

**Volume 3 of 3, Part D**  
**VIII. EXHIBITS ADMITTED**  
**(IN NUMERICAL ORDER)**





Nº 436534

**DIV**



**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

MIDFIRST BANK

vs.

RONALD JAMES REED & EVARISTA CORTEZ REED

*Plaintiff*

*Defendant*

JANE FAIA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 20, 1992 jff

Date of Filing

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92-0552

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 436-534

MIDFIRST BANK, S.S.B.

VERSUS

RONALD JAMES REED  
(A/K/A RONALD J. REED AND RONALD REED)

AND

EVARISTA CORTEZ REED

FILED FOR RECORD  
JAN 7 AM 11 20  
PARISH OF JEFFERSON, LA  
DEPUTY CLERK

FILED: \_\_\_\_\_ DEPUTY CLERK

CODED

MOTION TO APPOINT CURATOR

On motion of Midfirst Bank, S.S.B., through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Ronald James Reed (a/k/a Ronald J. Reed and Ronald Reed) and Evarista Cortez Reed, is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), Ronald James Reed (a/k/a Ronald J. Reed and Ronald Reed) and Evarista Cortez Reed.

WHEREFORE, for the reasons listed herein, Mover prays that this court appoint an attorney at law as curator ad hoc for the defendant(s), Ronald James Reed (a/k/a Ronald J. Reed and Ronald Reed) and Evarista Cortez Reed, and for all other relief as is just

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DATE JAN 6 1994  
S/ MYRA LANDIX

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and proper in the premises.

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Stacy C. Wheat  
 JANE FAIA MENTZ  
 Louisiana Bar Roll No. 16908  
 STACY C. WHEAT  
 Louisiana Bar Roll No. 19826  
 Attorneys for Plaintiff  
 3850 N. Causeway Blvd., Suite 710  
 Metairie, LA 70002  
 (504) 831-7726

A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE  
 DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 436-534

DIVISION "A"

MIDFIRST BANK, S.S.B.

VERSUS

RONALD JAMES REED  
(A/K/A RONALD J. REED AND RONALD REED)

AND

EVARISTA CORTEZ REED

FILED: \_\_\_\_\_ DEPUTY CLERK

ORDER

Considering the above and foregoing,  
IT IS ORDERED BY THE COURT, that Robert D. Kelly  
attorney at law be and he is hereby appointed curator ad hoc for  
defendant(s) Ronald James Reed (a/k/a Ronald J. Reed and Ronald  
Reed) and Evarista Cortez Reed, in these proceedings and that a  
Writ of Seizure and Sale issue herein, and be served upon said  
attorney at law.

Gretna, Louisiana, this 19<sup>th</sup> day of November,  
19 93.

[Signature]  
JUDGE  
CODED 2

ON MINUTES  
NOV 22 1993

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**DIV. A**  
JUDGE  
THOMAS PORTOUS, JR.

Nº 436651

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOC

*Plaintiff*

vs

MARY PATRICIA MCGARRY BISHOP & ELROY MICHAEL BISHOP, JR AND

ELENA BYARS HODGES & JOHN ATWOOD HODGES AND GWENDOLYN TRUXILLO WHITE

*Defendant*

RADER JACKSON

*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 22, 1992 JEF

Date of Filing

HP Exhibit 0189 (158)

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LI-92-04544

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

*PI*

NO. 436-651

DIVISION A

FEDERAL NATIONAL MORTGAGE ASSOCIATION

vs.

MARY PATRICIA MCGARRY BISHOP and ELROY MICHAEL BISHOP, JR.

and

ELENA BYARS HODGES and JOHN ATWOOD HODGES

and

GWENDOLYN TRUXILLO WHITE

FILED  
JAN 13 1993  
CLERK OF COURT  
JEFFERSON PARISH  
LOUISIANA  
*Handwritten signature*  
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FILED: \_\_\_\_\_ 19\_\_\_\_ DEPUTY CLERK \_\_\_\_\_

MOTION TO APPOINT CURATOR

I.

ON MOTION of the plaintiff herein, who moves the Court for the appointment of a Curator ad Hoc on behalf of the defendant(s), Mary Patricia McGarry Bishop, Elroy Michael Bishop, Jr., John Atwood Hodges and Elena Byars Hodges because from an examination of the record herein and more particularly the return of the Sheriff of the Parish of Jefferson, on the Notice of Seizure to be served on said defendant(s), it appears that the Sheriff has been unable to serve same after a due and diligent search therefor at the last known address in Louisiana. Plaintiff has no other address for the absent defendants.

II.

Accordingly, Mover shows that the said defendant(s) are absentees from this State, even though same may in fact be found within this State, all according to the definition of Article 5251 (1) Of the Louisiana Code of Civil Procedure, and that plaintiff is entitled to have an Attorney at Law appointed as Curator ad Hoc for the unrepresented and absent defendant(s).

ISSUED *Ant of court*  
DATE JAN 2 1993  
S/ MYRA LANDIX  
Deputy Clerk

**CODED**

LI-92-04544 30113015190

O R D E R

THE ABOVE and foregoing Motion is GRANTED:

Let Robert G. Crook, Attorney at Law, 901 Daugherty St.  
Metairie, Louisiana (Service Address) be appointed  
Curator ad Hoc for the absent and unrepresented defendants,  
Mary Patricia McGarry Bishop, Elroy Michael Bishop, Jr.,  
John Atwood Hodges, and Elena Byars Hodges.

Metairie, Louisiana, this 11<sup>th</sup> day of January  
1993.

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ON MINUTES  
JAN 12 1993

[Signature]  
J U D G E

Respectfully Submitted:

SHUSHAN, MEYER, JACKSON &  
McPHERSON  
ATTORNEYS FOR PLAINTIFF

BY: [Signature]  
RADER JACKSON (atty bar code 7197)  
Suite 1500, 1010 Common Street  
New Orleans, Louisiana 70112  
(504) 581-9444

- 1) Please serve a copy of this Motion and Notice of Appointment on Curator.
- 2) Please send a copy of this Motion to the Sheriff, 'Attn: Real Estate Civil Seizures'.
- 3) Please serve the Sheriff's Notice of Seizure on defendants thru the above appointed Curator.

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

FILED  
JUL 22 1992  
CLERK

**DIV**

No 436706

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NATIONAL MORTGAGE CO

*Plaintiff*

vs.  
JENNIFER DAVID RAGAN, wife of/ and JAMES ALTON RAGAN AND

TWILA KENNEY MIKE, wife of/ and JOHN WAYNE MIKE, JR

*Defendant*

IRA J. MIDDLEBERG

*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 22, 1992 jff

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DIV. A  
JUDGE  
E. THOMAS PORTERUS, JR.

NMC 1866-0358/LOAN NO. 519827

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

JUL 22 PM 3:28  
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PARISH OF JEFFERSON, LA.  
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DOCKET NO. 4

NO. 436-706

DIVISION " "

NATIONAL MORTGAGE COMPANY

VERSUS

JENNIFER DAVID RAGAN, WIFE OF/AND JAMES ALTON RAGAN  
AND TWYLA KENNEY MIKE, WIFE OF/AND JOHN WAYNE MIKE, JR.

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

JUL 22 1992  
file note + mortgage in vault  
Mg

The petition of NATIONAL MORTGAGE COMPANY, a corporation organized under the laws of the State of Tennessee, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

a) Defendants, Jennifer David Ragan and James Alton Ragan, are persons of the full age of majority and residents of and domiciled in the Parish of Jefferson, State of Louisiana.

b) Defendants, Twyla Kenney Mike and John Wayne Mike, Jr., are persons of the full age of majority and non-residents of the State of Louisiana, whose last known mailing address is 610 Satsuma, Panama City, Florida 32401.

2.

The defendants are jointly, severally and solidarily liable unto petitioner for the following reasons, to-wit:

3.

Petitioner is the holder and owner in due course for valuable consideration and before maturity of a certain promissory note

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S/ MIKA LANDIX  
Deputy Clerk

2073003209

executed by Jennifer David Ragan, wife of/and James Alton Ragan, payable to the order of "OURSELVES", and endorsed by the said Jennifer David Ragan, wife of/and James Alton Ragan, in the principal sum of THIRTY THREE THOUSAND FIVE HUNDRED AND NO/100 (\$33,500.00) DOLLARS, dated July 28, 1980, payable in monthly installments, including principal and interest, beginning September 1, 1980 and on the first day of each month thereafter until principal and interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on August 1, 2010, and which note bears interest at the rate of 11.50% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by an Act of Vendor's Lien dated July 28, 1980, passed before Carol Baker, Notary Public and two witnesses and recorded in Registry No. 931396, and MOB 800, folio 584, acquired at COB 985, folio 896, of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and made a part hereof and marked "P-1" for identification. A certified true copy of the Act of Vendor's Lien is attached hereto and made a part hereof and marked "P-2" for identification.

4.

Further, Mellon Financial Services Corporation #7, formerly Carruth Mortgage Corporation, did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Franklin Savings Association by Assignment of Mortgages, in authentic form, dated August 31, 1989, executed by Carol R. Biondi, Vice President-Administrative, and by Sally Hyatt, Assistant Secretary, and passed before Debbie S. Detinne, Notary Public and two witnesses. A certified true copy of said Notarial Endorsement and Assignment of Mortgage Note is attached hereto and made a part hereof and marked "P-3" for identification.

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5.

Further, plaintiff avers that it is the current holder of the aforesaid note, regardless of the blank endorsement mistakenly placed on the reverse of said note by Franklin Savings Association.

6.

Resolution Trust Corporation ("RTC") as Conservator for Franklin Savings Association ("Franklin") became the holder of the aforesaid promissory note, by virtue of the February 15, 1990 order of the Director of the Office of Thrift Supervision ("OTS"), Number 90-368, appointing RTC as Conservator for Franklin, having been recorded via an affidavit, dated March 12, 1990, in Volume 3135, page 660 of the official records of Johnson County, Kansas.

7.

Further, Resolution Trust Corporation as Conservator for Franklin Savings Association, did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto National Mortgage Company by Notarial Act of Endorsement and Assignment of Mortgage Note, in authentic form, dated June 26, 1992, executed by Samuel E. Meek, Vice President, and passed before Gail Elliott Merker, Notary Public and two witnesses. The original of said Notarial Endorsement and Assignment of Mortgage Note is attached hereto and made a part hereof and marked "P-4" for identification.

8.

Deborah Campbell Miller and Gerald F. Miller, Sr. did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from Jennifer David Ragan and James Alton Ragan, by Act of Sale and Assumption dated July 21, 1983, and passed before Deryle A. Bourgeois, Notary Public, and two witnesses and which Act of Sale and Assumption was duly recorded in MOB 888, folio 489 and COB 1054, folio 624, Registry No. 83-32657, of the official records for the Parish of Jefferson, State of Louisiana.

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A certified true copy of the Act of Sale and Assumption is attached hereto and made a part hereof and marked "P-5" for identification.

9.

Claudia Fernandez Murphy and Gerald Joseph Murphy did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from Deborah Campbell Miller and Gerald F. Miller, Sr., by Act of Sale and Assumption dated August 1, 1983, and passed before Deryle A. Bourgeois, Notary Public, and two witnesses and which Act of Sale and Assumption was duly recorded in MOB 889, folio 639 and COB 1055, folio 389, Registry No. 83-34480, of the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale and Assumption is attached hereto and made a part hereof and marked "P-6" for identification.

10.

Twyla Kenney Mike and John Wayne Mike, Jr. did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from Claudia Fernandez Murphy and Gerald Joseph Murphy, by Act of Sale and Assumption dated December 13, 1991, and passed before Deryle A. Bourgeois, Notary Public, and two witnesses and which Act of Sale and Assumption was duly recorded in MOB 3102, folio 165 and COB 2613, folio 276, Registry No. 91-56513, of the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale and Assumption is attached hereto and made a part hereof and marked "P-7" for identification.

11.

By virtue of the aforesaid act(s), defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

1 2 0 7 3 0 0 3 2 1 2

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Town of Westwego, Parish of Jefferson, State of Louisiana, and forming a part of the WHITEHOUSE SUBDIVISION, and which said lot is designated by the NO. 31-A in SQUARE NO. 61 (sixty-one), which said lot Square No. 61 is bounded by Fifth and Sixth Streets, Avenues "E" and "F", according to a plan of resubdivision by Hotard & Webb, C.E., dated Gretna, Louisiana, December 14, 1951, and Ordinance No. 539, of the City of Westwego accepted June 8, 1959, a copy of which is attached to an act before Myrtis C. Broussard, N.P., dated July 27, 1959, and according to said plan said lot measures 48 feet in front on Avenue "F", same width in the rear, by a depth between equal and parallel lines of 125.81 feet. Registered in COB 593, folio 99. Recorded in MOB 433, folio 649 on June 12, 1964.

The improvements thereon bear the Municipal No. **648 Avenue F, Westwego, LA.**

12.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid act(s), the property might be seized and sold under executory process, for cash and without appraisal, defendants having waived the demand for payment as provided for in Article 2639 of the Louisiana Code of Civil Procedure.

13.

The defendants have failed to pay the installment due January 1, 1992 and all subsequent installments due under said note.

14.

Defendants are therefore in default under the terms and conditions of the aforesaid note and act(s).

