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IN THE COURT OF APPEAL OF THE STATE OF WASHINGTON
SEATTLE - Division 1.
(One Union Square, 600 University Street, Seattle WA 98101-4170)

The Bank of New York)
(Case #70111-8-1
Plaintiff) Superior court Case. # 12 2 00541 3
Vs. (Appellant Brief.
David Muresan)
Defendant (
Appellant)

NOW COMES the Appellant **David Muresan** and state:

The **real property** which is the subject of this **Court Action** is located in **Island County, Washington**, and defendant is resident of said county. The house address is **1496 S. Crestview Dr. Camano Island WA 98282.**

The Mortgage Company of this house is **Wellis Fargo** and is served by **America's Servicing Company**. The loan is **\$360,000**

Facts:

1) On March 2010 the mortgage company **increased the payment from \$1900/month to \$2500/month**. The owner of the house, David Muresan, has limited income and his income is composed by **\$1900/months partial rental of the house and \$518 SS, \$200/month pension from Romania, and \$200 food stamps**. His income was enough to pay **\$1900** but not to enough to pay **\$2500** and he **has become behind** with his mortgage payments.

2) **David Muresan is 68 years of age and retired**. Three month after he became behind he applied for loan modification as provided by the "**Home Affordable Modification Program**" **David Muresan satisfies all requirements.**

*Siled
COA
4-18-13
KW*

1 3) David Muresan applied several times for loan modification and received more
2 **than 5 denials**. One bank reason was that Appellant income is not enough to meet
3 the 31% HAMP requires. **The 31% is incorrect applied because banks require the**
4 **income to be so high that just 31% to go to their payment.** HAMP provide that for
5 5 years the payment to represent just 31% of the income and after that to increase to
6 present market interest rate. Even with bank position Appellant was qualified for a
7 modification because his income was **\$2600** and co-borrower was **\$2700**, total **\$5300**
8 **and 31 % of it is \$1640** and that applied to **\$380000** balance in that moment is **\$1602**
9 with 3% interest and **\$1404 with 2% interest** as required by HAMP. For the recent
10 balance of **\$415000** the payment would be **\$1500 with 2%**.

11 4) On Dec 16 David Muresan received the "Notice of Trustee's Sale"
12 scheduled for **March 16, 2012**.

13 5) David Muresan asked the Superior Court to approve an Order to
14 postpone the sale of this property at the address is 1496 S. Crestview Dr. Camano
15 Island WA 98282, to give enough time to **American's Servicing Company to do the**
16 **Modification of this loan.**

17 6) Appellant filed in time a complain, based on **RCS 61.24.130** say "Anyone
18 having any objection to the sale on any grounds whatsoever will be heard if files a
19 lawsuit to restrain the sale"

20 7) JP Morgan moved the Defendant's case to Federal Court, based on **rules**
21 **28 U.S.C. § 1331 and 28 U.S.C. § 1441**

22 **Appellant asks the Court Of Appeal to:**

- 23 1) **Allow the appellant to stay in his house pending appeals.**
24 2) **Vacate the sale of the house based on the following reasons.**

25 a) **Objective reasons.**

26 1) The **federal Home Affordable Modification Program** (HAMP) is not
27 **optional for banks**. On page 17 attached here is written that only **one bank action is**
28 **optional** and that is to reduce the principal of a loan to make it affordable for home
29 owner. **All other must be mandatory and bank cannot refuse to home owner.**

1 2) The bank moved my case from Superior Court to Federal Court to prevent
2 the Appellant to object the sale.. That means that bank forced the sale to be non-
3 judicial instead of judicial as Appellant case would create it.

4 3) The bank scheduled hearings to federal Court for May 8th 2012 but
5 presented an Order on Apr. 24 to deny Appellant case. Appellant was not allowed
6 to go before a federal Judge. Now Appellant case is active in Ninth Circuit Court
7 for Reconsideration.

8 b) Subjective reasons.

9 4) I paid 10 years mortgage and I deserve my house. The bank sold my
10 house while I was able to pay mortgage with the present market interest rate.

11 5) I am 68 years old and retired and I cannot buy another house. My social
12 \$518 social security, food stamp, and rental income were enough to pay the mortgage.

13 6) My house is the main asset for my David Muresan Scientific Research
14 Foundation and I need it to find the cause and cure for diseases.

