

Faith Lynn Brashear

Plaintiff /Witness/ Advocate

In RE: 1095 Lowry Ranch Road

Corona, CA 92881

Tel: 951-268-4042

Preferred Response: Fax: 855-204-0859

Faith@Betterquest.com

THE RYAN FIRM – a Corp.

Defendant respondent

**FEDERAL COURT OF CALIFORNIA
FOR THE LOS ANGELES, CENTRAL DISTRICT**

FAITH LYNN BRASHEAR, an individual,
Plaintiff

vs.

SPECIALIZED LOAN SERVICING LLC,
as servicer for HSBC Bank USA, National
Association, as Trustee for the Holders of
the Deutsche Alt-A Securities, Inc.,
Mortgage loan Trust, Mortgage Pass-
Through Certificates Series 2007 –OA4; and
All persons and entities claiming any right
to real property located at 1095 Lowry
Ranch Road Corona, California 92881 and
Does 1-10, inclusively, Defendants

***Notice of forthcoming criminal
investigations. These courts are in
prejudice of this case – DEMAND for
immediate recusal and reconsideration
upon rulings and sanctions made void per
courts vested interest. Incorporating
CASE No. CV16-2360 GW (GJSx) id pg
20 in this motion - documentation
confirmation suspicions of violations of 18
U.S. Code § 242 and under 18 U.S.C. §
1964 (c) in accordance with the
decision of the United States Supreme
Court in Tafflin v Levitt. 493 U.S. 455**

Case Number 2:16-cv-02360-TJH-KK

**MOTION FOR RECONSIDERATION,
INTERLOCUTORY ORDER, AND
BRIEF IN SUPPORT**

**UNDER LOCAL RULE 83-2.11 28
U.S.C. § 515 and 28 USC § 1331- 25.3.3.3
(07-20-2010) REQUEST FOR TITLE IX
SPECIAL PROCEEDINGS Rule 71.1 (b)
CCP § 1008, Points and
Authorities; Collusion Exhibits; Request for
Judicial Notice of the Court's Own File:
Ruled in Res Judicata July 5th, 2016 in lieu
of July 11th, 2016 with NEW
DEFENDANTS, NEW ISSUES, and a
COA that CANNOT BE BARRED
evidencing willful and deliberative
concealment in the State Case by counsel in
a TIME MARKED TRANSACTION made
by these courts and REAL TIME
DOCUMENTATION OF THE STATE
COURTS BLATANT COLLUSIVE
VESTED REAL ESTATE INTERESTS
IN THIS TRANSACTION.**

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MOTION TO RECONSIDER

Violation of 42 U.S. Code § 12202 - State Immunity Current through Pub. L. 114-38 (See Public Laws for current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370), 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

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1. Pursuant to the Federal Rules of Civil Procedure, Plaintiff Faith Brashear brings new facts, circumstances, law, and explanations to timely file this Motion for Reconsideration, noting that the time demand of the court has not been abused or excessive in any way, that the new facts and circumstances are compelling and were not readily available until recent days and are still developing to conclusion. This Motion is hence placed before the court as follows:

I. INTRODUCTION

2. The Court's May 31, 2017 order granting Defendant's Motion to Dismiss was improperly made without consideration of new facts, circumstances, law, and explanations that were not available and could not be available to the court due to ongoing civil and criminal investigations. These ongoing investigations are yielding new evidence that show the Defendants have engaged before the Court in activities that are in bad faith and violate the Court's general doctrine of 'Clean Hands'. Plaintiff will show evidence of Defendant's unethical behavior and move to show Defendants appeared before this court with unclean hands and are therefore not entitled to \$2092.50 of the May 31 Order. Additionally, this Court could not have considered the new evidence presented herein because ongoing investigations are by procedure holding back evidence that will be used in bringing criminal charges against Defendant parties. However, very recent evidence obtained in the last few days prior to this filing indicate the nature of the more

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extensive evidence that is forthcoming. This very recent evidence is included in this Motion's Exhibits. Accordingly, Plaintiff respectfully requests reconsideration of the Court's May 31, 2017 Order by an alternate Judge.

II. ARGUMENT AND AUTHORITIES

3. A motion for reconsideration is appropriate in the following circumstances: (1) to address an intervening change in controlling law; (2) to consider new evidence not previously available; (3) to correct a clear or manifest error of law or fact; or (4) to prevent manifest injustice.
4. The extent of these extrinsic frauds includes but are not limited to Documentation of Collusion conducted at the lower level courts, Documentation of wire fraud conducted by Service Link Irvine in the transference of data (Title recordation's) [REDACTED]
[REDACTED] Ex1. A Certificate of surrender of right to transact interstate business was filed by the Secretary of State of California Nov 22,2013 upon ServiceLink, Inc. In turn making Defendants recording of this TDUS void and this issue of national security to which the FBI has taken notice and has opened investigations.
5. Although most motions for reconsideration are not granted because such motions are in general based on general dissatisfaction of the motioning party of an outcome, certain motions are granted when there are new issues, circumstances, changes, and law that merit an opening of the case to considerations described in the previous paragraph, and especially when such matters brought for reconsideration are compelling.

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6. Further, Plaintiff has not unduly nor excessively taxed the court's time as the history of the case shows motions and orders that were decided in haste without full adjudication of the underlying points and facts in plaintiff past case. Therefore, Plaintiff pleads with the Court to consider the following:

7. In RE: Order issued May 31,2017 in Res Judicata of a VOID RULING PREJUDICED BY VESTED INTEREST IN THE OUTCOME OF PLAINTIFFS CASE.

8. There is now irrefutable evidence of collusion of this vested interest of the State Courts. This has now been documented to the point where it is no longer a question that this has/is taking place in real time.

9. The documentation of this vested interest of the outcome of Plaintiffs case voids all rulings at the LOWER LEVEL COURTS as it shows not only a vested interest in Plaintiffs outcome, it now shows the elements of civil RICO under the clause of §1961(4): "group of individuals associated in fact although not a legal entity."

10. The documentation of this vested interest in the outcome Plaintiffs case voids ALL rulings at the State courts because you cannot delegate REO listings in exchange for falsifying evidence!

11. The documentation of this vested interest in the outcome Plaintiffs case voids ALL rulings at these State courts because you cannot transfer REO listings through third parties in exchange for testimony! VOID RULINGS CANNOT BE DECLAIRED AS RES-JUDICATA!

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12. THESE COURTS HAVE IGNORED THE CONGRESSIONAL INTENTS OF THE TRUTH IN LENDING ACT. AN ACKNOWLEDGED 2009 TILA RESCISSION CANNOT BE DECLAIRED RES-JUDICATA AS TILA IS A MATTER OF FACT.
13. PLAINTIFF HAS BEEN UNJUSTLY PREJUDICED BY THESE COURTS.
14. PLAINTIFF IS A PROTECTED CITIZEN UNDER THE AMERICANS WITH DISABILITIES ACT WHICH BECAME LAW IN 1990.
15. 42 U.S. Code § 12202 OF THIS ACT– CLEARLY STATES - State Immunity Current through Pub. L. 114-38: A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in [1] Federal or State court of competent jurisdiction for a violation of this chapter. In any action against a State for a violation of the requirements of this chapter, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State. (Pub. L. 101–336, title V, § 502, July 26, 1990, 104 Stat. 370)
16. PLAINTIFF HAS BEEN ACKNOWLEDGED AS A VOLUNTEER FEDERAL WITNESS OF ONGOING MORTGAGE CRIMES IN THE INLAND EMPIRE. DEFENDANTS HAVE RETALIATED AGAINST PLAINTIFF UNDER THE PROTECTION OF THESE COURTS!
17. RETALIATION HAS BEEN DOCUMENTED AND WITNESSED BY California Equal Access Advocates UNDER the American Disabilities Act –and not limited to- Amended Act Certified Advocate ID #0172016FDS.

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18. DENIAL OF EQUAL ACCESS HAS BEEN DOCUMENTED AND WITNESSED BY

California Equal Access Advocates American Disabilities Act –and not limited to-
Amended Act Certified Advocate ID #0172016FDS.

19. BLATENT REMOVAL OF TWO OF PLAINTIFFS ATTORNIES HAS BEEN

DOCUMENTED AND WITNESSED BY California Equal Access Advocates American
Disabilities Act - Amended Act Certified Advocate ID #0172016FDS.

20. Advocate ID #0172016FDS is in direct correspondence including but not limited to the
DOJ, FBI, ADA and certain members of Congress.

21. SEVERAL ADVOCATES including Advocate ID #0172016FDS WITNESSED THE
CONVEYENCE FROM PLAINTIFFS PAST COUNSEL TO PLAINTIFF “THE
COURTS ARE UNDER ORDERS FROM ABOVE NOT TO LET HOMEOWNERS
THROUGH”

22. Plaintiff objects to this order for it lacks relevance and foundation.

23. Plaintiff objects to this order for the Judge is ruling in rebuttable presumptions.

24. Plaintiff objects to this order for these courts and this Judge are enabling Defendants Tax
Avoidance Scheme.

25. Plaintiff has direct access to title records through her licensing privileges.

26. Plaintiff has direct access to the MLS (Multiple Listing Service) Records through her
membership privileged.

27. Plaintiff certifies and attests to the documentation presented as true and correct copies of
originals. Exhibits are an original direct source audit being conducted in real time...