15.

Therefore, **NATIONAL MORTGAGE COMPANY**, has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of \$30,529.11, interest at the rate of 11.50% per annum from December 1, 1991, until paid,

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together with reasonable attorney's fees upon said principal and interest, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

16.

By virtue of the terms of the aforementioned note and act(s), defendants agreed to pay reasonable attorney's fees upon the amounts due under said note for the attorney who might be employed to institute proceedings to recover the amounts due under said note.

17.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendants, Twyla Kenney Mike and John Wayne Mike, Jr., are absentees who cannot be served personally with process, an attorney at law should be appointed to represent them.

18.

By virtue of paragraph 14 of said Act of Vendor's Lien, defendants waived any and all notice of demand.

**WHEREFORE**, the premises and annexed documents considered, petitioner prays for an order of executory process herein, that a writ of seizure and sale forthwith directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and without appraisal, to pay and satisfy the claim of your petitioner in the principal sum of \$30,529.11, with interest at the rate of 11.50% per cent from December 1, 1991, until paid, together with reasonable attorney's fees upon said principal and interest, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs

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and commissions; as well as any all another costs incurred in the prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

Petitioner further prays that an attorney at law be appointed to represent the absent defendants in this proceeding.

MIDDLEBERG, RIDDLE & GIANNA  
201 ST. CHARLES AVENUE - 31ST FLOOR  
NEW ORLEANS, LOUISIANA 70170-3100  
TELEPHONE: (504) 525-7200  
ATTENTION: FORECLOSURE DEPARTMENT

  
\_\_\_\_\_  
IRA J. MIDDLEBERG  
BAR NO. #640

PLEASE SERVE NOTICE OF SEIZURE ON:

JENNIFER DAVID RAGAN AND  
JAMES ALTON RAGAN  
1334 EAST DRIVE  
WESTWEGO, LA.

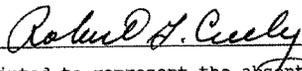
AND

TWYLA KENNEY MIKE AND  
JOHN WAYNE MIKE, JR.  
THROUGH COURT APPOINTED COUNSEL

O R D E R

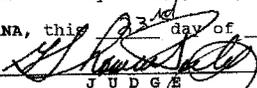
CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

FURTHER, LET ,  
attorney at law, be appointed to represent the absent defendants,  
Twyla Kenney Mike and John Wayne Mike, Jr., in this proceeding.

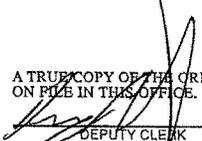
GRETNA, LOUISIANA, this 23<sup>rd</sup> day of July, 1992.

ON MINUTES

  
J U D G E

JUL 27 1992

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, L.A.

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**DIV. A**  
JUDGE  
E. THOMAS PERDUE JR.

Nº 436835

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

HIBERNIA NATIONAL BANK

vs.

HENRY W. RAMIREZ

*Plaintiff*

*Defendant*

DONALD G. PEREZ

*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 24, 1992 jff

Date of Filing

HP Exhibit 0189 (160)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 436-835

DIVISION "A"

HIBERNIA NATIONAL BANK

versus

HENRY W. RAMIREZ

DOCKET:

*Frank R. Nicotera*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

*P1*

Filed: \_\_\_\_\_

Deputy Clerk

**CODED**

MOTION TO APPOINT CURATOR AD HOC

NOW INTO COURT, through undersigned counsel, comes Hibernia National Bank, plaintiff in the above entitled and numbered proceeding, who respectfully represents that:

I.

In connection with the Petition for Executory Process filed herein, the Sheriff of Jefferson Parish, Louisiana has been unable to serve the Three Day Notice of Demand and the Notice of Seizure directed to HENRY W. RAMIREZ after numerous attempts. Subsequent to the filing of the petition, plaintiff learned that the defendant does not live at the address listed on the petition.

II.

Plaintiff is informed, believes and alleges that HENRY W. RAMIREZ resides in Jefferson Parish, Louisiana, but all efforts to locate him have failed, therefore it is necessary that the Court appoint an attorney at law to represent him and upon whom service of process may be made.

*Donald G. Perez*

DONALD G. PEREZ, Bar No. 10429  
FRANK R. NICOTERA, Bar No. 09999  
Hibernia National Bank  
Lending Law Division  
P.O. Box 61540  
New Orleans, Louisiana 70161  
Telephone: (504) 587-3210

*Re not of demand  
issued May 1992*

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

DATE NOV 02 1992  
S/ MYRA LANDIX

DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

Deputy Clerk

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 436-835

DIVISION "A"

DOCKET:

HIBERNIA NATIONAL BANK

versus

HENRY W. RAMIREZ

O R D E R

Considering the foregoing motion, it is ordered that \_\_\_\_\_  
Robert G. Creedy, attorney at law, be appointed to  
represent HENRY W. RAMIREZ, and that service of the Three Day  
Notice of Demand and the Notice of Seizure be made upon him.

Gretna, Louisiana, this 29<sup>th</sup> day of October, 1992.

CODED

ON MINUTES

OCT 30 1992

Shawna  
J U D G E

21233.gsf

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

Shawna  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

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**DIV. A**  
**JUDGE**  
**EDMOND P. BOUTIN, JR.**

**DIV**

Nº 436903

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

TROY & NICHOLS, INC
vs.
ALBERT L. THARPE, JR., ET AL
<i>Plaintiff</i>
<i>Defendant</i>
CHARLES H. RYAN
<i>Attorney for Plaintiff</i>
<i>Attorney for Defendant</i>

Date of Filing JULY 27, 1992 jff

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DEPT. CLERK  
CLERK OF JEFFERSON, LA  
*Myra Landix*

STATE OF LOUISIANA \* PARISH OF JEFFERSON  
TWENTY FOURTH JUDICIAL DISTRICT COURT

TROY & NICHOLS, INC. FILED: \_\_\_\_\_  
VS. NO. 436,903 "A" **CODED: M**  
ALBERT L. THARPE, JR., ET AL BY: \_\_\_\_\_  
(DY) CLERK OF COURT

MOTION TO APPOINT ATTORNEY  
TO REPRESENT ABSENTEES

NOW INTO COURT, through undersigned counsel, comes Troy & Nichols, Inc., Plaintiff in the above entitled and numbered proceedings, and respectfully represents that:

1.

The Sheriff has been unable to locate or serve the defendant(s), ROSARIO SAN AGUSTIN, in the Parish of Jefferson, or in the State of Louisiana and plaintiff is informed, believes and so pleads that said defendant(s) are non-resident(s) of the State of Louisiana, or in the alternative, that said defendant(s) are absentee(s) who have concealed themselves to avoid service of process, and further, that defendant(s) have not appointed an agent or legal representative to represent them in this state.

2.

The last known whereabouts of the defendant(s) was 77 Firwood Street, Santa Ana, CA 92714.

3.

It is necessary that an Attorney-at-Law be appointed by the court to represent the absentee defendant(s), to receive the notice of seizure on behalf of the absentee defendant(s).

WHEREFORE, PLAINTIFF PRAYS that an Attorney-at-Law be appointed to represent the absentee defendant(s) in the proceedings and that said defendants, ROSARIO SAN AGUSTIN, be served with the notice of seizure and all other notices and

re: ~~not of the materiality of report~~  
ISSUED SEP 14 1992  
DATE S/ MYRA LANDIX  
Deputy Clerk **CODED**

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citations required or permitted by law through said Attorney-at-Law in the manner and form provided by law; plaintiff further reiterates the prayers of the petition filed herein.

Respectfully submitted,

BOLES, BOLES & RYAN  
ATTORNEY AT LAW  
1805 Tower Drive  
P. O. Box 2065  
Monroe, LA 71207-2065  
(318) 388-4050

BY: *Charles H. Ryan*  
Charles H. Ryan  
Bar #11557

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, the undersigned legal authority in and for said Parish and State, personally came and appeared CHARLES H. RYAN, who first being duly sworn, did depose and say: That he is one of the attorneys for the plaintiff in the above and foregoing petition and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

*Charles H. Ryan*  
Charles H. Ryan

SWORN TO AND SUBSCRIBED before me, Notary, this 3rd day of September, 1992.

*Cynthia F. Wilmore*  
Notary Public CYNTHIA F. WILMORE

ORDER

IT IS ORDERED that *Robert G. Cooley*, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), ROSARIO SAN AGUSTIN, and that said defendant(s) be served through said Attorney-at-Law with the notice of seizure and all other notices and citations required or permitted by law.

Gretna, Louisiana, this 10<sup>th</sup> day of September, 1992.

*Robert G. Cooley*  
JUDGE, DISTRICT COURT

ON MINUTES  
CODIFIED  
SEP 1 1992

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



Nº 437330

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

DIV. A  
JUDGE  
THOMAS PORTERS, JR.

DIV

COUNTRYWIDE FUNDING CORP

*Plaintiff*

vs.

CYNTHIA E JOHNSON & SHERYL EDWARDS BRIDGEWATER, WIFE OF AND

KENNETH BRIDGEWATER, SR

*Defendant*

IRA J. MIDDLEBERG

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing ..... AUGUST 4, 1992:jff

HP Exhibit 0189 (162)

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CFC 1884-0040/LOAN NO. 2283809

*R*

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 437-330

RECEIVED  
DEPT. OF REVENUE  
JAN 12 1991  
3 41  
CODED  
DIVISION "A"

COUNTRYWIDE FUNDING CORPORATION

-VERSUS-

CYNTHIA E. JOHNSON AND SHERYL EDWARDS BRIDGEWATER, WIFE  
OF/AND KENNETH BRIDGEWATER, SR.

SUPPLEMENTAL AND AMENDED  
PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The Supplemental and Amended Petition for Executory Process on Mortgage Note of COUNTRYWIDE FUNDING CORPORATION, appearing herein through undersigned counsel of record, respectfully represents that it desires to supplement and amend its original petition for executory process on mortgage note filed on August 4, 1992.

I.

By amending paragraph 1 of the original petition to read as follows, to-wit:

1.

a) Defendant, Cynthia E. Johnson, is a person of the full age of majority, who was unable to be served at 1410 Theard Street, Gretna, Louisiana, because she has moved. A search/trace was run and unable to obtain a forwarding address. Therefore, her whereabouts are unknown to your petitioner.

b) Defendants, Sheryl Edwards Bridgewater and Kenneth Bridgewater, Sr., are persons of the full age of majority, who were

2 1 1 3 0 2 2 0

unable to be served at 1545 King's Road, Harvey, Louisiana because they have moved. Service was also attempted at 2601 Rue Jesann Street, Marrero, Louisiana but they have moved. A search/trace was run and unable to obtain a forwarding address. Therefore, defendants' whereabouts are unknown to your petitioner.

II.

By adding paragraph fifteen (15) to read as follows, to-wit:

15.

This Court has jurisdiction over the property which this mortgage is sought to be enforced; but because defendants, Cynthia E. Johnson, Sheryl Edwards Bridgewater and Kenneth Bridgewater, Sr., are absentees who cannot be served personally with process, an attorney at law should be appointed to represent them.

III.

Your petitioner reurges and reiterates each and every other allegation set forth in the original petition as if copied in extenso.

WHEREFORE, COUNTRYWIDE FUNDING CORPORATION, prays that an attorney at law be appointed to represent the absentee defendants, Cynthia E. Johnson, Sheryl Edwards Bridgewater and Kenneth Bridgewater, Sr., that a writ of seizure and sale issue directing the Sheriff for the Parish of Jefferson, State of Louisiana to seize and sell the mortgaged property without appraisal, and according to law to satisfy petitioner's claim as originally prayed for herein.

MIDDLEBERG RIDDLE & GIANNA  
201 ST. CHARLES AVENUE, 31ST FLOOR  
NEW ORLEANS, LOUISIANA 70170-3100  
TELEPHONE: (504) 525-7200  
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG  
BAR NUMBER 9640

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

2 1 1 3 0 2 2 3 1

PLEASE SERVE SEIZURE ON:

CYNTHIA E. JOHNSON AND  
SHERYL EDWARDS BRIDGEWATER AND  
KENNETH BRIDGEWATER, SR.  
THROUGH COURT APPOINTED COUNSEL

O R D E R

CONSIDERING the allegations in the foregoing supplemental and amended petition for executory process on mortgage note,

IT IS ORDERED by the Court that Robert G. Crealy, attorney at law, be and is hereby appointed as Curator Ad Hoc to represent the absentee defendants, Cynthia E. Johnson, Sheryl Edwards Bridgewater and Kenneth Bridgewater, Sr., in this proceeding.

GRETNA, LOUISIANA, this 16<sup>th</sup> day of November, 1992.

ON MINUTES  
NOV 18 1992 [Signature]  
J U D G E

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, L.A.

**DIV. A**

NO 437431

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

AMERICAN GENERAL FINANCE, INC  
vs.  
ANDREW EDMONSON & SHARON EDMONSON

*Plaintiff*

*Defendant*

JULES A. FONTANA, JR  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing AUGUST 6, 1992 jff

2110602657

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 437-431 DIVISION "A" DOCKET NO. \_\_\_\_\_

AMERICAN GENERAL FINANCE, INC.