15 7) I am an inventor with 7 patents and 13 new ideas and I need my house
16 to work on my inventions.

17
18
19 Presented today Apr 17 - 2013

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22
23 By David Muresan. _____

24 **signature**

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Exhibits:

- 1) Last Application for loan Modification. (Dec 03, 2011) page 1, 2, 3
- 2) June 24, 2011 loan modification denial page 4
- 3) make Home Affordable Federal Program page 5
- 4) Notice of Trustee's Sale page 6, 7, 8
- 5) Certificate of Incorporation for DM Foundation. page 9
- 6) Business License for DM Foundation. page 10
- 7) DM Foundation Mission page 11
- 8) David Muresan's 3 patents page 12, 13, 14
- 9) Deed Of Trust (presented to Court only) page 15 to 27



FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2013 APR 18 PM 1:42

Proof of Service

To: Shannon McClanahan
WF mortgage Company.
Loan Number **1218064632**

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the date Nov--03-2011, [] mailed, [] certified mailed,, [] emailed, [] faxed (fax number **1-855-823-7303**) to Shannon McClanahan the true and correct copies of the following documents:

- | | |
|---------------------------------------------------|---------|
| 1. This proof of Service | 1 page |
| 2. The full package of the application sent to me | 1 page |
| Proof of income: | |
| 4. David Muresan SS income | 2 pages |
| 2. Food stamps | 1 page |
| 4. Pension from Romania decision and stubs. | 2 page |
| 7. Rental Agreements | 2 page |

Made today

Dec/03/2011

By David Muresan



Faxed today at 855-823-7307 to Shannon McClanahan



PO Box 10328
Des Moines, IA 50306-0328

November 23, 2011

David Muresan
1496 S. Crestview Drive
Camano Island, WA 98282-4102

Dear David Muresan:

RE: Loan Number 106-1218064632

Thank you for contacting Wells Fargo Home Mortgage (WFHM) regarding your mortgage loan. We recognize these are trying times for many homeowners and appreciate this opportunity to assist you.

It has been a pleasure being your single point of contact and working with you regarding your recent mortgage account inquiry. I have attempted to contact you via telephone to provide you with the final resolution of your inquiry, however, the telephone number on record is no longer active or is no longer accepting voicemail messages. My last attempt was on November 18, 2011. As my attempts via telephone have been unsuccessful, I am providing you with the resolution in writing.

During a time of financial hardship, various workout options are made available to our borrowers. All workout arrangements are based on a borrower's ability to repay the debt and investor guidelines. It is imperative that the information you provide is complete and accurate. If the information you provide is not complete, this could delay the initiation of the review until all needed documentation is received. The Home Preservation Department can be reached at (800) 678-7986. A representative will be able to assist you Monday through Thursday between the hours of 7:00 a.m. and 10:00 p.m., Friday from 7:00 a.m. to 9:00 p.m. and on Saturday from 8:00 a.m. to 5:00 p.m. Central Time.

Any workout option approved is based upon a borrower's proof of financial need for assistance, as well as the ability to afford the approved workout option. Wells Fargo Home Mortgage (WFHM) relies on our borrowers to provide us with complete and accurate financial information reflecting current status within the last 30 days.

The financial packet will be considered incomplete and cannot be accepted for the review if any of the required items are not included, all fields are not completed, or the documents are not signed by all borrowers and/or applicable parties. If one of the fields is not relevant to your situation, please write N/A or indicate \$0.

It is not necessary to send originals of income documentation, as copies are acceptable. We also recommend that you gather these items together, keep a copy for your records, and submit all information at once. Please fax all of the required information to me at (855) 823-7307. If you do not have a fax, you can mail the documentation to the following address:

WFHM
Attention: Shannon McClanahan
MAC X4501-05W
2051 Killebrew Dr.
Bloomington, MN 55425

As required by the investor of your loan, in order to determine what workout options may be available; complete financial information is needed for our review. Unfortunately, we have not received the remaining financial information needed from you. Therefore, we are unable to continue exploring workout options available for your loan and have closed our file.

Enclosed is a copy of the retention checklist which indicates what documents are needed to complete a workout review. The checklist is provided to advise what additional documents may be needed and if any of them have expired or are no longer dated within the last 30 days. WFHM will reopen your case when all the required documentation is received.