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28. Plaintiff asserts and attests with direct knowledge that the state courts are in violation of
CANNON LAWS.
29. Plaintiff has DOCUMENTED that The Model of Judicial Conduct has been
compromised under Cannon 3 - Rule 3.11 (B)(2)(B)(4) - Rule 3.5 use of non-public
information for Rule 3.13 (A) A judge shall not accept any gifts, loans, bequests,
benefits, or other things of value, if acceptance is prohibited by law* or would appear to a
reasonable person to undermine the judge's independence,* integrity,* or impartiality.*
30. The California Code of Judicial Ethics canon 3.E(2)(a) provides "[a] judge shall disclose
information that is reasonably relevant to the question of disqualification under Code of
Civil Procedure section 170.1, even if the judge believes there is no actual basis for
disqualification." See (Adams v. Commission on Judicial Performance (1995) 10 Cal.4th
866.) Judge T. Hatter needs to reclude himself.
31. Collusion is an agreement between two or more parties, sometimes illegal and therefore
secretive, to limit open competition by deceiving, misleading, or defrauding others of
their legal rights, or to obtain an objective forbidden by law typically by defrauding or
gaining an unfair market advantage.
32. Plaintiff asserts and re-asserts you cannot exchange favors for fabricating evidence.
33. Plaintiff asserts and re-asserts that a history of receiving REO properties derived from
court cases is being used in exchange for testimony.
34. Plaintiff asserts and re-asserts that a history of receiving REO properties derived from
court cases in being used in exchange for doctoring evidence.

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35. Plaintiffs trade therefore as a result of Defendants actions, has been effected.
36. Plaintiffs property rights have been violated on three of her properties in retaliation of her direct source knowledge.
37. Defendants actions violations the constitutional rights of due process of law.
38. Plaintiffs DECLAIRES AND ATTESTS HER Constitutional rights have been violated.
39. Plaintiffs asserts that Defendants are engaging in obstruction of justice.
40. Plaintiffs asserts that the State Courts are engaged in the aiding in abetting in these obstructions.
41. Plaintiff and witness' observed the UD Judge practicing law from the bench.
42. Plaintiffs asserts that Defendants are engaging in Collusion at the State Court.
43. Plaintiffs asserts that Defendants are acting in retaliation. Defendants have been enabled.
44. Under the ADA act section 42 U.S. Code § 12203 - Prohibition against retaliation and coercion (a) Retaliation. No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter. (b) Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.

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(c) Remedies and procedures. The remedies and procedures available under sections 12117, 12133, and 12188 of this title shall be available to aggrieved persons for violations of subsections(a)and(b), with respect to subchapter I, subchapter II and subchapter III, respectively (Pub. L. 101–336, title V, § 503, July 26, 1990, 104 Stat. 370.)

45. Plaintiff hereby notifies these courts that Evidence herein is being submitted real time for review by a multitude of government agencies.

46. In 2016 Plaintiff came forth on April 6th, 2016 CASE No. CV16-2360 GW (GJSx) id pg 20 of suspicions of violations of 18 U.S. Code § 242 and under 18 U.S.C. § 1964 (c) in accordance with the decision of the United States Supreme Court in Tafflin v Levitt, 493 U.S. 455 (1990).

47. Plaintiffs complaint CASE No. CV16-2360 GW (GJSx) is now testimony in declaration in support of this appeal.

48. Plaintiffs complaint CASE No. CV16-2360 GW (GJSx) is now testimony in declaration in support of this appeal.

49. Plaintiff incorporates all writings, correspondences and motions brought forth in CASE No. CV16-2360 GW (GJSx) into these courts as testimony to these now realized suspicions.

50. Plaintiff was/is a volunteer federal witness of mortgage crimes in the Inland Empire. At no time has Plaintiff acted to conceal this or deny this and in fact notated this in an

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unanswered/and denied Federal Question Case No.: 5:17-cv-116-JLS-SPx. Plaintiff respectfully asks these courts to answer that question.

51. Plaintiff was employed by Wells Fargo Bank, N.A – the listed Master Servicer of the Deutsche Alt-A Securities Inc. Mortgage Loan Trust, Mortgage Pass-Through Certificate Series 2007-OA4 as a beta tester for the direct underwriting system.
52. Plaintiff worked both directly for and as a broker to Countrywide Home Loans, Inc. – the listed Originator of the Deutsche Alt-A Securities Inc. Mortgage Loan Trust, Mortgage Pass-Through Certificate Series 2007-OA4.
53. Plaintiff worked directly for BAC Financing and Bank of America during their merger and acquisitions from Countrywide Home Loans, Inc.
54. Plaintiff is a Broker/Realtor holding BPOR training which stands for Broker Price Opinion, which is a National Association of Realtor (NAR) approved appraisal valuation class.
55. Plaintiff has taken commercial valuation courses through NAIOP | The Commercial Real Estate Development Association.
56. Plaintiff can attest to the appraisal valuation being doctored, and has conducted a real-time audit of the appraisal submitted in fabrication to the Unlawful Detainer Courts as Evidence Ex-5.
57. Plaintiff has provided Evidence Ex-5 of BPOR valuation training from the National Association of Realtors outlining that a valid comparable cannot be older than 6 months.

DOCUMENTATION OF CONSPIRACY TO COMMIT COLLUSION

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58. Plaintiff has provided Evidence Ex-5 that the appraisal was conducted 2/26/2017.
59. Plaintiff has documented that the appraisal conducted by Joe Quinteros and presented to the UD Courts is 4 months old.
60. Plaintiff has documented that the appraisal conducted by Joe Quinteros presented to the UD Courts held two comps over 6 months old at the time of the appraisal.
61. Plaintiff has documented that Joe Quinteros is a licensed Real Estate Broker.
62. Plaintiff has documented that Joe Quinteros company address is 1101 California Ave, Suite 100 Corona California 92881.
63. Plaintiff has documented that Joe Quinteros is listed as a witness for Defendants Attorney at the UD Court.
64. Plaintiff has documented that Jeff Allan Farr is listed as a “Written in” witness for Defendants Attorney at the UD Courts.
65. Plaintiff alleges that Jeff Allan Farr was denied appearance to testify at the UD Courts because Plaintiff asserted that he did not hold the proper credentials to opinion.
66. Plaintiff has documented that Jeff Allan Farr company address is 1101 California Ave, Suite 100 Corona California 92881.
67. Plaintiff has documented that Jeff Allen Farr is a licensed Real Estate Broker.
68. Plaintiff has documented that Jeff Allen Farr is a member of the Inland Valley Association of Realtors. Ex 4
69. Plaintiff has documented that Liz Ottolia is a licensed Real Estate Agent.

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70. Plaintiff has documented that Liz Ottolia is a member of the Inland Valley Association of Realtors.
71. Plaintiff has documented that Liz Ottolia hangs her license under FIRST TEAM REALTY. Ex 3
72. Plaintiff alleges that Liz Ottolia is the wife of the head justice at the Historic Riverside County Court in Riverside County.
73. Plaintiff alleges that Daniel Ottolia the head justice at the Historic Riverside County Court in Riverside County.
74. Plaintiff has documented that Daniel Otollia reports on the California Form 700 a 10% vested Ownership interest in First Team Real Estate. EX3
75. Plaintiff is a member of the State Association of Realtors.
76. Plaintiff is a member of the National Association of Realtors.
77. Plaintiff was a past litigation liaison with the National Association of Realtors.
78. Plaintiff has been assigned to a Statewide Facilitator/ Special Investigator from the Bureau of Real Estate.
79. Plaintiff has direct access to title company records through First American Title.
80. PLAINTIFF HAS DOCUMENTED FIRST TEAM REAL ESTATE HAS OVER 20 BRANCH OFFICES. Ex3
81. Plaintiff HAS DOCUMENTED that Joe Quinteros has co-listed the following properties with Jeff Allen Farr transacted with FIRST TEAM REAL ESTATE:

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- A) 29831 Machado St, Lake Elsinore 92530.- Missing case numbers in public access
RIC462128 RIC462138 FAM162669 RIC325938- Found in BK courts 09-12027 –
LE31888JC Title research confirming past owner. DEUTSCHE BANK
- B) 7 Cartagena, Aliso Viejo CA 92656 - BK 2:11-BK-26865 – DEUTSCHE BANK
- C) 1043 Via Canada, San Dimas 91773 - Missing case numbers in public access
RIC325938. Found in BK courts 3:00-bk-05405- DEUTSCHE BANK
- D) 10 Willowood, Aliso Viejo 92656 – Title History Blocked
- E) 3939 Ellis St, Corona 92879 – Case 285217CM Case 70900RJCM- Missing case
numbers in public access COC010827 - BK 6:09-bk-37932

82. Duetsche Bank is the underwriter of Defendants foreclosing REMIC.

83. Plaintiff HAS DOCUMENTED that Joe Quinteros has co-listed the following properties with Jeff Allen Farr.

- A) 3320 Harley Ln. Corona 92882 – Case RIC1211948 HSBC Bank
(Defendant) The Mortgage Law Firm (same appointed trustee)

84. Plaintiff has documented Amy McKernan signed as attorney in fact as Second Assistant Vice President for HSBC Bank USA, National Association, as Trustee for the Holders of the Deutsch Alt- A Securities, Inc. Mortgage Loan Trust, Mortgage Pass-Through Certificate Series 2007-OA4.

85. Plaintiff has documented that Specialized Loan Servicing (SLS) is the non-bank servicer who proclaimed to a multitude of Government agencies, they held no interest in the loan.

