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COURT OF APPEALS DIV I
STATE OF WASHINGTON
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73724-4

No. 15-2-0040-7SEA

DIVISION I, COURT OF APPEALS
OF THE STATE OF WASHINGTON

JOSEPH LUCAS, III; U.S. BANK, N.A. AS TRUSTEE FOR OWNIT MORTGAGE LOAN
TRUST, MORTGAGE LOAN ASSET BACKED CERTIFICATES, SERIES 2006-3;
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC; AND JOHN DOE 1-50

Respondents,

v.

Jeff Bailey

Appellant,

APPELLANT'S REPLY BRIEF

Jeff Bailey
10743 56th Avenue
Seattle, Washington 98178

APPELLANT'S REPLY TO RESPONDENT'S BRIEF

1. Respondents did not have standing to initiate or maintain the original complaint that was filed into the case U.S. Bank, as trustee v. Lucas III, 13-2-15447-1SEA, at the

time that the case was filed. US Bank, NA (Trustee) filed the complaint against Lucas III on April 3, 2013.

On September 23, 2013, OCWEN, the servicer at the time, or MERS, caused the “CORRECTIVE ASSIGNMENT OF THE DEED OF TRUST” to be filed into King County official public records as document number 20130923000961. The corrective assignment includes the statement that, “THE PURPOSE OF THIS CORRECTIVE ASSIGNMENT IS TO CORRECT THE ASSIGNEE ON THE ASSIGNMENT RECORDED ON APRIL 4 2012 AS INSTRUMENT NUMBER 20120404001648”. The Respondents case revolved specifically around the encumbrance of the Deed of Trust as noted in Trustee’s original complaint. Respondents did not have standing to maintain the specific case until after September 23, 2013. See attached Exhibit A1 – Corrective Assignment of Deed of Trust.

2. The assignment documents that were recorded into King County public records and known as 20120404001648 and 20130923000961 possess suspicious signatures that are purported to be that of Leticia N. Arias and that do not match the purported originators established signature on forms that have been, or caused to be, filed by Leticia N. Arias with Florida Secretary of State. See attached Exhibits A2 – NOTARY PUBLIC COMMISSION APPLICATION; and Exhibit A3 – STATE OF FLORIDA BOND OF NOTARY PUBLIC.

A comparison of signatures from documents that were filed with the Secretary of State for Florida, by or on behalf of Leticia N. Arias reveals that the signatures were provided by two different individuals. Considering that the signatures found on Notary Application and Bond Certificate were provided on November 11, 2007, and the earliest of the assignments was filed on April 4, 2012, it should be presumed that the previous signatures are from Leticia N. Arias. See signature purporting to be “Leticia N. Arias” in signatures areas on documents that are filed with Florida Secretary of State attached.

Both assignment documents’ Notary areas state “State of Florida, County of Palm Beach”. The business name and address that is provided on the “Notary Public Commission Application” is “1661 Worthington Road, Suite 100 40 Ocwen Financial Corporation West Palm Beach, FL 33408”

The Respondents, through error or fraud have benefited from a forged signature that has been applied to a document purporting to transfer an interest that encumbrances property that is Bailey's home.

CONCLUSION

3. It has become clear that the Respondents did not have standing at the time that the original complaint was filed that is labeled as 13-2-15447-1 SEA. When a party does not have standing then the court does not acquire subject matter jurisdiction and therefore any order thereafter is void and must be vacated. A Plaintiff's standing to assert a claim is an essential part of the court's subject matter jurisdiction. *E.g., Int'l. Ass'n of Firefighters Local 1789 v. Spokane Airports*, 146 Wn.2d 207, 212, 245, P.3d 186 (2002).

The assignment is in violation of RCW 40.16.030 and constitutes a forgery under RCW 62A 1-201§41 & §43; and CR 60(b)§4 & §5 applies hereto. OCWEN LOAN SERVICING, with an address of 1661 Worthington Road, Ste. 100 West Palm Beach, Florida 33408 prepared and presented the document for recordation.

"Where a judgement has been entered has been entered by a court which has not first secured jurisdiction, such judgment is void and of no effect." *Wiles v. Dept. of Labor & Indus. Of State*, 34Wn.2d 714, 723, 209, P.2d.462 (1946)


Jeff Bailey

PROOF OF SERVICE

Jeff Bailey

vs.

**JOSEPH LUCAS, III; U.S. BANK, N.A. AS TRUSTEE FOR OWNIT MORTGAGE
LOAN TRUST, MORTGAGE LOAN ASSET BACKED CERTIFICATES, SERIES
2006-3; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC; AND JOHN
DOE 1-50**

I am a Citizen of the United States of America and domiciled in the County of
King. I am over the age of eighteen and not a party to the within
action; my domicile is in Seattle, Washington.

