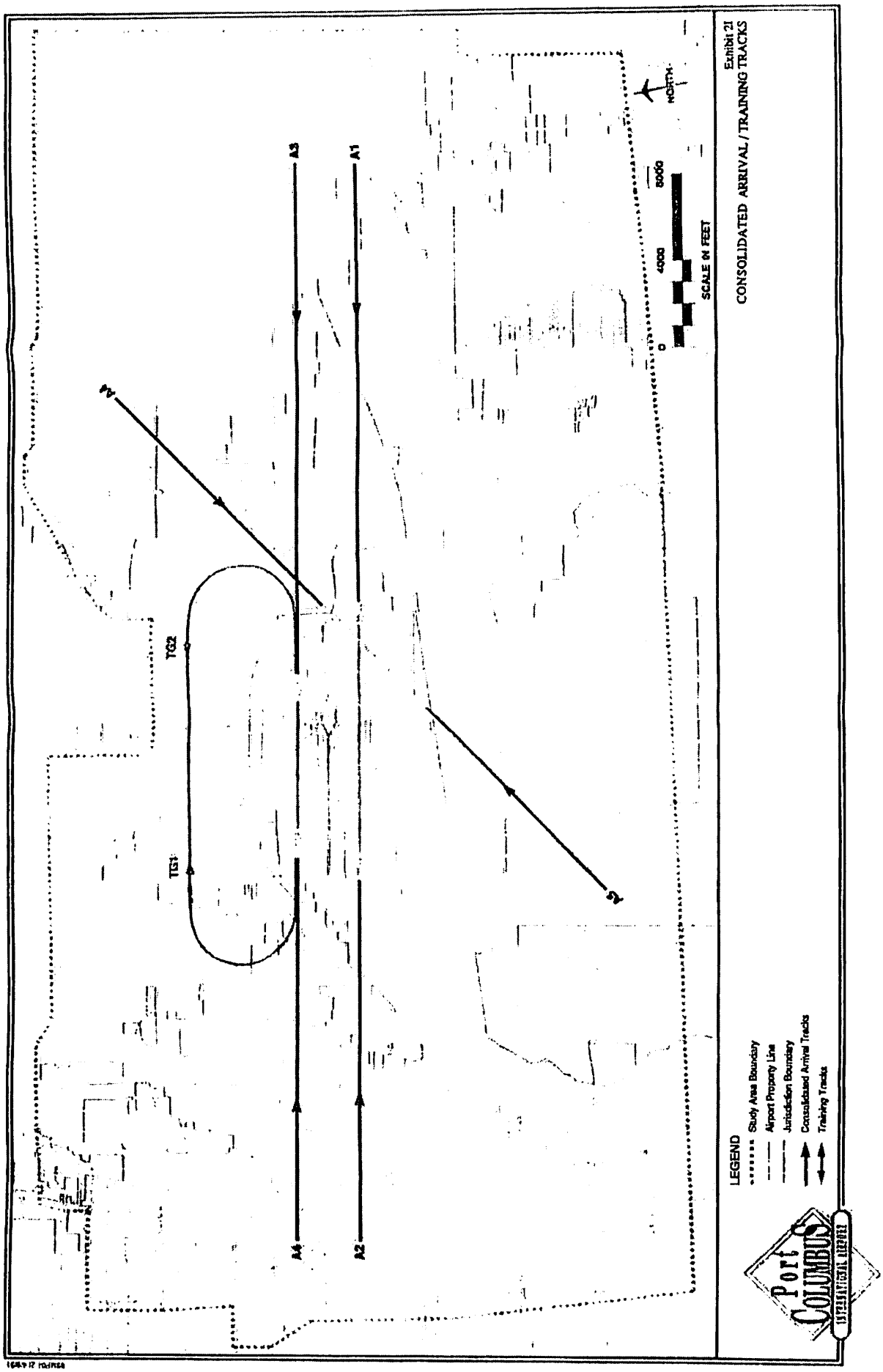
Acting Director, Great Lakes Region.
[FR Doc. 88-1964 Filed 1-29-87; 8:45 am]

BILLING CODE 4910-13-M

EXHIBIT 1.3

FLIGHT TRACK MAPS


Exhibit 2H
CONSOLIDATED DEPARTURE TRACKS
NORTH
SCALE IN FEET
0
4000
8000
LEGEND
Study Area Boundary
Airport Property Line
Jurisdiction Boundary
Air Carrier / Commuter Departure Tracks
General Aviation Departure Tracks
Port COLUMBUS
INTERNATIONAL AIRPORT
D5B
D9
D4E
D4
D10
D5A
D44
D14
D6B
D6A
GA4
GA3
GA8
GA10
GA7
GA9
GA2
GA6
GA1
GA5
D3B
D3A
D1B
D2B
D12
D1B
D1
D2A


Exhibit 21
CONSOLIDATED ARRIVAL / TRAINING TRACKS
NORTH
SCALE IN FEET
0
4000
8000
A3
A1
A4
A2
TG2
TG1
LEGEND
Study Area Boundary
Airport Property Line
Jurisdiction Boundary
Consolidated Arrival Tracks
Training Tracks
Port COLUMBUS
INTERNATIONAL AIRPORT