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86. Plaintiff has documented that Specialized Loan Servicing (SLS) is the non-bank servicer who proclaimed to a multitude of Government agencies, they held no interest in the property.
87. Plaintiff has documented that Specialized Loan Servicing (SLS) is the non-bank servicer, whom is NOT in the business of lending money –, now claiming to be the original lender of Plaintiffs property. Ex6
88. Plaintiff alleges that The Office of the Comptroller of the Currency Issued a Cease and Desist against HSBC Order -AA-EC-11-14 against HSBC handling of foreclosure proceedings to which HSBC consented on 4/1/2011. Ex 6
89. Plaintiff has documented that The Office of the Comptroller of the Currency issued a Consent Order for Civil Money Penalty for violating same consent order.
90. Plaintiff has documented that The Office of the Comptroller of the Currency outlines repeated compliance failures of subsequent consent orders.
91. Plaintiff has documented that The Office of the Comptroller of the Currency did not remove these orders until September 30, 2016.
92. Plaintiff has documented Defendants foreclosed prior to direct government orders to cease and desist in these activities.
93. PLAINTIFF HAS DOCUMENTED THE TERMINATION OF THE DEUTCHE REMIC UPON THE SECURITIES AND EXCHANGE COMMISSION. Ex 6

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94. Plaintiff HAS DOCUMENTED that Joe Quinteros has co-listed the following properties with Jeff Allen Farr to the point where it would appear to ANY reasonable person that actual accounts have been assigned out to them. EX 4

A) Massy Harris Way, Corona CA – MVC1601397 – RIC1603502 – RID1504487-
RIC1205065– Bank of New York Mellon.

B) 3061 Huckleberry Dr, Corona CA – SWD018549 – RID211020 – RIS161938 –
RIC375077- FAMID34997- Bank of New York Mellon.

C) 25421 Singleleaf St, Corona 92883- MVC1201132 - Bank of New York Mellon.

95. Plaintiff HAS DOCUMENTED Video surveillance of FIRST TEAM REAL ESTATE agent Amy Alvarez pretending to happen by Plaintiffs property the day after an injunction hearing was denied. This has been posted at www.wetheplainiffs.com and circulated to a variety of media networks and investigative journalists.

96. Plaintiff asserts that Amy Alvarez engaged in conversation with Plaintiff in regards to the listing her office had in the neighborhood.

97. The First Team Real Estate listing in the neighborhood at that time was 4165 Jameson Drive, Corona CA 92881.

98. MVC1005790 documents the Bank of New York Mellon conducted a foreclosure on the property located at 4165 Jameson Drive, Corona CA 92881. Further the sales offering of the property was reduced to match the mock auction held against the Plaintiff.

99. Plaintiff alleges On December 30th video surveillance captured a man whom was caught taking pictures of Plaintiffs daughter coming out of the shower.

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100. Plaintiff alleges that report was filed with the Corona Police 2015 Ford F350 Super Duty King Ranch / Lariat / Platinum / XL / XLT with VIN 1FT8W3BTXFEA96774
101. Plaintiff alleges that the first name of that Owner to that Vehicle was Jeff.
102. Plaintiff alleges that the police officer conveyed that Jeff vehicle was registered to an address in Orange County. Further, the officer stated that JEFF told him that he worked for the foreclosing bank.
103. Plaintiff vividly asserts DEFENDANTS DO NOT GET TO BE ABOVE THE LAW!
DEFENDANTS ASSOCIATES DO NOT GET TO GET AWAY WITH SUCH
REPULSIVE CONTEMPT AND HARRASMENT TACKTICS!
104. Plaintiff has proof, facts and evidence to support that the issue is the matter
underneath the artful pleading doctrine TO DEMAND FEDERAL Answers.
105. "Artful Pleading Doctrine" is utilized by federal courts to transform claims pled under
state law into federal claims in order to confer removal jurisdiction. "Artful pleading
exists where a plaintiff articulates an inherently federal claim in state-law terms.
[Citations.] A federal court may exercise removal jurisdiction under the 'artful pleading'
doctrine, even if a federal question does not appear on the face of a well-pleaded
complaint, in three circumstances: (1) where federal law completely preempts state law;
(2) where the claim is necessarily federal in character; and (3) where the right to relief
depends on the resolution of a substantial, disputed federal question." T & E Pastorino
Nursery, at 1247.

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106. PLAINTIFF IS AWARE THAT DEFENDANTS ARE EXECUTE AN EXECUTORY UNDERSTANDING FOR AGREEMENTS DEEMED CONTRACTS OF ADHESION THAT BENEFIT FROM CONCEALED TRIGGER DATES AND TIME DEVISEES SUCH AS TOLLING AND CAUSAL TO A VARIETY OF ESTOPPEL BY LACHES TO RIPEN EACH CLAIM AS OF THE EXACT DATE THE COURT CAN AFFIRM THE UNDERLYING OR ALTERNATIVE TRANSACTION USED BY COUNTERPARTIES THAT ARE IN ESSENCE RELATED PARTIES INTERESTS FOR CONSIDERATION MANUFACTURED ACCORDING TO EACH ANCHOR DATE AND SUBSEQUESNT EVENT.

107. Plaintiff request for an ANSWER the FEDERAL QUESTION PRESENTED. EX7 and to turn this matter over to the Attorney General to open immediate discussions for a Recovery and Reform under the 16th Amendment Diminutive loss principle.

108. **PLAINTIFF HAS NOT FAILED TO STATE CLAIMS TO WHICH RELIEF COULD BE GRANTED neither past or present.** Further California Civil Procedure § 1161a(b)(3) requires that your title be "duly perfected" prior to giving the holdover occupants the requisite Notice to Quit. Plaintiff must now insist on a permanent injunction against Defendants.

109. Defendant cannot hold Plaintiff, a volunteer federal witness of these mortgage crimes, in an Unlawful Detainer Court – There has been no real party of interest whom holds first-hand knowledge of these issues in these courts at ANY LEVEL nor at ANY TIME.

MOTION FOR RECONSIDERATION, INTERLOCUTORY ORDER, AND BRIEF IN SUPPORT

110. Plaintiff is sick of these Attorneys coming into these courts under Attorney Foreclosure Manuals under "referral" pretending to represent a true party of interest. They are nothing more than salvage attorneys designed specifically to expedite the foreclosure process against properties they **HOLD NO LEGAL INTEREST TO** aid and abet in the facilitation of this tax avoidance scheme.
111. Plaintiff asserts, attests and re-asserts the TDUS shows evidence of zero documentary transfer tax which evidences the accounting transfer from REMIC-II to REMIC I by miscuing the use of the IRS Codes embedded in that landmark case Kirby v.US Lumber. No mortgage exists upon this property or any other property under a Mortgage Pass Through Trust, because these contracts hold fatal flaws and are **CONSTITUTIONAL TOXIC TORT VIOLATIONS**.
112. Plaintiff objects to the UD proceeding moving forward due to lack of ratification of commencement. Under rule CCP 367 all claims must be brought in the real party of interest. There has **NEVER** been a party of interest present at any time.
113. Citing California Evidence Code 1401 (a) (b) Authentication. Attorneys cannot authenticate documentation. The UD Courts lack subject matter jurisdiction. Defendants are under federal investigations for these crimes. Therefor Plaintiff demands an immediate injunction against Defendants.
114. Statements of counsel in brief or in argument are not sufficient for motion to dismiss or for summary judgment," Trinsey v. Pagliaro, D. C. ... "Statements of counsel in brief

MOTION TO RECONSIDER

Violation of 42 U.S. Code § 12202 - State Immunity Current through Pub. L. 114-38 (See Public Laws for current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370), 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. - Documentation of collusion - fabrication of evidence - Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

MOTION FOR RECONSIDERATION, INTERLOCUTORY ORDER, AND BRIEF IN SUPPORT

or in argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment." These courts erred.

115. Plaintiff objects to the Foreclosure Attorney Manual being used by Defendants Salvage attorneys whom hold no direct firsthand knowledge whom are being directed by a "system" designed to violate the 5th and 14th Amendments to the Constitution FOR the United States of AMERICA. This is misuse of sheriff's force under the 4th.
116. Citing Evidence Code 1200-1205. These courts have at ALL TIMES ruled upon Hearsay. 1200 (a) "Hearsay evidence" is evidence of a statement made by other than a witness while testifying at the hearing and that is offer to prove the truth of the matter.
117. Plaintiff has now documented the states court ruling upon hearsay of a Defendant "Plaintiff" whom has NEVER set foot in those UD courts. Plaintiff declares, attests, and asserts: (1) You cannot have jurisdiction without subject matter, (2) Hearsay is NOT subject matter. (3) Presumptions of Law are not LAW.
118. Plaintiff rightfully livid asserts that NO amount of collusion, third party graft benefits bestowed, or outright bribes to non-banks to conduct foreclosures and claim they are the original lenders after the fact (aka a \$1.5 MIL back door buddy swap BRIBE to a non-bank servicer) can change that judicial FACT.
119. Plaintiff declares that Defendants are of a criminal mindset and DO NOT GET A FREE HOME SO THAT THEY CAN TRANSFER A \$570K CAPITAL GAINST TAX TO PLAINTIFF OWED TO THE FRANCHISE TAX BOARD BY SPECIALIZED

MOTION FOR RECONSIDERATION, INTERLOCUTORY ORDER, AND BRIEF IN SUPPORT

LOAN SERVICING. Plaintiff moves these courts to adjudicate with common sense under COMMON LAW.

NOTICE OF INTENT TO FILE CRIMINAL CHARGES

120. These attorneys, and NONE OF THEM, hold direct witness knowledge.

PLIAINTIFF DECLAIRS THAT SHE IN FACT IS A DIRECT FEDERAL WITNESSS OF THESE ONGOING CRIMES AGAINST HUMANITY! THESE COURTS, THIS JUDGE AND CERTAINLY NOT THESE ATTORNEYS hold direct knowledge of the internal functions of the federalized banking industry. PLAINTIFF WILL NOT BE GAGGED NOR WILL SHE SETTLE UNTIL THE PERPERTRAITERS ARE IN JAIL.