If you have any additional questions or need clarification regarding the information provided in this letter, please contact me directly at (877) 218-4356, extension 24516. I am available to assist you Monday through Friday, 8:00 a.m. to 4:30 p.m., Central Time.

Sincerely,



Shannon McClanahan
Executive Mortgage Specialist, Office of the President

Enclosure(s)

This communication is an attempt to collect a debt and any information obtained will be used for that purpose. However, if you have received a discharge of this debt in bankruptcy or are currently in a bankruptcy case, this notice is not intended as an attempt to collect a debt as this company has a security interest in the property and will only exercise its rights against the property.

EX003/JUS/co558811

06/24/11



1AB 01157/005422/002035 0023 3 AGNYSXLC278 106

DAVID MURESAN
18204 30TH AVE NE
LAKE FOREST PARK, WA 98155-4102

Account Information

Fax:	(866) 453-6315
Telephone:	(800) 842-7654
Correspondence:	PO Box 10328 Des Moines, IA 50306
Hours of Operation:	Mon - Fri 8am-6pm In Your Time Zone
Loan Number:	1218064632
Property Address:	1496 S Crestview Drive Camano Island WA 98282

Subject: Your request for mortgage payment assistance

Dear David Muresan:

We're responding to your request for mortgage payment assistance and the options that may be available to help you. We realize that the process can take some time, and we appreciate how patient you've been while we work on finding a solution for you.

Here's what we found

We carefully reviewed the information you sent us and explored a number of mortgage assistance options. At this time, you are not eligible because:

You did not provide us with all of the information needed within the required time frame. For that reason, we are not able to proceed with payment assistance at this time.

Here's the next step

If you cannot keep up with your payments, we want you to know you may still have options to avoid a foreclosure sale and the impact it could have on your finances. The following options may be available to you:

- If the present value of your home is higher than your mortgage balance, you can try to sell your home prior to the foreclosure sale taking place.
- If your mortgage balance is higher than the present value of your home, you may want to consider what is called "a short sale." This allows you to sell your home privately, for an agreed-upon amount that is less than what you owe on your mortgage. To do a short sale, it is necessary for you to work with us in advance in order to set the selling price, so that you will not be obligated to pay back the rest of your mortgage.
- The remaining option is a deed in lieu of foreclosure. You can voluntarily give the deed to America's Servicing Company, transferring ownership of your home to us and releasing yourself from any future mortgage payments.



MAKING HOME AFFORDABLE FEDERAL PROGRAM

The Obama Administration unveiled the final details of its "Making Home Affordable Program," which designed to help up to 9 million American families refinance or modify their loans to a payment that affordable now and into the future.

One of the initiatives in this program is aimed at helping struggling homeowners "modify" their loans to avoid foreclosure. Here are some common Questions and Answers about the Modification Initiative in the program.

MODIFICATION INITIATIVE

Who is eligible?

- To apply for a Home Affordable Modification, you must:
- Own and currently occupy a one- to four-unit home.
- Have an unpaid principal balance that is equal to or less than \$729,750 (for one unit properties).
- Have a loan that was originated before January 1, 2009.
- Have a mortgage payment (including taxes, insurance and homeowners association dues) that more than 31% of your gross (pre-tax) monthly income.
- And, have a mortgage payment that is no longer affordable, perhaps because of a significant change in income or expenses.
- If you answered YES to all of these questions, you may be eligible for the Modification Initiative.

Am I eligible if I missed some mortgage payments?

Yes. If you missed two or more mortgage payments and answered "yes" to the Modification Initiative requirements above, you may be eligible for a loan modification. If your home is in foreclosure, the process is halted while your application for a loan modification is in review. It is VERY important to contact your lender right away if you have received a notice of default from your lender/servicer.

Do I need to be behind on my mortgage payments to be eligible for a Home Affordable Modification?

No. Responsible borrowers who are struggling to remain current on their mortgage payments are eligible if they are at risk of imminent default. Examples of being "at risk" include facing a significant increase in your mortgage payment or a reduction in your income.

I have a second mortgage. Am I still eligible?

Yes, but only the first mortgage is eligible for a modification.

I have an FHA loan. Can it be modified under this program? Are all loans eligible?

Most conventional loans including prime, subprime, and adjustable loans; loans owned by Fannie Mae and Freddie Mac as well as private lenders; and loans in mortgage backed securities are eligible for a modification.