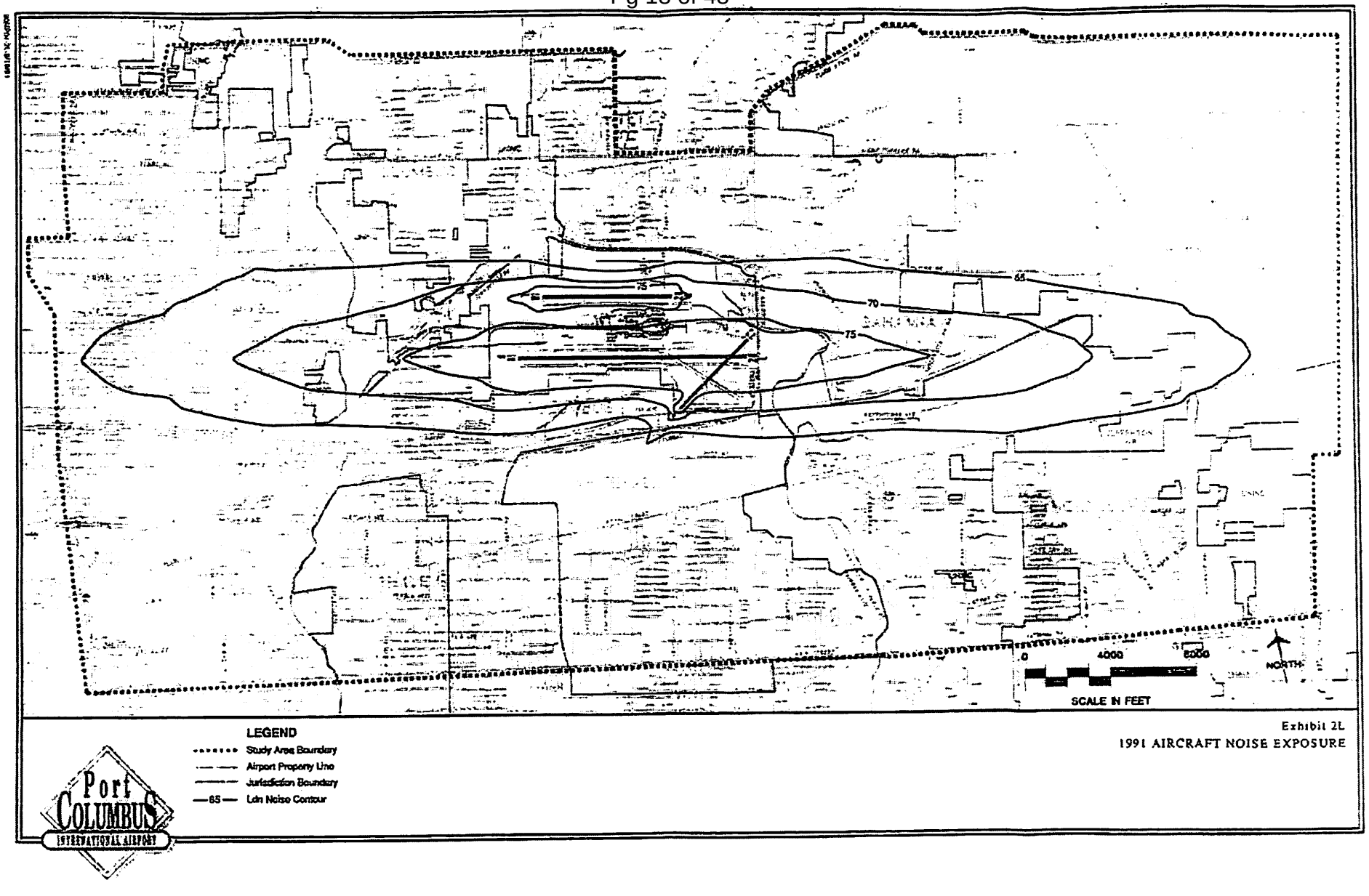

65
70
75
0
4000
8000
NORTH
SCALE IN FEET
LEGEND
Study Area Boundary
Airport Property Line
Jurisdiction Boundary
65 Ldn Noise Contour
Port COLUMBUS
INTERNATIONAL AIRPORT
Exhibit 2L
1991 AIRCRAFT NOISE EXPOSURE

EXHIBIT 2.0

Oct. 28, 2011

Sheriff's Return of Sale

03-CV-6954

1913 Argyle Dr.

Cols., OH 43219

E1410 - E3

SHERIFF'S RETURN OF ORDER OF SALE

GMAC Mortgage Company
Plaintiff

vs.

Sidney T Lewis et al
Defendant

Case No. 03CVE06 6954

Judge Sheeran

THE STATE OF OHIO, FRANKLIN COUNTY, ss}
In obedience to the command of the Order of Sale hereto I did, on 8/2/2011 summon:
1. Arthur E Lee, 2. J Gregory Hart, 3. Robert D Timmons three disinterested freeholders, residents of said County, who were by me duly sworn to impartially appraise the lands and tenements therein described, upon actual view, and afterwards, on the date, said Appraisers returned to me, under their hands and seals, that they did, upon actual view of the premises, estimate and partially appraise the real value in money of the same at $48,000.00. The original of said appraisal I forthwith deposited in the Office of the Clerk of the Court of Common Pleas. And on 9/27/2011 I caused to be advertised in the Daily Reporter the said lands and tenements to be sold at public sale, in the Hall of Justice of said County, on 10/28/2011 and having advertised the said lands and tenements for more than thirty days previous to the day of sale, to wit: five consecutive weeks on the same day of the week each week; and in pursuance of said notice, I did at the time and place above mentioned, proceed to offer said lands and tenements at public sale, in the Hall of Justice, and then and there came above plaintiff who bid the sum of $82,136.00 and said sum being more than two thirds of the appraised value thereof, and being the highest and best bidder therefore, I then and there publicly sold and struck off lands and tenements to him/her for the above mentioned bid.

