

FILED
SUPREME COURT
STATE OF WASHINGTON
2/14/2019 2:38 PM
BY SUSAN L. CARLSON
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SUPREME COURT NO. 96608-7
Appellate Court Case # 76624-4-I

STATE OF WASHINGTON
SUPREME COURT

HUY YING CHEN and YUEH HUA CHEN, Husband and Wife,
Appellant,

v.

JP Morgan Chase Bank, AS TRUSTEE F/K/A THE CHASE
MANHATTAN BANK SUCCESSOR IN INTEREST TO THE CHASE
MANHATTAN BANK N.A;

Respondents

PETITIONER RESPONSE RESPONDENTS COUNSELS' ANSWER TO PETITIONERS'
MOTION TO DISQUALIFY PLAINTIFF COUNSEL & STRIKEN THEIR ANSWER

PRO SE for Petitioner
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I. IDENTIFY OF PETITIONERS AND RESPONDENTS

This response arises for Petitioner – CHEN HUY YING (“CHEN”) as a judgment debtors against JP MORGAN CHASE BANK, AS TRUSTEE f.k.a THE CHASE MANHATTAN BANK SUCCESSOR IN INTEREST TO THE CHASE MANHATTAN BANK N.A”(“Chase Trustee”) and Chase Trustee’s successors of “THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. F/K/A THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2005-RP3 (“Mellon Trustee”), Chase Trust & Mellon Trust, are both fictitious entities who claimed as judgment creditors for foreclosure sheriff sale are neither non-legally registered / nonexistent entities nor DBA (“doing business as”) in USA after Defendants hired a private investigator to investigate the chain of title (“Title”) and found both of judgment creditors are fictitious entities. **(Appendix C)**

II. STATEMENT OF THE RESPONSE’S FACTS:

- a. It is not hearsay for Plaintiff Counsels represented in their answer to Petitioner’s motion since evidence be presented as Appendix C with Petitioner affidavit- (Appendix D).**

Petitioners consistently provide a chain of title audit report by third party as evidence with Petitioner affidavit, but Respondent consistently answered that was hearsay with no conclusory nature. But at the same time Plaintiff Counsels are not willing to file affidavit for whom they represent because Plaintiff Counsel are the only party knew who their clients are.

- b. Plaintiff’s legal stand should cause no suit without Plaintiff Counsel’s affidavit:**

A fictitious entity has not legal standing to bring a suit including a foreclosure sheriff sale. When Plaintiff Counsel represented his clients, whom is accused by Defendants as fictitious entities and make an affidavit to clarify his legal standing with proceeding should be normal. Plaintiff Counsel may only present Mellon Trustee who are

successor of Chase trustee, but Chase trustee is a fictitious entity also. Therefore, how can a fictitious entity be given legal standing to another fictitious entity. Obviously, Counsel may be a falsifier for both of those fictitious entities. Plaintiff must file his affidavit with perjury to Court.

c. Plaintiff Counsel never presented the original deed of trust or endorse assignment note for inspection by the court:

It is also another reason for none of original deed of trust or assigned documents be presented into Court or ever existed cause all judgment named Chase Trustee and Mellon Trustee are fictitious and has no legal standing, which may also cause the foreclosure sheriff sale void.

e. Respondents Counsel must prove their standing confirmation:

Even not considering Mellon Trustee is a fictitious entity but Chase trustee are also fictitious entity. How a fictitious entity could given legal right to another fictitious?

f. Constantly with Notice of Withdrawal and Substitution of Counsel withdraw by Plaintiff Counsel:

It is unjust for all Plaintiff Counsel because they knew Plaintiff was a fictitious entities that cause those counsels to attack and withdraw. Starting from Counsel of Christopher Luhurs representation of the fictitious Plaintiff and filed first of wrongful foreclosure sheriff sale with JP Morgan Bank name which mislead the Court believe JP Morgan Bank are same as Chase Trustee. Since he knew that was a wrongful foreclosure sheriff sale so after sheriff foreclosure sale he withdraw the case and was substituted with another counsel at 06.26.2017 (docket no.52), then again within a few days then substitute counsels withdrawn again at 07.13.2017 (docket no.56) and continuing happened substitute counsels withdrawn in at 07.18.1017 (docket no.57), 09.07.1017 (docket no.60), 10.02.2017 (docket no.62). There were at least 8 counsels till this date in the Court of appeal because they found this was a fraud and deceit foreclosure sheriff sale.