After Recording, Return to:
Heather L. Smith
Northwest Trustee Services, INC.
P.O. Box 997
Bellevue, WA 98009-0997

File No.: 7777.14609
Grantors: Northwest Trustee Services, Inc.
The Bank of New York Mellon, FKA The Bank of New York, as Successor in
Interest to JPMorgan Chase Bank, N.A., as Trustee for Structured Asset
Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-5, Mortgage Pass-
Through Certificates, Series 2005-5
Grantee: David Muresan and Maria Muresan, husband and wife
Ref to DOT Auditor File No.: 4129605
Tax Parcel ID No.: R33119-151-2450/595671
Abbreviated Legal: PTN. SW SE 19-31-3E

Notice of Trustee's Sale

Pursuant to the Revised Code of Washington 61.24, et seq.

I.

On March 16, 2012, at 10:00 a.m. outside the main entrance of the Island County Annex Building near the Veteran's Memorial at 1 NE 6th Street in the City of Coupeville, State of Washington, the undersigned Trustee (subject to any conditions imposed by the Trustee) will sell at public auction to the highest and best bidder, payable at time of sale, the following described real property "Property", situated in the County(ies) of ISLAND, State of Washington:

Lot 5, Country Club Estates Division No. 2, as delineated on Survey filed in Book 4 of Surveys, Pages 50 and 51, records of Island County, Washington, under Auditor's File No. 304965, records of Island County, Washington, being a portion of the Southwest Quarter and the Southeast Quarter of Section 19, Township 31 North, Range 3 East of the Willamette Meridian; except the following described property: Beginning at the centerline road intersection of Crest View Drive and Fairway Drive, as shown on the Plat of Camano Country Club Addition No. 22, according to the Plat thereof recorded in Volume 11 of Plats, Page 16, records of Island County, Washington; thence North 15 degrees 22' 46" West along the centerline of said Crest View Drive a distance of 61.05 feet; thence South 79 degrees 00' 09" West a distance of 30.40 feet to the Northeast corner of Lot 6 as shown on the record of Survey known as Country Club Estates Division No. 2 filed in Book 4 of Surveys,, Page 50, under Auditor's File No. 304965, records of Island County, Washington; thence continue South 79 degrees 00' 09" West along the Northerly line of said Lot 6 a distance of 490.99 feet to the true point of beginning; thence South 05 degrees 17' 11" West a distance of 99.95 feet; thence South 84 degrees 42' 49" West a distance of 200.00 feet, more or less, to the Easterly margin of Elger Bay Road; thence North 05 degrees 17' 11" West along the Easterly margin of said road a distance of 200.00 feet; thence North 84 degrees 42' 49" East a distance of 200.00 feet; thence South 05 degrees 17' 11" East a distance of 100.05 feet, more or less, to the true point of beginning. Situated in Island County, Washington.

Commonly known as: 1496 Crestview Drive
Camano Island, WA 98282

10/25



UNITED STATES OF AMERICA

The State of



Washington

Secretary of State

I, **SAM REED**, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

CERTIFICATE OF INCORPORATION

to

DAVID MURESAN SCIENTIFIC-RESEARCH FOUNDATION

a/an WA Non-Profit Corporation. Charter documents are effective on the date indicated below.

Date: 7/18/2011

UBI Number: 603-130-979

APPID: 2107187



Given under my hand and the Seal of the S
of Washington at Olympia, the State Capit.

Sam Reed, Secretary of State



25571002277001

DAVID MURESAN SCIENTIFIC-RESEARCH FO
DAVID MURESAN FOUNDATION
1496 CRESTVIEW DR
CAMANO ISLAND WA 98282-8308

DETACH BEFORE POSTING



STATE OF
WASHINGTON

BUSINESS LICENSE

Domestic Nonprofit Corporation

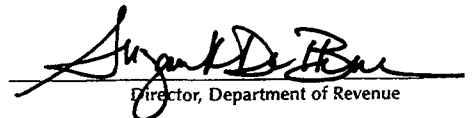
Unified Business ID #: 603 131
Business ID #: 1
Location: 1

DAVID MURESAN SCIENTIFIC-RESEARCH FOUNDATION
DAVID MURESAN FOUNDATION
1496 CRESTVIEW DR
CAMANO ISLAND WA 98282 8308

TAX REGISTRATION

REGISTERED TRADE NAMES:
DAVID MURESAN FOUNDATION

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.