10/28/2011

PARCEL NO. 010-136627
ADDRESS 1913 Argyle Drive Columbus Ohio 43219
Rebecca R Shrader
(614)222-4921

Sheriff's Invoice for Fees

Service and Return	$50.00
Swearing Appraisers	$9.00
Writing Advertisement	$1.00
Total Sheriff's Fee	$60.00

Appraiser's Fees

Three each at	$55.00
Total	$165.00

ZACHARY SCOTT, SHERIFF

BY Thuy K. Duffel DEPUTY

EXHIBIT 2.1

Dec. 28, 2011, Sheriff's Deed
1913 Argyle DR.
Cols., OH 43219

201112280169527
Pgs: 3 $35.00 T20110884039
12/28/2011 10:42AM BXALLGDIAL BO
Daphne Hawk
Franklin County Recorder

TRANSFERRED

DEC 27 2011

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

18332

Conveyance
Mandatory- 82.20
Permissive- 82.20
CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR

SHERIFF'S DEED

Rev. Code § 2329.36

I, **ZACHARY SCOTT**, Sheriff of Franklin County, Ohio, pursuant to the Order of Sale entered on July 26, 2011, in which GMAC MORTGAGE COMPANY recovered of Sidney T. Lewis ~~ROBERT HAMILTON,~~ ET AL., the judgment granted on September 19, 2003 in the amount of Forty-One Thousand Four Hundred Eleven and 34/100 Dollars, plus interest, together with the costs of said action, and in consideration of the sum of Eighty-Two Thousand One Hundred Thirty-Six and 00/100 Dollars, the receipt whereof is hereby acknowledged from the sale conducted on October 28, 2011, and upon Confirmation of Sale, do hereby **GRANT, SELL AND CONVEY** unto assignee, FEDERAL NATIONAL MORTGAGE ASSOCIATION, all the rights, title and interest of the parties in the Court of Common Pleas, Franklin County, Ohio, Case No. 03 CVE 06 6954, and all pleadings therein incorporated herein by reference in and to the following Lands and Tenements situated in the County of Franklin and State of Ohio, known and described as follows, to-wit:

(SEE ATTACHED EXHIBIT A)

This deed does not reflect any restrictions, conditions or easements of record.

COUNTY RECORDER ★ FRANKLIN COUNTY, OHIO ★

This is to certify that the foregoing is a true and correct copy of a Deed on record in Recorders Office, Franklin County, Ohio, Instrument # 201112280169527 in testimony whereof I have hereunto subscribed my name and affixed my official seal this 29th day of May 20 12

Daphne Hawk, Recorder
By [signature] Deputy

Prior Owner:	~~Robert Hamilton~~ Sidney T. Lewis et.al.
Property Address:	1913 Argyle Drive, Columbus, OH 43219
Permanent Parcel No.:	010-136627-00
Prior Instrument Number:	Deed Deed dated April 26, 2001, filed April 26, 2001, recorded at Official Instrument Number 20010426009526, Recorder's Office, Franklin County
Tax Mailing Address:	P.O. Box 650043, Dallas, TX 75265-0043

Executed this 22nd day of December, 2011.

Zachary Scott
Sheriff of Franklin County, Ohio

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing was acknowledged before me this 22nd day of December, 2011 by Zachary Scott, Sheriff of Franklin County, Ohio.

NOTARIAL SEAL STATE OF OHIO

MELODY E. HENKEL
Notary Public, State of Ohio
My Commission Expires 09-05-2016

Melody E. Henkel
Notary Public
State of Ohio
My Commission Expires 9-5, 2016

THIS INSTRUMENT WAS PREPARED BY:
Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028

COUNTY RECORDER FRANKLIN COUNTY, OHIO

EXHIBIT A

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus:

Being all of Lot No. Eleven (11) of ARGYLE PARK SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 36, Page 6, Recorder's Office, Franklin County, Ohio.



201202140020839
Pgs: 2 $28.00 T20120010294
02/14/2012 10:13AM BXRLLODIAL BO
Daphne Hawk
Franklin County Recorder

TRANSFERRED

FEB 14 2012

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

1.84 ET

Conveyance
Mandatory- 10.00
Permissive- 10.00
CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT **Fannie Mae a/k/a Federal National Mortgage Association organized and existing under the laws of the United States of America**, for valuable consideration paid, grants with limited warranty covenants to **Lawrence Boyd**, whose tax mailing address is 1913 Argyle Dr Cols, OH 43219, the following real property:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus:

Being all of Lot No. Eleven (11) of ARGYLE PARK SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 36, Page 6, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-136627

Property Address: 1913 Argyle Drive, Columbus, Ohio 43219

Prior Instrument Reference: Official Instrument Number 201112280169527, Recorder's Office, Franklin County, Ohio.

Subject to taxes and assessments, which are now or may hereafter become liens on said premises and except conditions, restrictions and easements, if any, contained in former deeds of record for said premises, subject to all of which this conveyance is made.

COUNTY RECORDER ★ FRANKLIN COUNTY, OHIO ★

This is to certify that the foregoing is a true and correct copy of a Deed **on record in Recorders Office, Franklin County, Ohio, Instrument #** 201202140020889 **in testimony whereof I have hereunto subscribed my name and affixed my official seal this** 24th **day of** May **20**12

Daphne Hawk, Recorder
By ..... **Deputy**

Executed this 10th day of February 2012.

Fannie Mae a/k/a Federal National Mortgage Association

By: Manley Deas & Kochalski LLC as Attorney-In-Fact

By: _____
Keith Hamilton, Assistant Secretary

POA RECORDED: Official Instrument Number 200811120165080

State of Ohio }
County of Franklin } SS:

Be it remembered, that on this 10th day of February 2012 before me, the subscriber, a Notary Public in and for said County and State, personally came Keith Hamilton the Assistant Secretary of Manley Deas & Kochalski LLC as Attorney-In-Fact for **Fannie Mae a/k/a Federal National Mortgage Association**, the grantor in the foregoing Deed, and acknowledged the signing hereof to be his/her and its free and voluntary act and deed on behalf of the company. In testimony thereof, I have hereunto subscribed my name and affixed my notarial seal on the day and year aforesaid.

_____
Notary Public

Suzanne Feehan
Notary Public, State of Ohio
My Commission Expires 01-18-2014

This Instrument Prepared By:
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, Ohio 43216-5028
File No. 20120044

COUNTY RECORDER
FRANKLIN COUNTY, OHIO

EXHIBIT 2.2

4-20-2012, Sheriff's
Return of Sale
1875 Alvason Ave.
Cols., Oh 43219

E1566 - K14

SHERIFF'S RETURN OF ORDER OF SALE

GMAC Mortgage Corporation
Plaintiff

vs.

