Docket #0011 Date Filed: 12/10/2012

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re RESIDENTIAL CAPITAL, LLC, et al., TODD A. WILLIAMS, Plaintiff, vs. GMAC MORTGAGE, LLC, and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, Defendant	Adv. Proc. Case No.: 12-01896-MG Case No. 12-12020 RESPONSE TO DEBTORS' MOTION TO DISMISS ADVERSARY PROCEEDING PURSUANT TO FED.R.BANKR.P. 7012 AND FED.R. CIV. P. 12(B)(6) AND MEMEMORANDUM IN SUPPORT THEREOF

RECEIVED
DEC 10 2012
U.S. BANKRUPTCY COURT
SO DIST OF NEW YORK

Todd A. Williams, Plaintiff responds to the Motion to Dismiss filed by defendant GMAC Mortgage, LLC ("GMAC") in the above-captioned adversary proceeding (the "Adversary proceeding"), and states:

PRELIMINARY STATEMENT

GMAC has moved to dismiss the complaint filed against it by the Plaintiff in this Adversary Proceeding (the "Complaint") on the basis that the Plaintiff failed to allege sufficient facts to support his preference avoidance and fraudulent transfer claims. GMAC's motion to Dismiss is without adequate legal or factual support and should be denied. All parties were served via certified mail receipt. See Exhibit "A" a true and correct copy.

MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS

The bases of GMAC's argument centers on the assertion that the Plaintiff has failed to state a claim upon which relief can be granted under Rule 8(a) of the Federal Rules, as incorporated by Rule 7008(a) of the Bankruptcy Rules. Specifically,

GMAC avers that the Plaintiff has failed to meet the pleading requirements Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007) and Aschcroft v. Iqbal, 129 S.Ct. 1937.

1. This action arises from false and misleading statements and omissions in Assignment and the alleged Foreclosure Deed filed on November 11, 2012, and other offering materials pursuant to which the mortgage purchased by Plaintiff. Among other things, these documents falsely represented that the mortgage was Assigned to GMAC from MERS. See Exhibit "B" a true and correct copy.
2. Plaintiff denies that he was in default of his mortgage and Defendant GMAC Mortgage was not the Real Party of Interest to conduct the illegal foreclosure sell of September 04, 2012, based on the fraudulent Assignment from MERS to GMAC.
3. Defendant brings out numerous questions in the introduction which will be shown through discovery and trial and witnesses. Plaintiff can and will if allowed by the Court to amend the complaint to more specifically outline these questions and the full aspects of the totality of the circumstances which show the misrepresentation, fraud, etc.
4. The Debtor filed their Chapter 11 Petition on or about June 2012 (the "Petition Date")
5. Plaintiff filed the instant adversary proceeding on September 28, 2012, seeking denial of Debtors' claim and to determine the Nature, Extent and validity of Lien and disallow secured claim, TILA Violation, Fraud, and Quiet Title.
6. Plaintiff set forth sufficient facts to state a claim that Debtors' claim should be disallowed for violation of TILA in accordance with Fed.R.Bankr.P. 7008.
7. Debtors' Motion to Dismiss Adversary Proceeding Pursuant to Fed.R.Bankr.P. 7012 and Fed.R.Bankr.P. 12(B)(6) (the "Motion") should be denied.
8. If the Court finds the Complaint Objecting to Discharge insufficient, the Court should allow Plaintiff the opportunity to amend.

CONCLUSION

The Defendant has argued exclusively to the Plaintiffs' standing because it is abundantly clear from the factual record herein that GMAC Mortgage can proper no legitimate defense against the substance of the civil complaint.

The Defendant's jurisdiction arguments to deny the Plaintiff individual standing is insufficient and unpersuasive while the arguments against the Plaintiffs standing are nonexistent.

The Plaintiff has established that GMAC used fraudulent document to conduct an illegal foreclosure and the complaint is warranted and issues pleaded in the complaint deserve adjudication; and Plaintiff is entitled to a clear right to relief.

WHEREFORE Plaintiff respectfully asks this Court to DENY Debtors' Motion and for such other relief as the Court deems appropriate.

Dated this [Date]

TODD A. WILLIAMS, PRO SE

EXHIBIT "A'

Deed Book 14736 Pg 4073
Filed and Recorded Nov-13-2009 10:48am
2009-0144268

Our File No.: 52937189-FT1
Debtor: Todd Williams
Sale Date: 11/03/2009

Return to Jay C. Stephenson
Plaintiff's Attorney
1544 Old Alabama Road
Roswell, GA 30076

Clerk of Superior Court Cobb Cty. Ga.

ASSIGNMENT

STATE OF PA
COUNTY OF Montgomery

For value received, Mortgage Electronic Registration Systems, Inc. has this day transferred, sold, assigned, conveyed and set over to The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee for RAMP 2003RS11, whose address is Two Ravinia Dr. Suite 500, Atlanta, GA 30346, as Assignee, its successors, representatives and assigns, all its right, title and interest in and to a certain Security Deed (or Deed to Secure Debt) executed by Todd Williams to Mortgage Electronic Registration Systems, Inc., dated October 27, 2003, recorded in Deed Book 13892, Page 4183, Cobb County, Georgia Records.

Property Address: 2563 Alexander Farms Dr, Marietta, GA 30064

The Assignor herein specifically transfers, sells, conveys and assigns to the above Assignee, its successors, representatives and assigns, the aforesaid Security Deed, the property described therein, the indebtedness secured thereby together with all the powers, options, privileges and immunities therein contained.

The Assignor herein has this day sold and assigned to the Assignee herein the note secured by the aforesaid Security Deed and this transfer is made to secure the Assignee, its successors, representatives and assigns, in the payment of said note.

IN WITNESS WHEREOF, the Assignor has hereunto set its hand and seal this 10/29/09.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public
My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

By: ADA M. TORRES
Vice President
Printed Name:
Title:

By:
Printed Name:
Title:
(Corporate Seal)

Jeffrey Stephan
Assistant Secretary

EXHIBIT "B"

Bk: 25001 Pg: 5259-5280
Filed and Recorded Nov-14-2012 12:57:33PM
DCI: D2012-116828
Real Estate Transfer Tax $0.00
#332012021625

JAY C. STEPHENSON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

XR
1

When Recorded, Return to:
Mr. Anthony DeMarlo/bknown /CONV
McCurdy & Candler, L.L.C.
3525 Piedmont Road NE, Six Piedmont Center, Suite 700
Atlanta, GA 30305

FORECLOSURE DEED

GMAC Mortgage, LLC
File No. 07-04238 /Todd Williams

STATE OF Pennsylvania
COUNTY OF Montgomery

THIS INDENTURE effective September 4, 2012, by and between Todd Williams, acting by and through his duly appointed agent and attorney-in-fact, The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., as Trustee for RAMP 2003-RS11, Party of the First Part, and The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., as Trustee for RAMP 2003-RS11 as Party of the Second Part,

WITNESSETH: That, whereas, heretofore on October 27, 2003 , Todd Williams executed a certain Deed to Secure Debt to Mortgage Electronic Registration Systems, Inc. as nominee for Homecomings Financial Network, Inc., its successors and assigns, which is recorded in Deed Book 13892, Page 4183, Cobb County, Georgia records, ***and lastly assigned to The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., as Trustee for RAMP 2003-RS11 by Assignment recorded in Deed Book 14736, Page 4073, Cobb County, Georgia records;*** and which conveys the property hereinafter described to secure an indebtedness described therein, and

WHEREAS, said indebtedness was not paid in accordance with the terms of said Deed to Secure Debt and became in default and under the terms thereof the entire principal and interest was declared due and payable, and

WHEREAS, the said The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., as Trustee for RAMP 2003-RS11, as aforesaid, according to the terms of said Deed to Secure Debt did expose said property for sale to the highest and best bidder for cash on the first Tuesday in September, 2012, within the legal hours of sale before the Courthouse door in Cobb County, Georgia, after first advertising said sale by a notice published in Marietta Daily Journal once a week for four weeks immediately preceding said sale and complying with the terms of said Deed to Secure Debt and said advertising, and

Said property is conveyed subject to a right of redemption by the Internal Revenue Service for Federal Tax Lien recorded in Lien Book 1, Page 1542, Cobb County, Georgia Records, and Lien Book 4, Page 2352, aforesaid records, and Lien Book 56, Page 5158 for 120 days from September 4, 2012, as shown on Exhibit "A" attached hereto and incorporated herein by this reference.

EXHIBIT "D"

PROOF OF SERVICE

USPS Shipment Info for 7011 3500 0002 6072 2248

U.S._Postal_Service_ U.S._Postal_Service@usps.com usps.gov Sep 26

to me

This is a post-only message. Please do not respond.

TODD WILLIAMS has requested that you receive the current Track & Confirm information, as shown below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 7011 3500 0002 6072 2248

Shipment Activity Location Date & Time

Depart USPS Sort ATLANTA GA 30304 09/26/12
Facility

Processed at USPS ATLANTA GA 30304 09/25/12 10:35pm
Origin Sort Facility

Dispatched to Sort ATLANTA GA 30318 09/25/12 6:35pm
Facility

Acceptance ATLANTA GA 30318 09/25/12 4:54pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at

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Label Number: 7011 3500 0002 6072 2248

Service Type: First-Class Certified Mail

Shipment Activity Location Date & Time

Delivered ATLANTA GA 30303 09/26/12 3:28pm

Depart USPS Sort Facility ATLANTA GA 30304 09/26/12

Processed at USPS Origin Sort Facility ATLANTA GA 30304 09/25/12 10:35pm

Dispatched to Sort Facility ATLANTA GA 30318 09/25/12 6:35pm

Acceptance ATLANTA GA 30318 09/25/12 4:54pm

Reminder: Track & Confirm by email

Date of email request: 09/26/12

USPS Shipment Info for 7011 3500 0002 6072 1968

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TODD WILLIAMS has requested that you receive the current Track & Confirm information, as shown below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 7011 3500 0002 6072 1968

Shipment Activity Location Date & Time

Dispatched to Sort Facility ATLANTA GA 30318 09/25/12 6:35pm

Acceptance ATLANTA GA 30318 09/25/12 4:55pm

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Reply Forward

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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TODD A. WILLIAMS, Plaintiff, vs. GMAC MORTGAGE, LLC, and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, Defendant	RESPONSE TO DEBTORS' MOTION TO DISMISS ADVERSARY PROCEEDING PURSUANT TO FED.R.BANKR.P. 7012 AND FED R. CIV. P. 12(B)(6) AND MEMEMORANDUM IN SUPPORT THEREOF

RECEIVED
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SO DIST OF NEW YORK

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GMAC avers that the Plaintiff has failed to meet the pleading requirements Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007) and Aschcroft v. Iqbal, 129 S.Ct. 1937.

1. This action arises from false and misleading statements and omissions in Assignment and the alleged Foreclosure Deed filed on November 11, 2012, and other offering materials pursuant to which the mortgage purchased by Plaintiff. Among other things, these documents falsely represented that the mortgage was Assigned to GMAC from MERS. See Exhibit "B" a true and correct copy.
2. Plaintiff denies that he was in default of his mortgage and Defendant GMAC Mortgage was not the Real Party of Interest to conduct the illegal foreclosure sell of September 04, 2012, based on the fraudulent Assignment from MERS to GMAC.
3. Defendant brings out numerous questions in the introduction which will be shown through discovery and trial and witnesses. Plaintiff can and will if allowed by the Court to amend the complaint to more specifically outline these questions and the full aspects of the totality of the circumstances which show the misrepresentation, fraud, etc.
4. The Debtor filed their Chapter 11 Petition on or about June 2012 (the "Petition Date")
5. Plaintiff filed the instant adversary proceeding on September 28, 2012, seeking denial of Debtors' claim and to determine the Nature, Extent and validity of Lien and disallow secured claim, TILA Violation, Fraud, and Quiet Title.
6. Plaintiff set forth sufficient facts to state a claim that Debtors' claim should be disallowed for violation of TILA in accordance with Fed.R.Bankr.P. 7008.
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WHEREFORE Plaintiff respectfully asks this Court to DENY Debtors' Motion and for such other relief as the Court deems appropriate.

Dated this [Date]

TODD A. WILLIAMS, PRO SE

EXHIBIT "A'

Deed Book 14736 Pg 4073
Filed and Recorded Nov-13-2009 10:48am
2009-0144268

Our File No.: 52937189-FT1
Debtor: Todd Williams
Sale Date: 11/03/2009

Return to
Jeffrey C. Stephan
Attorney at Law
1544 Old Alabama Road
Roswell, GA 30076

ASSIGNMENT

STATE OF PA
COUNTY OF Montgomery

For value received, Mortgage Electronic Registration Systems, Inc. has this day transferred, sold, assigned, conveyed and set over to The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee for RAMP 2003RS11, whose address is Two Ravinia Dr. Suite 500, Atlanta, GA 30346, as Assignee, its successors, representatives and assigns, all its right, title and interest in and to a certain Security Deed (or Deed to Secure Debt) executed by Todd Williams to Mortgage Electronic Registration Systems, Inc., dated October 27, 2003, recorded in Deed Book 13892, Page 4183, Cobb County, Georgia Records.

Property Address: 2563 Alexander Farms Dr, Marietta, GA 30064

The Assignor herein specifically transfers, sells, conveys and assigns to the above Assignee, its successors, representatives and assigns, the aforesaid Security Deed, the property described therein, the indebtedness secured thereby together with all the powers, options, privileges and immunities therein contained.

The Assignor herein has this day sold and assigned to the Assignee herein the note secured by the aforesaid Security Deed and this transfer is made to secure the Assignee, its successors, representatives and assigns, in the payment of said note.

IN WITNESS WHEREOF, the Assignor has hereunto set its hand and seal this 10/29/09

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public
My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Notary Public, Upper Dublin Twp, Montgomery County
My Commission Expires Dec. 9, 2011

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

By: Alyssa M. Olivieri
Printed Name: ALYSSA M. OLIVIERI
Title: Vice President

By:
Printed Name:
Title:
(Corporate Seal)

Jeffrey Stephan
Assistant Secretary

EXHIBIT "B"

BK 13001 PG: 5259-5260
Filed and Recorded Nov-14-2012 12:57:33PM
DCI#: D2012-116828
Real Estate Transfer Tax $0.00
#332012021625

JAY C. STEPHENSON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

XR

When Recorded, Return to:
Mr. Anthony DeMarlo/bbrown /CONV
McCurdy & Candler, L.L.C.
3525 Piedmont Road NE, Six Piedmont Center, Suite 700
Atlanta, GA 30305

FORECLOSURE DEED

GMAC Mortgage, LLC
File No. 07-04238 /Todd Williams

STATE OF Pennsylvania
COUNTY OF Montgomery

THIS INDENTURE effective September 4, 2012, by and between Todd Williams, acting by and through his duly appointed agent and attorney-in-fact, The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., as Trustee for RAMP 2003-RS11, Party of the First Part, and The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., as Trustee for RAMP 2003-RS11 as Party of the Second Part,

WITNESSETH: That, whereas, heretofore on October 27, 2003 , Todd Williams executed a certain Deed to Secure Debt to Mortgage Electronic Registration Systems, Inc. as nominee for Homecomings Financial Network, Inc., its successors and assigns, which is recorded in Deed Book 13892, Page 4183, Cobb County, Georgia records, ***and lastly assigned to The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., as Trustee for RAMP 2003-RS11 by Assignment recorded in Deed Book 14736, Page 4073, Cobb County, Georgia records;*** and which conveys the property hereinafter described to secure an indebtedness described therein, and

WHEREAS, said indebtedness was not paid in accordance with the terms of said Deed to Secure Debt and became in default and under the terms thereof the entire principal and interest was declared due and payable, and

WHEREAS, the said The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., as Trustee for RAMP 2003-RS11, as aforesaid, according to the terms of said Deed to Secure Debt did expose said property for sale to the highest and best bidder for cash on the first Tuesday in September, 2012, within the legal hours of sale before the Courthouse door in Cobb County, Georgia, after first advertising said sale by a notice published in Marietta Daily Journal once a week for four weeks immediately preceding said sale and complying with the terms of said Deed to Secure Debt and said advertising, and

Said property is conveyed subject to a right of redemption by the Internal Revenue Service for Federal Tax Lien recorded in Lien Book 1, Page 1549, Cobb County, Georgia Records, and Lien Book 4, Page 2352, aforesaid records, and Lien Book 56, Page 5158 for 120 days from September 4, 2012, as shown on Exhibit "A" attached hereto and incorporated herein by this reference.

EXHIBIT "D"

PROOF OF SERVICE

USPS Shipment Info for 7011 3500 0002 6072 2248

U.S._Postal_Service_ U.S._Postal_Service@usps.com usps.gov Sep 26

to me

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TODD WILLIAMS has requested that you receive the current Track & Confirm information, as shown below.

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Label Number: 7011 3500 0002 6072 2248

Shipment Activity Location Date & Time

Depart USPS Sort ATLANTA GA 30304 09/26/12
Facility

Processed at USPS ATLANTA GA 30304 09/25/12 10:35pm
Origin Sort Facility

Dispatched to Sort ATLANTA GA 30318 09/25/12 6:35pm
Facility

Acceptance ATLANTA GA 30318 09/25/12 4:54pm

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For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at

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Service Type: First-Class Certified Mail

Shipment Activity	Location	Date & Time
Delivered	ATLANTA GA 30303	09/26/12 3:28pm
Depart USPS Sort Facility	ATLANTA GA 30304	09/26/12
Processed at USPS Origin Sort Facility	ATLANTA GA 30304	09/25/12 10:35pm
Dispatched to Sort Facility	ATLANTA GA 30318	09/25/12 6:35pm
Acceptance	ATLANTA GA 30318	09/25/12 4:54pm

Reminder: Track & Confirm by email

Date of email request: 09/26/12

USPS Shipment Info for 7011 3500 0002 6072 1968

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to me

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TODD WILLIAMS has requested that you receive the current Track & Confirm information, as shown below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 7011 3500 0002 6072 1968

Shipment Activity Location Date & Time

Dispatched to Sort ATLANTA GA 30318 09/25/12 6:35pm
Facility

Acceptance ATLANTA GA 30318 09/25/12 4:55pm

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Facility

Acceptance ATLANTA GA 30318 09/25/12 4:55pm

Reminder: Track & Confirm by email

Date of email request: 09/26/12

Future activity will continue to be emailed for up to 2 weeks from the Date of Request shown above. If you need to initiate the Track & Confirm by email process again at the end of the 2 weeks, please do so at the USPS Track & Confirm web site at

USPS Shipment Info for 7011 3500 0002 6072 2255

U.S._Postal_Service_ U.S._Postal_Service@usps.com usps.gov Sep 26

to me

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TODD WILLIAMS has requested that you receive the current Track & Confirm information, as shown below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 7011 3500 0002 6072 2255

Shipment Activity Location Date & Time

Dispatched to Sort ATLANTA GA 30318 09/25/12 6:35pm
Facility

Acceptance ATLANTA GA 30318 09/25/12 4:53pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

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Reply Forward

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Acceptance ATLANTA GA 30318 09/25/12 4:53pm

Reminder: Track & Confirm by email

Date of email request: 09/26/12

B 250A
(8/96)

RECEIVED
DEC 10 2012
CLERK'S OFFICE
U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

United States Bankruptcy Court

SOUTHERN District Of NEW YORK

In re GMAC MORTGAGE, LLC, Debtor	)	Case No. 12-12020
	)	Chapter 11
TODD A. WILLIAMS, Plaintiff	)	
v.	)	
MORTGAGE ELECTRONIC REG, Defendant	)	Adv. Proc. No. 12-01896

SUMMONS IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk	ONE BOWLING GREEN NEW YORK NY 10004-1408

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney TODD A. WILLIAMS	2563 ALEXANDER FARMS DR MARIETTA, COBB COUNTY GA 30018

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Clerk of the Bankruptcy Court

Date

By: Deputy Clerk

CERTIFICATE OF SERVICE

I, _____, certify that I am, and at all times during the
(name)
service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of this summons and a copy of the complaint was made _____ by:
(date)

☑ Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]
(name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

_____ _____
Date Signature

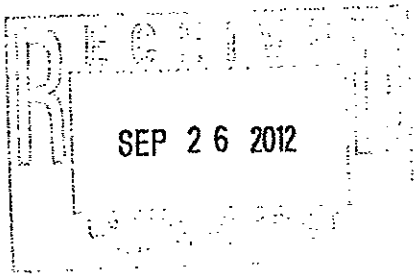
Print Name		
Business Address		
City	State	Zip

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK (MANHATTAN)

In Re: GMAC MORTGAGE, LLC (SUCCESSOR BY MERGER TO GMAC MORTGAGE CORPORATION) AS SERVICER FOR THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JP MORGAN CHASE BANK NA, AS TRUSTEE FOR RAMP 2003-RS11, --- TODD A. WILLIAMS, 2563 ALEXANDER FARMS DRIVE MARIETTA, GA 30064 Plaintiff, -against- GMAC MORTGAGE, LLC (SUCCESSOR BY MERGER TO GMAC MORTGAGE CORPORATION) AS SERVICER FOR THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JP MORGAN CHASE BANK NA, AS TRUSTEE FOR RAMP 2003-RS11, AND MORTGAGE ELECTRONIC REGISTRATION SYSTEMS "MERS" AND	**Case No.: 12-12032** **ADVERSARY PROCEEDING** **ADV. NO:** _____

COMPLAINT TO DETERMINE THE NATURE, EXTENT AND VALIDITY OF LIEN AND DISALLOW SECURED CLAIM, TILA VIOLATION, FRAUD, LIBEL, QUIET TITLE, TRO, PRELIMINARY AND PERMANENT INJUNCTIONS FOR VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

JURY TRIAL DEMANDED



HOMECOMINGS FINANCIAL,LLC AS SERVICING
AGENT FOR JP MORGAN CHASE BANK, NA
1270 NORTHLAND DRIVE, SUITE 200
MENDOTA HEIGHTS, MN 55120

Defendant

Pursuant to 28 U.S.C. 1452(A) AND 1334(B), Rule 9027 of the Federal Rule of Bankruptcy Procedure, Rule 101(e) of the Local Civil Rules of the U.S. District Court for the Southern District of New York (the "District Court"), and Local Bankruptcy Rule 9027-1 of the U.S. Bankruptcy Court for the U.S. District of New York (the "Bankruptcy Court"), and without waiving any and all applicable defenses at law and in equity to the claim asserted in the United State Bankruptcy Court Atlanta Georgia Federal Action (as defined below), Plaintiff Todd Williams, hereby gives notice that he has joined the United States Bankruptcy for the Southern District of New York Court Action. In support thereof, Defendant states as follows:

The complaint of Todd Williams, Creditor, respectfully alleges:

1. Plaintiff is the duly qualified and acting debtor/Creditor in this case.
2. The Debtor/Creditor filed a Petition for Chapter 13 Bankruptcy on 09/04/12.
3. Plaintiff files this action to determine the nature, extent and priority of The Defendants' lien, if any, ***fraudulent Assignment's*** on the property of the Debtor/Creditor, pursuant to Bankruptcy Rule 7001(2) and 11 U.S.C. §506.
4. The Debtor/Creditor have an interest in the real estate pursuant to 11 U.S.C.§544 which is superior to that of any that may be held by Defendants.
5. Jurisdiction is predicated upon 28 U.S.C. §1334 and §157. This action is

a core proceeding under the provisions of 28 U.S.C. §157(b)(2)(k), 28 U.S.C. §157(b)(2)(O), and 28 U.S.C. §157(b)(2)(E). Venue lies in this District pursuant to 28 U.S.C.1409. The alleged Assignment of October 28, 2009 is FRAUDLULENT, and null and void.

6. To the extent of any non-bankruptcy claims for relief, this matter is a noncore proceeding and the Plaintiff consents to the entry of a final order in this case by the Bankruptcy Judge.

7. Debtor/Creditor scheduled Defendant, GMAC Mortgage, as a secured creditor with a mortgage on real property located at 2563 Alexander Farms Drive Marietta, Georgia 30064.

8. HOMECOMINGS FINANCIAL, LLC as Servicing Agent for JP Morgan Chase Bank, NA, filed a fraudulent proof of claim on December 18, 2006. The documents attached to the proof of claim include a deed of trust and note to Defendant Mortgage Electronic Registration Systems, Inc., with several endorsements on the note, a suspect assignment to GMAC.

9. Defendant, Mortgage Electronic Registration Systems, Inc. is listed as the nominee for Defendant, HOMECOMINGS FINANCIAL,LLC, and its successors and assigns and is the beneficiary under the deed of trust referenced in paragraph

10. Upon investigation the Plaintiff has determined the lien on the property in question is backed by Defendant, GMAC MORTGAGE LLC.

11. The assignment to GMAC was executed by A. Torres, a MERS employee who signed the document as an officer of Defendant MERS. Prepared by attorney Jeffrey Stephan, it was executed on October 29, 2009, but purports to be effective as of July 9, 2009. Mr. Stephan's office has since closed due to allegations of foreclosure fraud and Mr. Stephan has been deposed in other lawsuits and admitted to signing approximately 10,000 documents a month which were often notarized a day later, failing to verify information contained in the documents

he signed or even to review the documents, and other behaviors at odds with the legitimate execution of real estate security documents. The three endorsements on the note appear to have been executed by other people who have been identified in other cases around the country as people who signed documents indiscriminately with bizarre "limited signing authorities" associated with Defendant MERS.

12. In the event that the Defendants' lien is not perfected or could be avoided, Plaintiff believes that the residence is property of the bankruptcy estate, and is property which the Debtor/Creditor may use, sell or lease pursuant to 11 U.S.C. §363. Accordingly, Plaintiff seeks entry of a Judgment that his interest in the property is superior to that of the Defendants pursuant to 11 U.S.C. §544.

13. Plaintiff further states that the Insurance purchase during closing paid off his alleged Mortgage Loan to GMAC and that based on information and belief, his debt is paid in full.

FIRST CLAIM FOR RELIEF

[AS TO GMAC MORTGAGE LLC SUCCESSOR BY MERGER TO GMAC MORTGAGE CORPORATION AS SERVICER FOR THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JP MORGAN CHASE BANK N.A., AS TRUSTEE FOR RAMP 2003-RS11, AND ALL PERSONS CLAIMING BY, THROUGH, OR UNDER SUCH PERSON, ALL PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN , OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO PLAINTIFFS' TITLE THERETO AND DOES 1-13] [QUIET TITLE]

14. Plaintiff re-alleges and incorporates the allegations contained In preceding Paragraphs, inclusive, as though set forth at length herein.

15. Plaintiff is the owner of the subject property now held by the Plaintiff's Estate.

16. The basis of Plaintiff's title is a deed granting the above-described property in fee simple to Plaintiff.

17. Plaintiff is informed and believes and on such information and belief alleges that Defendant McCurdy & Candler, LLC, GMAC MORTGAGE LLC AS SERVICER FOR THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION FKA THE BANK OF NEW YORK TRUST COMPANY, AS SUCCESSOR TO JP MORGAN CHASE BANK National Association and all persons claiming, by , through, or under such person, all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the property described in the Complaint adverse to Plaintiff's title thereto, claim an interest adverse to Plaintiff in the above-described property as adverse interest the holder of a deed of trust against the subject property. Some of the Defendants including GMAC MORTGAGE LLC, MERS, GMAC MORTGAGE CORPORATION, THE BANK OF NEW YORK MELLON TRUST COMPANY AND JP MORGAN CHASE BANK National Association and unknown defendants, specifically those additionally designated as DOES 1-17, inclusive claim interests in the property adverse to Plaintiff as assignees and successors of Defendants.

WHEREFORE, Plaintiff is seeking to quiet title as of a date to be determined; for fees and costs of suit and incurred herein; and, for such other and further relief as the court deems just and proper.

WHEREFORE, Plaintiff prays as follows:

A. That a summons issue and be served on the Defendants, together with a copy of this complaint, and that Defendants be required to answer within the time required by law.

B. That upon a hearing of this cause the Court determine the nature and extent of the liens and ***fraudulent Assignments*** of the Defendants.

C. That upon a finding that the lien of the Defendants in the property is not perfected, the Court issue an order finding the interest of the Plaintiff in the property to be superior to that of the Defendants, and allow him to sell

the property and use the proceeds of the sale for the benefit of the his estate.

D. That Plaintiff be awarded his reasonable costs in pursuing this cause Pursuant to E.D. Bankr. LBR 300-1(b)(2).

E. That Plaintiff be awarded such further relief as may be warranted by the Premises.

F. Rescind the foreclosure sale of September 04th 2012, that was done without following Georgia Laws for Notice.

Dated this 9/19/2012

TODD A. WILLIAMS

USPS Shipment Info for 7011 3500 0002 6072 2248

Inbox x

U.S._Postal_Service_ U.S._Postal_Service@usps.com usps.gov Sep 26

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This is a post-only message. Please do not respond.

TODD WILLIAMS has requested that you receive the current Track & Confirm information, as shown below.

Current Track & Confirm e-mail information provided by the U.S. Postal Service.

Label Number: 7011 3500 0002 6072 2248

Shipment Activity Location Date & Time

Depart USPS Sort ATLANTA GA 30304 09/26/12
Facility

Processed at USPS ATLANTA GA 30304 09/25/12 10:35pm
Origin Sort Facility

Dispatched to Sort ATLANTA GA 30318 09/25/12 6:35pm
Facility

Acceptance ATLANTA GA 30318 09/25/12 4:54pm

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at

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This is a post-only message. Please do not respond.

TODD WILLIAMS has requested that you receive a Track & Confirm update, as shown below.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: 7011 3500 0002 6072 2248

Service Type: First-Class Certified Mail

Shipment Activity Location Date & Time

Delivered ATLANTA GA 30303 09/26/12 3:28pm

Depart USPS Sort Facility ATLANTA GA 30304 09/26/12

Processed at USPS Origin Sort Facility ATLANTA GA 30304 09/25/12 10:35pm

Dispatched to Sort Facility ATLANTA GA 30318 09/25/12 6:35pm

Acceptance ATLANTA GA 30318 09/25/12 4:54pm

Reminder: Track & Confirm by email

Date of email request: 09/26/12