VERSUS

ANDREW EDMONSON AND SHARON EDMONSON

FILED: \_\_\_\_\_ DEPUTY CLERK

MOTION TO APPOINT CURATOR

DEPT. CLERK  
PARISH OF JEFF. DIST. LA.  
NOV 6 11 59  
308E

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NOW INTO COURT, through undersigned counsel comes, American General Finance, Inc. and who with respect represents:

I.

Defendant(s), Andrew Edmonson, has(have) not been served with the notice of seizure, in the above captioned proceedings, that it is necessary to serve them in order to go forward with the sale of the security which was seized under a writ of seizure and sale; that said seizure was effected in the Parish of Jefferson, consequently, petitioner asks that this court appoint a curator to represent defendant(s) in that case.

WHEREFORE, petitioner prays that a curator be appointed to represent Andrew Edmonson in these proceedings.

*Jules A. Fontana, Jr.*  
\_\_\_\_\_  
JULES A. FONTANA, JR. 5645  
Attorney at Law  
1422 Loyola Avenue / Phone: 581-9545  
New Orleans, Louisiana 70113

ORDER

IT IS HEREBY ORDERED, that *Richard S. Creeley* be appointed curator to represent the defendant(s) in the above captioned proceedings.

Gretna, Louisiana this 4<sup>th</sup> day of November, 1992.

CODED

JUDGE

ON MINUTES  
NOV 6 1992

PLEASE SERVE:  
CURATOR

ISSUED Not of apt A TRUE COPY OF THE ORIGINAL  
DATE NOV 04 1992 ON FILE IN THIS OFFICE.  
S/ MINA LANDIX DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



CLERK OF COURT  
JUDGES  
JAMES TORRES (2)

DIV

N<sup>o</sup> 438254

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

STANDARD MORTGAGE CORP

PAMELA WETWISKI, wife of/and LUIS F. LOPEZ & ZENAIDA VEGA, wife of/and  
*vs.* *Plaintiff*

DWIGHT DAVID CRAIG & MARY F. HANSEN, wife of/and FLORITO TORRES FLORES  
*Defendant*

JAMES C. ARGENEAUX, III

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing AUGUST 27, 1992 lff

HP Exhibit 0189 (164)

2020703844

432-00

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO: 438-254

DIVISION " "

STANDARD MORTGAGE CORPORATION

VERSUS

**DIV. A**  
**JUDGE**  
**G. THOMAS PORTER, JR.**

PAMELA WETWISKI, WIFE OF/AND LUIS F. LOPEZ  
AND  
MENAIDA VEGA, WIFE OF/AND DWIGHT DAVID CRAIG  
AND  
MARY F. HANSEN, WIFE OF/AND FLORITO TORRES FLORES

FILED  
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DEPT. CLERK  
SHELL SQUARE, LA.

FILED: \_\_\_\_\_

Coded 17

DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Standard Mortgage Corporation, a Louisiana  
corporation whose principal place of business is 300 Plaza, One  
Shell Square, New Orleans, Louisiana 70139, with respect  
represents,

SEE NOTE + mortgage in Vault

I.

Petitioner is the holder and owner, for valuable  
consideration before maturity, of a promissory note executed by  
Mary Hansen Flores, wife of/and Florito Torres Flores who were  
residents of and domiciled in the Parish of Jefferson, State of  
Louisiana, payable to the order of BEARER in the principal sum of  
\$64,850.00 dated January 21, 1985 payable at Standard Mortgage  
Corporation, 300 Plaza, One Shell Square, New Orleans, La. 70139  
or at such other place as the holder may designate in writing, in  
fixed monthly installments of \$717.89 commencing on the first day  
of March, 1985 and payable in full on or before the first day of  
February, 2015. The said note bears interest at the rate of 13%  
percent per annum on the unpaid balance from date until paid, and  
which said note is paraphed "Ne Varietur" for identification with  
an Act of Mortgage dated January 21, 1985 and passed before

-1-

ISSUED Not of apt  
DATE SEP 08 1992

S/ MYRA LANDIX  
Deputy Clerk

**CODED**

207090782

Patricia B. Arnona, Notary Public in and for the Parish of Orleans and two witnesses, and duly recorded in MOB 1068, folio 302, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

## II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

## III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

## IV.

In the above mentioned act, the said mortgagors confessed judgement on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

## V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Standard Mortgage Corporation and any and all

other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT PORTION OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as WOODMERE SUBDIVISION, SECTION 8, in accordance with a plan of resubdivision by J. J. Krebs & Sons, C.E., dated October 15, 1979, approved in Ordinance No. 14246 by the Jefferson Parish Council on March 12, 1980, registered in COB 979, folio 380, and designated as follows: LOT 2060, SQUARE D-1. All in accordance with survey by Mandle Surveying, Inc., dated January 9, 1985, a copy of which is annexed hereto and made a part hereof.

Improvements thereon bear municipal number 4013 Nathan Kornman, Harvey, La. 70058

VI.

By Act of Cash Sale and Assumption of Mortgage ,the above described property was transferred by Mary F. Hanson, wife of/and Florito Torres Flores to Zenaida Vega, wife of/and Dwight David Craig, which said act is duly recorded in MOB 1379, folio 006, Parish of Jefferson, Louisiana; the said Zenaida Vega, wife of/and Dwight David Craig did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

VII.

By Act of Cash Sale and Assumption of Mortgage executed September 30, 1988, before James W. Mills, Jr., Notary Public, the above described property was transferred by Zenaida Vega, wife of/and Dwight David Craig to Pamela Wetwiski, wife of/and Luis F. Lopez, which said act is duly recorded in MOB 2357, folio 269, Parish of Jefferson, Louisiana; the said Pamela Wetwiski,



Parish of Jefferson State of Louisiana, to seize and sell with appraisement and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of \$62,726.35 with 13% percent interest thereon from March 1, 1992 until paid, together with reasonable attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEUX

BY: James C. Arceneaux III  
 JAMES C. ARCENEUX, III  
 Bar Roll NO. 2524  
 601 Poydras St., Suite 2650  
 New Orleans, La. 70130  
 Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE.

DEPUTY CLERK  
 14TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

AFFIDAVIT

FILED  
Aug 27 1992  
DEPUTY CLERK  
CODED 2

STATE OF LOUISIANA  
PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEUX, III

Attorney for Standard Mortgage Corporation who upon being first duly sworn did depose and say;

That he has reviewed the foreclosure data sheet supplied by Standard Mortgage Corporation and the other documentation supplied in conjunction with Loan No. 041345 (882) in the name of Mary F. Hansen, wife of/and Florito Torres Flores, assumed by Zenaida Vega, wife of/and Dwight David Craig and assumed by Pamela Wetwiski, wife of/and Luis F. Lopez, the current owners, and according to said data sheet the current principal balance due and owing is \$62,726.35, with interest at the rate of 13% from March 1, 1992 until paid, which said account is currently due for the months of April 1, 1992 until date.

Affiant further declared that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

*James C. Arceneux, III*  
JAMES C. ARCENEUX, III

SWORN TO AND SUBSCRIBED BEFORE

ME THIS 24th DAY OF August,

1992.

*Patricia R. Francis*  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.





**DIV. A**  
HINDS  
PARISH CLERK

N<sup>o</sup> 438324

**DIV**

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

\_\_\_\_\_

\_\_\_\_\_

HIBERNIA NATIONAL BANK  
vs.  
DIANA L. HINDS *Plaintiff*

\_\_\_\_\_

*Defendant*

\_\_\_\_\_

\_\_\_\_\_

DONALD G. PEREZ  
*Attorney for Plaintiff*

\_\_\_\_\_

*Attorney for Defendant*

\_\_\_\_\_

Date of Filing AUGUST 28, 1992 jff

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**CODED**

TWENTY-FOURTH JUDICIAL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. *438-324*

DIVISION " "

HIBERNIA NATIONAL BANK

versus

DIANA L. HINDS

FILED FOR RECORD  
SEP 12 3 14 PM '92  
CLERK OF COURT  
PARISH OF ORLEANS, LA.

**DIA L**  
FILED  
JUDGE  
G. THOMAS POINTEVEAU, JR.

Deputy Clerk

PETITION FOR EXECUTORY PROCESS

The petition of Hibernia National Bank, a national banking association, organized and existing under the laws of the United States and domiciled in Orleans Parish, Louisiana, respectfully represents:

I.

The defendant, Diana L. Hinds, who is domiciled in Riverside, California, is justly and truly indebted unto petitioner for the sum of THIRTY-THREE THOUSAND FOUR HUNDRED THIRTY-FIVE AND 87/100 (\$33,435.87) DOLLARS, together with interest at the rate of nine and 90/100 (9.90 %) percent per annum from February 29, 1992, until paid and for all costs of these proceedings.

II.

Petitioner is the holder of a promissory note for THIRTY-FOUR THOUSAND AND NO/100 (\$34,000.00) DOLLARS, attached at Exhibit P-1, which was executed on May 31, 1990, by the defendant, as maker, payable to Villa D'Orleans Development, Inc. and by it endorsed, bearing interest at the rate of nine and 90/100 (9.90%) percent annually, payable in 300 consecutive monthly installments, the first 299 at Three Hundred Six and 56/100 (\$306.56) Dollars commencing on the first day of July, 1990, and on the first day of each month thereafter and one final payment of Three Hundred Thirteen and 04/100 (\$313.04) Dollars.

III.

Despite amicable demand, the defendant has failed to pay the amounts due, thereby rendering said promissory note in default, and petitioner hereby exercises its option to declare due and payable the entire principal balance of THIRTY-THREE THOUSAND FOUR

SEP 03 1992

*file note + mortgage in default*

ISSUED *not of apt*  
DATE *SEP 08 1992*  
S/ MYRA LANDIX

**CODED**

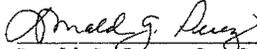


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## VI.

The Court has jurisdiction over the property against which this mortgage is sought to be enforced; but, since the defendant is a non-resident who cannot be served personally with process, an attorney at law should be appointed by the Court to represent the defendant.

WHEREFORE, petitioner prays that an attorney at law be appointed to represent the absent defendant in this proceeding and that the Court order the issuance of an Writ of Seizure and Sale directed to the Sheriff of Jefferson Parish, Louisiana, commanding him to seize the mortgaged property described in paragraph IV of this petition and to sell it in accordance with all the requirements of law at public auction, without appraisal, to the highest bidder to pay and satisfy the claim of petitioner in the sum of THIRTY-THREE THOUSAND FOUR HUNDRED THIRTY-FIVE AND 87/100 (\$33,435.87) DOLLARS, together with interest at the rate of nine and 90/100 (9.90%) percent per annum from February 29, 1992, until paid, and for all costs of these proceedings and that out of the proceeds of the sale petitioner be paid the amount of its claim in preference and priority over other creditors of the said defendant herein.



Donald G. Perez, Bar Roll No. 10429  
 Frank R. Nicotera, Bar Roll No. 09999  
 Staff Attorney  
 Hibernia National Bank  
 Lending Law Department  
 225 Baronne Street - 11th Floor  
 P.O. Box 61540  
 New Orleans, Louisiana 70112  
 Telephone: (504) 587-3210

PLEASE SERVE:

DIANA L. HINDS  
 Through her Curator ad Hoc

- 3 -

A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE.

  
 DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

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STATE OF LOUISIANA  
PARISH OF ORLEANS

FILED  
AUG 20 1992  
DEPUTY CLERK  
COURT HOUSE

BEFORE ME, the undersigned authority, personally came and appeared,

HIBERNIA NATIONAL BANK,

appearing herein through Deborah Potter, who after being first duly sworn by me, Notary Public, did depose and say:

Hibernia National Bank is the petitioner in the above and foregoing Petition for Executory Process, that she has read the foregoing petition and the facts and allegations contained therein and that to the best of her knowledge, information and belief, all of the facts contained therein are true and correct,

HIBERNIA NATIONAL BANK

BY: Deborah Potter  
DEBORAH POTTER  
Banking Officer

SWORN TO AND SUBSCRIBED BEFORE  
ME, NOTARY, THIS 20<sup>th</sup> DAY  
OF AUGUST, 1992

Donald G. Perez  
DONALD G. PEREZ

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

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TWENTY-FOURTH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. DIVISION " " DOCKET:

HIBERNIA NATIONAL BANK

Versus

DIANA L. HINDS

O R D E R

Considering the foregoing petition and the attached Exhibits:

IT IS ORDERED, that Robert S. Cecily, attorney at law, is appointed to represent the absent defendant in these proceedings;

IT IS FURTHER ORDERED that a Writ of Seizure and Sale be issued directed to the Sheriff of Jefferson Parish, Louisiana, commanding him to seize the following mortgaged property:

THAT CERTAIN CONDOMINIUM PARCEL in VILLA D'ORLEANS CONDOMINIUM, a condominium created by that certain declaration establishing a condominium regime for the VILLA D'ORLEANS CONDOMINIUM, executed by Villa D'Orleans Development, Inc., by act before William D. McArthur, Notary Public, dated September 10, 1984, filed in the Office of the Clerk of Court for the Parish of Jefferson, State of Louisiana, in COB 1100 folio 102, designated as UNIT NO. 415, together with an undivided .777 percent interest in the common elements of said Condominium, which is situated on PLOTS 210-A and 215-A, HESSMER FARM SUBDIVISION, Jefferson Parish, Louisiana, as shown on a survey by J. J. Krebs & Sons, Inc., C.E.&S., dated May 2, 1984, revised June 4, 1984, a copy of which is filed with the Declaration of Condominium referred to above.