121. Evidence code Section 1200 (b) Except at provided by law, hearsay evidence is INADMISSIBLE.

122. Plaintiff challenges these statutory presumptions of law, because presumptions of law ARE NOT LAW. Plaintiff IS providing Subject matter to give jurisdiction.

123. Plaintiff asserts witness evidences violation of California Evidence Code Section 703 (b). Plaintiff attests that the UD trial was declared a mistrial because a Juror approached Plaintiffs Witness and engaged her. Plaintiffs title witness whom testified to the “accommodation stamp” as outlined above was stripped which in turn cause Plaintiffs attorney to withdraw.

124. Plaintiff further alleges and asserts this Trustee Deed Upon sale failed to perfect title under 2924(h) (c) because it can NEVER perfect title as NO MORTGAGES WERE CREATED BY THESES CONTRACTS.

MOTION TO RECONSIDER

Violation of 42 U.S. Code § 12202 - State Immunity Current through Pub. L. 114-38 (See Public Laws for current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370), 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

MOTION FOR RECONSIDERATION, INTERLOCUTORY ORDER, AND BRIEF IN SUPPORT

125. In *Kesser vs Bridge* the proceedings were based on California Code of Civil Procedures, section 1161a, subparagraph 4. [1] To prevail, a plaintiff must prove that the property was “duly sold” and that “the title under the sale has been duly perfected”. Contrary to the rule applying to unlawful detainer where the landlord-tenant relationship is involved, title thus becomes an issue. (*Keliher v Keliher* (1050). 101 Cal.App.2d 226, 232 [225 P2d 544].
126. Citing California Evidence Code Section 702 (b) A witness’ personal knowledge of a matter may be show by ANY otherwise admissible evidence INCLUDING HIS OR HER OWN TESTIMONY – to which THIS ENTIRE FEDERAL CASE FILED BY PLAINTIFF BEFORE – IS BASED IN DIRECT KNOWLEDGE TESTIMONY IN DIRECT PROXIMITY AND STUDY WITH OTHER DIRECT SOURCES INCLUDING SEC CPA’S. See *StorMedia Inc. v Superior Court*.
127. Plaintiff declares, asserts and re-alleges that these contracts were properly rescinded and acknowledge as such in 2009 - current. If grounds for recession existed, the proper notice of rescission was given, then the Defendant at the time of institution of this suit, had not title, and the “sale” after rescission is non-existent, and may be declared so. (Civil Code, 168, 1689; cf *Kight v Security First National Bank* (1912). 19 Cal.App 518 [126 P512]
128. Plaintiff attests, asserts and re-alleges that these contracts were permanently and federally discharged in 2009 on TOP of a proper TILA recession.

MOTION FOR RECONSIDERATION, INTERLOCUTORY ORDER, AND BRIEF IN SUPPORT

129. Plaintiffs defenses are, (1) fraud in the inducement to the relinquishment of the property; (2) delivery of the deed to Plaintiff in violation of the terms and conditions of the escrow; (3) failure of consideration; (6) rescission of the transaction, effected before the institution of this suit.

STATE TITLE VIOLATIONS UNDER TITLE 5 – Ex 1

130. Plaintiff works directly with Escrow and Title Companies as a part of her TRADE.

131. The "Accommodation Stamp" does not allow any legal rights nor does not give any clarification as to what they are accommodating. See ROOZ v. KIMMEL. Ex 1

132. Plaintiff alleges and asserts that if a house does not have clear title, you can't get a title insurance policy for it. If you do NOT have a perfected chain of title, you cannot conduct a foreclosure.

133. Plaintiff alleges and asserts as a past mortgage broker with FIRST HAND INDUSTRY EXPERIENCE that if a property is uninsurable - a loan cannot be placed upon it.

134. Plaintiff repeatedly asked Defendants WHOM would be issuing the 1099-A to Plaintiff.

135. On 2/1/17 Plaintiff was issued a 1099-A by the non-bank servicer in the amount of \$1,550,758. Ex 6

136. This now evidences the fact that the mortgage was liquidated under the sec 108 accelerated recovery and C.F.R. 1.751 CONSTRUCTIVE LIQUIDATION via the

MOTION FOR RECONSIDERATION, INTERLOCUTORY ORDER, AND BRIEF IN SUPPORT

documentation of a non-bank servicer who proclaimed no involvement in either the loan or the property now reporting to the IRS they are the original lender of over \$1.5M.

137. **Claims title is lost to divestment from date of origination and treated as a final sale under ASC 860 and SFAS 140-3 barring servicing rights under 17 CFR**

1122AB. Which means these courts, are aiding and abetting in tax avoidance which is depriving the franchise tax board of rightful taxes -whom are also aware of these investigations.

138. To the extent the court of appeals has ruled res judicata may apply ONLY TO those identical causes of action pled in the former action against the identical defendants in that action under the doctrine. New theories against New Defendants DID NOT fall into that rubric. The doctrine is found under the Law of Judgments" and bars re-litigating former claims against former defendants who prevailed previously to a final judgment.

139. To the extent the new causes and new defendants were not within the finding of the former action finally appealed from, this argument is specious.

140. Factual and Procedural Background: Plaintiff must not assert evidentiary principle.

a. Arguments of counsel are inadmissible hearsay and lack foundation. Comments falling into this category are to be stricken comment on evidentiary principle.

b. What Plaintiff admits or denies factually in the prior case such be consistent with this case and the facts/law Plaintiff is presenting.

c. An injunction must be supported here

MOTION FOR RECONSIDERATION, INTERLOCUTORY ORDER, AND BRIEF IN SUPPORT

d. "unprovable" assignments of the Note are at issue. There is no evidence of any assignment to any other lender based on the law of assignments [a contract species]..."What proof is presented clearing showing any assignment occurred?"

THEY CANNOT BECAUSE IT IS BASED IN FRABRICATION UNDER PRESUMPTIONS OF "COLORABLE" LAW.

141. TILA is an issue of fact NOT ARGUMENT by a lawyer. THERE ARE NO IDENTICAL PLAYERS HERE. **Defendants have failed to take Faith Down.**

142. Plaintiff declares, asserts and has verified that these contracts were nothing more than a divestiture of the collateral obtained in exchange for certificates offer against the manipulated LIBOR index. UCC Article -3 3.302 You can't be a holder in due course if holder took instrument with notice that instrument is overdue. Article -3 §203 transfers cannot be made if the transferee engaged in fraud or illegality affecting the instrument. Defendants REMIC failure to "Qualifying" under traditional security requirements required under 17 CFR 339.1 have now been exposed.

143. In California, the statute of limitation on unsecured promissory notes is 4 years from the date of the first default. Further Commercial Code section 3118(a) provides a six-year statute of limitations for "an action to enforce the obligation of a party to pay a note payable at a definite time." Defendants at this moment in time are beyond S.O.L.

MOTION FOR RECONSIDERATION, INTERLOCUTORY ORDER, AND BRIEF IN SUPPORT

III. CONCLUSION AND REQUEST FOR RELIEF

For the foregoing reasons, Plaintiff Faith Brashear respectfully requests that:

1. This Court reconsider and deny Defendant's motion to dismiss that were based on reasons pertaining to res judicata;
2. Grant Plaintiff's case full reconsideration;
3. Grant Plaintiff any and all relief to which she may be entitled.

Respectfully submitted, Monday, June 12, 2017.

X  Faith Lynn Brashear

Faith Lynn Brashear

Plaintiff /Witness/ Advocate

In RE: 1095 Lowry Ranch Road

Corona, CA 92881

Tel: 951-268-4042

Preferred Response: Fax: 855-204-0859

Faith@Betterquest.com

THE RYAN FIRM – a Corp.

Defendant respondent

**FEDERAL COURT OF CALIFORNIA
FOR THE LOS ANGELES, CENTRAL DISTRICT**

FAITH LYNN BRASHEAR, an individual,
Plaintiff vs. SPECIALIZED LOAN
SERVICING LLC, as servicer for HSBC Bank
USA, National Association, as Trustee for the
Holders of the Deutsche Alt-A Securities, Inc.,
Mortgage loan Trust, Mortgage Pass- Through
Certificates Series 2007 –OA4; and All
persons and entities claiming any right to real
property located at 1095 Lowry Ranch Road
Corona, California 92881 and Does 1-10,
inclusively, Defendants

***Notice of forthcoming criminal investigations.
These courts are in prejudice of this case –
DEMAND for immediate recusal and
reconsideration upon rulings and sanctions
made void per courts vested interest.
Incorporating CASE No. CV16-2360 GW
(GJSx) id pg 20 in this motion - documentation
confirmation suspicions of violations of 18 U.S.
Code § 242 and under 18 U.S.C. § 1964 (c) in
accordance with the decision of the United
States Supreme Court in Tafflin v Levitt,
493 U.S. 455 (1990).**

Case Number 2:16-cv-02360-TJH-KK

**DECLARATION IN SUPPORT OF
MOTION FOR RECONSIDERATION
INTERLOCKETORY ORDER AND
BRIEF IN SUPPORT**

**UNDER LOCAL RULE 83-2.11 28
U.S.C. § 515 and 28 USC § 1331-
25.3.3.3 (07-20-2010) REQUEST FOR
TITLE IX. SPECIAL PROCEEDINGS
Rule 71.1 (b) CCP § 1008, Points and
Authorities; Collusion Exhibits; Request for
Judicial Notice of the Court's Own File:
Ruled in Res Judicada July 5th, 2016 in lue
of July 11th, 2016 with NEW
DEFENDANTS, NEW ISSUES, and a
COA that CANNOT BE BARRED
evidencing willful and deliberative
concealment in the State Case by council in
a TIME MARKED TRANSACTION made
by these courts and REAL TIME
DOCUMENTATION OF THE STATE
COURTS BLATANT COLUSIVE
VESTED REAL ESTATE INTERESTS
IN THIS TRANSACTION.**

MOTION TO RECONSIDER

1

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

**DECLARATION IN SUPPORT OF MOTION FOR RECONSIDERATION
INTERLOCKETORY ORDER AND BRIEF**

I am the PLAINTIFF in the above-entitled matter

50. I Faith Lynn Brashear, am the Plaintiff and Movant in the above entitled matter. I make this declaration of my own personal knowledge, unless the context indicates otherwise and, if called as a witness, I could and would testify completely to the facts stated herein. Further I CAN and DO have a professional industry witness' who can verify the accuracy of these statements.

