

FILED
COURT OF APPEALS DIV. 1
STATE OF WASHINGTON

2013 JUN 24 PM 1:24

Case. #70111-81
SC Case. # 12-2-00541-3

IN THE
WASHINGTON STATE COURT OF APPEAL Div. 1

David Muresan -- Petitioner

VS

The Bank of New York Mellon -- Respondent

APPEAL TO ISLAND COUNTY

SUPERIOR COURT

DECISION

BRIEF OF APPELLANT

(5 pages)

David Muresan
1496 S Crestview Dr.
Camano Island, Washington, 98282,
Ph. 360-387- 4669

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(2) TABLE OF CASES

Island County Superior Court case # 12 2 00034 9

Above case was moved to Federal court as 2: 12-cv-00239 JCC

Ninth Circuit Court. **Case. # 12-35368**

Island County Superior Court case # 12 2 00541 3

(3) ASSIGNMENT OF ERROR

The ASC, the first bank, moved my case 12 2 00034 9 to Federal court to prevent me to object to sale of my houses as provided by the rule RCS 61.24.130

The Superior Court ignored the federal Home Affordable Modification Program, (HAMP) which allowed me to keep my house at the present market interest rate.

The ASC refused several times to do a loan modification as provide by the federal Home Affordable Modification Program

The move of my case to federal court was made to prevent me to object the sale based on HAMP for which I am qualified. In this way they sold my house as non judicial sale instead of judicial sale as my case would create it.

The ASC bank sold my house before the hearings was scheduled in federal court.

Legal issues involved.

The refusal of the loan modification, based on HAMP, Was incorrect because HAM is mandatory for bank to do and not optional. The moved of my case, from Superior Court to Federal court, was legal and based on 28 U.S.C. § 1331, but the purpose was fraudulent because prevented me to object the sale as provided by rule RCS 61.24.130

The sale of my house before the federal court scheduled the hearings is also incorrect. I mention that no hearing was held in federal court.

(4) STATEMENT OF THE CASE.

For respondent only

(5) ARGUMENT

1) The sale of the my house at 1496 S. Crestview Dr. Camano Island WA 98282 was sold by JP Morgan to Bank of New York Mellon while

2) I had a case in this court to stop the sale and I could pay the mortgage at the present market interest rate.

3) I paid 10 years mortgage and the last 5 years interest only.

4) I am 68 years of age and I cannot buy another house but to keep this house is possible if a modification will be made.

5) This house is used for my David Muresan Scientific - Research Foundation.

(6) CONCLUSION.

The relief I sought is to vacate the sale of my house at 1496 S. Crestview Dr. Camano Island WA 98282 to allow the first bank to do a loan modification as provided by federal program HAMP

Today is: June 20-2013

David Muresan  _____
Signature

(7) APPENDIX.

- | | |
|--|-----------|
| 2) June 24, 2011 loan modification denial | page 1 |
| 3) Home Affordable Federal Program | page 2, 3 |
| 4) ASC bank fine for incorrect foreclosure . | page 4, 5 |

Sent previously.