Municipal No. 3110 Edenborn Avenue, Unit No. 415, Metairie, Louisiana.

Being the same property acquired by Diana L. Hinds by act before Catherine O. Gracia, Notary Public, on May 31, 1990.

and to sell it in accordance with all the requirements of law, at public auction, without appraisal, to the highest bidder.

Gretna, Louisiana, this 1st day of September 1992.

CODED

ON MINUTES

SEP 1 1992

J U D G E

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A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

207090730

N° 438405

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

**DIV. A**  
JUDGE  
MARKS  
1992

INDEPENDENCE SAVINGS BANK, f/k/a SOUTH BROOKLYN SAVINGS BANK

*Plaintiff*

vs.

CECILE LANDRY BLANCO, CECILIA MARIE BLANCO & MAUDE LANDRY ROZIER,

RONALD BLANCO, BETTY BLANCO KLEIN & HENRY A BLANCO, JR

*Defendant*

IRA J. MIDDLEBERG

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing AUGUST 31, 1992 JII

HP Exhibit 0189 (166)

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LN 1513-1162 LOAN NO. 02-25-17716

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 438-405

DIVISION " "

INDEPENDENCE SAVINGS BANK, FORMERLY KNOWN AS  
SOUTH BROOKLYN SAVINGS BANK

VERSUS

CECILE LANDRY BLANCO, CECILIA MARIE BLANCO  
AND MAUDE LANDRY ROZIER, RONALD BLANCO, BETTY BLANCO KLEIN  
AND HENRY A. BLANCO, JR.

FILED FOR RECORD  
MAY 31 1 53 PM '92  
CLERK OF COURT  
PARISH OF JEFFERSON, LA  
JUDGE A  
G. THE JUDGE

SEP 08 1992  
file note + mortgage in Vault

FILED: \_\_\_\_\_ DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The petition of INDEPENDENCE SAVINGS BANK, FORMERLY KNOWN AS SOUTH BROOKLYN SAVINGS BANK, a corporation organized under the laws of the State of New York, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

Defendants, Cecile Landry Blanco, Ronald Blanco and Betty Blanco Klein are persons of the full age of majority and resident(s) of and domiciled in the Parish of Jefferson, State of Louisiana.

Defendants, Cecilia Marie Blanco, Maude Landry Rozier and Henry A. Blanco, Jr. are persons of the full age of majority whose whereabouts are unknown to petitioner.

2.

The defendants are jointly, severally and solidarily liable unto petitioner for the following reasons:

3.

Petitioner is the holder and owner in due course for valuable consideration and before maturity of a certain promissory note,

ISSUED note of apt  
DATE SEP 08 1992  
S/ MYRA LANDIX  
CODED

9 2 0 9 0 9 0 2 7 3 2

executed by Henry A. Blancq, Sr., Cecile Landry Blancq, Cecilia Marie Blancq and Maude Landry Rozier, payable to the order of "Ourselves", and endorsed by the said Henry A. Blancq, Sr., Cecile Landry Blancq, Cecile Marie Blancq and Maude Landry Rozier, in the principal sum of TWENTY THOUSAND ONE HUNDRED AND NO/100 (\$20,100.00) DOLLARS, dated January 17, 1973, payable in monthly installments, including principal and interest, beginning March 1, 1973, and on the first day of each month thereafter until principal and interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on February 1, 2003, and which note bears interest at the rate of 7% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by an Act of Vendor's Lien, dated January 17, 1973, passed before Claude J. Champagne, Notary Public and two witnesses and recorded in Registry No. 587186, MOB 604, folio 812, acquired at COB 780, folio 879, of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and made a part hereof and marked "P-1" for identification. A certified true copy of the Act of Vendor's Lien is attached hereto and made a part hereof and marked "P-2" for identification.

4.

Further, The Lomas & Nettleton Company did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Independence Savings Bank, formerly known as South Brooklyn Savings Bank by Notarial Act of Endorsement and Assignment of Mortgage Note, in authentic form, dated February 26, 1973, executed by C. A. Abright, Vice President, and passed before Sue Rogers, Notary Public and two witnesses. A photocopy of said Notarial Endorsement and Assignment of Mortgage Note is attached hereto and made a part hereof and marked "P-3" for identification.

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5.

The aforesaid Notarial Endorsement and Assignment of Mortgage Note was corrected by Correction of Notarial Endorsement and Assignment of Mortgage Note, dated June 27, 1973, passed before Faye Plilar, Notary Public, and two witnesses, which Correction of Notarial Endorsement and Assignment of Mortgage Note was recorded in MOB 615, folio 955 of the official records of the Parish of Jefferson, State of Louisiana. A certified true copy of same is attached hereto, made a part hereof and marked "P-4" for identification.

6.

Cecile Landry Blancq, Ronald Blancq, Betty Blancq Klein, Cecilia Blancq and Henry A. Blancq, Jr. further acquired the property described hereinbelow by Judgment of Possession in the Succession of Henry A. Blancq of the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana and which Judgment of Possession was duly recorded in COB 930, folio 576, Registry No. 828123 of the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale and Assumption is attached hereto and made a part hereof and marked "P-5" for identification.

7.

By virtue of the aforementioned act(s), defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to wit:

THAT CERTAIN PIECE OR PORTION OF GROUND together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in that part thereof known as MEADOWBROOK SUBDIVISION, Unit 2, (which is a re-subdivision of a portion of original Tracts 1, 2 and 3 of Oakdale Subdivision, Section (C), according to a plan of subdivision by J. J. Krebs & Sons, Inc,

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dated July 16, 1970, reg. in Plan Book 59, folio 32, Jefferson Parish, La. According to a plan by Rene A. Harris, C. E., dated January 5th, 1973, said portion is designated as LOT 54 of Square 26 and said SQUARE 26 is bounded by Hunterbrook Drive, Bannerwood Drive, Glenbrook Drive and Taylorbrook Drive; and LOT 54 commences 200.10 feet from the northerly intersection of Hunterbrook and Bannerwood Drives along the northerly right-of-way line of Hunterbrook Drive, and measures 52 feet front on the curve to the left of Hunterbrook Drive. Said lot has a first depth of 78.23 feet on the side line closest to Bannerwood Drive, and a second depth and first width in the rear of 56 feet. Said lot has a first depth on its opposite side line of 78.30 feet, and a second depth and second width in the rear of 55 feet.

Improvements thereon bear Municipal Number 612 Hunterbrook Drive, Gretna, Louisiana.

8.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid act(s), the property might be seized and sold under executory process, for cash and without appraisal, defendants having waived the demand for payment as provided for in Article 2639 of the Louisiana Code of Civil Procedure.

9.

The defendants have failed to pay the installment due March 1, 1992 and all subsequent installments due under said note.

10.

Defendants are therefore in default under the terms and conditions of the aforesaid note and act(s).

11.

Therefore, INDEPENDENCE SAVINGS BANK, FORMERLY SOUTH BROOKLYN SAVINGS BANK has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of \$12,217.92, interest at the rate of 7% per annum from February 1, 1992, until paid, together with 10% percent upon said

C 2 0 9 0 2 7 3 5

principal and interest, as attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

12.

By virtue of the terms of the aforementioned note and act(s), defendants agreed to pay attorney's fee equal to 10% of the amounts due under said note for the attorney at law who might be employed to institute proceedings to recover the amounts due under said note.

13.

In accordance with said Act of Vendor's Lien, defendant(s) have waived any and all notice of demand.

14.

The Court has jurisdiction over the property affected and encumbered by the Act described hereinabove, but because defendants Cecilia Marie Blancq, Maude Landry Rozier and Henry A. Blancq, Jr. are absentees who cannot be served personally with process, an attorney-at-law should be appointed to represent them.

WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, and that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and without appraisalment, to pay and satisfy the claim of your petitioner in the principal sum of \$12,217.92, with interest at the rate of 7% per annum from February 1, 1992, until paid, together with 10% percent upon said principal and interest, as attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the

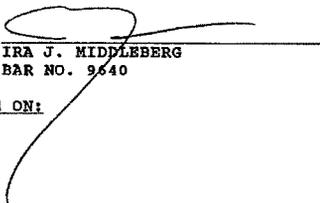
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prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

Petitioner further prays that an attorney-at-law be appointed to represent the absent defendants in this proceeding.

MIDDLEBERG, RIDDLE & GIANNA  
201 ST. CHARLES AVENUE, 31ST FLOOR  
NEW ORLEANS, LOUISIANA 70170-3100  
TELEPHONE: (504) 525-7200  
ATTENTION: FORECLOSURE DEPARTMENT

  
\_\_\_\_\_  
IRA J. MIDDLEBERG  
BAR NO. 9640

PLEASE SERVE NOTICE OF SEIZURE ON:

Cecile Landry Blancq  
612 Hunterbrook Drive  
Gretna, LA

Ronald Blancq  
4205 Pommard Drive  
Kenner, LA

Betty Blancq Klein  
140 Appletree Lane  
Gretna, LA

Cecilia Marie Blancq  
Maude Landry Rozier  
Henry A. Blancq, Jr.

THROUGH COURT APPOINTED COUNSEL:

**ORDER**

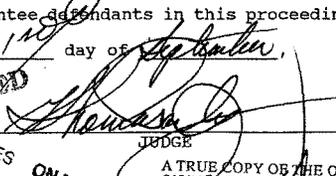
CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

FURTHER, LET Robert D. Cecely, attorney-at-law, be appointed to represent the absentee defendants in this proceeding.

GRETNA, LOUISIANA, this 1<sup>st</sup> day of September, 1992.

**CODED**  
ON MINUTES  
SEP 1 1992  
ON MINUTES  
SEP 2 1992

  
\_\_\_\_\_  
JUDGE  
A TRUE COPY OF THE ORIGINAL  
ON FILE IN THE OFFICE.  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
JUDGE  
MORIS FRIDMAN, JR.

**DIV**

No 438832

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

TROY & NICHOLS, INC

vs.

ALINE GUMPERT WEGMANN, ET AL

*Plaintiff*

*Defendant*

CHARLES H. RYAN

*Attorney for Plaintiff*

*Attorney for Defendant*

SEPT. 10, 1992 jff

Date of Filing

HP Exhibit 0189 (167)

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STATE OF LOUISIANA \* PARISH OF JEFFERSON  
TWENTY FOURTH JUDICIAL DISTRICT COURT

TROY & NICHOLS, INC. FILED: \_\_\_\_\_  
VS. NO. 438,832 "A"  
ALINE GUMPERT WEGMANN, ET AL BY: \_\_\_\_\_  
(DY) CLERK OF COURT

*Handwritten signature*  
**CLERK**

MOTION TO APPOINT ATTORNEY  
TO REPRESENT ABSENTEES

NOW INTO COURT, through undersigned counsel, comes TROY & NICHOLS, INC., Plaintiff in the above entitled and numbered proceedings, and respectfully represents that:

1.

The Sheriff has been unable to locate or serve the defendant(s), DENNIS DUANE DASCHNER and KAREN RUDOW DASCHNER, in the Parish of Jefferson, or in the State of Louisiana and plaintiff is informed, believes and so pleads that said defendant(s) are non-resident(s) of the State of Louisiana, or in the alternative, that said defendant(s) are absentee(s) who have concealed themselves to avoid service of process, and further, that defendant(s) have not appointed an agent or legal representative to represent them in this state.

2.

The last known whereabouts of the defendant(s) was 2640 Batiste Dr., Marrero, Louisiana.

3.

It is necessary that an Attorney-at-Law be appointed by the court to represent the absentee defendant(s), to receive the notice of seizure on behalf of the absentee defendant(s).

WHEREFORE, PLAINTIFF PRAYS that an Attorney-at-Law be appointed to represent the absentee defendant(s) in the proceedings and that said defendants, DENNIS DUANE DASCHNER and KAREN RUDOW DASCHNER, be served with the notice of seizure and

ISSUED *list of court*  
OCT 28 1992  
S/ MYRA LANDIX  
Deputy Clerk

**CODED**

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all other notices and citations required or permitted by law through said Attorney-at-Law in the manner and form provided by law; plaintiff further reiterates the prayers of the petition filed herein.

Respectfully submitted,

BOLES, BOLES & RYAN  
ATTORNEY AT LAW  
1805 Tower Drive  
P. O. Box 2065  
Monroe, LA 71207-2065  
(318) 388-4050

BY: Charles H. Ryan  
Charles H. Ryan  
Bar #11557

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, the undersigned legal authority in and for said Parish and State, personally came and appeared CHARLES H. RYAN, who first being duly sworn, did depose and say: That he is one of the attorneys for the plaintiff in the above and foregoing petition and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

Charles H. Ryan  
Charles H. Ryan

SWORN TO AND SUBSCRIBED before me, Notary, this 20th day of October, 1992.

Charles J. Williams  
Notary Public

ORDER

IT IS ORDERED that Robert G. Cooley, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), DENNIS DUANE DASCHNER and KAREN RUDOW DASCHNER, and that said defendant(s) be served through said Attorney-at-Law with the notice of seizure and all other notices and citations required or permitted by law.

