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Attorney for Defendant(s): Alexander B. Paragas

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO
SOUTHERN BRANCH - HALL OF JUSTICE & RECORDS

FEDERAL HOME LOAN MORTGAGE
 CORPORATION, ITS ASSIGNEES
 AND/OR SUCCESSORS,

 Plaintiff(s),

 VS.

 ALEXANDER B. PARAGAS; PERLA O.
 PARAGAS; and DOES 1 -10, Inclusive,

 Defendant(s)

CASE NO: CLJ205995
 STIPULATED FACTS
 Hearing's:
 Date : September 21, 2012
 Time : 9:00 a.m.
 Dept. : Law and Motions
 Reservation No.:

UN-DISPUTED FACTS	SUPPORTING EVIDENCE
On or about January 24, 2008, Alexander B. Paragas and his wife Perla O. Paragas executed an "Adjustable Rate Note" promising to pay INDYMAC BANK, F.S.B., ("INDYMAC") the sum of \$417,000.00, by monthly payment commencing February 1, 2008, encumbering the	Declaration of Alexander B. Paragas and concurrently-filed Request for Judicial Notice ("RJN") Exhibit "1".

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1	property located at 39 SANTA ANA AVENUE, DALY CITY, CALIFORNIA 94015, in the County of San Mateo, California.	
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7	First Assignment of Defendant's Note and DOT was executed on or about January 3, 2011, in which Mr. BRIAN BURNETT as "Assistant Secretary" of MERS assigned all beneficial interest under DOT to the ONEWEST.	Declaration of Alexander B. Paragas and RJN Exhibit "2".
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11	Second Assignment was executed on or about May 24, 2011, in which Mrs. MOLLIE SCHIFFMAN an "Assistant Vice President" of ONEWEST assigned interest of Defendant's Note and DOT to the Plaintiff, herein.	Declaration of Alexander B. Paragas and RJN Exhibit "3".
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15	Third Assignment was executed on or about October 31, 2011, in which Mrs. WENDY TRAXLER as "Assistant Secretary" once again assigned same DOT to ONEWEST.	Declaration of Alexander B. Paragas and RJN Exhibit "4".
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18	Mr. BRIAN BURNETT on or about January 13, 2011 executed Substitution of Trustee ("SOT").	Declaration of Alexander B. Paragas and RJN Exhibit "5".
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21	This fabricated Assignments of DOT and related foreclosure documents by Mr. BRIAN BURNETT, Mrs. MOLLIE SCHIFFMAN and Mrs. WENDY TRAXLER is nothing more than an attempt of Plaintiff and its agents to hijack the mortgage and then foreclose on the property, in violation of California Civil Law.	Declaration of Alexander B. Paragas and RJN Exhibits "2," "3," "4," and "5"
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26	On or about January 26, 2011, QUALITY LOAN SERVICE CORPORATION,	Declaration of Alexander B. Paragas and RJN Exhibit "6".
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1	(“QUALITY”) recorded Notice of Default (“NOD”).	
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3	On or about May 4, 2011, Defendant received	Declaration of Alexander B. Paragas and RJN Exhibit “7”.
4	Notice of Trustee’s Sale (“NTS”). The sale was	
5	scheduled for May 23, 2011 at 1:00 p.m., but	
6	postponed to several times, until April 23, 2012	
7	at 1:00 p.m. when sale of the Subject Property	
8	was executed.	
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10	On or about May 4, 2012 QUALITY recorded	Declaration of Alexander B. Paragas and RJN Exhibit “10”.
11	Trustee’s Deed Upon Sale (“TDUS”).	
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14	On or about July 23, 2012, Defendant filed	Declaration of Alexander B. Paragas.
15	separate civil unlimited case against a bank and	
16	a loan servicing corporation, with respect to the	
17	fabricated Assignments of DOT, and the entire	
18	foreclosure process relating to his real property.	
19	Plaintiff and ONEWEST have moved, case that	Declaration of Alexander B. Paragas.
20	Defendant filed agents them to the United	
21	States District Court, Northern District of	
22	California, and is currently pending.	

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25 Disputed facts:
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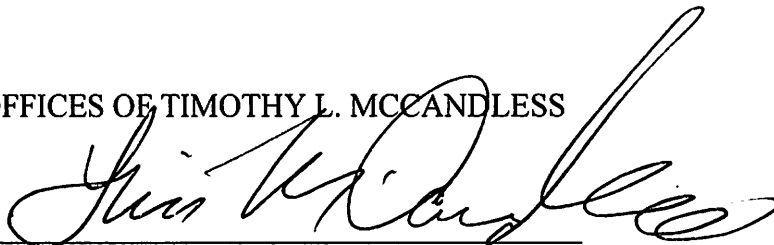
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<p>At the time of the execution Note and Deed of Trust ("DOT"), MORTGAGE ELECTRONIC REGISTRATION ("MERS") was not listed anywhere on Defendant's Note.</p>	<p>Declaration of Alexander B. Paragas.</p>
<p>Defendant has never been informed or notified by INDYMAC, ONEWEST BANK, F.S.B., ("ONEWEST"), or anyone that MERS sold Defendant's Note to ONEWEST.</p>	<p>Declaration of Alexander B. Paragas.</p>
<p>Defendant found that, there have been several assignments of his Note and DOT, deeds recorded outside of the chain of the title.</p>	<p>Declaration of Alexander B. Paragas.</p>
<p>On or about May 16, 2012, Plaintiff filed this instant case in violation of Automatic Stay.</p>	<p>Declaration of Alexander B. Paragas and the Court record.</p>
<p>On or about June 11, 2012 U.S. Bankruptcy Judge, Mr. THOMAS E. CARLSON granted Motion to Extend Automatic Stay. The Order stated that Automatic Stay, under <i>11 U.S.C. Section 362(a)</i>, shall remain in force for the duration of Chapter 13 proceeding, until is terminated under <i>11 U.S.C. Section 362(c)(1)</i>, or a Motion for Relief from Stay is granted under <i>11 U.S.C. Section 362(d)</i>, no Motion for Relief has been filed by any Creditor, including Plaintiff herein.</p>	<p>Declaration of Alexander B. Paragas and RJN Exhibit "11".</p>
<p>On or about April 23, 2012 at 12:31 p.m., Defendant filed voluntary Chapter 13 bankruptcy protection in the United States Bankruptcy Court for the Northern District of California, Case No.: 12-31228.</p>	<p>Declaration of Alexander B. Paragas and RJN Exhibit "8".</p>
<p>On or about April 23, 2012, Defendant also filed the Motion to Extend Automatic Stay pursuant <i>U.S.C. Section 362(c)(3)(B)</i>, Notice of Opportunity for Hearing on Motion to Extend</p>	<p>Declaration of Alexander B. Paragas and RJN Exhibit "9".</p>

1 Automatic Stay pursuant *U.S.C. Section*
2 *362(c)(3)(B)*, and Declaration in Support of
3 Hearing on Motion to Extend Automatic Stay
4 pursuant *U.S.C. Section 362(c)(3)(B)*.

5 Respectfully submitted;

6 DATED: Sept 24, 2012 LAW OFFICES OF TIMOTHY L. MCCANDLESS
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8
9 Timothy L. McCandless, Esq.
10 Attorney for Defendant(s): Alexander B. Paragas

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