Director, Department of Revenue

David Muresan Scientific- Research Foundation.

(DM Foundation)

Foundation's Mission.

Part A) Technology Side. (about 20%)

1) Patent new Ideas. This includes David Muresan's ideas and other people ideas. Specific, David Muresan will instruct prospective inventor how to apply for a patent.

2) Build prototypes of existing inventions. David Muresan will use the corporation facility and his technology skill to transform ideas in products. ***David will build his car engine without pollution*** which recently was rejected by German company Volkswagen and Ford Company. ***David will build his new idea about a bicycle*** and more. Once the prototypes will work we will not use anymore foundation money.

3) Expose his achievements to public. That will include a museum in his foundation facility where David Muresan will be presented his and others inventions and prototypes built so far.

Part B) Software Side. (about 10%)

1) Develop Software. This includes the new software ideas to meet the new exigencies in digital pictures. The base will be David Muresan invention about Digital pictures smoothing.

Part C) Human Health Side. (about 70%)

1) Explanation of Human Health Problems. This will use David Muresan ideas about Human Health to find the mechanism of illnesses and to have a scientific explanation.

2) New Approach for Cure of Illnesses. This will use the conclusions of the above analysis to propose a practical solution to cure illnesses. The observation made by David Muresan so far is enough to proof his ideas beyond a reasonable doubt.

3) Specific Application of health ideas. These new ideas will be used in different health problems such as: Autism, Cancer, MS, Brain Development, Infertility, Impotence, Depression, Pains, Aging, and so on.

4) Grants for Research of this new idea to cure illnesses based on the immune system enhancement. Foundation will give grants to student in health, nurses and doctors to collect information from science books and observations to enrich and expand the scientific idea to let the immune system to fight infection. The results may change deep the actual practice of bypassing the immune system by medication only.

Attached are three of David Muresan patented inventions and the Health Trilogy



US006091346A

United States Patent [19]

[11] Patent Number: 6,091,346

Muresan et al.

[45] Date of Patent: Jul. 18, 2000

[54] MULTI-FLASH ANALOG TO DIGITAL CONVERTER USING FLOATING VOLTAGES

5,187,483 2/1993 Yonemaru 341/156
5,355,135 10/1994 Redfern 341/156
5,450,085 9/1995 Stewart et al. 341/159

[76] Inventors: David Muresan; David D. Muresan,
both of 18204 30th Ave. NE., Seattle,
Wash. 98155

Primary Examiner—Jeffrey A. Gaffin
Assistant Examiner—Jason L. W. Kost

[57] ABSTRACT

A high resolution multi-flash analog-to-digital converter comprised of multiple small resolution full-flash analog-to-digital converters combined in such a manner as to generate a higher resolution digital voltage. The first small resolution analog-to-digital flash converter will generate the lowest order bits of the multi-flash analog-to-digital converter. The second small resolution analog-to-digital flash converter will generate the next higher order bits of the multi-flash analog-to-digital converter, and so on, until the last small resolution analog-to-digital flash converter will generate the most significant order bits of the multi-flash analog-to-digital converter.