Yvonne D Lewis et al
Defendant

Case No. 05CVE04 4555

Judge Lynch

THE STATE OF OHIO, FRANKLIN COUNTY, ss}
In obedience to the command of the Order of Sale hereto I did, on summon:
1. , 2 , 3. three disinterested freeholders, residents of said County, who were by me duly sworn to impartially appraise the lands and tenements therein described, upon actual view, and afterwards, on the date, said Appraisers returned to me, under their hands and seals, that they did, upon actual view of the premises, estimate and partially appraise the real value in money of the same at $57,000.00. The original of said appraisal I forthwith deposited in the Office of the Clerk of the Court of Common Pleas. And on 3/20/2012 I caused to be advertised in the Daily Reporter the said lands and tenements to be sold at public sale, in the Hall of Justice of said County, on 4/20/2012 and having advertised the said lands and tenements for more than thirty days previous to the day of sale, to wit: five consecutive weeks on the same day of the week each week; and in pursuance of said notice, I did at the time and place above mentioned, proceed to offer said lands and tenements at public sale, in the Hall of Justice, and then and there came above plaintiff who bid the sum of $81,480.00 and said sum being more than two thirds of the appraised value thereof, and being the highest and best bidder therefore, I then and there publicly sold and struck off lands and tenements to him/her for the above mentioned bid.

4/20/2012

PARCEL NO. 010-136633
ADDRESS 1875 Alvason Ave Columbus OH 43219
Matthew J Richardson
614-222-4921

Sheriff's Invoice for Fees

Service and Return	$50.00
Swearing Appraisers	$1.00
Writing Advertisement	$50.00
Total Sheriff's Fee	$51.00
Appraiser's Fees	
Three each at	$0.00
Total	

THE STATE OF OHIO } L, MARYELLEN O'SHAUGHNESSY, Clerk
FRANKLIN County, ss } OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY,

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL Order of Sale
NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COUNTY
THIS 25th DAY OF April A.D. 2012
MARYELLEN O'SHAUGHNESSY, Clerk
BY Deputy

FILED
COMMON PLEAS COURT
FRANKLIN CO OHIO
2012 APR 25 AM 12:00
CLERK OF COURT

ZACHARY SCOTT, SHERIFF
BY K. Duff DEPUTY

E1566 - K15

REAL ESTATE JUDICIAL SALE
PURCHASER INFORMATION FORM

As Prescribed by Buckeye State Sheriffs' Association
R C §2329 26 - R C §2329 27 - R C §2329 271
Must be complete and legible or it will be returned
Failure to provide the following information at the time of the sale may nullify the sale and cause the purchaser to be in contempt

In the Court of Common Pleas, Franklin County, Ohio

Case # 05CVF-04-4555 Sale Date April 20 2012

Parcel # 010-136633-00 Property Address 1875 Alvason Avenue

City/Township Columbus County Franklin

(A) Is the property now **RESIDENTIAL RENTAL PROPERTY?** ☐ Yes ☒ No
Will the **PURCHASER** occupy the lands and tenements? ☐ Yes ☒ No

(B) PURCHASER: (Required of ALL PURCHASERS) (Must be readily accessible through CONTACT PERSON if any business entity listed in Section (D))

Name GMAC Mortgage Corporation, c/o GMAC Mortgage, LLC
Address 1100 Virginia Drive, Foreclosure Department
City Fort Washington
State Pennsylvania Zip 19034
Phone 1 319-236-4784
Phone 2 ( ) -

(C) CONTACT PERSON: (Required if currently RESIDENTIAL RENTAL PROPERTY and PURCHASER is any business entity listed in Section (D))

Name
Address
City
State Zip
Phone 1 ( ) -
Phone 2 ( ) -
Email

(D) The PURCHASER is a: ("X" one) (Required of ALL PURCHASERS)

- ☐ TRUST
- ☐ BUSINESS TRUST
- ☐ ESTATE
- ☐ PARTNERSHIP
- ☐ LIMITED PARTNERSHIP
- ☐ LIMITED LIABILITY COMPANY
- ☐ ASSOCIATION
- ☒ CORPORATION
- ☐ OTHER BUSINESS ENTITY
- ☐ NONE OF THE ABOVE (Non-Business)

(E) The CONTACT PERSON is a: ("X" one) (Required if property is currently RESIDENTIAL RENTAL PROPERTY and PURCHASER is any business listed in Section (D))

- ☐ TRUSTEE (for Trust or Business Trust)
- ☐ EXECUTOR OR ADMINISTRATOR (for Estate)
- ☐ GENERAL PARTNER (for Partnership or Limited Partnership)
- ☐ MEMBER MANAGER or OFFICER (for Limited Liability Company)
- ☐ ASSOCIATE (for Association)
- ☒ MEMBER, MANAGER or OFFICER (for any other Business Entity)

(F) PURCHASER'S principal place of business is located in ("X" one) ☐ this County, ☐ State of Ohio, ☒ State of Pennsylvania

(G) LOCAL CONTACT: (Required if NOT RESIDENTIAL RENTAL PROPERTY and PURCHASER is any business listed in Section (D))

Name Shelley Peterson/Property Preservation Conveyance
Address 1100 Virginia Drive, Foreclosure Department
City Fort Washington
State Pennsylvania Zip 19034
Phone 1 319-236-4784
Phone 2 ( ) -
Email Shelley_Peterson@GMACM.COM (This person must be a natural person who is employed by the purchasing entity and whom the purchasing entity has designated to receive notices or inquiries about the property and whose office is in

1 this county, if principal place of business is in this county
2 in Ohio, if principal place of business is in Ohio,
3 the principal place of business if principal place of business is outside of Ohio)

(H) PROPERTY TO BE DEEDED TO: (Required of ALL PURCHASERS)

Name(s) Federal National Mortgage Association
Address P.O. Box 650043
City Dallas
State Texas Zip 75265-0043
Phone 1 ( ) -
Phone 2 ( ) -

*(**NOTE:** Once this form is submitted to the court, changes to the deed may only be made with a court order)*

*** * NOTICE * ***

This information must be obtained at the time of sale, shall be part of the sheriff's record of proceedings and shall be part of the record of the court of common pleas. The information is a public record and open to public inspection

Ref# 05-2846/TM

BIDI

VIEW FRONT | VIEW BACK | VIEW FRONT & BACK | ZOOM IN | ZOOM OUT | PRINT IMAGE

MARYELLEN O'SHAUGHNESSY
CLERK OF COURTS/OFFICE OF BUDGET AND MANAGEMENT
369 S. HIGH ST., 3RD FLOOR
COLUMBUS, OH 43215

WARNING
Security Features on this document include a colored background and reed thru numbering.

