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Date: January 3, 2012
Delivery Confirmation: 7006 3450 0002 2969 3712

Doc#: 1200429039 Fee: \$74.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 01/04/2012 10:40 AM Pg: 1 of 6

NOTICE AND DEMAND TO VALIDATE DEBT CLAIM

From : LINDA FORD and CLINTON FORD
Street Location 2215 ST. CHARLES RD.
City & State BELLWOOD, IL
Zip Code 60104

To: HEAVNER, SCOTT, BEYERS & MIHLAR, LLC Case No. 11-CH-01586
Address 111 E. MAIN ST., SUITE 200
City & State DECATUR, IL
Zip Code 62523

REF: Your correspondence purporting to allege a debt claimed by:

Name BAYVIEW FINANCIAL LOAN SERVICING, LLC
Address 4425 PONCE DE LEON BLVD., 5TH FLOOR
City & State CORAL GABLES, FL 33146
Alleged Account #'S 0200050175 & 0200050176
Alleged Balances \$300,000.00 & \$37,500.00

This is an offer to fully pay/discharge the attached claim of debt on the condition that the claiming parties comply with this notice within 30 days of receipt of this correspondence.

NOTICE OF CLAIM DISPUTE
NOTICE TO AGENT IS NOTICE TO PRINCIPAL
NOTICE TO PRINCIPAL IS NOTICE TO AGENT
APPLICABLE TO ALL SUCCESSORS AND ASSIGNS

*******SILENCE IS ACQUIESCENCE*******

**NOTICE AND DEMAND TO CEASE AND DESIST COLLECTION ACTIVITIES PRIOR TO
VALIDATION OF PURPORTED DEBT**

Pursuant to the truth in lending laws of the United States Code, Title 15 § 1601 et. seq. and the Fair Debt Collection Practices Act laws of the United States Code § 1692 et. seq. This notice constitutes a timely written response to your Fair Debt Collection Practices Act notice that you are attempting to collect an alleged debt and is not a dishonor of

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your alleged claim of debt.

This notice is our, required by law, demand to “cease and desist” collection activities prior to validation of purported debt and you must validate the enclosed claim of an alleged debt. You must provide verification that an actual debt really exists by producing the following:

- (1) The name and address of the organization or other governmental unit alleging a debt;
- (2) The name and address of the person or persons in that organization or other governmental unit alleging a claim of a debt;
- (3) The name of the actual creditor even if that is ourselves;
- (4) The origin of the funds used to create this alleged claim of a debt**
- (5) **The actual records of the organization or other government unit showing the time and place of the deposit and distribution of the funds used to create this alleged claim of debt.**
- (6) **The actual records of the organization or other governmental unit showing that an actual loan was made from the organization or other governmental unit’s own funds that resulted in the enclosed alleged claim of a debt.**
- (7) **The actual records of the organization or other governmental unit with a live signature on any and all document/instrument(s) used to allege the existence of a real loan of funds or debt from the organization or other governmental unit to us or anyone else by a similar name.**
- (8) **Be advised that verification is defined (Black’s Law Dictionary, 5th Edition) as follows: “Confirmation of correctness, truth, or authenticity, by affidavit, oath or deposition”. Affidavit of truth of matter stated and object of verification is to assure good faith in averments or statements of party.**
- (9) The actual records of the organization or other governmental unit showing that an honest disclosure of facts relating to the alleged loan was made by the organization or other governmental unit in compliance with the truth in lending laws of the United States Code, Title 15 § 1601 et. seq. and Regulation Z.
- (10) **The actual records of the organization or other governmental unit showing that any and all document/instrument(s) containing our signatures or the likeness of our signatures were not negotiated or pledged by the organization or other governmental unit against our credit to create the funds used for the appearance of a debt and resulting in this alleged claim of debt.**

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- (11) **The person that prepares and swears to the validation of debt must describe:** 1) your job description on a daily basis; 2) if you are the regular keeper of those books and records and are familiar with how they are kept and their contents; 3) how long have you been in your position; 4) when did you first come in contact with the alleged account/debt; 5) how frequently do you work with the files and information they are presenting to verify/validate the alleged debt; 6) are you the person/employee who regularly works with the alleged account/debt; and 7) do you have personal knowledge about the alleged debt and/or any alleged account.

15 U.S.C. § 1692 (e) states that a “false, deceptive, and misleading representation, in connection with the collection of any debt,” includes the false representation of the character or legal status of any debt and further makes a threat to take any action that cannot legally be taken a deceptive practice.

Pursuant to 15 U.S.C. § 1692 (g) (4) **Validation of Debts**, if you have evidence to validate your claim that the attached presentment does not constitute fraudulent misrepresentation and that one owes this alleged debt, this is a demand that, within 30 days, you provide such verification/validation and supporting evidence **signed and certified under penalty of perjury to substantiate your claim. Until the requirements of the Fair Debt Collection Practices Act have been complied with and your claim is verified/validated, you have no consent to continue any collection activities.**

This is a constructive notice that, absent the validation of your claim within 30 days, you must “cease and desist” any and all collection activity and are prohibited from contacting us through the mail, by telephone, in person, at my home, or at my work. You are further prohibited from contacting any other third party. Each and every attempted contact, in violation of this act, will constitute harassment and defamation of character and will subject your agency and/or attorney and any and all agents in his/her individual capacities, who take part in such harassment, and defamation, to a liability for actual damages, as well as **statutory damages of up to \$1,000 for each and every violation**, and a further liability for legal fees to be paid to any counsel which we may retain. Further, absent such validation of your claim, you are prohibited from filing any notice of lien and/or levy or judgment and are also barred from reporting any derogatory credit information to any credit reporting agency, regarding this disputed purported debt.