51. I AM a VOLUNTEER FEDERAL WITNESS OF ONGOING MORTGAGE CRIMES. THIS CASE HAS BEEN FILED AS A CASE STUDY IN ADDITION TO ITS PLEADINGS, FOR THE TREATMENT OF PRO SE LITIGANTS WITHIN THE FEDERALIZED BANKING "SYSTEM".

FACTS

52. Plaintiff filed an initial complaint to the above named Federal Court on March 15, 2016 after evidencing judicial misconduct at the State courts. Upon submitting her proof of service to the courts, she was told that the courts could not take the summons she had served as it was not stamped by the courts.

MOTION TO RECONSIDER

2

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

53. Plaintiff was told by the intake department that the courts would not issue Plaintiff a summons until her case was reviewed by a judge because she had asked for a fee waiver due to her immediate circumstances which rendered her without enough funds to submit the complaint in time to stop these multiple wrongful foreclosure attempts of her current property by Defendants.
54. Plaintiff made a concurrent request of a TRO which was denied by Judge Terry J. Hatter, Jr. on March 17th, 2016, who acted under color of law to prejudice Plaintiff and ruled in res-judicata upon a void ruling at the state.
55. On March 21st, 2016, Plaintiff submitted an appeal for the denial which structured judicial questions before the court as Judge Terry J. Hatter had notated that no questions were raised to the courts and that he could not interfere with the actions of “a collection agency”.
56. Plaintiff's submission of her reconsideration request for a TRO, Judge Terry J. Hatter, Jr. acting under color of law, moved deny the appeal on technicalities of the law, and further dismissed Plaintiff's Complaint. Plaintiff alleges upon belief that it was in fact the same day of her appeal submission.
57. Plaintiff's initial complaint did not contain a Jury Trial Request.
58. Plaintiff submitted her new complaint on April 6, 2016.

MOTION TO RECONSIDER

3

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

59. Plaintiff restructured her new complaint removing past Defendant HSBC and made a request for a Jury Trial.
60. Upon submitting her second proof of service to the courts, she was told that the courts could not take the summons she had served as it was not stamped by the courts and she had to wait to be assigned a Judge who would in turn issue this to her.
61. On 4/8/2016 Judge G. Wo, acting under color of law, authorized Plaintiffs request for E-filing along with a Standing order RE: Final Pre-Trial Conferences for Civil Jury Trials. Plaintiff asserts that no summons was issued to Plaintiff to serve by the courts at that time.
62. Plaintiff moved forward to re-serve her complaint, based upon the belief that because the courts were Neglecting to issue her a summons to serve, it would be prudent serve the complaint once more with the downloadable summons provided upon the courts website in the event that this was a court oversight.
63. Upon submitting her third proof of service to the courts, she was told again that the courts could not take the summons she had served as it was not stamped by the courts. The intake department, did however place the summons behind the complaint service each time to make the courts aware Plaintiff was trying.

MOTION TO RECONSIDER

4

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

64. On 4/18/2016 an order to reassign Plaintiffs restructured case was issued by Judge Phillip S. Guterrez, acting under color of law, to re-assign Plaintiffs case back to Judge Terry J. Hatter as a duplicate case, which removed the Jury request and set the complaint back to the initial submissions. Plaintiff asserts that no summons was issued to Plaintiff to serve by the courts at that time.

65. These courts, acting under color of law, further **re-affirmed on 4/21/2016 Plaintiffs case as a NEW CASE by the courts** before Judge Terry J. Hatter. Plaintiff asserts that no summons was issued to Plaintiff to serve by the courts at that time.

66. On 4/22/2016 Plaintiff received an email from the courts NOTICE TO ALL PARTIES by Judge Terry J. Hatter, Jr: Counsel are hereby notified that the above matter is hereby ordered dismissed as the plaintiff did not pay the filing fees, instead filed a new case before this Court (CV 16-2360-TJH(KKx) and fees have been paid in that second case. (Made JS-6. Case Terminated.) (jp)

67. Plaintiff alleges that Judge Terry J. Hatter, Jr. again acted under color of law to re-terminate Plaintiffs initial March, 2016 terminated complaint once again on April 22nd, 2016 over a fee waiver request. In the manner this was remarked, it appeared to Plaintiff that her case had been dismissed twice by the same Judge.

MOTION TO RECONSIDER

5

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

68. Plaintiff began to draft a request for re-assignment to ask these courts what was going on, as these activities appeared to be denying Plaintiff of her Constitutionally protected rights to due process of law simply because she managed to actually pay the fee through a hardshipped moment of time.
69. On 4/27/2016 Motion to Dismiss filed by Attorney James F Lewin, Council to Defendant The Mortgage Law Firm PLC in response to Plaintiffs initial complaint March 15th, and not her restructured complaint submitted April 6th.
70. Plaintiff had to divert from her draft a request for re-assignment which she eventually submitted on May 15th and focus upon additional motions as the dismissal request was based in false pretense upon Plaintiffs originally submitted and dismissed case by the same Judge.
71. Plaintiffs case was served three times on the following dates; initial case 3/22/2016, restructured case 4/5/2016 and 4/15/2016.
72. Plaintiff asserts that with each service, a Demand for proof of Authority and a formalized request for production of documents to show good faith to these courts was provided. The requests were pursuant to *Civil Procedure Rule Request for Production of Documents*, *Civil Procedure Rule 36 Request for Admission* and *Civil Procedure Rule 17 Real party of interest*.

MOTION TO RECONSIDER

6

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73. Plaintiff properly alleges that Because Council to Defendants requested a motion to dismiss based upon the original complaint servicing date, he was beyond the 21 days to respond to Plaintiffs initial complaint.

On May 15th Plaintiff Filed the Following motions, which have been Judicially Ignored.

A. Motion to Compel for Production of Documents – as formalized request were served to Defendants and their respective council.

B. Motion to Compel Proof of Authority – as made part of Plaintiffs complaint as addendum A.

C. Motion for More Definitive Statement - outlining further legal impossibilities that a holder in due course existed upon a 2009 TILA rescinded loan, also outlining the ultra virus acts being committed by Defendants.

D. Motion for Judicial Notice – of the documents in need of more definitive statements as to why Defendants were enacting a fictitious foreclosure upon a 12-month installment loan and NOT a 30-year Mortgage.

74. Plaintiffs preemptive 170.6 request for reassignment of Judge Hatter, also made on May 15th, was denied by these courts who acted under color of law.

75. Plaintiff is FULLY AWARE that proper Protocol under 170.6 (4) states: *If the motion is duly presented, and the affidavit or declaration under penalty of perjury*

MOTION TO RECONSIDER

7

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is duly filed or an oral statement under oath is duly made, thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge, court commissioner, or referee to try the cause or hear the matter. This was not done.

76. Plaintiff was notified of Council to Specialized loan service representation on 4/29/2016 by Bryan Cave Associate Attorney Sarah Burwick.

77. Council to Specialized Loan Servicing did not choose to respond to Plaintiffs complaint until June 3, 2016 the Friday before the request for dismissal was to be heard upon Movants to The Mortgage Law Firm PLC.

78. Plaintiff alleges that Council of Bryan Cave LLP was far beyond the allowed time under normal circumstances to respond.

79. Plaintiff alleges that Council of Bryan Cave LLP was aware of the complaint in a timely manner, but chose instead to sit on it.

80. At this point, if this case gets dismissed by a judge who refused to recuse under a 170.6, it will in fact be obstruction of justice where Plaintiff will in fact hold this judge, the state judge and these courts accountable.

81. Conditions President has not been set for Defendants who cannot service a loan that has been written of by the banking industry. Defendants are trying to enact a fictitious foreclosure upon a property written off by the Federalized Banking

MOTION TO RECONSIDER

8

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

System in which Plaintiff rescinded, Voiding the Contract ab initio per operation of law, and Council of the advertised “Collaborative” law firm are in full awareness of these issues under acting under an INFORMED COURT to enter a leach order on the one-year anniversary of the NYSE market glitch, days before a hearing was scheduled.

82. Plaintiff was ridiculed by opposing council at that time who cited Plaintiff was bringing forth conspiracy theories.

83. In and around August 2016 Defendants moved forward upon a mock auction.

84. Defendant HSBC under a cease and desist by the OCC until September, 2016.

85. In October of 2016 Plaintiff was stripped of her IRS Council by the courts.

86. Plaintiff was in the IRS tax courts fighting an erroneous audit conducted two states away after being repeatedly denied her right to representation. Past Defendant Bank of America (amongst other banking institutions) refused to surrender Plaintiffs business records.

87. Shortly after the beginning of the new year in 2017, Defendant SLS issued a 1099-A prior to the mock auction title recordation - which failed to perfect title under 2924 (h)(c) within 15 days.