Gretna, Louisiana, this 26<sup>th</sup> day of October, 1992.

Robert G. Cooley  
JUDGE, DISTRICT COURT  
TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

Charles J. Williams  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

CODED  
OCT 28 1992  
ON MINUTES

Nº 438905

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

**DIV. A**  
JUDGE  
THOMAS PATRICK R.

FOSTER MORTGAGE CORP

vs.

DAVID ANDREW FAVALORO, BETTY BRADLEY FAVALORO & JOANNE FAVALORO

(a/k/a JOANNE MARY FAVALORO RHODES, JOANNE FAVALORO ISTARICO &

JOANNE M. FAVALORO DURR)

*Plaintiff*

*Defendant*

JANE FAYA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing SEPT. 11, 1992 jff

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92-0773

PI

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 438-905

DIVISION "A"

FOSTER MORTGAGE CORPORATION

VERSUS

DAVID ANDREW FAVALORO

AND

BETTY BRADLEY FAVALORO

AND

JOANNE FAVALORO  
(A/K/A JOANNE MARY FAVALORO RHODES, JOANNE FAVALORO ISTORICO  
AND JOANNE M. FAVALORO DURR)

*Handwritten signature*  
11 28  
CODED 11

FILED: \_\_\_\_\_  
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of Foster Mortgage Corporation, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), David Andrew Favaloro, Betty Bradley Favaloro and Joanne Favaloro (a/k/a Joanne Mary Favaloro Rhodes, Joanne Favaloro Istorico and Joanne M. Favaloro Durr), is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), David Andrew Favaloro, Betty Bradley Favaloro and Joanne Favaloro (a/k/a Joanne Mary Favaloro Rhodes, Joanne Favaloro Istorico and Joanne M. Favaloro Durr).

IT IS ORDERED BY THE COURT, that \_\_\_\_\_  
attorney at law be and he is hereby appointed curator ad hoc for defendant(s) David Andrew Favaloro, Betty Bradley Favaloro, Joanne Favaloro (a/k/a Joanne Mary Favaloro, Rhodes, Joanne Favaloro

ISSUED *Dot of court*  
DATE NOV 23 1992  
BY \_\_\_\_\_  
COURT CLERK

CODED

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Istorico and Joanne M. Favaloro Durr), in these proceedings and that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

19 92 Gretna, Louisiana, this 20<sup>th</sup> day of November.

COPIED

*[Handwritten Signature]*  
\_\_\_\_\_  
JUDGE

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: *Stacy C. Wheat*

JANE FAIA MENTY  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Plaintiff  
3850 N. Causeway Blvd., Suite 710  
Metairie, LA 70002  
(504) 831-7726

ON MINUTES  
NOV 23 1992

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
*[Handwritten Signature]*  
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DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



Nº 439460

**DIV**

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

COLONIAL MORTGAGE CO

*Plaintiff*

vs.

DURAND A. POWERY, DORA ROBERTSON DAVIS & CALVIN DAVIS

*Defendant*

JACKSON B. DAVIS

*Attorney for Plaintiff*

*Attorney for Defendant*

SEPT. 24, 1992 JFF

Date of Filing

HP Exhibit 0189 (169)

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pl

COLONIAL MORTGAGE COMPANY : NO. 439460 A  
 VS : 24TH JUDICIAL DISTRICT COURT  
 DURAND A. POWERY : JEFFERSON PARISH, LOUISIANA  
 DORA ROBERTSON DAVIS :  
 CALVIN DAVIS :

FILED FOR RECORD  
 APR 9 AM 10 25  
 DEPUTY CLERK  
 PARISH OF JEFFERSON, LA.

AMENDED AND SUPPLEMENTAL PETITION

The amended and supplemental petition of Colonial Mortgage Company, with respect shows:

1.

Petitioner shows that it has made diligent search and inquiry as to the whereabouts of the defendants, Dora Robertson Davis and Calvin Davis, to no avail, the Sheriff's return in the record indicating that they had attempted to make service on the said defendants whose last known address was 1520 Redwood Drive, Harvey, Louisiana 70058, but they had moved and they were unable to serve them; petitioner alleges the said defendants are absentees and/or non-residents of the State of Louisiana, their whereabouts being unknown to petitioner, and an attorney at law should be appointed to represent the said absent defendants, Dora Robertson Davis and Calvin Davis, upon whom service may be had and the proceedings carried on contradictorily.

WHEREFORE, MOVER PRAYS that the amended and supplemental petition be filed and allowed and that an attorney at law be appointed to represent the absent defendants, Dora Robertson Davis and Calvin Davis.

JACKSON B. DAVIS Bar #4726  
 DAVIS & FLANAGAN  
 Attorneys for Petitioner  
 1400 Slattery Building  
 Shreveport, Louisiana 71101

1904528 Not a copy  
 APR 05 1994  
 S/ MYRA LANDIX  
 DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

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STATE OF LOUISIANA

PARISH OF CADDO

BEFORE ME, the undersigned authority, personally came and appeared JACKSON B. DAVIS, who, being by me first duly sworn, deposed and said:

That he is the attorney for petitioner in the above and foregoing petition, that he has read same and all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief; that affiant has been designated by the corporation as the agent to execute this affidavit.

JACKSON B. DAVIS (with handwritten signature)

SWORN TO and subscribed before me, Notary, this 24th day of March, 1994.

Margaret B. Downs NOTARY PUBLIC (with handwritten signature)

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE. DEPUTY CLERK 24TH JUDICIAL DISTRICT COURT PARISH OF JEFFERSON, LA. (with handwritten signature)

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COLONIAL MORTGAGE COMPANY : NO. 439460  
 VS : 24TH JUDICIAL DISTRICT COURT  
 DURAND A. POWERY : JEFFERSON PARISH, LOUISIANA  
 DORA ROBERTSON DAVIS  
 CALVIN DAVIS

ORDER

The above and foregoing petition considered:

IT IS ORDERED the amended and supplemental petition be filed and allowed.

IT IS ORDERED that Robert G. Creely  
 Attorney at Law, be appointed to represent the absent defendants,  
 Dora Robertson Davis and Calvin Davis.

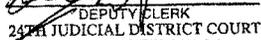
Gretna, Louisiana this 31<sup>st</sup> of March, 1994.

**CODED**

**FILED  
APR 4 1994**

  
 JUDGE

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 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

**DIVISION**  
**JUDICIAL**  
**PARISH OF LOUISIANA, LA**

\ No: 440347

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

PREMIER BANK, NATIONAL ASSOC

vs.

RICKIE MARSHALL & MARION MARSHALL

*Plaintiff*

*Defendant*

WALTER N. O'ROARK

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing OCT. 15, 1992 jff

HP Exhibit 0189 (170)

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PREMIER BANK, NATIONAL ASSOCIATION

NUMBER 440-347, DIVISION "A"

VERSUS

24TH JUDICIAL DISTRICT COURT

RICKIE MARSHALL AND MARION MARSHALL

PARISH OF JEFFERSON

STATE OF LOUISIANA

*Large*

*PI*

MOTION AND ORDER FOR ATTORNEY FOR ABSENTEE

On motion of Kizer, Hood & Austin, attorneys for plaintiff, and on showing to the court that:

1.

The plaintiff is informed and believes, and therefore alleges, that the defendant, Rickie Marshall in these proceedings, is an absentee, as that term is defined in Louisiana Code of Civil Procedure, Article 5251(1).

2.

The plaintiff is informed and believes, and therefore alleges, that Rickie Marshall was a resident of Jefferson Parish, Louisiana; however, after diligent effort on the part of the Jefferson Parish Sheriff's Office, the defendant has not and cannot be found and served. Therefore, an attorney-at-law should be appointed to represent Rickie Marshall under the provisions of Louisiana Code of Civil Procedure, Articles 2641 and 2674, as amended, to whom all notices shall be given in the manner prescribed by law, and contradictorily against whom seizure and sale shall be prosecuted.

3.

The plaintiff has not been able to determine whether or not the defendant, Rickie Marshall, is in military service. Therefore, the attorney-at-law appointed to represent the said defendant should also be appointed to represent the defendant, Rickie Marshall, under the provisions of the Soldiers and Sailors Civil Relief Act (50 USC App.Sec.520, et seq.), as amended.

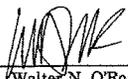
WHEREFORE, plaintiff respectfully moves this Honorable Court to appoint an attorney-at-law to represent Rickie Marshall under the provisions of the Louisiana Code of Civil Procedure, Article 2641 and 2674, as amended, and under the provisions of the Soldiers and Sailors Civil Relief Act, as amended, upon which said attorney all notices shall be given in the manner prescribed by law, and contradictorily against whom the seizure and sale in this matter shall be prosecuted.

ISSUED not present  
DATE FEB 17 1992  
S/ MYRA LANDIX **CODED**  
Deputy Clerk

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By Attorneys,

KIZER, HOOD & AUSTIN

By  \_\_\_\_\_

Walter N. O'Roark  
748 Main Street  
Baton Rouge, Louisiana 70802  
Telephone (504) 387-3121  
Bar Roll No. 17732

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

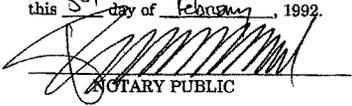
BEFORE ME, personally came and appeared, **Walter N. O'Roark**, who, being by me first duly sworn, deposed and said:

That he is one of the attorneys for the plaintiff herein; that he has read the above and foregoing motion and that all of the facts stated therein are true and correct to the best of his knowledge, information and belief.

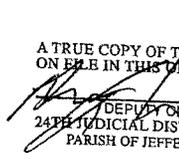
  
\_\_\_\_\_  
WALTER N. O'ROARK

SWORN TO AND SUBSCRIBED before me,

this 5<sup>th</sup> day of February, 1992.

  
\_\_\_\_\_  
NOTARY PUBLIC

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ON FILE IN THIS OFFICE.

  
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DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

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PREMIER BANK, NATIONAL ASSOCIATION

NUMBER 440-347, DIVISION "A"  
24TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF JEFFERSON

RICKIE MARSHALL AND MARION MARSHALL

STATE OF LOUISIANA

**ORDER**

Considering the above and foregoing motion and affidavit:

IT IS ORDERED that Robert H. Cery, an attorney-at-law admitted to practice before this Court, whose address is \_\_\_\_\_

\_\_\_\_\_, be and (s)he is hereby appointed to represent the defendant herein, Rickie Marshall, under the provisions of the Code of Civil Procedure, Articles 2541 and 2674, as amended, and the Soldiers and Sailors Civil Relief Act, as amended, and let all citations and notices in this proceeding, including without limitation, the notice of seizure in this matter, be served upon said attorney in the manner prescribed by law, and let the seizure and sale in this matter be conducted contradictorily with the said attorney in the manner prescribed by law.

February 11, 1993  
Breaux, Louisiana

**CODED**

**ON MINUTES  
FEB 16 1993**

Shawna Kelly  
JUDGE, 24TH JUDICIAL DISTRICT COURT

PLEASE SERVE:

**RICKIE MARSHALL**  
through the attorney appointed above with a copy of this Motion and Order, a certified copy of the original Petition for Executory Process in this matter, and with Notice of Seizure

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

Shawna Kelly  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, L.A.



N<sup>o</sup> 440678

**DIV**

JUDGE  
& THOMAS PARIEUX, JR.

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

CITIBANK, F.S.B

*Plaintiff*

ARTHUR T. DUREL, JR & RUBY LYONS, a/k/a RUBY LYONS DUREL & PATRICIA

vs.

COOK, w/o & CLAUDE MICHAEL NELSON

*Defendant*

JAMES C. ARCENEAUX, III

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing OCT. 23, 1992 JFF

HP Exhibit 0189 (171)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 440-678

G. THOMAS DIVISION "

CITIBANK, F.S.B.

VS.

ARTHUR T. DUREL, JR. AND RUBY LYONS, A/K/A RUBY LYONS DUREL

AND PATRICIA COOK, WIFE OF/AND CLAUDE MICHAEL NELSON

FILED:

DEPUTY CLERK

PETITION FOR FORECLOSURE VIA ORDINARIA

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Citibank, F.S.B, f/k/a Citicorp Savings of Florida, successor in interest to Biscayne Federal Savings and Loan Association, a federally chartered lending institution originally chartered under the name Biscayne Federal Savings and Loan Association which said entity changed its name to Citicorp Savings of Florida in March, 1984, the latter entity becoming Citibank F.S.B by virtue of a name change effective April 2, 1990, whose principal place of business is Miami, Florida, with respect represents:

I.

Defendants, Arthur T. Durel, Jr. and Ruby Lyons, are both persons of the full age of majority and are believed to be residents of the State of Louisiana, having a fixed place of residence at 535 Diplomat St., Gretna, La. 70056. Patricia Cook, wife of/and Claude Michael Nelson, are both persons of the full age of majority, whose current whereabouts are unknown.

II.