228654 26-8/440

CASE NO. 05CV004555

DATE 01/06/12
RCVD JAN 12 '12

GMAC MTG CORP VS LEWIS

DOC. NO. 12000369

*FORTY-SIX & 00/100 DOLLARS********** AMOUNT $**********46.00

05-2840
GMACMOD
RFMISC

Huntington

Maryellen O'Shaughnessy
Clerk of Courts FRANKLIN COUNTY

PAY TO THE ORDER OF
MANLEY DEAS & KOCHALSKI
PO BOX 165028
COLUMBUS, OH 43216

Deputy

[redacted]

THE STATE OF OHIO
Franklin County, ss:

I, MARYELLEN O'SHAUGHNESSY, Clerk OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY,

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL Check
NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COUNTY
THIS 11th DAY OF May A.D. 2012
MARYELLEN O'SHAUGHNESSY, Clerk
By Deputy

Manley Deas & Kochalski IOLTA
28783
For Deposit Only

>> CLOSE

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURT

GENERAL DIVISION

373 S. HIGH STREET, 23RD FLOOR

COLUMBUS, OHIO 43215

Receipt#: **CES-5573343**

Issued: 2012-01-04

Reprinted: 2012-05-11

V # 228 654

05 CV 4555 04

GMAC MORTGAGE CORPORATION -VS- YVONNE D LEWIS

CLERK FEE FUND	CF	$39.00
DAILY REPORTER	DR	$10.00
FRANKLIN COUNTY SHERIFF	SF	$60.00
APPRAISER: HART, J GREGORY	73	$65.00
APPRAISER: VANESSA, SUTTON B	49	$65.00
APPRAISER: ARTHUR, LEE	08	$65.00
REFUND OF BALANCE OF SECURITY DEPOSIT	DS	
MANLEY DEAS & KOCHALSKI		
PO BOX 165028		
COLUMBUS, OH 43216		$46.00

CARD : $350.00

TOTAL : $350.00

HOLD ON DEPOSIT: $.00

Total Applied: $350.00

Total Received: $.00

Receipt Type : SHERIFF SALE

Transaction Type : Payment

Paid In Full? : Yes

Representing : (Non) Party -

Phone : - -

Comment : SALE W/D;R EFUND ISSUED

PER DELMONICO, MARIE C

DEPUTY

RECEIVED PAYMENT - FRANKLIN COUNTY - CLERK OF COURTS

Customer Copy

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURT

GENERAL DIVISION

373 S. HIGH STREET, 23RD FLOOR

COLUMBUS, OHIO 43215

Receipt#: **CES-1379877**

Issued: 2007-01-16

Reprinted: 2012-05-11

05 CV 4555 04

GMAC MORTGAGE CORPORATION vs YVONNE D LEWIS

CLERK FEE FUND	CF	$54.00
DISBURSEMENT		
RACHEL LEIER		
P.O.BOX 165028		
COLUMBUS, OH		$183.00
CARD : $237.00		
TOTAL : $237.00		
HOLD ON DEPOSIT:		$.00
	Total Applied:	$237.00
	Total Received:	$.00

Receipt Type : COURT COSTS

Transaction Type : Payment

Paid In Full? : Yes

Representing : Plaintiff

Fiche : - - 1

Comment : COST PAID SECURITY DEPOSIT REFUND DUE

Melissa Bell Horn

525-5910

paid to Auditor 2009

PER REDKEY, LINDA D

DEPUTY

RECEIVED PAYMENT - FRANKLIN COUNTY - CLERK OF COURTS

Customer Copy

EXHIBIT 3.1
May 14, 2012
Kurtzman, LLC - Notice to
Sidney T. Lewis
Residential Capital, et al. - 12-12020
(GMAC Mortgage, LLC - 12-12032)

GMAC Mortgage

May 14, 2012

Dear Homeowner,

As you may have read or heard, Residential Capital, LLC (ResCap), recently announced that it and its subsidiaries, including GMAC Mortgage, are restructuring under Chapter 11. Although you may not be familiar with our name, ResCap is the parent company of GMAC Mortgage, which services your mortgage. As servicer, GMAC Mortgage collects and keeps track of your mortgage payments and ensures that they are applied to your account and properly distributed to the lenders and investors who own your loan.

The restructuring of ResCap and GMAC Mortgage does not change your obligations as a mortgage borrower. **As such, you must continue to make your scheduled mortgage payments on time and in full to the address listed on your monthly account statement.**

While nothing has changed in relation to the amount of your mortgage payments or where you send those payments, we understand you may have some questions. Please feel free to contact our toll-free Homeowner Hotline at (888) 926-3479 between 8 a.m. and 5 p.m. EST, or refer to http://www.kccllc.net/rescap for additional information regarding ResCap's Chapter 11 reorganization. If you have specific questions about your loan, please reach out to the customer service number listed on your monthly statement.

In the coming weeks, you will receive a Notice of Chapter 11 Bankruptcy Cases, Meeting of Creditors, and Deadlines in the mail. No action is required on your part, related to this restructuring.

For our part, everyone on the GMAC Mortgage team is committed to providing the same high level of service and responsiveness we've always shown to the homeowners whose mortgage loans are entrusted to us. We look forward to helping you continue to build equity and value in your home.