88. The TDUS held an accommodation stamp stating the recordation held no representation of legal standing.

MOTION TO RECONSIDER

9

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89. The UD courts refused to dismiss the case.
90. The UD Court placed Plaintiff before multiple bench judges in order to deprive Plaintiff of her due process rights.
91. When that failed and Plaintiff demanded a jury trial, opposing council misled Plaintiffs attorney as to a court hearing and in turn acted to move the courts to gain possession of the home.
92. Plaintiff was on site filing ADA paperwork at the time and noted that her case was being tried at the time of her arrival.
93. Plaintiff tried to gain access to the courtroom and slipped on something wet on the floor.
94. When Plaintiff arose, she was approached and knocked down to make it appear that she had fallen again.
95. Plaintiff was immediately man handled by two of the courts security whom led her over to a bench to sit. This in turn triggered Plaintiffs health issues, which in turn the courts called for an ambulance to cart Plaintiff away as the UD Courts ruled adversely against her.
96. Plaintiffs advocate came on site and assisted Plaintiffs attorney to reverse the decision of the court.
97. Plaintiff retained the legal service of the Rodriguez Law Group for well over \$20k.

MOTION TO RECONSIDER

10

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98. The Rodriguez Law group represented Plaintiff in the UD courts and witnessed the judicial misconduct which was taking place.

99. Patricia Rodriguez made statements to Plaintiff upon the day a jury trial was supposed to take place, that opposing council wished to settle for \$7500 in exchange for keys, and that there were orders from above to prevent homeowners from getting through the courts. This was witness by Plaintiffs assigned ADA agent.

100. During the course of the trial additional misconducts ensued. A juror approached Plaintiff title witness and engaged in conversation. When Plaintiffs Title witness came forth, she was immediately accused of tampering with the jury and the case move to a mistrial.

101. As a result, Plaintiff received her file last Thursday under which the discoveries of the severity of these misconducts surfaced.

DECLAIRATION OF FAITH LYNN BRASHEAR

102. I Faith Lynn Brashear am Defendant in this matter.

103. I am an Original Source Federal witness of mortgage crimes in the Inland Empire.

104. I worked directly for Countrywide

MOTION TO RECONSIDER

11

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

105. I was contracted as a Wholesale Mortgage Broker for Countrywide
106. I worked directly for Bank of America
107. I worked directly for Wells Fargo
108. I was drafted by Wells Fargo to help beta test their direct underwriting system (DU) in and around 1997.
109. I Faith Lynn Brashear hereby state for the record, that there is NO MORTGAGE UPON THIS PROPERTY.
110. I Faith Lynn Brashear do not waive my rights to title.
111. I Faith Lynn Brashear have not waived my beneficiary interests to title.
112. I Faith Lynn Brashear do not recognize these courts authority to adjudicate upon complex tax matter partnership interests which have arisen as a result of a complex federal matters which involved the substation of a federal repossession into the US Housing Bond Market.
113. I Faith Lynn Brashear state for the record that this property did not qualify under USC 26 Section 453 as a 451 transfer and sale.
114. I Faith Lynn Brashear do not recognize the authority of these courts to adjudicate upon the additional federal Truth in Lending issues. TILA IS AN ISSUE OF FACT, a CONGRESSIONAL INTENT these courts hold no discretion with respect to liability.

MOTION TO RECONSIDER

12

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, §502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

In re: Kirby vs US Lumber

115. If Plaintiffs attorney are representing a “real party of interest” then they are to issue tax payer form 1099 C. Defendant was entitled to the EIN, for accurate estimate of the attribution of income and amount owed to date in advance of the sale.
116. Plaintiff was unwilling to reveal the parties of interest in advance of the sale.
117. Plaintiff therefore cannot issue a 1099 C for Cancellation of debt and involuntary conversion of income under Sec 61 (a) (1) under which they enacted the mock foreclosure for the purpose of.
118. The sale itself would requires the GRANTEE to pay to TRUSTEE, defendant, the amount set forth in ARMS LENGTH TRANSACTION. Since the prevailing party is still yet unknown, and Plaintiff refused to provided it, a foreclosure could not have legally ensued.
119. Defendant demanded to know the EIN of the Plaintiff as the party issuing the 1099 A who is entitled to charge off the amount held in default that is required for issuing the tax payer form.
120. Plaintiff would need to have identified the party to which that EIN belonged to PRIOR to this sale to establish a true party of interest.

MOTION TO RECONSIDER

13

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

121. PLAINTIFs ARE EXECUTE AN EXECUTORY UNDERSTANDING FOR AGREEMENTS DEEMED CONTRACTS OF ADHESION THAT BENEFIT FROM CONCEALED TRIGGER DATES AND TIME DEVISEES SUCH AS TOLLING AND CAUSAL TO A VARIETY OF ESTOPPEL BY LACHES TO RIPEN EACH CLAIM AS OF THE EXACT DATE THE COURT CAN AFFIRM THE UNDERLYING OR ALTERNATIVE TRANSACTION USED BY COUNTERPARTIES THAT ARE IN ESSENCE RELATED PARTIES INTERESTS FOR CONSIDERATION MANUFACTURED ACCORDING TO EACH ANCHOR DATE AND SUBSEQUENT EVENT.

122. *In 2013 The States District Court Southern District of New York FEDERAL HOUSING FINANCIAL AGENCY as conservator for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation vs. Deutsche Bank AG; Taunus Corporation; DB Structured Products, Inc. Deutsch Bank Securities Inc; Ace Securities Corp; Mortgageit Securities Corp; et al specifically named Plaintiffs classification REMI, for failure to “Qualifying” under traditional security requirements. Required under 17 CFR 339.1.*

123. Plaintiff is aware that under the supplemental prospectus to the classification REMIC under the Master Trust, through which Plaintiff has erroneously brought forth this action, if such defect would cause the mortgage

MOTION TO RECONSIDER

14

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loan to be other than a “qualified mortgage” as defined in Section 860G(a)(3) of the Internal Revenue Code, any such cure or substitution must occur within 90 days from the date such breach was discovered.

124. Plaintiff has NOT failed to state a claim to which relief can be granted.
125. Plaintiff has NOT failed to file in the proper venue
126. Plaintiff has NOT failed to file in the proper jurisdiction
127. Defendant has failed to establish a true party of interest
128. Defendants cannot perfect title
129. Defendants has recorded fraudulent documents upon title.
130. Defendants have committed wire transfer frauds to record slander on title.
131. Defendant failed to inform Plaintiff of such a substitution under the IRC Codes.
132. Plaintiff is aware that this foreclosure did not qualify as lawful recapture of a mortgage IRC 26 US Code Sec 1250 and 1245 recapture rules and disallowance.
133. Plaintiff conducted a mock auction in an elaborate tax avoidance scheme.
134. The state courts are aware that they do not hold jurisdiction with issues concerning IRS CODES.

MOTION TO RECONSIDER

15

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, §502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

135. The contract presented by Plaintiff has been positively identified as a super transposed commercial warranty deed of conveyance, which holds two completely separate contractual provisions.
136. The contract presented has been positively identified as holding conflicts of state, federal, and constitutional tort violations. None of which issues can be tried at state courts.
137. Defendant has FAILED to attach a 12-month installment loan to the property.
138. The undisclosed 12- month instalment loan in the SAME amount of the undisclosed TILA violations discovered in 2009.
139. The corrected 2014 Notice of default from 2012 shows fraudulent concealment that no mortgage actually existed.
140. The corrected Notices of default, stemmed from two separate duly appointed trustees.
141. Transfers of the nunct pro tunct contract were made upon pre-existing tracking defaults.
142. These embedded tracking defaults have been identified by the Securities and Exchange Commission.
143. The NOD states that the instalment became due on 6/1/2008.

MOTION TO RECONSIDER

16

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

144. 6/1/2008 was a Sunday in the States and a trading day abroad. Banks are not open on a Sunday.
145. Defendants are not acting in the capacity of a banking institution.
146. The state courts do not hold jurisdiction to rule upon matters involving the Securities and Exchange Commissions.
147. Defendant SLS did not lend a mortgage to Plaintiff
148. Countrywide did not lend a mortgage to Plaintiff.
149. Countrywide was the Originator of the REMIC.
150. Countrywide forfeited their banking status in March 2007 when they changed primary regulatory agency from COMPTROLLER OF THE CURRENCY to OFFICE OF THRIFT SUPERVISION.
151. Countrywide was not a depository at the time of this contract.
152. Countrywide was not a bank at the time of this contract.
153. Countrywide had their status as a “banking institution” in 2006 but did not have it in 5/ 2007 when this contract was created.
154. Countrywide was not a lending institution at the time of the refinance.
155. Countrywide was not a bank at the time of the refinance.
156. Countrywide was not a mortgager with FINCIN.

MOTION TO RECONSIDER

17

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

157. Defendant was fully aware that Countrywide was not a depository at the time of the refinance.
158. Plaintiff is fully aware that Countrywide was acting as an originator to the Deutsch Alt-A 2006 OA4 mortgage classification REMIC under an undisclosed pass-through Grantor Trust.
159. Plaintiff is fully aware that a classification REMIC under a master Pass Through Grantor Trusts falls under Section 860D of the Internal Revenue Code as a special purpose vehicle.
160. Plaintiff is aware that matters concerning the Certificate Holders of a classification REMIC under a grantor trust cannot be tried at an unlawful detainer court.
161. Plaintiff is aware that the 8k report filed upon the SEC upon the REMIC contains a KENNEDY Clause which prevents Certificate Holders from obtaining title to the property.
162. Plaintiff is aware that the classification REMIC under the grantor pass through trust was terminated upon the Securities and exchange commission in 2008.
163. Plaintiff is aware that no mortgage deed of trust was ever placed into the master pass through grantor trust at any given moment in time.