- g. Plaintiff Counsel could provide his affidavit in perjury by law to prove Plaintiff not a fictitious entities avoid its lack of legal standing.**

This may be is the only alternative that Court rule Respondent Counsel take his own affidavit under perjury which could present truly the Counsel that be authorized by Chase Trustee or Mellon Trustee or both because he is the only entity could communicate with his Plaintiff clients. If Plaintiffs Counsel refused Petitioner brought up a 3rd party audit report (**Appendix C**) and his affidavit and not willing provide his affidavit by law, then any parties could say Plaintiff Counsel are liar.

III. ARGUMENT

1. Respondent Counsel error misapplied below:

Said as “.courts have routinely recognized that Chase is not “fictitious.” See, e.g., Heintz v. U.S. BankTr., N.A. for LSF9 Master Participation Tr., 2018 WL 418915, *1 (2018) (unpublished) (“the FDIC assigned the note and deed of trust to JP Morgan Chase Bank, N.A.... and Chase, in turn, assigned the note and deed of trust to respondent U.S. Bank.”); State v. Roy, 2015 WL 260842 (2015) (unpublished) (upholding conviction for bank robbery;)

As a Chain of title audit report (Appendix C) at page 2 line 5 stated:

(a.) There is no evidence of MERS involvement. Assignment one is recorded in 2006 long before WMB went into receivership by the FDIC on September 25, 2008. As such, the loan did not go through the FDIC and cannot be claimed as an acquired asset by JPMorgan Chase by virtue of the Purchase & Assumption Agreement (PAA.)^{[1][1][1][1]}_{SEP:SEP:}

It is clearly found Petitioner DOT was no found in FDIC assigned from Washington Mutual Bank (“WMB”) to JP Morgan Chase Bank, N.A. with without provide any original DOT or assignment endorsed document which obviously Plaintiff Counsel misapplied his case law.

2. Respondent Counsel error misapplied below:

*See, e.g., Keen v. Ocwen Loan Serv., LLC, 2018 WL 4111938, at *1 (M.D.Tenn. Aug. 28, 2018) (granting motion to dismiss); Bank of New York Mellon Tr. Co. N.A. v. Faber, 2018*

*WL 1610955, at *1 (D.N.J. Apr. 3, 2018) (granting motion to remand).*

As Counsel of Respondent/ Plaintiff said Mellon Trustee are successor of Chase Trustee but no any assigned documents be provided into the Court especially Chase Trustee for initial Respondent/Plaintiff and neither provide original DOT nor any endorsed assigned documents which Petitioner could said it is a factious entity for a void foreclosure sheriff sale.

3. Respondent Counsel and his law firm must due diligence under his affidavit in perjury to clarified who are his clients:

The **Respondent Counsel** should know who authorized to pursuit a foreclosure sheriff sale with its any legal standing. Under Washington State Bar RPC 8.1 (a) knowing make a false statement or material fact and RPC 8.4 (c) misconduct-engage in conduct involving dishonesty, fraud, deceit or misrepresentation; with Cody Counsel's affidavit in perjury or Notice of Appearance with his own oath must be presented and continuing said he is a signatory block in some documents should not enough for his misrepresentation to represent for a fictitious Plaintiffs.

IV CONCLUSION

For the foregoing reasons, this Court should grant Petitioners' motion to disqualify Counsel and stricken Respondent's answer Petitioners' disqualify counsel

Respectfully submitted this 14th day of February 2019



By: CHEN HUY YING as Pro Se

Dated: February 14, 2019
At: Sammamish, Washington

Appendix C

BP Investigation Report

Chain of Title & Securitization Analysis ©

#250

Order Submission: Huy Ying Chen

Client Name *

Order Date * Tuesday, June 27, 2017

Fact Patterns Securitization

Identified: Late or Missing Assignments

Defunct Entities

Other

Trust Name No Actual Trust Name Provided In Assignment

Trust Capture

MBSData Zip File

(Note – This

replaces the

following fields:

Trust Capture,

Remittance

Report, Tranche

Data, Loan Level

Data, & Deal

Snapshot.)