On March 24, I MAILED/EMAILED/or caused to be delivered, the within:

APPELLANT'S REPLY BRIEF

to the parties in the within action by MAIL causing such document(s) to be delivered by
United States Postal Mail to the office(s) or person(s) of the addressees(s) as follows:

To: HOUSER & ALLISON, APC
1601 5TH AVENUE, STE 850
SEATTLE, WASHINGTON 98101
ATTN: SAKAE S. SAKAI /
ROBERT W. NORMAN, JR

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

Executed on March 24 2016, at Seattle,
Washington.

Edward J. Jones
DECLARANT

PROOF OF SERVICE

Jeff Bailey

vs.

**JOSEPH LUCAS, III; U.S. BANK, N.A. AS TRUSTEE FOR OWNIT MORTGAGE
LOAN TRUST, MORTGAGE LOAN ASSET BACKED CERTIFICATES, SERIES
2006-3; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC; AND JOHN
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On March 24, I MAILED/EMAILED/or caused to be delivered, the within:

APPELLANT'S REPLY BRIEF

to the parties in the within action by MAIL causing such document(s) to be delivered by
United States Postal Mail to the office(s) or person(s) of the addressees(s) as follows:

To: Gregory Jalbert
1001 4th ave 3200
Seatt WA 98154

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

Executed on March 24 2016, at Seattle,
Washington.

Edward J. [Signature]
DECLARANT

STATE OF FLORIDA
BOND OF NOTARY PUBLIC

Secretary of State
Notary Commissions

FOR OFFICE USE ONLY
Approved by Department of State:

STATE OF FLORIDA

KNOW ALL MEN BY THESE PRESENTS, That we,

LETICIA N. ARIAS

as Principal, and

(Name of Applicant)

RLI INSURANCE COMPANY

309

692-1000

(Imprint Name of Surety Company)

(Telephone Number)

as Surety Company, give bond payable to any individual who may be harmed as a result of a breach of duty by said applicant acting in his/her official capacity as Notary Public, in the amount of Seven Thousand, Five Hundred Dollars (\$7,500) as assurance for the due discharge of the duties of his/her office of Notary Public and we do bind ourselves, and each of our heirs, executors and administrators, jointly and severally.

Applicant was, on the date of issuance of commission, bonded as a Notary Public in and for the State of Florida, to hold office for the term of four years in accordance with the Constitution and Laws of this State.

Now, therefore, if said applicant shall faithfully discharge the duties of the office of Notary Public, as prescribed by law, then this obligation shall be void.

X *Leticia N. Arias*
(Signature of Applicant)

Signed and sealed this 15TH day of NOVEMBER 2007



RLI Insurance Company

(Name of Surety Company)

P.O. Box 3967, Peoria, IL 61612

(Address of Surety Company)

Atlantic Bonding Company, Inc.

(Name of Bonding Agency or Company)

P.O. Box 11901, Ft. Lauderdale, FL 33339

(Address of Bonding Agency or Company)

By X

(Signature of Florida Licensed Agent)

A294141

(Florida Licensed Agent Number)

MARC. C. ZINMAN

(Printed name of Florida Licensed Agent)

Section 817.234(1)(b), F.S. "Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony in the third degree."

This bond shall be for Seven Thousand, Five Hundred Dollars (\$7,500).
After execution by surety company, the bond must be submitted to the Department of State for approval and filing before issuance of the notary public commission.
DS/DE 76 (3/04)





NOTARY PUBLIC COMMISSION APPLICATION
 Florida Department of State
 Notary Commissions (850) 245-6975

This application and the information it contains, except social security numbers, are public record and may be disclosed to any person upon request.

Full Name: ARIAS LETICIA NOHEMI
(Last) (First) (Middle)

Home Address: APT. 5215 FL PALM BEACH 33409
(Street) (City) (State) (County) (Zip)

Business Address: 1661 Worthington Road, Suite 100 % Owen Financial Corporation
West Palm Beach, FL 33409 Sex: M F Race: HISPANIC

Home Phone: (561) Business Phone: (561) 682-7206 Extension 7206
(or write "NONE") (or write "NONE")

Florida Driver's License (or other State of Florida Issued ID): _____ Date of Birth: _____
(Month/Day/Year)

- Are you a legal resident of Florida? Yes No (If No, you are not eligible to apply for a notary commission. Legal residency must be maintained throughout the appointment.)
- Are you a United States citizen? Yes No (If No, you must submit a recorded Declaration of Domicile. Obtain this document from your County Courthouse.)
- If you are a first time notary, you must complete a 3 hour education course and submit a signed certificate of completion pursuant to chapter 668.50(11), F.S.
- Have you held any professional licenses or commissions (other than Notary Public) in Florida during the past 10 years? Yes No (If yes, please list) _____
 Have any been revoked? Yes No (If Yes, you must submit a written statement about the nature of the action any supporting documentation, such as a copy of the Final order from the regulating agency.)
- Have you been disciplined by a regulatory agency, including the Florida Bar, and including disciplinary action that is confidential? Yes No (If Yes, you must submit a written statement about the nature of the action and any supporting documentation, such as a copy of the Final order from the regulating agency.)
- Have you been convicted of a felony, had adjudication of guilt withheld, or are you on probation? Yes No (If Yes, you must submit a written statement of the nature of the offense(s), a copy of the court judgment and sentencing order. If convicted, you must submit a certificate of Restoration of Civil Rights.)