MOTION TO RECONSIDER

18

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164. Plaintiff is aware that at no given moment in time, was a mortgage borrowed by Defendant.
165. Defendants are fully aware that Defendant rescinded this contract in March 2009.
166. Countrywide went Inactive as of April-27-2009
167. Countrywide was cut short of their authority to transfer any notes.
168. Countrywide was cut short of their authority to transfer any deeds.
169. NO recorded Corporation Deed of Assignment from Countrywide exist.
ONLY BLANK Corporation of Deeds of Assignments were held in their files.
170. Countrywide did not act in the capacity of a Mortgage Lender.
171. Plaintiff never borrowed money from Countywide against this property.
172. Defendants have engaged in criminal conduct to attempt to force Plaintiff out of her home.
173. Defendants have submitted fraud upon these courts.
174. Operation of Law violations: Civil code 1689.2, Civil code 1689 (b)(5), and Civil Code§ 1962(a).
175. Termination and or/suspended REMIC (attached Certification and Notice of Termination of Registration under Section 12(g) of the Securities Exchange Act of 1934). Operation of Law extinguishment the Deed CCP 1688.

MOTION TO RECONSIDER

19

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176. A terminated/swapped out trust nullifies the transaction, extinguished the note, and forever disables the ability to fully consummate a legal transaction. Thus the SEC cannot enforce the "tender" Rule pursuant to 14d-10 under the Securities Exchange Act 1934. See: Lerro v. Quaker Oats Co., 84 F. 3d 239(7th Cir. 1996).

Statement of Faith Brashear as an original source witness.

177. The "Accommodation Stamp" does not allow Defendant to hold any legal rights nor does not give clarification of what exactly they are accommodation.

178. This stamp, in "title lingo", means there is no title insurance that can be issued upon the property, it also means that this property was taken out of the Master Trust PRIOR to this foreclosure, as further evidenced by the attached termination of the classification REMIC HSBC conducted the foreclosure on behalf of Certificate holders.

179. If a title company cannot insure the property, it **means TITLE WAS NOT PERFECTED.**

180. As of 12-22-16 Deutsche Bank AG agreed to pay a \$3.1 billion penalty, plus provide \$4.1 billion in consumer relief over time to these same certificate holders, to settle mortgage-backed securities claims with the U.S. Justice

MOTION TO RECONSIDER

20

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Department. This is of course the same date Plaintiff moved these courts to set a trial date.

181. In checking with the Secretary of State, there was no auctioneers bond registered for the auctioneer, nor has Plaintiff been willing to provide actual information to this affect, which is a violation California Penal Code 1812.6.
182. The thing to remember most about these Countrywide Contracts deemed in violation of both state and federal laws, is that the contract itself contains two separate contract provisions.
183. The 12-month lease back in the form of a promissory note under the promise of home ownership which held undisclosed interest as an algorithmic anchor that automatically triggers what appears to be a default against the contract under presumptions of law. - part one.. 2009 TILA recession was based upon amortization schedules, which is why it calculated out to the same dollar amount through which the 2014 NOD was foreclosed upon.
184. The Entity BORROWER portion which takes the home free of encumbrances by an toxic constitutional tort, siesen of the borrower (consumer) (BORROWER COVENANTS). Since is unconstitutional to lawfully seize a person from their estate without due process of law, the result of that seisen can only be a freehold use of a fee simple estate (aka an interest for what the property

MOTION TO RECONSDER

21

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was used for) which has nothing to do with the predatory promissory note which held timing devised and triggering mechanisms made void per operation of law.

185. This is why this contract failed to qualify as “Traditional” securitization and the Classification REMIC under the Mortgage Loan trust, that did not hold the promissory note, it held a bearer note - (no true sales upon the copy of the contract of intellectual property, not real property).

186. This was why the classification REMIC was named in the FNMA vs Deutsch for failure to securitize AND this is why these Classification REMICs were terminated after 12 months (undisclosed leaseback) , as the contract (or bearer note voucher) bypassed or passed through the securitization process and went directly into collateralization, which is where the pass-through funding which created an involuntary conversion to cash that was used to pass through a tandem advance against this collateral to the escrow company in turn creating a bill of sale upon these HUD ones to comply with the contracts provisions that it was taken free of encumbrances. Which is why escrow companies no longer provide the sellers portion of the HUD One to the consumer.

187. This is also why they issue NOD under 12-month installments, (sometimes 9 sometimes 26 depending on the anchor trigger). So either I was lawfully siesed from the estate ab initio in violation of the US Constitution and I have been

MOTION TO RECONSDER

22

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foreclosed upon twice by a REMIC holding pooled loans conducting multiple foreclosures as one entity. (which a REMIC holding a bearer voucher did not hold the note and was not designed to hold the deed as that was held under a separate Asset REMIC under the mortgage loan trust) OR I wasn't and we have a fee simple title dispute over how my undisclosed partner (future 1099-A partnership abandonment issuer) went all ultra vires upon my good name and participated in actual SEC trading frauds by offer certificates that not only controlled the payouts to the investors (offering upon the rigged LIBOR index), but used timing devises evidenced upon these contracts to advantage short positions against the US Housing Bond Market- which I can actually prove under a test for conditions subsequent – which again, cannot be triad at these court levels.

188. Defendant has properly alleged and asserted and re-asserts that the Notice of Defaults are in conflict of CODE OF CIVIL PROCEDURE SECTION 697.510- 697.670 in that an installment foreclosure cannot be recorded upon an instalment loan, until it all installments become due which is why the fraudulent 2012 notice was “corrected” in 2014 to address these specific laws.

189. Installment contracts in this functionality, is the sale of the interests in the use of the estate, not the estate itself. So while the banks might have unlimited time to foreclose upon a Traditional “Mortgage” a Mortgage Pass through grantor

MOTION TO RECONSDER

23

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trust who committed title fraud to transfer a fabricated deed in order to adhere a defective promissory note to it, have to deal with a Statue of Limitations.

190. Commercial Code section 3118(a) provides a six-year statute of limitations for “an action to enforce the obligation of a party to pay a note payable at a definite time.” They called this 12 month installment in 2008. Cant record and installment unless all payments are due, which is why I asked you to compare the 2012 NOD with the 2014 NOD which corrected the verbiage to reflect this fact. They were beyond statues to enforce a 2008 classification REMIC default (a Bank default and NOT consumer default) foreclosure upon this property by means of a fabricated deed under a contract of adhesion. Plaintiffs are beyond SOL.

191. This is a nunct pro tunt legacy loan - held on the books because they cannot acknowledge or answer a rescission, as that would dissolve both portions of the contract provisions, in turn meaning they would actually have to pay back the monies the BORROWING entity obtained through direct collatorilization, which would be approx \$9,000,000 to set the futures they amortize off of.

192. Multiple foreclosures enacted under a (SPV) Classification REMIC-I currently violates the tax exempt status of a Special Purpose Vehicle because foreclosures initiated under a mortgage pass through trust do not qualify under *IRC 26 US Code Sec 1250 and 1245 recapture rules and disallowance*. The states

MOTION TO RECONSDER

24

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

courts do not hold Federal authority to interfere with a Government agency such as the IRS.

193. Plaintiff is trying to succeed in making the trust asset held in dominion of a fiduciary a conventional mortgage and reconstitute the value of the amount paid at settlement by household denying the fact the amount due remains antecedent debt and the obligation of other third parties for obligors interest in debt.

194. There is no basis in asset and therefore can be no bases in Plaintiffs false claims. PLAINTIFFS UTTERLY FAILED TO STATE A PROPER CLAIM IN A PROPER COURT THROUGH WHICH RELEIF COULD BE GRANTED. They lost that right 7 years ago, when they had 20 days to legitimately do so.

195. (Smith v. Wells Fargo Credit Corp., 713 F. Supp. 354 (D. Ariz. 1989) (state court action involving, inter alia TILA disclosure violations did not bar a subsequent action based on rescission notice violations in conjunction with same transaction which were not alleged or litigated in prior action) (See also In re Laubach, 77 B.R. 483 (Bankr. E.D. Pa. 1987) (doctrine of merger bars raising state and federal law claims arising from a transaction on which a previous successful federal TILA action was based; merger does not bar, however, rescission-based on the same transaction). These laws run concurrent therefor the entertaining of this

MOTION TO RECONSIDER

25

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complaint intended to bar a federal issue, is a violation of the Supremacy Clause of the US Constitution.

196. Further these courts are in violation of Title 42 of the American with Disabilities act for denying an ADA agent for Defendant in these courts. These courts no longer hold immunity for violations of my human rights, my civil rights, and my property rights. Anything these courts rule, are automatically void until these FEDERAL ISSUES are SETTLED.

197. The IRS went to great lengths making known its intention to pursue foreclosure victims using tax payer forms 1099 A and 1099 C for the abandonment of claims and Cancellation of Debt Income – [See What You Need to Know Legislative Authority Internal Revenue Code (IRC) section 61(a)(12)]

198. In the most simple understanding of the controversy, Gross income includes “income from discharge of indebtedness.”

199. A nominee cannot and shall not be used to deceive and commingle assets amongst the borrower and the BORROWER for salvaging the claims of the CREDITOR BY AVOIDING federal and state income taxes.

200. Issues arise concerning the (I) Cancellation of Recourse Debt and Gain/Loss on Disposition (ii) Discharge of recourse debt in a foreclosure: gain or loss on the disposition AND (iii) potential CODI. (Amount realized: smaller of

MOTION TO RECONSIDER

26

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fair market value of the residence OR the outstanding debt immediately before the transfer).