Defendants are indebted unto petitioner in the full sum of \$24,513.07 with interest at the rate of 8.50% from January 1, 1992 together with advances made by petitioner and attorney's

-1-

ISSUED

OCT 24 1992

DATE

SYLVIA LANDIX  
Deputy Clerk

COPIED

OCT 23 11 04 AM '92

FILED FOR RECORD

COPIED

fees as more fully set forth hereinafter, for the following reasons, to-wit:

III.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Patricia Cook Nelson, wife of/and Claude Michael Nelson who were residents of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of BEARER in the principal sum of \$31,200.00 dated November 28, 1977 payable at BNO Mortgage Corporation, New Orleans, Louisiana or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of \$239.93 commencing on the first day of January, 1978 and payable in full on or before the first day of December, 2007. The said note bears interest at the rate of 8.50% on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for identification with an Act of Credit Sale and Vendor's Lien dated November 28, 1977 and passed before Shirley H. Kirkes, Notary Public in and for the Parish of Jefferson and two witnesses, and duly recorded in MOB 722, folio 596, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the copy of said note (the original having been lost), which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

IV.

The said defendants did, in the said act, agreed to waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

V.

The note and mortgage sued on herein were executed by Patricia Cook, wife of/and Claude Michael Nelson and all

obligations thereunder were assumed by Arthur T. Durel, Jr. and Ruby Lyons and accordingly all are solidarily, jointly and severally liable unto petitioner as makers and assumptors of the note a copy of which is attached hereto and marked Plaintiff's Exhibit "A".

## VI.

In the above mentioned act, the mortgagors agreed that the following property would remain specially mortgaged, affected and hypothecated unto lender:

THAT PORTION OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in TERRYTOWN SUBDIVISION, Section 4, being part of Oakdale Subdivision, Section "B", First Ward, all in accordance with the survey of Adloe Orr, Jr. & Associates, C.E., dated October 15, 1959, approved by the Jefferson Parish Council under Ordinance No. 4546, adopted April 21, 1960, registered in COB 510, folio 491, Parish of Jefferson, Louisiana, on July 20, 1960, and in Plan Book 39, folio 67, Office of the Clerk of Court, Parish of Jefferson, Louisiana, which said property is more fully described as follows, to-wit:

LOT NO. 26 in SQUARE NO. 34, bounded by Diplomat Street, Deerfield Road, Oakwood Drive, Holmes Boulevard and Stumpf Boulevard, which said lot commences at a distance of 93 feet from the corner of Diplomat Street and Deerfield Road, and measures thence 61 feet front on Diplomat Street, by a depth along the side line nearer Deerfield Road of 80 feet, by a depth along the opposite side line of 110 feet, by a first width in the rear of 40 feet to a point, and thence an additional width in the rear of 36.62 feet, all in accordance with the survey of Charles E. Felder, dated November 18, 1977.

Improvements thereon bear No. 535 Diplomat Street, Gretna, La. 70056.

## VII.

By Act of Notarial Endorsement and Assignment of Mortgage Note dated April 3, 1978, the above described mortgage note was transferred and assigned by BNO Mortgage Corporation unto Biscayne Federal Savings and Loan Association, n/k/a Citibank, F.S.B., which said assignment is recorded in MOE 763, folio 931,

a certified copy of which is attached hereto and made a part hereof and marked Plaintiff's Exhibit "C".

## VIII.

By Act of Cash Sale and Assumption of Mortgage executed June 14, 1984, before James A. Mounger, Notary Public, the above described property was transferred by Patricia Cook, wife of/and Claude Michael Nelson to Arthur T. Durel, Jr. and Ruby Lyons, which said act is duly recorded in MOB 922, folio 190, Parish of Jefferson, Louisiana; the said Arthur T. Durel, Jr. and Ruby Lyons did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "D".

## IX

Assumtprs are in default under the terms of the mortgage, having failed to make the required payments for the months of February, 1992 to date in spite of amicable demand. There is currently a balance due on said indebtedness of \$24,513.07, together with interest at the rate 8.50% from January 1, 1992 until paid.

## X.

In the above described mortgage note the defendants agreed to pay the fees of the attorney at law employed to institute proceedings to recover the amount due under the said note, which fees should be fixed at 10% of the amount claimed. ,

## XI.

The petitioner herein, Citibank, F.S.B., has been advised that Patricia Cook, wife of/and Claude Michael Nelson, two of the

defendants herein, have moved and their current whereabouts are unknown and it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendants, Patricia Cook, wife of/and Claude Michael Nelson.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants, Patricia Cook, wife of/and Claude Michael Nelson and, further, petitioner prays that all of the said defendants be served with a copy of this petition and cited to appear and answer it and, after due proceedings had, there be judgment herein in favor of Citibank, F. S. B, and against defendants, Arthur T. Durel, Jr., Ruby Lyons, Patricia Cook, wife of/and Claude Michael Nelson, in the amount of \$24,513.07 with interest at the rate 8.50% on the principal balance from January 1, 1992, plus all current and future advances and all costs of this suit, together with 10% attorney's fees on principal and interest now due and owing.

Petitioner further prays for recognition of its special lien and privilege against the following described property:

THAT PORTION OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in TERRYTOWN SUBDIVISION, Section 4, being part of Oakdale Subdivision, Section "B", First Ward, all in accordance with the survey of Adloe Orr, Jr. & Associates, C.E., dated October 15, 1959, approved by the Jefferson Parish Council under Ordinance No. 4546, adopted April 21, 1960, registered in COB 510, folio 491, Parish of Jefferson, Louisiana, on July 20, 1960, and in Plan Book 39, folio 67, Office of the Clerk of Court, Parish of Jefferson, Louisiana, which said property is more fully described as follows, to-wit:

LOT NO. 26 in SQUARE NO. 34, bounded by Diplomat Street, Deerfield Road, Oakwood Drive, Holmes Boulevard and Stumpf Boulevard, which said lot commences at a distance of 93 feet from the corner of Diplomat Street and Deerfield Road, and measures thence 61 feet front on Diplomat Street, by a depth along the side line nearer Deerfield Road of 80 feet, by a depth along the opposite side line of 110 feet, by a first width in the rear of 40 feet to a point, and thence an additional width in the rear of 36.62 feet, all in accordance with the survey of Charles E. Felder, dated November 18, 1977.

Improvements thereon bear No. 535 Diplomat Street,  
Gretna, La. 70056.

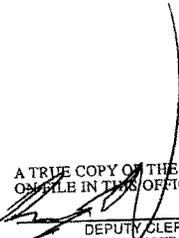
which said property is encumbered by the mortgage recorded in MOB  
722, folio 596 and that said property, in due course, be seized  
and sold to satisfy said judgment in preference to all other  
parties.

GRAHAM & ARCENEUX

BY

  
\_\_\_\_\_  
JAMES C. ARCENEUX, III  
601 Poydras St., Suite 2650  
New Orleans, Louisiana 70130  
Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

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A F F I D A V I T

STATE OF LOUISIANA

PARISH OF ORLEANS

FILED  
OCT 23 1992  
DEPUTY CLERK

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEUX, III

Attorney for Standard Mortgage Corporation, servicing agent for Citibank, F.S.B., who upon being first duly sworn did depose and say;

That he has reviewed the foreclosure data sheet supplied by Standard Mortgage Corporation, servicing agent for Citibank, F.S. B. and the other documentation supplied in conjunction with Loan No. 034378 (630) in the name of Patricia Cook, wife of and Claude Michael Nelson, assumed by Arthur T. Durel, Jr. and Ruby Lyons, and according to said data sheet the current principal balance due and owing is \$24,513.07, with interest at the rate of 8.50% from January 1, 1992 until paid, which said account is currently due for the months of February 1, 1992 until date.

Affiant further declared that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

James C. Arceneux III  
JAMES C. ARCENEUX, III

SWORN TO AND SUBSCRIBED BEFORE

ME THIS 23rd DAY OF Oct.,

1992.

Patricia R. Francis  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

Loan No. 934378 (630)

STATE OF ~~MISSOURI~~ MISSOURI

COUNTY OF ST. LOUIS

BEFORE ME, the undersigned authority, personally came and appeared: Sally M. Brock, Assistant Secretary of Citicorp Mortgage, Inc. as Attorney-in-Fact for Citibank, F.S.B. who, upon being first duly sworn, did depose and say;

That he/she is the duly authorized agent for Citibank, F.S.B.; and, as such, is familiar with the account of Patricia Cook, wife of/and Claude Michael Nelson, assumed by Arthur T. Durel and Ruby Lyons, Account No. 034378 (630); That the note in reference to this account has been lost and cannot be located; That a diligent search has been undertaken for same to no avail; and that the records of Citibank, F.S.B. do not reflect any transfer or negotiation of said note by Citibank, F.S.B.

CITIBANK, F.S.B.

BY: [Signature]  
Sally M. Brock  
Title: Asst. Secretary

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 29th DAY OF September, 1992

[Signature]  
NOTARY PUBLIC  
KAREN MARIE CRANT  
My Commission Expires: NOTARY PUBLIC STATE OF MISSOURI  
ST. LOUIS COUNTY  
MY COMMISSION EXPIRES MAY 14 1994

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

ORDER

Let Robert G. Creely, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Patricia Cook, wife of/and Claude Michael Nelson.

Gretna, Louisiana  
October 26, 1992

  
J U D G E

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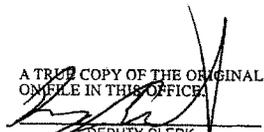
ON MINUTES  
OCT 28 1992

PLEASE SERVE:

Arthur T. Durel, Jr.  
413 Willowbrook Dr.  
Gretna, La. 70056

Ruby Lyons a/k/a Ruby Lyons Durel  
196 Dale Ave.  
Gretna, La. 70056

\_\_\_\_\_, Esq.  
Curator-ad-Hoc to represent  
the absent defendants  
Patricia Cook, wife of/and  
Claude Michael Nelson

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, L.A.

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**DIV. A**  
JUDGE  
WEEK PROTECT. IS.

Nº 440849

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

NATIONAL MORTGAGE CO

vs.

CHERYL PARK CHENG, w/o & MICHAEL JAY CHENG, VICTORIA McDONALD

BARNES & PATRICIA CLAY LEONARD, w/o & CLARENCE LEONARD

*Plaintiff*

*Defendant*

IRA J. MIDDLEBEG

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing OCT. 27, 1992 jef

HP Exhibit 0189 (172)

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CODED 5  
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NMC 1866-0363 / LOAN NO. 520300

**DIV. A**  
JUDGE  
**G. THOMAS PORTEOUS, JR.**

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

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PARISH OF JEFFERSON, LA.  
*Paul F. [unclear]*

CODED

NO. *440-849*

DIVISION " "

NATIONAL MORTGAGE COMPANY

VERSUS

CHERYL PARK CHENG, WIFE OF/AND MICHAEL JAY CHENG,  
VICTORIA McDONALD BARNES AND  
PATRICIA CLAY LEONARD, WIFE OF/AND CLARENCE LEONARD

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

*file note & mortgage in vault  
10/27  
3 3 0 NON*

The petition of NATIONAL MORTGAGE COMPANY, a corporation organized under the laws of the State of Tennessee, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

a) Defendants, Victoria McDonald Barnes, Patricia Clay Leonard and Clarence Leonard, are persons of the full age of majority and residents of and domiciled in the Parish of Jefferson, State of Louisiana.

b) Defendants, Cheryl Park Cheng and Michael Jay Cheng, are persons of the full age of majority whose whereabouts are unknown to petitioner.

2.

The defendants are jointly, severally and solidarily liable unto petitioner for the following reasons, to-wit:

1  
ISSUED *list of assets*  
NOV 03 1992  
DATE S/ MYRA LANDEX  
Deputy Clerk

CODED

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## 3.

Petitioner is the holder and owner in due course for valuable consideration and before maturity of a certain promissory note executed by Cheryl Park Cheng wife of/and Michael Jay Cheng, payable to the order of "BEARER", in the principal sum of NINETY TWO THOUSAND AND NO/100 (\$92,000.00) DOLLARS, dated October 11, 1985, payable in monthly installments, including principal and interest, beginning December 1, 1985 and on the first day of each month thereafter until principal and interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on November 1, 2015, and which note bears interest at the rate of 9.500% per annum on the unpaid balance from date, and which note was paraphrased "Ne Varietur" for identification with and secured by an Act of Credit Sale of Property dated October 11, 1985, passed before Stella V. Charles, Notary Public and two witnesses and recorded in Registry No. 8549710 and MOB 1321, folio 236, acquired at COB 1348, folio 197, of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and made a part hereof and marked "P-1" for identification. A certified true copy of the Act of Credit Sale of Property is attached hereto and made a part hereof and marked "P-2" for identification.

## 4.

Further, Mellon Financial Services Corporation #7 did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Franklin Savings Association by Assignment of Mortgages, in authentic form, dated August 31, 1989, executed by Carol R. Biondi, Vice President-Administrative, and by Sally Hyatt, Assistant Secretary, and passed before Debbie S. Detinne, Notary Public and two witnesses. A certified true copy of said Assignment of Mortgages is attached hereto and made a part hereof and marked "P-3" for identification.

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5.

Further, plaintiff avers that it is the current holder of the aforesaid note, regardless of the two (2) blank endorsements and the endorsement mistakenly placed on the reverse of said note by Franklin Savings Association, National Mortgage Company and RTC as Conservator for Franklin Savings Association.

6.