Trust Closing Date

SEC Link – Pooling

& Servicing

Agreement"

SEC Link –
Prospectus

Most Recent Trust
Remittance Report

Deal Snapshot

Loan Level Data

Tranche Data

Assignment(s)



[assignments__chen.pdf](#) 133.02 KB · PDF

County Liens
Report



[county_liens_report__chen.tiff.tif](#) 221.62 KB · TIF

MERS Capture

GSE Capture

Corporate Search
Results (if
available)

Exhibit A



[liens_123__chen.pdf](#) 2.10 MB · PDF

Exhibit B



[ocwen_consent_order_2014__ny.pdf](#) 481.48 KB · PDF

Exhibit C



[cynthia_riley__no_poa_or_corporate_resolution_exists_authorizing_her_stampsignature.png](#)

77.08 KB · PNG

Exhibit D



[qualified_written_request_example__private_mbs_trust21.docx](#) 16.23 KB · DOCX

Exhibit E

Case Narrative Summary:

CONFIDENTIAL

The information contained in this report is intended only for the person or entity to which they are addressed and may contain confidential and/or privileged information. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient may be prohibited by state or federal law. If you received this report in error, please contact BP Investigative Agency @ 406-328-4075, or email info.bpia@gmail.com, and delete the material from any computer or server where electronic information is stored. Thank you.

This Report includes an analysis of legal defects in the chain of title. It also provides an explanation of novel legal defenses. Since foreclosure takes place in judicial and non-judicial jurisdictions in the 50 states and the District of Columbia, enacted and decisional law may be expected to vary. Accordingly, the legal defense must be adapted by the practitioner to conform to local law. The Attachments are included to provide practitioners with additional background information about securitization and mortgage defense.

This Report contains information, opinions, findings and remarks which are unique and proprietary. In addition, this Report was also prepared for the use of BP Investigative Agency, LLC. (BPIA), a limited liability company organized under the laws of Montana, which is conducting securitization audits for its patrons and customers. Accordingly, it is necessary for the continued operation of BPIA's business plan to treat the Report as confidential, and a protective order will be necessary to protect the Report's confidentiality and restrict its distribution, dissemination and publication electronically or in hardcover.

FINDINGS AND OVERALL OPINIONS:

1. Subject loan was originated on or about February 2, 1999 with the named lender "Washington Mutual Bank" (WMB).
2. Two assignments of the DOT have been recorded in the county land records which are deceptive and likely fraudulent. The assignments reflect a fatally defective chain of title for the reasons set forth below.

The sequential order of the assignments are as follows:

Assignment #1 -

Recorded: 03/21/2006

Executed: 02/14/2005

Assignor: Washington Mutual Bank

Assignee: JPMorgan Bank, N.A. as Trustee (Redactions)(appears to be "fka Chase Manhattan Bank as Trustee").

Assignment #2 -

Recorded: 05/01/2012

Executed: 04/10/2012

Assignor: JPMorgan Chase Bank, N.A. fka JPMorgan Chase Bank as Trustee

Assignee: The Bank of New York Mellon Trust Company, N.A. fka The Bank of New York Trust Company, N.A. as successor in interest to JPMorgan Chase Bank, N.A. as Trustee Pooling & Servicing Agreement dated as of November 1, 2005 Mortgage Asset-Backed Pass-Through Certificates, Series 2005-RP3.

These assignments are deceptive, likely fraudulent, and represent fatal defects for the following reasons:

(a.) There is no evidence of MERS involvement. Assignment one is recorded in 2006 long before WMB went into receivership by the FDIC on September 25, 2008. As such, the loan did not go through the FDIC and cannot be claimed as an acquired asset by JPMorgan Chase by virtue of the Purchase & Assumption Agreement (PAA.)