201. See Revenue Ruling 91-31; Revenue Ruling 92-99.
202. See exclusions – Tax-Deferred CODI under Section 108(a)
203. See history Qualified farm indebtedness
204. See Qualified real property business indebtedness and discharge of certain indebtedness because certain businesses repurchasing their own debt (added by section 1231 of ARRTA 2009)
205. See relevant Exclusions – Tax-Deferred CODI under Section 108(a)
(cont'd) including Bankruptcy, Insolvency, Qualified principal residence indebtedness added by Mortgage Forgiveness Debt See issues related to above and Relief Act of 2007 for debt cancelled before January 1, 2013.
206. Conclusions - The oppositions is claiming Insolvency Exclusion or Exclusion that if uncontested only applies to the extent of insolvency using the Insolvency calculation:
 - 1] Total liabilities immediately before the discharge -
 - 2] FMV of total assets* before the discharge = Extent to which the taxpayer is insolvent

MOTION TO RECONSIDER

27

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3] Includes exempt assets (e.g., retirement account and interest in a pension plan).

207. The Mortgage Forgiveness Debt Relief Act of 2007 (MFDRA) • Created a new exclusion under IRC sections 108(a)(1)(E) and 108(h) for discharged qualified principal residence indebtedness.
208. • Applies to indebtedness that is discharged on or after Jan. 1, 2007, and before Jan. 1, 2013. The Mortgage Forgiveness Debt Relief Act of 2007 (MFDRA).
209. • Applies to acquisition indebtedness (as defined in IRC section 163(h)(3)(B)). • \$2 million limitation (\$1 million for MFS).
210. • “Principal residence” as defined in IRC section 121 (The 5-year look-back test is not part of the definition) Acquisition Indebtedness.
211. Under MFDRA IRC section 163(h)(3)(B) states: “Acquisition indebtedness is debt incurred in acquiring, constructing, or substantially improving the home and is secured by the home.”
212. Acquisition indebtedness: • May include refinanced debt and the proceeds of a “home equity” loan used to substantially improve the home; but
213. • Does NOT include a “home equity” loan used to pay off credit cards, or purchase a car, pay medical bills, etc.

MOTION TO RECONSIDER

28

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214. The IRS Reporting Process Begins with Form 1099-C See IRC section 6050P states: Certain lenders that cancel a debt of \$600 or more required to file Form 1099-C with the IRS and issue a copy to the borrower. Taxpayer Reporting of Form 1099-C Income.
215. • You the Taxpayers must report all Form 1099-C income on their returns.
216. • As a Taxpayers you may be able to exclude part or all of the Form 1099-C income by completing Form 982, Reduction of Tax Attributes Due to Discharge of Indebtedness (and Section 1082 Basis Adjustment).
217. There is more, a lot more to cover and must be brought to the courts attention. This is why I Question not what the courts know, shall or may not understand... instead I challenge the law the same courts are upholding for US Lenders throughout the United States.
218. Nothing is going to get resolved until these institutions start working with the people they have defrauded for their own unjust enrichment – These courts need to recognize that **Faith – a Realtor by default on many levels -** stands for the people, and the people are calling Defendants their associates and collaborative affiliates to the table because **the PEOPLE are DONE with these dirty deeds.**

Respectfully Submitted this 12th day of June, 2017

X 

Faith Lynn Brashear Pro-Se

MOTION TO RECONSIDER

29

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

Faith Lynn Brashear

Plaintiff /Witness/ Advocate

In RE: 1095 Lowry Ranch Road

Corona, CA 92881

Tel: 951-268-4042

Preferred Response: Fax: 855-204-0859

Faith@Betterquest.com

THE RYAN FIRM – a Corp.

Defendant respondent

**FEDERAL COURT OF CALIFORNIA
FOR THE LOS ANGELES, CENTRAL DISTRICT**

FAITH LYNN BRASHEAR, an individual,
Plaintiff vs. SPECIALIZED LOAN
SERVICING LLC, as servicer for HSBC Bank
USA, National Association, as Trustee for the
Holders of the Deutsche Alt-A Securities, Inc.,
Mortgage loan Trust, Mortgage Pass- Through
Certificates Series 2007 –OA4; and All
persons and entities claiming any right to real
property located at 1095 Lowry Ranch Road
Corona, California 92881 and Does 1-10,
inclusively, Defendants

***Notice of forthcoming criminal investigations.
These courts are in prejudice of this case –
DEMAND for immediate recusal and
reconsideration upon rulings and sanctions
made void per courts vested interest.
Incorporating CASE No. CV16-2360 GW
(GJSx) id pg 20 in this motion - documentation
confirmation suspicions of violations of 18 U.S.
Code § 242 and under 18 U.S.C. § 1964 (c) in
accordance with the decision of the United
States Supreme Court in Tafflin v Levitt,
493 U.S. 455 (1990).**

Case Number 2:16-cv-02360-TJH-KK

**PROPOSED ORDER FOR MOTION FOR
RECONSIDERATION
INTERLOCKETORY ORDER AND
BRIEF IN SUPPORT**

**UNDER LOCAL RULE 83-2.11 28
U.S.C. § 515 and 28 USC § 1331-
25.3.3.3 (07-20-2010) REQUEST FOR
TITLE IX. SPECIAL PROCEEDINGS
Rule 71.1 (b) CCP § 1008, Points and
Authorities; Collusion Exhibits; Request for
Judicial Notice of the Court's Own File:
Ruled in Res Judicada July 5th, 2016 in lue
of July 11th, 2016 with NEW
DEFENDANTS, NEW ISSUES, and a
COA that CANNOT BE BARRED
evidencing willful and deliberative
concealment in the State Case by council in
a TIME MARKED TRANSACTION made
by these courts and REAL TIME
DOCUMENTATION OF THE STATE
COURTS BLATANT COLUSIVE
VESTED REAL ESTATE INTERESTS
IN THIS TRANSACTION.**

MOTION TO RECONSIDER

1

Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

PROPOSED INTERLOCKETORY ORDER

1. Based on the Motion for Reconsideration, the additional Judicial notice of courts files to review the documents associated with this “transaction”, the additional declarations and evidence of witness tampering, of even date herewith, it is ORDERED that Motion for Reconsideration (“Motion”) is granted.
2. ORDERED that new arguments with new defendants who recorded new evidence upon title under a Cause of Action not before tried. Evidence of a documented vested interest in the outcome of Plaintiffs case, and evidence of wire transfer frauds hold enough merit evidencing obstruction of justice and judicial misconduct at the state level, further the new issues arise under a tax aversion scheme, therefor the decisions made at the State Inferior courts are made null and void.
3. ORDERED that, in review of the documents associated with this “transaction” there does not appear to be an order to vacate the 2009 TILA Rescission which makes the instrument associated by this contract void per operation of law ab initio, per the 2015 Jesinoski law of the land ruling. Additionally, since the sale lease back associated with this property was both federally discharged and washed out ab initio, under these unprecedented circumstances, a test for

MOTION TO RECONSIDER

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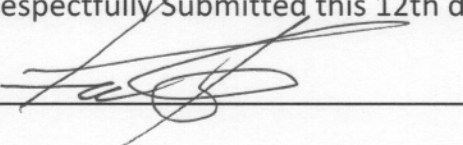
Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. – Documentation of collusion – fabrication of evidence – Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

conditions subsequent is to be provided no later than 9/30/2016 to determine what revisionary rights are owed to Plaintiff and if in fact the Plaintiff still retains ownership interest under the congressional intent of TILA.

4. ORDERED that, to the extent the Motion seeks a determination that Plaintiff falls within the crime-fraud exception as to all pre-petitioned documents.
5. ORDERED that the Defendants make available for inspection and copying, all remaining privileged, and non-privileged pre petition documents and communications responsive to Plaintiff first set of requests for productions of documents, electronically stored information, and tangible things to Plaintiff, Faith Lynn Brashear, in their possession or subject to his control no later than September 15th, 2016; and it is further
6. ORDERED that Defendants must provide a comprehensive privilege log identifying each pre-petition document and communication responsive to the request in their possession or subject to his control for which a privilege is asserted not later that September 15th, 2016

Respectfully Submitted this 12th day of June, 2017

X



Faith Lynn Brashear Pro-Se

MOTION TO RECONSIDER

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Violation of 42 U.S. Code § 12202 - State immunity Current through Pub. L. 114-38 See Public Laws for the current Congress (Pub. L. 101-336, title V, § 502, July 26, 1990, 104 Stat. 370) and 42 U.S. Code § 12203 - Prohibition against retaliation and coercion. - Documentation of collusion - fabrication of evidence - Evidence of vested interest in the outcome of these cases being ruled under rebuttable presumptions.

PROOF OF SERVICE

I am employed in the Country of Riverside, State of California. I am over the age of 18 and not a party to the within action **Case Number 2:16-cv-02360-TJH-KK** My additional business mailing address is 4538 Grand Ave Montclair CA 91763.

On June 12th , 2017, I served copies of the foregoing document, described

MOTION FOR RECONSIDERATION AND INTERLOCKETORY ORDER

PROPOSED ORDER TO MOTION FOR RECONSIDERATION AND INTERLOCKETORY ORDER

DECLARATION IN SUPPORT OF MOTION FOR RECONSIDERATION AND INTERLOCKETORY ORDER

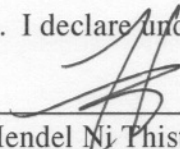
Exhibits 1-7

The RYAN Firm – A Corporation
30 Corporate Park, Suite 310
Irvine, CA 92606

In care of: Timothy M Ryan – et al.

(BY MAIL) I Placed a true copy of the foregoing document in a sealed envelope addressed to the care of each interested party as set forth above. I personally went into the US Post Office located at 1941 California Ave, Corona CA 92881.

Executed this 15th day of July at Riverside California. I declare under penalty of perjury the foregoing is true and correct.



Hendel Ni Thistletop