



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF JUDICIAL CIRCUIT  
COUNTY COOK COUNT-CHANCERY DIV  
ATTENTION; JUDGE DARRYL B. SIMKO

PROVIDENT FUNDING ASSOCIATES, L.P.

Plaintiff, )  
And )  
ROBERT POLINSKI )  
Defendant.)

Case Number: 09 CH 046279

**AFFIDAVIT and CERTIFICATE OF MAILING**

I, Robert Polinski, on oath state that I am the Defendant in this cause of action and State the following facts are true to the best of my belief and knowledge:

A Forensic Audit of my Closing Documents were closely audited and found to be cause for concern. The Mortgage in question has been sold and repackaged as a Mortgage Backed Security which eliminated ownership by Provident Funding Association, L.P. The genuine Promissory Note was sold and monetized with the assignment of a CUSIP Number and subsequently traded on Wall Street. It is also a fact that when the Mortgage (Deed of Trust) and the Promissory Note were separated, they became worthless pieces of paper and unenforceable. Codilis and Associates did not have Standing to file a Complaint of Foreclosure, as Provident Funding Association L.P. Is not the Holder in due Course and can only verify an interest as a Certificate Holder with nothing more than a fractionalized interest of a Mortgage Backed Security Pool. Actual Ownership is perfected when the Plaintiff has physical possession of the Promissory Note and Deed of Trust, which dictates the right to file a Complaint of Foreclosure and that, must be accomplished prior to the Filing Date with the Court not after. A document filed in the Public as 1026754000 Verified Notice and Demand to Validate the Debt was ignored and dismissed by Associate Judge Darryl B. Simko. It is further established by his aggressive manner, that he must be on the payroll of Codilis and Associates or Provident Funding Associates, L.P... I was denied Due Process of Law did not receive a Fair and Unbiased

# UNOFFICIAL COPY

hearing, in fact, Judge Simko was practicing Law from the bench without solicitation. (Looks like he is worried about the CRIS Fund that is so well hidden from the public.)

The continued movement by Codilis and Associates is considered Fraud Upon the Court and Judge Simko appears to be complicit due to all of the documents presented to the Public and the Clerk of the Court that were virtually ignored or dismissed. The Court lacked Jurisdiction, the attorney/debt collector lacked Standing due to the lack of a Real Party in Interest and guilty of filing claims using altered documents and Fictitious Plaintiffs.

If this matter is not addressed properly this time, I will go public and expose the REAL FRAUD perpetrated against the American People on a daily basis. This Country, which includes the Cook County Court System have been operating under Bankruptcy Rule since 1933, **there is no money as you already know and the real remedy of the people is to Discharge the debt.**

Judge Simko has been practicing Law from the Bench in favor of all Banks and their Agents, more commonly known as Codilis and Associates. His Rulings have been closely scrutinized and most often found to be biased and prejudicial; he often acts as an adversary of the defendant and his decisions are in the capacity of a fiduciary of the proposed injured party, AKA Bank and Plaintiff.

***I say let's bring in the real money men, such as Fidelity and while we are at it, how about bringing in an Attorney that is duly licensed by the State of Illinois and leave the pretenders at home, such as the BAR CARD GUYS.***

*Polina Robert*

Signature-UCC 1-308

Signed and sworn to before me this day of December 9<sup>th</sup> 2010

Notary Public

My commission expires December 09 2013



## CERTIFICATE OF MAILING

I, hereby certify that I mailed a copy of the SUBPOENA TO PRODUCE DOCUMENTS on November 9<sup>th</sup>, 2010. Certified Mail Number 7009 2250 0001 5879 1475, received by Codilis and Associates on November 12<sup>th</sup>, 2010.

Also Filed in the Recorder's Office;

# UNOFFICIAL COPY

1. Notice of Dispute and Demand to Validate the Debt; recording number; 1026754000 09/24/2010-Certified Mail Number to Codilis and Associates 7008 1830 0002 2119 7221.

2. Motion to Dismiss C.C. Recording Number ; 1019348000 on 07/12/2010

3. Notification of Reservation of Rights, C.C. Recording Number 1019348001 on 07/12/2010

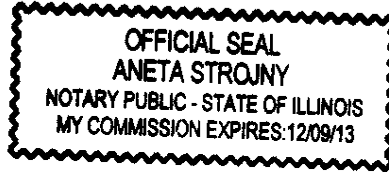
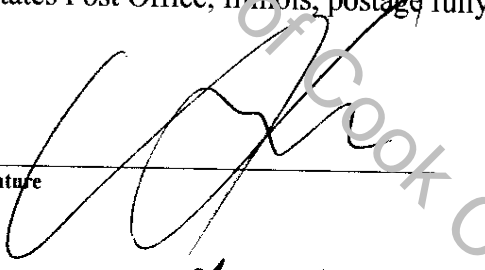
4. Notice of Non Corporate Status, C.C. Recording Number 1019348002 on 07/12/2010

I, Robert Polinski have mailed the above documents at the Post Office at the location by depositing the same.

United States Post Office, Illinois, postage fully prepaid on December 3<sup>rd</sup>, 2010.