(b.) Assignment #1 names a redacted and incomplete name for the Assignee which is deceptive. The Assignee name is "JPMorgan Chase Bank, N.A. as Trustee" with what appears to be "fka Chase Manhattan Bank as Trustee" redacted out. There is no name given of a trust to which the Assignee is acting as trustee. Thus, this assignment from the originating entity (WMB) is assigned to an undisclosed entity which means it is arguably defective and carries no weight. This means that the loan did not go through the FDIC prior to WMB's demise, and the defective assignment cannot be cured with WMB no longer in existence.

(c.) Assignment #2 is executed by an entity that does not exist, and is deceptive not only for this fact, but also for the

fact that the Assignee Trust is incomplete and fails to identify the parties to the series.

The Assignor "JPMorgan Chase Bank, N.A. fka JPMorgan Chase Bank as Trustee" is a ruse. There is no entity that appears to exist by this name, and the name fails to name the other "fka – Chase Manhattan Bank as Trustee."

The assignment also names a "series 2005–RP3" trust without naming any issuing entity for the series. The assignment was likely prepared by Ocwen Loan Servicing which is evidenced in the upper left corner of the document. These types of deceptive and fraudulent assignments lead to Ocwen's "Consent Judgment" attached above as Exhibit B.

(d.) Assignment #1 is executed by Cynthia Riley as VP of WMB. There is a lot of information regarding Riley and the use of her signature on note endorsements and assignments as an officer of WMB. Attached above in Exhibit C is a statement made by JPMorgan Chase in a Florida case "Waisome" whereby Chase states there is no corporate resolution in its possession showing that Riley had the authority to execute documents as an officer of WMB.

(e.) Assignment #1 has two different loan numbers. The left upper corner has "Loan No. 0019012565" and under the bar code is "Loan#9863313." This is suspicious.

It is my opinion that no assignee has been identified in these assignments, and because the loan was sold to someone by WMB prior to its failure, the loan did not go through the FDIC. This signifies a "Wild Deed" at this point.

3. Review Transfer of Ownership Notices –

Due to assignment occurring in 2012, the following applies:

The Helping Families Save Their Homes Act of 2009 also added a new provision in TILA which requires that whenever ownership of a mortgage loan securing a consumer's principal dwelling is transferred, the creditor that is the new owner or assignee must notify the borrower in writing, within 30 days after the loan is sold or assigned, of the following information:

- the new creditor's identity, address, and telephone number;
- the date of transfer;
- location where the transfer is recorded;
- how the borrower may reach an agent or party with authority to act on behalf of the new creditor; and

- any other relevant information regarding the new owner.

The new law applies to any transfers made after the Act's effective date, which was May 20, 2009. Were any transfer notices provided?

4. Though no issuing entity trust has been identified, the only named trust that possibly fits with the named series "2005-RP3" is a trust associated with Residential Funding Corp (RFC) called "RAAC 2005-RP3." RFC is identified on Assignment #1. I ran a check of the loans within this trust using MBSData and no loan matching the subject loan appeared within the current or past trust data. No additional trusts identified.

5. No copy of the note in its current state has been provided for inspection. Recommendation is to send a QWR Request seeking all sales and transfer dates and the parties to those transactions, as well a request for a copy of the note reflecting all sales through endorsement(s) and/or allonge(s). A sample copy of a QWR request is attached in Exhibit D. Substitute your specific loan information and send certified mail / return receipt.

I will review any responsive documents and add commentary if/when produced.

6. Two subsequent liens have been recorded after the subject loan and are included in Exhibit A above. If subject loan was to have been paid off with these loans, no reconveyances appear to have been recorded per the attached County Liens Report.

CONCLUSION:

As the current chain of title sits, there are no entities that can be positively identified through the assignments other than the named originating "lender - Washington Mutual Bank." WMB is defunct and the loan did not go through the FDIC and was no acquired by JPMorgan Chase as part of the FDIC's Receivership. Thus, the COT appears fatally defective.