STATE OF FLORIDA AFFIDAVIT OF CHARACTER PALM BEACH COUNTY

I, Noemi Morales am unrelated to and have known LETICIA ARIAS
(Print or Type Name of Affiant) (Name of Applicant)
 for one year or more; and to the best of my knowledge and observation know (him)(her) to be of good character.
 My address is _____
(Street) (City) (State) (County) (Zip)

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AFFIDAVIT AND THAT THE FACTS STATED IN IT ARE TRUE.

Home Phone: (561) _____ X [Signature]
(or write "NONE") (Signature of Affiant)
 Work Phone: (561) _____
(or write "NONE")

STATE OF FLORIDA OATH OF OFFICE COUNTY PALM BEACH

I DO solemnly (swear) (affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State of Florida; that I have read Chapter 117, Florida Statutes, and any amendments thereto, and know the duties, responsibilities, limitations, and powers of a notary public; and that I will honestly, diligently, and faithfully discharge the duties of Notary Public, State of Florida on which I am now about to enter, (so help me God).

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING APPLICATION AND OATH AND THAT THE FACTS STATED THEREIN ARE TRUE. I accept the office of Notary Public, State of Florida.

X Leticia N. Arias
(Signature of Applicant- This is the name in which your commission and notary seal will be issued)

LETICIA N ARIAS
(Print or Type Name- Must match signature)

11 / 15 / 2007
(Date)

Social Security Number: _____

NPC01 (5/07)



APN #: 936870 0165 03
Prepared by: Joe Simmons
When Recorded Mail To:
Ocwen Loan Servicing, LLC
5720 Premier Park Dr,
West Palm Beach, FL 33407
Phone Number: 561-682-8835
MIN: 100224620001352668
MERS Ph.#: (888) 679-6377



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ROBINSON TAIT ADT 14.00
PAGE 001 OF 001
09/23/2013 11:12
KING COUNTY, WA

WASHINGTON
CORRECTIVE ASSIGNMENT OF DEED OF TRUST
"THE PURPOSE OF THIS CORRECTIVE ASSIGNMENT IS TO CORRECT THE ASSIGNEE ON THE
ASSIGNMENT RECORDED ON APRIL 04, 2012 AS INSTRUMENT NUMBER 20120404001648"

17709287465500
Attorney Code: 17769 BR

This ASSIGNMENT OF DEED OF TRUST from MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS), as nominee for OWNIT MORTGAGE SOLUTIONS, INC., whose address is PO Box 2026 Flint, MI 48501-2026, its successors and assigns, ("Assignor") to U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR OWNIT MORTGAGE LOAN TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006-3, whose address is c/o Ocwen Loan Servicing, LLC, 5720 Premier Park Dr, West Palm Beach, FL 33407, (Assignee) all its rights, title and interest in and to a certain mortgage duly recorded in the Office of the County Recorder of KING County, State of WASHINGTON, as follows:

Dated JANUARY 20, 2006, in the principal amount of \$ 225,000.00, executed by JOSEPH LUCAS III to FIDELITY NATIONAL TITLE COMPANY OF WASHINGTON as Trustee(s) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ACTING SOLELY AS NOMINEE FOR OWNIT MORTGAGE SOLUTIONS, INC. as Beneficiary, and filed of record on FEBRUARY 02, 2006, at Instrument/Entry/Document Number: 20060202001073.

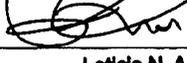
PREMISES DESCRIBED AS: [APN: 936870-0165 03] in KING County, WA and more completely described in LEGAL DESCRIPTION:

The south half of Lot 5, Block 5, White's Rainier Beach Gardens, according to the plat thereof recorded in Volume 13 of Plats, page 38, in King County, Washington.

This Assignment is made without recourse, representation or warranty.

DATED: AUGUST 15, 2013

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC., ACTING SOLELY AS NOMINEE
FOR OWNIT MORTGAGE SOLUTIONS, INC

By: 
Name: Leticia N. Arias
Title: Assistant Secretary

State of Florida, County of Palm Beach)

Leticia N. Arias

On AUGUST 15, 2013, before me _____, the Assistant Secretary of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ACTING SOLELY AS NOMINEE FOR OWNIT MORTGAGE SOLUTIONS, INC, personally appeared, and being personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her respective authorized capacities as Assistant Secretary, and that by his/her signature on the instrument, the entity upon behalf of which the person acted, executed the instrument.

Notary -  Christian J. Ferrer

NOTARY STAMP

