

UNOFFICIAL COPY



Doc#: 1221347055 Fee: \$54.25
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/31/2012 02:07 PM Pg: 1 of 8

July 30, 2012

Deliver Confirmation: 7011 2970 0003 1171 2059

NOTICE AND DEMAND TO VALIDATE DEBT CLAIM

From: Linda Ford and Clinton Ford
2215 St. Charles Rd
Bellwood, IL 60104

To: STAR RESOURCES, LLC
70 W Hubbard, St., Ste 210
Chicago, IL 60654

Case No. 11-CH-01586

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

8pm

UNOFFICIAL COPY

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, 6th 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.

UNOFFICIAL COPY

(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

UNOFFICIAL COPY

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 31st Day of July, 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

UNOFFICIAL COPY

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: July 30, 2012

Clinton Eugene Ford
JLAS

UNOFFICIAL COPY

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

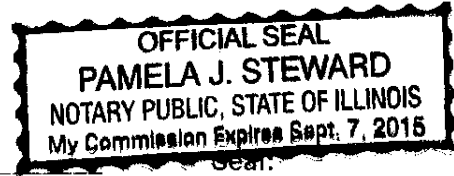
Linda Ann Ford

Clinton Eugene Ford

On the 31 day of July, 2012 Linda Ann Ford and Clinton Eugene Ford personally appeared before me in Cook County State of Illinois and placed their signatures above.

Pamela J. Steward

 Notary Signature



Property of Cook County Clerk's Office

Exhibit A

UNOFFICIAL COPY

Order to Approve Receiver's Report

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION
MORTGAGE FORECLOSURE/MECHANICS LIEN SECTION

Bayview Loan
PLAINTIFF,
v.
Ford, Linda et al.
DEFENDANT(S).

CALENDAR 56
No. 11 CH 01586
HONORABLE LAURA C. LIU
JUDGE PRESIDING

ORDER APPROVING RECEIVER'S REPORT

This matter coming to be heard on the presentation of the Receiver's 2nd Report; the following persons present before the Court (check all that apply):

- Receiver
- Plaintiff's counsel
- Mortgagor's counsel
- Defendants Ford

IT IS HEREBY ORDERED THAT:

1. For the period of April 24, 2012 to June 30, 2012, the following is approved:
 - a. Receiver's Fees of \$ 2,700.00
 - b. Receiver's Costs of \$ —
 - c. Management Fees of \$ —
 - d. Property Expenses of \$ 3,874.50
2. The Receiver's next report shall cover the period of 7/1/12 to 9/30/12.
3. The report shall be filed by 10/9/12 and courtesy copies delivered to the Court and parties on the same day.
4. Any objections to the report shall be filed by 10/16/12 and courtesy copies delivered to the Court on the same day.
5. This matter is continued for presentation of the next report to 10/24/12 at 10:30 AM in room 2808 without further notice
6. _____

Attorney No: 40387
 Name: Heaven Scott Bayless & Milburn LLC
 Attorney for: TT
 Address: 111 E. Main St.
 City/State/Zip: Decatur, IL 62523
 Phone: (217) 402-1719

ENTERED:
JUL 27 2012
 Circuit Court - 2054
 Date: _____, 201__

UNOFFICIAL COPY

Exhibit B

AFFIDAVIT OF NOTARY PRESENTMENT

CERTIFICATION OF MAILING


State of Illinois)
County of Cook)

On this 21st day of July, 2012, for the purpose of verification, I, the undersigned Notary Public, being commissioned in the County and State Notes above, do certify that Linda Ann Ford and Clinton Eugene Ford, appeared before me with the following documents listed below. I, the below signed notary, personally verified that these documents were placed in an envelope and sealed by me. They were sent by United States Post Office Certified Mail Number 7011 2970 0003 1171 2059.

1. NOTICE AND DEMAND TO VALIDATE DEBT CLAIM
2. IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION
MORTGAGE FORECLOSURE/MECHANICS LIEN SECTION



UCC1-308 All Rights Reserved



UCC1-308 All Rights Reserved

Notary Name Pamela J. Steward

Notary Signature Pamela J. Steward

My Commission Expires: September 7, 2015