Notary Signature

Print Name



My Commission Expires on Dec. 09, 2013

- 1. Registered Mail Number RB 157 175 700 US Judge Darryl B. Simko -INSURED \$10,000,000.00 INDEMNITY BOND AND 1040V
- 2. Certified Copy to Codilis and Associates 7009 2250 0001 5879 1482
- 3. COPY TO ATTORNEY GENERAL; LISA MADIGAN CERTIFIED MAIL NUMBER 7009 2250 0000 1668 7391 MORTGAGE FRAUD DIVISION

UNOFFICIAL COPY

APPEAL TO THE APPELLATE COURT OF ILLINOIS FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CHANCELLER DEPARTMENT, Cook-First DIVISION/DISTRICT

Provident Funding Associates, L.P. Plaintiff/Appell

Robert Polinski, et al. Defendant/Appell

Reviewing Court No.
Circuit Court No.
Honorable Trial Judge
Date Notice of Appeal Filed

REQUEST FOR PREPARATION OF RECORD ON APPEAL

Attorney (or Party if no attorney):

Name: Robert Polinski
Address: 5417 W. Melrose Street
Telephone Number: 773-351-5725
Attorney for: N/A
Cook County Attorney Code No. 99500 or Pro Se 99500
City: CHICAGO State: IL Zip: 60641
E-mail Address (optional): N/A

NOTICE IS HEREBY GIVEN to the Clerk of the Circuit Court of Cook County that Robert Polinski requests the preparation of the Record on Appeal in the above case.

DESIGNATION OF RECORD

The Clerk of the Circuit Court of Cook County shall prepare the Record on Appeal in accordance with Illinois Supreme Court Rule 321. The record on Appeal shall include the common law record, which consists of trial documents filed and judgments and orders entered by the trial court and:

- All documentary exhibits entered at trial, except for those other exhibits that cannot ordinarily be included for review and are subject to motion.
Reports of Proceedings prepared in accordance with Illinois Supreme Court Rule 323.
Certificate in Lieu of Record on Appeal pursuant to Illinois Supreme Court Rule 325.
Documents filed under seal on the following dates and unsealed:
A copy of the trial court Order authorizing these documents to be unsealed for the purpose of inclusion in the Record on Appeal is attached hereto or will be provided by the Appellant to the Civil Appeals Division at least 30 days in advance of the date on which the Record on Appeal is scheduled to be transmitted to the Appellate Court. Upon return of the Record on Appeal to the Circuit Court, it is the responsibility of the parties to obtain an Order resealing these records, if the records are to be resealed.
Documents filed under seal on the following dates, which are to remain sealed:
Please note that, pursuant to Rule 17 of Appellate Court of Illinois, "No record, exhibit, or brief may be filed under seal in the Appellate Court, unless Appellate Court has first given leave for filing under seal, notwithstanding that the material was filed under seal in the Circuit Court."

FEES

Payment may be made by Cash, Check or Money Order. Cash payments accepted for in-person payments only. Checks or money order should be made to Clerk of the Circuit Court of Cook County. Pursuant to 705 ILCS 105/27.2a(k) and 27.2(k), the Clerk of the Circuit Court of Cook County must charge fees for Records on Appeal in advance as follows:

100 pages or less, \$110

100 - 200 pages, \$185

Each page in excess of 200, \$.30/page

Reduced fee for Local Governments and School Districts, \$50

All prescribed fees are due in advance of transmission of the Record on Appeal. It is understood and agreed that once a request for preparation of a Record on Appeal is made by submission of this form, the Appellant is responsible for the costs of preparing the Record on Appeal, regardless of whether the Appeal is successful, dismissed, the time is extended, or a party elects to not transmit the Record on Appeal to the Appellate Court. The Clerk of the Circuit Court of Cook County reserves the right to pursue a claim to recover the costs and expenses, including reasonable attorneys' fees, related to preparation of the Record on Appeal.

ROBERT POLINSKI (Type or print name)

Polinski Robert (Signature of Appellant or Appellant's Attorney)

APPEAL TO THE APPELLATE COURT OF ILLINOIS  
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CHANCERY DEPARTMENT, FIRST-COOK DIVISION/DISTRICT

Provident Funding Associates, L.P.  
Plaintiff/ Appell

Robert Polinski, et, Al.  
Defendant/ Appell

Reviewing Court No. \_\_\_\_\_

Circuit Court No. 09 CH 046279

### NOTICE OF APPEAL

(Check if applicable. See Ill. Sup. Ct. Rule 303(a)(3).)

- Joining Prior Appeal
- Separate Appeal
- Cross Appeal

Appellant's Name: Robert Polinski

Appellant's Attorney (if applicable): Spec. Appearance (No Atty)

Address: 5417 W. Melrose Street

City/State/Zip: Chicago, Illinois 60641

Telephone Number: 773-851-5725

- Cook County Attorney Code: Spec. Appearance or  Pro se 99500 (Choose one)

Appellee's Name: Provident Funding Associates L.P.

Appellee's Attorney (if applicable): Codilis & Associates P.C.

Address: 15 W 030 North Frontage Rd.

City/State/Zip: Burr Ridge Illinois 60527

Telephone Number: 773-851-5725

- Cook County Attorney Code: N/A or  Pro se 99500 (Choose one)

An appeal is taken from the order or judgment described below:

Date of the judgment/order being appealed: 11/9/2010

Name of judge who entered the judgment/order being appealed: Judge FARRYL B. SIMKO

Relief sought from Reviewing Court: Motion to Dismiss the Subject Case based on LACK of STANDING, LACK of RATIFICATION of Commencement, FRAUD upon the COURT FRAUD in the FACTUM - Securities FRAUD - CUSIP No. CRIS No. Judge SIMKO is AN ADVERSARY - is Capable of being UNBIASED.

I understand that a "Request for Preparation of Record on Appeal" form (CCA 0025) must be completed and the initial payment of \$110 made prior to the preparation of the Record on Appeal. The Clerk's Office will not begin preparation of the ROA until the Request form and payment are received. Failure to request preparation of the ROA in a timely manner, i.e., at least 30 days before the ROA is due to the Appellate Court, may require the Appellant to file a request for extension of time with the Appellate Court. A "Request for Preparation of Supplemental Record on Appeal" form (CCA 0023) must be completed prior to the preparation of the Supplemental ROA.

Robert Polinski  
(To be signed by the Appellant or Appellant's Attorney)