July 25, 2017

/S/ Bill Paatalo

Bill Paatalo

Private Investigator - OR PSID# 49411

BP Investigative Agency, LLC

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Appendix D

Petitioner's Declaration

SUPREME COURT NO. 76608-7

Appellate Court Case # 76624-4-I

STATE OF WASHINGTON

SUPREME COURT

HUY YING CHEN and YUEH HUA CHEN, Husband and Wife,
Appellant,

v.

JP Morgan Chase Bank, AS TRUSTEE F/K/A THE CHASE MANHATTAN BANK
SUCCESSOR IN INTEREST TO THE CHASE MANHATTAN BANK N.A.; AS TRUSTEE
FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-
BACKED PASS-THROUGH CERTIFICATES SERIES 2005-RP3.

Respondents

DECLARATON OF CHEN HUY YING IN SUPPORT OF PETITIONER MOTION TO
DISQUALIFY RESPONDENT COUNSEL AND STRIKE RESPONDENTS COUNSELS'
ANSWER TO PETITIONER DISCRETIONARY REVIEW

**PRO SE for Petitioner
CHEN HUY YING
5112 189th Ave N.E
Sammamish, WA 98074
Phone:(206) 779-8880
Email: hy@nobo.us**

HUY YING CHEN declares as follows:

1. I am one of petitioner and I am over the age of eighteen. I am competent to make this declaration, and I make this declaration based on my personal knowledge.
2. On date of August 1,2017, I hired BP investigative Agency (BPIA), a limited liability company organized under the laws of Montana for conducting securitization audits for its patrons and Analysis of subject Chain of Title. This expert report said “JP MORGAN CHASE BANK, AS TRUSTEE F/K/A THE CHASE MANHATTAN BANK SUCCESSOR IN INTEREST TO THE CHASE MANHATTAN BANK N.A” are redacted out fictitiously. There is no name given of a trust to which the Assignee is acting as trustee never been a legal existing in any place at Unite State, this is a fictitious entity. According BPIA report that during 05/01/2012 and Executed: 04/10/2012, For a Assignor: JPMorgan Chase Bank, N.A. f.k.a JPMorgan Chase Bank as Trustee assigned to Assignee of The Bank of New York Mellon Trust Company, N.A. f.k.a The Bank of New York Trust Company, N.A. as successor in interest to JPMorgan Chase Bank, N.A. as Trustee Pooling & Servicing Agreement dated as of November 1, 2005 Mortgage Asset-Backed Pass-Through Certificates, Series 2005-RP3. These assignments are also deceptive and fictitious because no such name been legal existed.
3. I also personally called JP Morgan Chase Bank head office in New York to confirm their Trustee of JPMORGAN CHASE BANK, AS TRUSTEE F/K/A THE CHASE MANHATTAN BANK SUCCESSOR IN INTEREST TO THE CHASE MANHATTAN BANK N.A”. Their legal department said they DO NOT own that Trust and cannot be a Trustee for that name and refused to provide any further information for me. I also double check personally for that loan within this trust using mortgage backed

securities data (“MBS Data”) and no loan matching the subject loan appeared within the current or past under name of THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. FKA THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2005-RP3. Which confirms exactly accurate following BAIP report for a fictitious entities and deceptive for a broken chain of title.

4. The original summary judgment of JP MORGAN CHASE BANK, AS TRUSTEE F/K/A THE CHASE MANHATTAN BANK SUCCESSOR IN INTEREST TO THE CHASE MANHATTAN BANK N.A be docketed in Bankruptcy Court which issued at October 18, 2007 and entered at November 29, 2007 but judgment have been expired for 10 years with no any judgment creditor renew.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.



By: **HUY YING CHEN**
Dated: January 29, 2019
At: Sammamish, Washington

ANDREA CHEN - FILING PRO SE

February 14, 2019 - 2:38 PM

Filing Petition for Review

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: Case Initiation
Appellate Court Case Title: Huy Ying Chen, Appellant v. JP Morgan Chase Bank, Respondent (766244)

The following documents have been uploaded:

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