Resolution Trust Corporation ("RTC") as Conservator for Franklin Savings Association ("Franklin") became the holder of the aforesaid promissory note, by virtue of the February 15, 1990 order of the Director of the Office of Thrift Supervision ("OTS"), Number 90-368, appointing RTC as Conservator for Franklin, having been recorded via an affidavit, dated March 12, 1990, in Volume 3135, page 660 of the official records of Johnson County, Kansas.

7.

Resolution Trust Corporation ("RTC") as Receiver for Franklin Savings Association ("Franklin") became the holder of the aforesaid promissory note, by virtue of the July 16, 1992 order of the Director of the Office of Thrift Supervision ("OTS"), Number 92-3190 appointing RTC as Receiver for Franklin.

8.

Further, Resolution Trust Corporation as Receiver for Franklin Savings Association did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto National Mortgage Company by Notarial Endorsement and Assignment of Mortgage Note, in authentic form, dated August 26, 1992, executed by Norma Bogart, Vice President, and passed before Beverly A. McAuley, Notary Public and two witnesses. The original of said Notarial Endorsement and Assignment of Mortgage Note is attached hereto and made a part hereof and marked "P-4" for identification.

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9.

Victoria McDonald Barnes did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from Cheryl Park Cheng and Michael Jay Cheng, by Act of Sale and Assumption dated January 15, 1988, and passed before H. Edward Ellzey, Notary Public, and two witnesses and which Act of Sale and Assumption was duly recorded in COB 1884, folio 274, and MOB 2146, folio 110, Registry No. 88-02692 of the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale and Assumption is attached hereto and made a part hereof and marked "P-5" for identification.

10.

Patricia Clay Leonard and Clarence Leonard did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from Victoria McDonald Barnes, by Act of Sale and Assumption dated November 21, 1989, and passed before James G. Sax, Notary Public, and two witnesses and which Act of Sale and Assumption was duly recorded in COB 2278, folio 256, and MOB 2635, folio 316, Registry No. 89-54224 of the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale and Assumption is attached hereto and made a part hereof and marked "P-6" for identification.

11.

By virtue of the aforementioned act(s), defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part known as TIMBERLANE VILLAGE, PHASE III and designated as LOT 92, all in accordance with the plans of subdivision made by Landry Engineering

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Co., Inc. Ordinance No. 18520, by the Jefferson Parish Council on January 4, 1984 registered in COB 1067, folio 313.

Improvements thereon bear Municipal No. **4012 Red Cypress Drive, Harvey, LA 70058.**

All more fully shown on survey of BFM Corporation dated August 29, 1985.

12.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid act(s), the property might be seized and sold under executory process, for cash and with appraisalment, defendants having waived the demand for payment as provided for in Article 2639 of the Louisiana Code of Civil Procedure.

13.

The defendants have failed to pay the installment due January 1, 1992 and all subsequent installments due under said note.

14.

Defendants are therefore in default under the terms and conditions of the aforesaid note and act(s).

15.

Therefore, NATIONAL MORTGAGE COMPANY, has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of \$87,550.82, interest at the rate of 9.500% per annum from December 1, 1991, until paid, together with reasonable attorney's fees upon said principal and interest, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

16.

By virtue of the terms of the aforementioned note and act(s)

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defendants agreed to pay the reasonable attorney's fees upon the amounts due under said note for the attorney at law who might be employed to institute proceedings to recover the amounts due under said note.

17.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendants, Cheryl Park Cheng and Michael Jay Cheng, are absentees who cannot be served personally with process, an attorney at law should be appointed to represent them.

18.

By virtue of paragraph 14 of said Act of Credit Sale of Property, defendants waived any and all notice of demand.

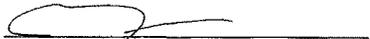
WHEREFORE, the premises and annexed documents considered, petitioner prays for an order of executory process herein, that a writ of seizure and sale issue forthwith directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and with appraisement, to pay and satisfy the claim of your petitioner in the principal sum of \$87,550.82, with interest at the rate of 9.500% per annum from December 1, 1991 until paid, together with reasonable attorney's fees upon said principal and interest, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

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Petitioner further prays that an attorney at law be appointed to represent the absent defendants in this proceeding.

MIDDLEBERG, RIDDLE & GIANNA  
201 ST. CHARLES AVENUE - 31ST FLOOR  
NEW ORLEANS, LOUISIANA 70170-3100  
TELEPHONE: (504) 525-7200  
ATTENTION: FORECLOSURE DEPARTMENT

  
IRA J. MIDDLEBERG  
BAR NO. 9640

PLEASE SERVE NOTICE OF SEIZURE ON:

CHERYL PARK CHENG AND  
MICHAEL JAY CHENG  
THROUGH COURT APPOINTED COUNSEL

AND

VICTORIA MCDONALD BARNES  
673 BANNERWOOD STREET  
GRETNA, LOUISIANA

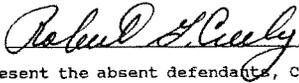
AND

PATRICIA CLAY LEONARD AND  
CLARENCE LEONARD  
4012 RED CYPRESS DRIVE  
HARVEY, LOUISIANA

O R D E R

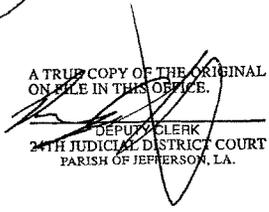
CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

FURTHER, LET  attorney at law, be appointed to represent the absent defendants, Cheryl Park Cheng and Michael Jay Cheng, in this proceeding.

GRETNA, LOUISIANA, this 29<sup>th</sup> day of October, 1992.

  
J U D G E  
ON MINUTES  
OCT 30 1992

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

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**DIV**  
**DIV. D**  
JUDGE  
WALTER E. HALLAM

Nº 441033

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FIRST NATIONAL BANK OF JEFFERSON PARISH  
*Plaintiff*

vs.  
EM NGOC NGUYEN

*Defendant*

JULES A. FONTANA, JR.  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing NOV. 2, 1992 J.F.

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**DIV. D**

JUDGE  
24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
WALTER E. ROLLIN

NO. 441-033

STATE OF LOUISIANA

DIVISION " "

FIRST NATIONAL BANK OF JEFFERSON

VERSUS

EM NGOC NGUYEN

92200  
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FILED FOR RECORD  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.

FILED: \_\_\_\_\_

PETITION FOR EXECUTORY PROCESS

The petition of First National Bank of Jefferson Parish, a Louisiana corporation, which has its office registered in Gretna, Louisiana, and is licensed to do business in the State of Louisiana, respectively shows:

I.

That Em Ngoc Nguyen is a person of the full age of majority and his residence is unknown. Plaintiff requests that the court appoint a curator to represent the interests of Em Ngoc Nguyen in this lawsuit.

II.

That petitioner is the holder and owner for valuable consideration before maturity one (1) certain promissory note made by the defendant(s) dated in Harvey, Louisiana, on March 13, 1992 and assigned to the order of First National Bank of Jefferson Parish in the amount of \$19,999.20 and payable in 60 monthly installments the first in the amount of \$333.32 being due on April 27, 1992 and the remaining 59 installments in the amount of \$333.32 becoming due on the 27th of each month thereafter until paid.

III.

That defendant(s) granted a chattel mortgage lien on the property hereinafter described in favor of First National Bank of Jefferson Parish or any future holder of said note to secure punctual payment thereof, together with interest and attorney's fees to-wit:

1992 MITSUBI ECLIPSE, SERIAL #: 4A3CS44RONE004886

*File  
date  
trial  
in  
court*

ISSUED and signed 1-4-92  
DATE 1-4-92  
CODED-8  
*Deputy of*

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was duly filed with the Commissioner of Motor Vehicles in Baton Rouge, Louisiana, according to the terms and provisions of the Louisiana Title Certificate Law: that First National Bank of Jefferson Parish is a holder in due course of said note.

## IV.

That in the Act of Chattel Mortgage, the defendant(s) granted a special mortgage under the "pact de non aliendo" upon the said property to secure payment of said note with interest and attorney's fees as hereinabove set forth, and in the said act, the defendant(s)-mortgagor(s), moreover confessed judgment upon the said note and consented that if the same were not paid in accordance with the terms or the conditions and stipulations of the said note, the said property might be seized and sold for cash without benefit of appraisalment, and in the event of suit, said defendant-mortgagor, agreed to pay the attorney employed, fees for that purpose, which fees are fixed in said act at twenty-five (25%) of the total amount due.

## V.

The defendant(s) failed and refused to pay the installments of said handnote as they have become due and have not paid that due for September 27, 1992 and subsequent installments; notwithstanding due demand for payment having been made; that said note is past due and exigible; that said note provides that the failure to make installments when due shall mature the note in it's entirety, petitioner specifically pleading provisions of said note, wherein the mortgagors waive presentment, demand, and protest, and notice of protest. Plaintiff specifically avers that defendant(s) have not paid the accelerated total amount of the loan and are now in default.

## VI.

First National Bank of Jefferson Parish has made demand upon defendant(s) for payment of the installments, since they have become due and defendant(s) has(have) not responded to the demands of the petitioner.

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## VII.

At present, the outstanding balance due on this obligation consists of \$14,268.85. That said balance is due, together with any interest as it accrues, attorney fees of twenty-five (25%) of the principal and interest, sued upon herein, and all costs of these proceedings. Petitioner attaches hereto and makes a part hereof, as if copied herein "in extensio" the original of the act of chattel mortgage identified herewith.

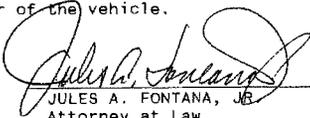
## VIII.

Plaintiff asks the court for permission to appoint themselves, First National Bank of Jefferson Parish, as keeper of the vehicle until the judicial sale.

WHEREFORE, the premises and annexed documents considered, the petition of First National Bank of Jefferson Parish prays for an Order of Executory Process, herein, that a Writ of Seizure and Sale issued herein, directing the Sheriff of the Parish wherein the property is located to seize the following described property:

1992 MITSUBI ECLIPSE, SERIAL #: 4A3CS44R0NE004886

and after all due advertisements, delays, requisites and formalities, save those expressly waived in the act of mortgage, to sell the property hereinabove described, according to law, for cash, WITHOUT BENEFIT OF APPRAISEMENT, to pay and satisfy the claim of petition in the principal sum of \$14,268.85 together with interest thereon at the rate of 14.9% until paid and 25% of both principal and interest as attorney's fees with all costs of these proceedings and out of the proceeds of the sale, petitioner shall be paid the amount of said claim by preference and priority over all persons whomsoever and that a curator be appointed to represent the interests of Em Ngoc Nguyen in this matter. Plaintiff further prays that First National Bank of Jefferson Parish be appointed keeper of the vehicle.

  
 JULES A. FONTANA, JR. 5645  
 Attorney at Law  
 1022 Loyola Avenue / Phone 581-9545  
 New Orleans, Louisiana 70113

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VERIFICATION

PARISH OF JEFFERSON

STATE OF LOUISIANA

BEFORE ME, the undersigned authority, personally appeared, being duly sworn, as agent of First National Bank of Jefferson Parish who having read the aforementioned petition and states that all the facts and allegations contained therein are true and correct to the best of their knowledge, information, and belief, as agent of First National Bank of Jefferson Parish.

CODED 1550  
F. N. B. OF JEFFERSON PARISH, LA.  
NOTARY PUBLIC

July 29  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME  
this 29th day of October, 1992.

July 29  
NOTARY PUBLIC

ORDER

LET, Executory Process issue herein prayed for according to law.

CODED at Robert D. Cooley be appointed curator to represent Em Ngoc Nguyen in this lawsuit.

That First National Bank of Jefferson Parish be appointed as keeper of the vehicle in this lawsuit.

Gretna, Louisiana, this 4th day of November, 1992.

CODED  
[Signature]  
JUDGE

PLEASE SEIZE:  
The above described movable property at:  
201 Newton St. [FNJ Lot]  
Gretna, LA

PLEASE SERVE:  
Em Ngoc Nguyen through:  
CURATOR

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

Nº 441214

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

**DIV. A**  
JUDGE  
THOMAS PATTERSON, JR.

STANDARD MORTGAGE CORP

*Plaintiff*

vs.  
VAUGHN DE ARMAS & BEVERLY BLOUNT, w/o & WAYNE DAVID GAUDIN

*Defendant*

JAMES C. ARCENEAUX, III  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing NOV. 5, 1992. i.f.f.

2111300176

#327.

CODED-8

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO: 441-214

JUDGE  
THOMAS PORTEOUS, JR.  
DIVISION  
PARISH OF JEFFERSON, LA.  
CLERK  
DEPUTY CLERK  
FILED FOR RECORD  
NOV 5 1982  
2 17  
CODED

STANDARD MORTGAGE CORPORATION  
VERSUS

VAUGHN DE ARMAS  
AND  
BEVERLY BLOUNT, WIFE OF/AND WAYNE DAVID GAUDIN

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Standard Mortgage Corporation, a Louisiana  
corporation whose principal place of business is 300 Plaza, One  
Shell Square, New Orleans, Louisiana 70139, with respect  
represents,

NOV 12 1982  
file noted mortgage in view of my

I.