Sincerely,

Thomas Marano
Chief Executive Officer
Residential Capital, LLC

GMAC Mortgage, LLC
1100 Virginia Drive
Fort Washington, PA 19034

EXHIBIT 3.2
May 14, 2012

Kurtzman, LLC - Notice to
Yvonne D. Lewis
Residential Capital, et al., 12-12020
(GMAC Mortgage, LLC, 12-12032)

GMAC Mortgage

May 14, 2012

Dear Homeowner,

As you may have read or heard, Residential Capital, LLC (ResCap), recently announced that it and its subsidiaries, including GMAC Mortgage, are restructuring under Chapter 11. Although you may not be familiar with our name, ResCap is the parent company of GMAC Mortgage, which services your mortgage. As servicer, GMAC Mortgage collects and keeps track of your mortgage payments and ensures that they are applied to your account and properly distributed to the lenders and investors who own your loan.

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In the coming weeks, you will receive a Notice of Chapter 11 Bankruptcy Cases, Meeting of Creditors, and Deadlines in the mail. No action is required on your part, related to this restructuring.

For our part, everyone on the GMAC Mortgage team is committed to providing the same high level of service and responsiveness we've always shown to the homeowners whose mortgage loans are entrusted to us. We look forward to helping you continue to build equity and value in your home.

Sincerely,

Thomas Marano
Chief Executive Officer
Residential Capital, LLC

GMAC Mortgage, LLC
1100 Virginia Drive
Fort Washington, PA 19034

EXHIBIT 2.1

Feb. 3, 2006, IN Re: YVONNE D. LEWIS
ORDER re 1875 Alvason Address
05-bk 75111, S.D. OHIO, E. DIV.

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: February 03, 2006

John E. Hoffman, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

In re:	:	
	:	Case No. 05-75111
YVONNE D. LEWIS,	:	Chapter 7
	:	Judge Hoffman
Debtor.	:	
	:	

ORDER DENYING MOTION
FOR RELIEF FROM STAY

This matter is before the Court on the Motion for Relief from Stay (the "Motion") (Doc. 14) filed by GMAC Mortgage Corporation ("Movant") on December 9, 2005, the response in opposition thereto ("Response") (Doc. 29) filed by the Debtor on December 22, 2005, and the reply filed by the Movant ("Reply") (Doc. 33) on January 5, 2006. The Motion, Response and Reply were set for hearing on January 31, 2006 at 11:00 a.m. by Order Setting Consolidated Preliminary and Final Hearing on Motion for Relief from Automatic Stay and Continuing Stay Until Hearing entered January 19, 2006 (Doc. 41). Attorney Christopher Phillips appeared on behalf of the Movant. The Debtor appeared pro se.

Having heard the arguments and representations of the parties, the Motion is DENIED

without prejudice for lack of evidentiary support.

IT IS SO ORDERED.

Copies to:

Yvonne D. Lewis, Debtor, *1875 Alvason Avenue, Columbus, OH 43219*
Andrew Paisley, Attorney for Movant, *5601 Hudson Drive, Hudson, OH 44236*
Clyde C. Hardesty, III, Chapter 7 Trustee, *P.O. Box 731, Newark, OH 43058*
Office of the U.S. Trustee, *170 N. High Street, Suite 200, Columbus, OH 43215*

# # #

EXHIBIT 4.2

NOV. 21, 2007, IN RE: SIDNEY T. LEWIS
ORDER # 1913 Argyle Dr. Address
07-bk-57237, S.D. OHIO, E. DIV.

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: November 21, 2007

John E. Hoffman, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:	:	
	:	
Sidney T. Lewis	:	
	:	**Case No.: 07-57237**
Debtor(s).	:	**Chapter 7**
	:	**Judge John E. Hoffman, Jr.**
	:	**********
	:	

ORDER GRANTING MOTION FOR RELIEF FROM STAY (DOCKET NUMBER 12) AS TO REAL PROPERTY LOCATED AT 1913 ARGYLE DR, COLUMBUS, OH 43219

This matter came to be considered on the Motion for Relief from Stay (the "Motion") filed by GMAC Mortgage Corporation ("Creditor"), filed as Docket Number 12.

Creditor has alleged that good cause exists for granting the Motion and that Sidney T. Lewis ("Debtor"), the Trustee, and all other necessary parties were served with the Motion. Debtor filed a response to the Motion, but did not appear at the scheduled hearing. No other party filed a response or otherwise appeared in opposition to the Motion.

Based on this, it appears appropriate to grant the relief requested.

IT IS, THEREFORE, ORDERED:

1. The Motion is granted and the automatic stay imposed by 11 U.S.C. § 362 of the Bankruptcy Code is terminated with respect to the Creditor and its successors and assigns, as to the real property owned by Debtor and located at 1913 Argyle Dr, Columbus, OH 43219.

SUBMITTED BY:

/s/ Holly N. Wolf
Holly N. Wolf (0068847)
Stacey A. O'Stafy (0070386)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Email: hnw@mdk-llc.com
Attorneys for Creditor

Copies to:

Holly N. Wolf
Attorney for Creditor
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus OH 43216-5028
(notified by ecf)

Office of U.S. Trustee
Southern District of Ohio
Party of Interest
170 North High Street, #200
Columbus, OH 43215
(notified by ecf)

Larry J. McClatchey
Chapter 7 Trustee
65 East State Street
Suite 1800
Columbus, OH 43215
(notified by ecf)

Sidney T. Lewis
Debtor
1875 Alvason Avenue
Columbus, OH 43219
(notified by regular US Mail)

Sidney T. Lewis
Robert Hamilton
Debtor
1913 Argyle Dr
Columbus, OH 43219
(notified by regular US Mail)

Franklin County Treasurer
Party of Interest
373 South High Street
17th Floor
Columbus, OH 43215
(notified by regular US Mail)

###

EXHIBIT 5.0

July 1, 1996
Release of original mortgage-
1913 Argyle Dr., Cols, OH 43219

32400W10

FSC #: 686469-8
NAME: HAMILTON, ROBERT
P/O DATE: April 12, 1996

PREPARED BY:

FLEET MORTGAGE GROUP
4291 Lake Cook Road
Northbrook, IL 60062

TIME 9 14 AM M
RECORDER FRANKLIN CO. OHIO

AFTER RECORDING, FORWARD TO:
FIRST SERVICE TITLE AGENCY, INC.
RELEASE DEPT.
665 EDEN PARK DR., STE. 160
CINCINNATI, OH 45202
File/Escrow #: 96-627

JUL 1 1996

RICHARD B. METCALF, RECORDER
RECORDER'S FEE 10.00

106185

SATISFACTION/DISCHARGE OF MORTGAGE

The undersigned certifies that it is the present owner of a mortgage executed by ROBERT HAMILTON AND BETTY HAMILTON, HUSBAND AND WIFE to FEDERAL NATIONAL MORTGAGE ASSOCIATION on January 23, 1968 and recorded on January 26, 1968 in the office of the Recorder of FRANKLIN County, OHIO, in Book/Vol./Reel 2911, Page/Image 487, as Document 857.

The above described mortgage is, with the note accompanying it, fully paid, satisfied, and discharged. The Recorder of said county is authorized to enter this satisfaction/discharge of record.

Property is legally described as follows:

BEING LOT NO. 11 OF ARGYLE PARK SUBDIVISION, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 36, PAGE 6, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

Parcel No: N/A

Dated: May 6, 1996

FLEET MORTGAGE CORP., A SOUTH CAROLINA CORPORATION F/K/A FLEET REAL ESTATE FUNDING CORP. SUCCESSOR BY MERGER TO FLEET MORTGAGE CORP., A RHODE ISLAND CORPORATION F/K/A MORTGAGE ASSOCIATES, INC.

FLEET MORTGAGE CORP. 1972 CORPORATE SEAL SOUTH CAROLINA

WITNESS MEGAN BECK

WITNESS HEIDI HELGESON

BY: BRIDGET SCHULER, Mortgage Officer

BY: ERIKA M. KRUEGER, Mortgage Officer

STATE OF ILLINOIS

COUNTY OF COOK

The foregoing instrument was acknowledged before me on May 6, 1996, by BRIDGET SCHULER, Mortgage Officer and ERIKA M. KRUEGER, Mortgage Officer of FLEET MORTGAGE CORP., A SOUTH CAROLINA CORPORATION F/K/A FLEET REAL ESTATE FUNDING CORP. SUCCESSOR BY MERGER TO FLEET MORTGAGE CORP., A RHODE ISLAND CORPORATION F/K/A MORTGAGE ASSOCIATES, INC., on behalf of said CORPORATION.

Melissa Buchowicz, NOTARY PUBLIC

My Commission Expires: April 21, 1999
Commissioned in Cook County, Illinois

OFFICIAL SEAL
MELISSA BUCHOWICZ
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-21-99

OHFRSC.MTG(991)
ERMS, 10/95
Rev: April 18, 1996

Subsec. (b). Pub.L. 108–176, § 324(2), rewrote subsec. (b), which formerly read: "Revised maps.—If a change in the operation of an airport will establish a substantial new noncompatible use in an area surrounding the airport, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use."

Effective and Applicability Provisions

2003 Acts. Except as otherwise provided, amendments by Pub.L. 108–176 applicable to fiscal years beginning after Sept. 30, 2003, see Pub.L. 108–176, § 3, set out as a note under 49 U.S.C.A. § 106.

Noise Disclosure

Pub.L. 108–176, Title III, § 322, Dec. 12, 2003, 117 Stat. 2540, provided that:

"(a) **Noise disclosure system implementation study.**—The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

"(b) **Public availability of noise exposure maps.**—The Administrator shall make noise exposure and land use information from noise exposure maps available to the public via the Internet on its website in an appropriate format.

"(c) **Noise exposure map.**—In this section, the term 'noise exposure map' means a noise exposure map prepared under section 47503 of title 49, United States Code [49 U.S.C.A. § 47503]."

[Except as otherwise provided, amendments by Pub.L. 108–176 applicable to fiscal years beginning after Sept. 30, 2003, see Pub.L. 108–176, § 3, set out as a note under 49 U.S.C.A. § 106.]

LIBRARY REFERENCES

American Digest System

Aviation ⇐216.
Environmental Law ⇐325.
Key Number System Topic Nos. 48B, 149E.

Research References

Treatises and Practice Aids

Federal Procedure, Lawyers Edition § 7:119, Noise Exposure Maps.

WESTLAW ELECTRONIC RESEARCH

See Westlaw guide following the Explanation pages of this volume.

§ 47504. Noise compatibility programs

(a) **Submissions.**—(1) An airport operator that submitted a noise exposure map and related information under section 47503(a) of this title may submit a noise compatibility program to the Secretary of Transportation after—

(A) consulting with public agencies and planning authorities in the area surrounding the airport, United States Government officials having local responsibility for the airport, and air carriers using the airport; and

(B) notice and an opportunity for a public hearing.

(2) A program submitted under paragraph (1) of this subsection shall state the measures the operator has taken or proposes to take to

reduce existing noncompatible uses and prevent introducing additional noncompatible uses in the area covered by the map. The measures may include—

(A) establishing a preferential runway system;

(B) restricting the use of the airport by a type or class of aircraft because of the noise characteristics of the aircraft;

(C) constructing barriers and acoustical shielding and soundproofing public buildings;

(D) using flight procedures to control the operation of aircraft to reduce exposure of individuals to noise in the area surrounding the airport; and

(E) acquiring land, air rights, easements, development rights, and other interests to ensure that the property will be used in ways compatible with airport operations.

(b) **Approvals.**—(1) The Secretary shall approve or disapprove a program submitted under subsection (a) of this section (except as the program is related to flight procedures referred to in subsection (a)(2)(D) of this section) not later than 180 days after receiving it. The Secretary shall approve the program (except as the program is related to flight procedures referred to in subsection (a)(2)(D)) if the program—

(A) does not place an unreasonable burden on interstate or foreign commerce;

(B) is reasonably consistent with achieving the goal of reducing noncompatible uses and preventing the introduction of additional noncompatible uses; and

(C) provides for necessary revisions because of a revised map submitted under section 47503(b) of this title.