[21] Appl. No.: 08/461,149

[22] Filed: Jun. 5, 1995

[51] Int. Cl.⁷ H03M 1/12

[52] U.S. Cl. 341/56; 341/158; 341/159;
341/161; 341/155

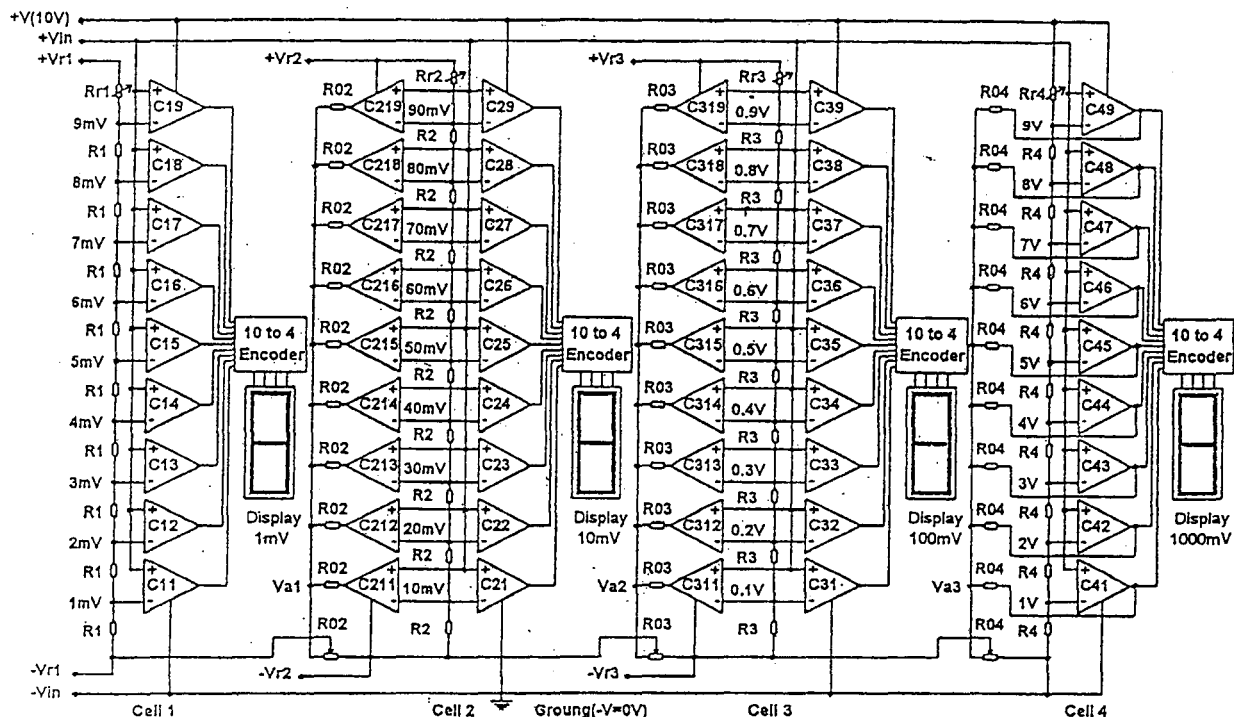
[58] Field of Search 341/156, 158,
341/159, 161, 155

[56] References Cited

U.S. PATENT DOCUMENTS

5,093,664 3/1992 Senn et al. 341/156
5,119,098 6/1992 Komatsu et al. 341/159

1 Claim, 1 Drawing Sheet



(12) **United States Patent**
Muresan et al.

(10) **Patent No.:** **US 6,609,692 B1**
 (45) **Date of Patent:** **Aug. 26, 2003**

(54) **PROCEDURE TO ATTACH A LAMP ON A CEILING**

4,760,510 A	*	7/1988	Lahti	362/365
4,763,231 A	*	8/1988	Houplain	362/148
4,999,748 A	*	3/1991	Aoshika	362/147
5,068,772 A	*	11/1991	Shapiro et al.	362/365

(76) **Inventors:** **David Darian Muresan**, 18204 30th Ave. NE., Seattle, WA (US) 98155;
David Muresan, 18204 30th Ave. NE., Seattle, WA (US) 98155

FOREIGN PATENT DOCUMENTS

JP 08009480 A * 1/1996

(* **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 235 days.

* cited by examiner

(21) **Appl. No.:** **08/669,674**

Primary Examiner—Anita King

(22) **Filed:** **May 24, 1996**

(57) **ABSTRACT**

(51) **Int. Cl.⁷** **H04R 1/02; B42F 13/00**
 (52) **U.S. Cl.** **248/343; 362/148**
 (58) **Field of Search** **248/343, 342, 248/317, 329, 222.14, 57, 118.1; 362/20, 147, 148, 150, 216, 277, 368, 369**