Further, pursuant to the **Fair Debt Collection Practices Act**, 15 U.S.C. § 1692 (g) (8), as you are merely an “agency” or other governmental unit of the United States, acting on someone else’s behalf, this is a demand that you provide the name of the original “principal”, or “holder in due course”, for whom you are attempting to collect this alleged debt.

Please take notice that this is a criminal investigation of the business practices of the above named organization or other governmental unit, its agents, officers, employees

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and attorney to determine violations of the United States criminal laws. Your enclosed claim of collection of a purported debt appears to be founded upon a false record in violation of U.S.C. Title 18 § 2071 and 2073 (falsifying records) and further; uttering and possessing false obligations and counterfeit securities based upon the falsified records in violation of U.S.C. Title 18 § 471, 472, 473 and/or 513, and further: using corrupt business practices to make and possess false records and claim of obligation, not substantiated by truthful facts in violation of the Federal Racketeer Influences and Corrupt Organization (RICO), U.S.C. Title 18 § 1961 et. seq. and further: using the U.S. Mail to present such fraud and false instruments amounting to Mail Fraud, criminal conduct falling under Title 18 U.S.C. § 1341 – Frauds and Swindles laws, and further sending mail with false and fictitious names, a criminal conduct falling under Title 18 U.S.C. § 1842 – Fictitious Names.

TAKE NOTICE

Debt Collector's failure in providing Respondents with the requisite verification, validating the above referenced alleged debt within the requirements of law as codified in the Fair Debt Collection Practices Act, Fair Credit Reporting Act and the corresponding laws of each state, signifies that Debt Collector tacitly agrees that:

- a. Debt Collector has no lawful, bona fide, verified claim, re the above-referenced alleged accounts:
- b. Debt Collector waives any and all claims against Respondents and
- c. Debt Collector tacitly agrees that Debt Collector will compensate Respondents for all costs, fees and expenses incurred in defending against this and any and all continued collection attempts, re the above-referenced alleged accounts.
- d. Failure of Debt Collector to properly and legally verify/validate alleged debt as required in this notice is a self executing irrevocable power of attorney authorizing Respondents/Alleged Debtors named herein to direct the permanent removal, on behalf of the alleged Creditor, of any and all references to said accounts in any and all credit reporting agency files of any type.

This response will constitute our efforts to resolve this on-going debt claim between the parties involved. Until full disclosure is achieved, there can be no case, collection or action. "No civil or criminal cause of action can arise lest, out of fraud, there be a valid, honest contract." See Eads v. Marks 249 P. 2d 257, 260.

Done this 3rd Day of January 2012

We declare under penalties of perjury in accordance with the laws of the United States of America (**without** the "United States") Title 28 U.S.C. § 1746(1) the forgoing is true

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Declaration of Homestead

We, Clinton Eugene Ford and Linda Ann Ford, Do Hereby Declare:

That Our Mailing Address For Our Homestead is:

Clinton Eugene Ford and Linda Ann Ford

2215 Saint Charles Road

Bellwood, Illinois [60104]

We Are Now Residing On The Land And Premises Located

In The City of Bellwood, County of Cook

State of Illinois

Known And Legally Described As Follows:

LOT 23 AND LOT 24 AND THE EAST 14 FEET OF LOT 26 IN BLOCK 1 IN KLINGENHAGEN'S SUBDIVISION OF BLOCK 5 IN HENRY C. WILSON'S ADDITION, BEING A PART OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AUGUST 25, 1925 AS DOCUMENT 9015535, BOOK 208, PAGE 28, IN COOK COUNTY, ILLINOIS.

INDEX NUMBERS: 15-10-115-040-0000 AND 15-10-115-047-0000

We Hereby Declare And Claim Said Premises As A Homestead.

No Further Declaration Of Homestead Has Been Made By Us Except As Has Be Abandoned.

Date: December 28, 2011

without prejudice MCC 1-308
Clinton Eugene Ford
without prejudice MCC 1-308
Linda Ann Ford

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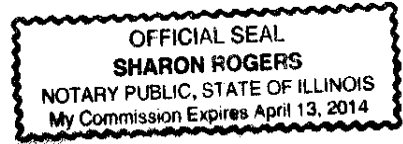
and correct and is admitted when not rebutted, so help me.

without prejudice UCC 1-308
 Linda Ann Ford
 without prejudice UCC 1-308
 Clinton Eugene Ford

On the 15 day of January 2012 Linda Ann Ford and Clinton Eugene Ford personally appeared before me in Cook County State of Illinois and placed their signatures above.

Sharon Rogers
 Notary Signature

Seal:



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