(2) A program (except as the program is related to flight procedures referred to in subsection (a)(2)(D) of this section) is deemed to be approved if the Secretary does not act within the 180-day period.

(3) The Secretary shall submit any part of a program related to flight procedures referred to in subsection (a)(2)(D) of this section to the Administrator of the Federal Aviation Administration. The Administrator shall approve or disapprove that part of the program.

(4) The Secretary shall not approve in fiscal years 2004 through 2007 a program submitted under subsection (a) if the program requires the expenditure of funds made available under section 48103 for mitigation of aircraft noise less than 65 DNL.

(c) **Grants.**—(1) The Secretary may incur obligations to make grants from amounts available under section 48103 of this title to carry out a project under a part of a noise compatibility program

(B) Promulgation by EPA of designations

(i) Upon promulgation or revision of a national ambient air quality standard, the Administrator shall promulgate the designations of all areas (or portions thereof) submitted under subparagraph (A) as expeditiously as practicable, but in no case later than 2 years from the date of promulgation of the new or revised national ambient air quality standard. Such period may be extended for up to one year in the event the Administrator has insufficient information to promulgate the designations.

(ii) In making the promulgations required under clause (i), the Administrator may make such modifications as the Administrator deems necessary to the designations of the areas (or portions thereof) submitted under subparagraph (A) (including to the boundaries of such areas or portions thereof). Whenever the Administrator intends to make a modification, the Administrator shall notify the State and provide such State with an opportunity to demonstrate why any proposed modification is inappropriate. The Administrator shall give such notification no later than 120 days before the date the Administrator promulgates the designation, including any modification thereto. If the Governor fails to submit the list in whole or in part, as required under subparagraph (A), the Administrator shall promulgate the designation that the Administrator deems appropriate for any area (or portion thereof) not designated by the State.

(iii) If the Governor of any State, on the Governor's own motion, under subparagraph (A), submits a list of areas (or portions thereof) in the State designated as nonattainment, attainment, or unclassifiable, the Administrator shall act on such designations in accordance with the procedures under paragraph (3) (relating to redesignation).

(iv) A designation for an area (or portion thereof) made pursuant to this subsection shall remain in effect until the area (or portion thereof) is redesignated pursuant to paragraph (3) or (4).

(C) Designations by operation of law

(i) Any area designated with respect to any air pollutant under the provisions of paragraph (1)(A), (B), or (C) of this subsection (as in effect immediately before November 15, 1990) is designated, by operation of law, as a nonattainment area for such pollutant within the meaning of subparagraph (A)(i).

(ii) Any area designated with respect
under the provisions of paragraph (1)(E
diately before November 15, 1990) is c
tion of law, as an attainment area for s
the meaning of subparagraph (A)(ii).

(iii) Any area designated with respec
under the provisions of paragraph (1)(I
diately before November 15, 1990) is c
tion of law, as an unclassifiable are
within the meaning of subparagraph (A

(2) Publication of designations and redesig

(A) The Administrator shall publish a r
Register promulgating any designation un
(5), or announcing any designation und
promulgating any redesignation under para

(B) Promulgation or announcement of
paragraph (1), (4) or (5) shall not be subje
sections 553 through 557 of Title 5 (re
comment), except nothing herein shall be
ing such public notice and comment whene

(3) Redesignation

(A) Subject to the requirements of subp
the basis of air quality data, planning and c
or any other air quality-related considerat
deems appropriate, the Administrator may
Governor of any State that available info
the designation of any area or portion of a
or interstate area should be revised. In iss
which shall be public, to the Governor, t
provide such information as the Adminis
able explaining the basis for the notice.

(B) No later than 120 days after receivi
subparagraph (A), the Governor shall sub
tor such redesignation, if any, of the appr
or portion thereof within the State or
Governor considers appropriate.

(C) No later than 120 days after the dat
graph (B) (or paragraph (1)(B)(iii)), the A
mulgate the redesignation, if any, of the
submitted by the Governor in accordar
(B), making such modifications as the A
necessary, in the same manner and under
is applicable under clause (ii) of paragr

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equest: where to file

tter" shall be in writing, signed by the ddressed to the Chairman, Equal Em- ssion, 1801 L Street, NW., Washington,

s of the person making the request and

l relevant facts.

why the Title VII [42 U.S.C.A. § 2000e on should be issued.

edesignated and amended at 56 FR 9625,

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itle VII

elied upon as a "written interpretation " within the meaning of section 713 of -12]:

ion letter" and signed by the Legal approved by the Commission, or, if tion, by the General Counsel on behalf mission, or

specifically designated as such in the e Commission's Guidelines on Affirma-

ation of no reasonable cause, issued, scribed in § 1608.10(a) or (b) of the Affirmative Action, 29 CFR part 1608, tains a statement that it is a "written e Commission."

esignated at 56 FR 9626, Mar. 7, 1991]

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§ 2000e–5. Enforcement provisions

(a) Power of Commission to prevent unlawful employment practices

The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 2000e–2 or 2000e–3 of this title.

(b) Charges by persons aggrieved or member of Commission of unlawful employment practices by employers, etc.; filing; allegations; notice to respondent; contents of notice; investigation by Commission; contents of charges; prohibition on disclosure of charges; determination of reasonable cause; conference, conciliation, and persuasion for elimination of unlawful practices; prohibition on disclosure of informal endeavors to end unlawful practices; use of evidence in subsequent proceedings; penalties for disclosure of information; time for determination of reasonable cause

Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the "respondent") within ten days, and shall make an investigation thereof. Charges shall be in writing under oath or affirmation and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. In determining whether reasonable cause exists, the Commission shall accord substantial weight to final findings and orders made by State or local authorities in proceedings commenced under State or local law pursuant to the requirements of subsections (c) and (d) of this section. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceed-