

# UNOFFICIAL COPY

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Walter Cooper  
5119 West 23<sup>rd</sup> Street  
Cicero, IL 60804-2930



Doc#: 0422412183  
Eugene "Gene" Moore Fee: \$26.50  
Cook County Recorder of Deeds  
Date: 08/11/2004 03:42 PM Pg: 1 of 2

Walter Cooper, )  
5119 West 23<sup>rd</sup> Street )  
Cicero, Illinois 60804-2930 )  
v. )  
James Dimon, Chairman & CEO )  
Bank One Corporation )  
GE Select, Card Member Services )  
P.O. Box 15299 )  
Wilmington, DE 19850-5299 )  
Jointly, individually and personally )

Certified Mail Receipt Number: 7004 0750 0001 6730 3023

## FINAL NOTICE COMMON LAW FAILURE TO REPLY

Regarding Account Number 5466 4700 0102 8399 the following statements are true.

On May 29, 2004 a NOTICE OF RESCISSION AND RESTORATION OF STATUS QUO was sent to Bank One Corporation regarding the above referenced account. Bank One Corporation received it on June 02, 2004.

Bank One Corporation has furnished no relevant answers.

Above Space for Recorder's Use Only

"Rescission of contract: To abrogate, annul, avoid, or cancel a contract; particularly, nullifying a contract by the act of a party. The right of rescission is the right to cancel (rescind) a contract upon the occurrence of certain kinds of default by the other contracting party. To declare a contract void in its inception and to put an end to it as though it never were. Russell v Stephens, 191 Wash. 314, 71 P.2d 30,31."

"A 'rescission' amounts to the unmaking of a contract, or an undoing of it from the beginning, and not merely a termination, and it may be effected by mutual agreement of parties, or by one of the parties declaring rescission of contract without consent of other if a legally sufficient ground therefore exists..." Abdallah, Inc. v. Martin, 242 Minn. 416, 65 N.W.2d 641, 644.

Black's Law Dictionary, Sixth Edition, p. 1306.

"A rescission at law is one which occurs without the assistance of the courts, in which one party unilaterally cancels the contract in response to a material breach by the other party or for other valid reasons. It is accomplished when one party to a contract tenders or returns to the other party benefits received under a contract, and it simply means that a party, by his or her acts, rescinds the agreement." 17B C.J.S. § 484.

On July 06, 2004 a COMMON LAW COMPLAINT FOR RESCISSION AND RESTORATION OF STATUS QUO was served on Bank One Corporation. Bank One Corporation received it on July 12, 2004. Bank One Corporation has failed to answer.

"Silence can only be equated with fraud when there is a legal or moral duty to speak, or when an inquiry left unanswered would be intentionally misleading... We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately" U.S. v. Tweel, 550 F2d 297, 299-300.

Based on the foregoing evidence Bank One Corporation is hereby deemed to be in default.

S-y  
PZ  
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## DECISION

Decision in favor of the Complainant is hereby granted:

It is determined that the agreement involving the above mentioned account has been lawfully rescinded and is void;

It is determined that Complainant owes no money to Bank One Corporation;

It is hereby ordered that Bank One Corporation shall report the instant account to all credit bureaus as "paid as agreed" and show the balanced owed as zero (0);

It is hereby ordered that Bank One Corporation will discontinue all collection efforts and harassment of Complainant regarding the instant account;

### ACKNOWLEDGEMENT

I, Walter Cooper, knowing the penalty of bearing false witness, hereby affirm the foregoing to be true and correct to the best of my knowledge and belief and do affix my signature in testimony of the foregoing default judgment.

EXECUTED THIS 1st day of August, 2004

Walter Cooper

Walter Cooper  
5119 West 23<sup>rd</sup> Street  
Cicero, Illinois 60804-2930

Signatory, Walter Cooper, personally appeared, subscribed and sworn to before me this 1<sup>st</sup> day of August, 2004 at Cicero, County of Cook, State of Illinois. In witness thereof I set my hand and seal

Carmen A. Walinski

Notary Public

My commission expires:

