

Affidavit of Materialman John Smith in support of TRO and an Injunction to vacate JP Morgan Chase Bank's Motion for stay relief

Affirmati, non neganti incumbit probatio-the proof lies upon him who affirms, not on him who denies.

DONE UNDER NECESSITY IN LAW **EMERGENCY**

This action has been brought to halt the unlawful conversion of John Smith's real property and felonious acts against the state of Tennessee through a Trustee's Sale set for Thursday July 7, 2010 by JP MORGAN CHASE a Loan Servicing agent , who has not evidence it has lawful standing right or authority to do so

I, John Smith hereinafter referred to as: Affiant comes now before all-the-World, and Affiant says to all- the-World the following:

1. Affiant's mailing location is: in the Republic of Tennessee, Tennessee state [near zip code].
2. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that Affiant is not of Full Legal Age or of complete capacity and able to care for the needs of Affiant and others.
3. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and *those that represent them*, can make an offer of proof that they have legitimate standing as holder in due course to be granted relief from the bankruptcy proceeding's stay because they have not evidenced that affiant's financial asset ie the promissory note and deed of trust were held together in good and valid condition and was not fraudulent separated from the deed of trust conveyed into an unlawful securitization CDO scheme to the harm and potential for loss and injury of the affiant's beneficial interest.
4. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them have engaged in covering up unlawful and predatory lending practices securities fraud, and violations of the Sarbanes Oxley act ,Sherman anti trust act, Truth in lending law and the fair debt collections practices act When they refused to cure material omissions when a demand for truthful ,honest and accurate disclosure was made under Respa , and pursuant to truth in lending TILA law, APA and the fair debt collection practices act law
5. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them can make an offer of proof that **the lender, MERS, JP Morgan Chase , nor any other**

adverse party , can evidence before the court of record a remaining lawful interest in the mortgage Promissory Note

6. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them can make an offer of proof that JPMORGAN CHASE BANK Did not engage violations of state and federal law, deceptive trade practices, and unfair or abusive dept collection when they fraudulently fabricated documents when they refused to provide proof of purchase and/or ownership of the promissory note ,mortgage and disclose any alonges
7. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them can make an offer of proof that JPMORGAN CHASE BANK Did not engage violations of state and federal law, deceptive trade practices, when it failed to disclose securitization of the Notes to Trusts, who may have sold them as unregulated securities to investors in violation of federal S.E.C securities laws and as such gives strong grounds to vacate their motion for relief from stay due to Inaccurate representations about the moving party's status as holder which appears to be in violation of FRCP 11 Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, and 28 USC 1927
8. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them can make an offer of proof that JPMORGAN CHASE BANK ever established it's standing in a motion for relief from stay through the submission of an accurate history of a chain of ownership of mortgage Absent such proof relief from stay is unwarranted
9. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them can make an offer of proof that JPMORGAN CHASE BANK ever established it's standing in a motion for relief from stay through the submission of documents that establish that movant's interest in real property was perfected for the purpose of example a complete and legible UCC 1 financing statement filed with the clerks office and the register of the county where the property is located
10. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them can make an offer of proof that JPMORGAN CHASE BANK ever established it's standing in a motion for relief from stay through the submission of documents that establishes Chase to have ever been the holder of the Mortgage
11. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them can make an offer of proof that JPMORGAN CHASE BANK ever established it's standing for a motion for relief from stay through the submission of documents that establishes by an offer of proof of chain of ownership of mortgage , assignments nor have they submitted

an affidavit with first hand knowledge about Chases relationship to the Mortgage based on Chase's own record

12. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them that bank had any financial interest at risk in the note or have ever loaned their own money
13. Affiant is not aware of, and has not seen, any Competent Evidence from a Competent Witness with firsthand knowledge, showing that JPMORGAN CHASE BANK and those that represent them are not actively and deceptively engaged in representing themselves as CREDITOR and/or HOLDER IN DUE COURSE of a true debt instrument unconscionably proceeding to foreclose on said real property without Proof of Claim supported by facts law and evidence to establish standing to do so
14. Affiant's word is Affiant's bond.
15. . Affiant's autograph is Affiant's seal.

Affiant's affidavit is Affiant's voluntary act and Affiant's voluntary deed. Affiant has written the foregoing, has read the foregoing, and knows and understands the contents therein. Affiant affirms to the best of Affiant's knowledge and understanding that the foregoing is true correct, complete, certain and not misleading.

Done this ____ day of the month of July in the year of Our Lord two thousand and eleven at _____, Tennessee

Autograph of:

: _____ :