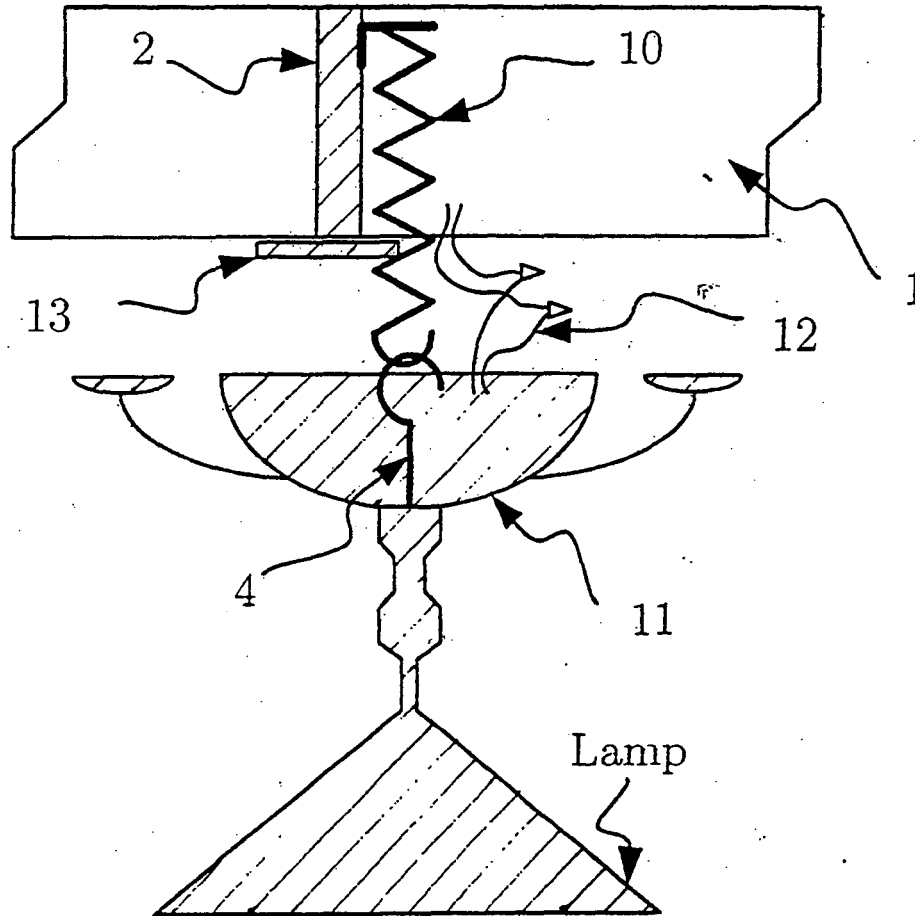
A procedure to attach securely a lamp on a ceiling allowing easy electrical connection and the use of a lamp with the most elegant upper end. This is possible by using a spring to support the lamp, which will allow to pull down the lamp in order to do the electrical connection. The electrical wires come through ceiling and are covered by the upper end of the lamp. The lamp released will be pressed against the ceiling by the spring.

(56) **References Cited**

U.S. PATENT DOCUMENTS

4,733,339 A * 3/1988 Kelsall 362/366

2 Claims, 4 Drawing Sheets



(12) **United States Patent**
Muresan et al.

(10) **Patent No.:** US 6,885,383 B2
(45) **Date of Patent:** Apr. 26, 2005

(54) **MOVING-PIXELS PROCEDURE FOR DIGITAL PICTURE EDGE-SMOOTHING**

(75) **Inventors:** David Darian Muresan, Seattle, WA (US); Maria Muresan, Seattle, WA (US)

(73) **Assignee:** David Muresan, Seattle, WA (US)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 202 days.

(21) **Appl. No.:** 10/092,634

(22) **Filed:** Mar. 8, 2002

(65) **Prior Publication Data**

US 2003/0169276 A1 Sep. 11, 2003

(51) **Int. Cl.⁷** G09G 5/00

(52) **U.S. Cl.** 345/611; 345/612; 345/613

(58) **Field of Search** 345/611-615; 382/266-269

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,365,251 A	*	11/1994	Denber	.....	345/611
5,774,110 A	*	6/1998	Edelson	.....	345/601
6,525,741 B1	*	2/2003	Klassen et al.	.....	345/589
6,654,017 B1	*	11/2003	Ali-Santosa	.....	345/443
2003/0142878 A1	*	7/2003	Willis et al.	.....	382/269

* cited by examiner

Primary Examiner—Matthew C. Bella

Assistant Examiner—Po-Wei Chen

(57) **ABSTRACT**

Procedure for digital picture edge-smoothing refers to a method of smoothing the rough edges, around the objects, in a digital picture, as a result of enlargement. The procedure consists of detecting the rough edges and removing some pixel(s), so that edge will become smoother. If the edge has a 45 degrees angle, made of 2 by 2 pixels, will become an edge of 1 by 1 pixel. If the edge has 4 by 2 pixels, it will become a 2 by 1 pixel edge.

1 Claim, 3 Drawing Sheets