Petitioner is the holder and owner, for valuable  
consideration before maturity, of a promissory note executed by  
Beverly Blount Gaudin, wife of/and Wayne David Gaudin who were  
residents of and domiciled in the Parish of Jefferson, State of  
Louisiana, payable to the order of OURSELVES and by the makers  
endorsed in blank in the principal sum of \$60,200.00 dated April  
30, 1986 payable at Standard Mortgage Corporation, New Orleans,  
Louisiana or at such other place as the holder may designate in  
writing, in fixed monthly installments of \$506.19 commencing on  
the first day of June, 1986 and payable in full on or before the  
first day of May, 2016. The said note bears interest at the rate  
of 9.5% percent per annum on the unpaid balance from date until  
paid, and which said note is paraphed "Ne Varietetur" for  
identification with an Act of Credit Sale and Vendor's Lien dated  
April 30, 1986 and passed before H. Gordon Hartman, Notary Public

-1-

SSUED

not of court  
NOV 12 1982

CODED

DATE

S/MYRA LANDIX  
Deputy Clerk

2411300177

in and for the Parish of Orleans and two witnesses, and duly recorded in MOB 1499, folio 061, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

## II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

## III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

## IV.

In the above mentioned act, the said mortgagors confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

## V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Standard Mortgage Corporation and any and all other future holders of the note, the following described

2 1 1 3 0 0 1 / 3

property situated in the Parish of Jefferson, State of Louisiana,  
to-wit:

A CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in Township 14 South Ranges 23 and 24 East, Southeast Land District of Louisiana, West of the Mississippi River, known as Harvey Canal Property, Jefferson Parish, Louisiana, formerly designated as PARCEL Q-2-B, which said portion of ground has been resubdivided into WOODMERE SOUTH SUBDIVISION SECTION 3, all as per plan of resubdivision made by J. J. Krebs & Sons, Inc., C. E. & S., dated October 10, 1983, approved by the Jefferson Parish Council by Ordinance No. 15784, recorded in COB 1064 folio 925, and as per Act of Dedication before Odom B. Heebe, Notary Public, dated February 2, 1984, recorded in COB 1067 folio 270, same being designated as follows:

LOT 848, SQUARE R, which said square is bounded by Primwood Drive, Destrehan Avenue, Keith-Way Drive and Cimwood Drive, and said LOT 848 commences at a distance of 79.37 feet from the intersection of Cimwood Drive and Primwood Drive and measures 60' front on Primwood Drive, same in width across the rear, by a depth of 100 feet between equal and parallel lines; all as per survey made by J. J. Krebs & Sons, Inc., L. S., dated February 26, 1986, resurveyed March 27, 1986, to show improvements designated as 3104 Primwood Drive, Harvey, La. 70058.

## VI.

By Act of Cash Sale and Assumption of Mortgage executed April 30, 1990, before James G. Sax, Notary Public, the above described property was transferred by Beverly Blount Gaudin, divorced wife of/and Wayne David Gaudin to Vaughn DeArmas, which said act is duly recorded in MOB 2697, folio 332, Parish of Jefferson, Louisiana; the said Vaughn DeArmas did assume, bind and obligate himself to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if he was the maker of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

2 1 1 3 0 0 7 9

## VII.

By Act of Correction dated October 26, 1992 executed before James C. Arceneaux, III, Notary Public, registered in the mortgage records for the Parish of Jefferson, the above Credit Sale and Vendor's Lien was corrected, as will more fully appear from said Act of Correction, a certified copy of which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "D".

## VIII.

Petitioner believes that the property which secures its mortgage is currently tenant occupied. Petitioner desires to take possession of and collect all rents generated by the subject property during the pendency of these proceedings pursuant to paragraph 13 of the mortgage, and further desires that Standard Mortgage Corporation be appointed Keeper of the property in order to collect said rents.

## IX.

The assumptor having failed to make the payments required under the terms of the mortgage, is in default under the terms of said mortgage and Standard Mortgage Corporation, as the last holder of the note, after having given due notice herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from June 1, 1992 to date.

## X.

The petitioner herein, Standard Mortgage Corporation, has been advised that Beverly Blount Gaudin has left the state and is believed to be living and residing at Route 4, Box 104, Carriere, MS 39426 and that Vaughn DeArmas has moved and his current whereabouts are unknown. It will therefore be necessary for this

2 1 1 1 3 0 0 1 1 0

Honorable Court to appoint an attorney to represent the absent defendants, Beverly Blount Gaudin and Vaughn DeArmas.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants, Beverly Blount Gaudin and Vaughn DeArmas and, further, petitioner prays for an order of Executory Process herein; that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell with appraisal and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of \$57,172.13 with 9.5% percent interest thereon from May 1, 1992 until paid, together with reasonable attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

Petitioner further prays that pursuant to paragraph 13 of the mortgage that Standard Mortgage Corporation be appointed Keeper of the subject property and authorized to collect the rents generated by said property during the pendency of these proceedings.

GRAHAM & ARCENEUX

BY: James C. Arceneaux III  
 JAMES C. ARCENEUX, III  
 Bar Roll No. 2524  
 601 Poydras St., Suite 2650  
 New Orleans, La. 70130  
 Phone: (504) 522-8256

-5-

A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE.

DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

AFFIDAVIT

FILE  
NOV 5 1992  
DEPUTY CL.

STATE OF LOUISIANA  
PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEUX, III

Attorney for Standard Mortgage Corporation who upon being first duly sworn did depose and say;

That he has reviewed the foreclosure data sheet supplied by Standard Mortgage Corporation and the other documentation supplied in conjunction with Loan No. 043319 (666) in the name of Beverly Blount Gaudin, wife of/and Wayne David Gaudin, assumed by Vaughn DeArmas, and according to said data sheet the current principal balance due and owing is \$57,172.13, with interest at the rate of 9.5% from May 1, 1992 until paid, which said account is currently due for the months of June 1, 1992 until date.

Affiant further declared that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

James C. Arceneux III  
JAMES C. ARCENEUX, III

SWORN TO AND SUBSCRIBED BEFORE

ME THIS 4th DAY OF November,  
1992.

Catharina R. Francis  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



Nº 442832

**DIV A**  
**DIV** JUDGE  
**THOMAS BARRIS, JR.**

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FIRST NATIONAL BANK OF JEFFERSON PARISH

*Plaintiff*

vs.

ALEXANDER BERKLEY, JR & SHERYL H, DAVILLIER

*Defendant*

JULES A. FONTANA, JR

*Attorney for Plaintiff*

*Attorney for Defendant*

DEC. 17, 1992jff

Date of Filing

030199991

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 442-832 DIVISION "A" DOCKET NO. \_\_\_\_\_

FIRST NATIONAL BANK OF JEFFERSON PARISH  
VERSUS

ALEXANDER BERKLEY, JR. AND SHERYL H. DAVILLIER

P01

FILED: \_\_\_\_\_ : DEPUTY CLERK

RECORDED  
INDEXED  
10/11/03  
CODED 2

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel comes, First National Bank of Jefferson Parish and who with respect represents:

I.

Defendant(s), Sheryl H. Davillier, has(have) not been served with the notice of seizure, in the above captioned proceedings, that it is necessary to serve them in order to go forward with the sale of the security which was seized under a writ of seizure and sale; that said seizure was effected in the Parish of Jefferson, consequently, petitioner asks that this court appoint a curator to represent defendant(s) in that case.

WHEREFORE, petitioner prays that a curator be appointed to represent Sheryl H. Davillier in these proceedings.

*Jules A. Fontana, Jr.*  
JULES A. FONTANA, JR. 5645  
Attorney at Law  
1022 Loyola Avenue / Phone: 581-9545  
New Orleans, Louisiana 70113

ORDER

IT IS HEREBY ORDERED, that *Robert D. Creely* be appointed curator to represent the defendant(s) in the above captioned proceedings.

Gretna, Louisiana this 26 day of January, 1993.

CODED

*Thomas G. Landix*  
J U D G E

PLEASE SERVE:  
CURATOR

ISSUED NO COURT A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.  
DATE JAN 26 1993  
S/ MYRA LANDIX DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.  
Deputy Clerk

**DIV A**  
JUDGE  
R. THOMAS PATRICK, JR.

Nº 443287

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

COLONIAL MORTGAGE CO

vs.

REYES P. SALAZ, ET AL

*Plaintiff*

*Defendant*

CHARLES H. RYAN

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing JAN, 4, 1993 jff

prayers of the petition filed herein.

Respectfully submitted,

BOLES, BOLES & RYAN, ATTORNEYS  
1805 Tower Drive  
P.O. Box 2065  
Monroe, LA 71207-2065  
Telephone: (318) 388-4050

BY: *Charles H. Ryan*  
Charles H. Ryan  
Bar #11557

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned legal authority in and for said Parish and State, personally came and appeared CHARLES H. RYAN, who first being duly sworn, did depose and say: That he is one of the attorneys for the plaintiff in the above and foregoing petition and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

*Charles H. Ryan*  
Charles H. Ryan

SWORN TO AND SUBSCRIBED before me, Notary, on this 31st day of March, 1993.

\_\_\_\_\_  
Notary Public

O R D E R

CONSIDERING THE FOREGOING MOTION,

IT IS ORDERED that *Robert D. Cicely*, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), MARY SUSETTE TUMINELLO, and that said defendant(s) be served through said Attorney-at-Law with the notice of seizure and all other notices and citations required or permitted by law.

Gretna, Louisiana, this 6<sup>th</sup> day of April, 1993.

*[Signature]*  
JUDGE, DISTRICT COURT

COPIED ON MINUTES  
APR 7 1993

CHR/bbp  
BB&R#31888

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

*[Signature]*  
DEPUTY CLERK  
14TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV**  
JUDGE  
STATE OF LOUISIANA

Nº 449686

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

HIBERNIA NATIONAL BANK IN NEW ORLEANS, LA, AS TRUSTEE TO THE  
PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY

*Plaintiff*

DONALD J. RODRIGUE & PAULA IMBORNONE RODRIGUE

*Defendant*

GEORGE B. DEAN, JR.

*Attorney for Plaintiff*

*Attorney for Defendant*

JAN. 7, 1993 jff

Date of Filing

HP Exhibit 0189 (177)

STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH JUDICIAL DISTRICT COURT  
HIBERNIA NATIONAL BANK

FILED:

FILED FOR RECORD  
SEP 2 30 PM 10 33  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.  
CODED 2

VS. Suit #449-686 DIV A  
DONALD J. RODRIGUE

MOTION & ORDER TO APPOINT CURATOR

On Motion of HIBERNIA NATIONAL BANK and on suggesting to the Court that defendant(s) is/are "absentee(s)" defined by Louisiana Code of Civil Procedure article 5251(1) because, without limitation, Plaintiff has been unable to perfect service upon defendant, Donald J. Rodrigue, despite the diligent efforts to plaintiff and the Sheriff of Jefferson Parish, Louisiana, as reflected by the Sheriff's return on the service documents, and the whereabouts of said defendant(s) is/are unknown, and/or if dead their heirs are unknown, then therefore, an attorney at law should be appointed by this court to act as Curator ad Hoc upon whom services of legal process may be served during these procedures,

IT IS ORDERED that Robert T. Ceeley attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Gretna, Louisiana, this 1st day of September, 1993

CODED ON MINUTES  
SEP 2, 1993

[Signature]  
JUDGE

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

[Signature]  
GEORGE B. DEAN, JR.

Sworn to and subscribed before me this 27th day of August, 1993.

Last known address:  
214 Incarnate Word Dr.  
Kenner, La. 70065

[Signature]  
Notary Public

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

SEP 02 1993  
S/ MYRA LANDIX

DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
**JUDGE**  
**CHARLES MATHIAS, JR.**

Nº 44337

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

\_\_\_\_\_

\_\_\_\_\_

REAL ESTATE FINANCING, INC.

vs. *Plaintiff*

JOHN ASEBEDO RODRIGUEZ (a/k/a J.A. RODRIGUEZ & JOHN ASEVEDO RODRIGUEZ)

& MARK A. WINGERTER

*Defendant*

\_\_\_\_\_

\_\_\_\_\_

JANE FAIA MENTZ

*Attorney for Plaintiff*

\_\_\_\_\_

*Attorney for Defendant*

\_\_\_\_\_

JAN. 27, 1993 jef

Date of Filing

HP Exhibit 0189 (178)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 444-337

REAL ESTATE FINANCING, INC.

VERSUS

JOHN ASEVEDO RODRIGUEZ  
(A/K/A J. A. RODRIGUEZ AND JOHN ASEVEDO RODRIGUEZ)

AND

MARK A. WINGERTER

FILED FOR RECORD  
'93 MAY 10 PM 3 34  
DIVISION V  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA  
CODED

FILED: \_\_\_\_\_  
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of Real Estate Financing, Inc., through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant, Mark A. Wingerter, is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant, and accordingly, defendant cannot be found and served, and diligent effort has been made to locate said defendant.

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant, Mark A. Wingerter.

IT IS ORDERED BY THE COURT, that Robert Stanley Gray attorney at law be and he is hereby appointed curator ad hoc for defendant Mark A. Wingerter in these proceedings and that a Writ

SUB. Dist. Ct. app.  
DATE MAY 13 1993  
S/ MYRA LANDIX  
Deputy Clerk

CODED

of Seizure and Sale issue herein, and be served upon said attorney at law.

19 93 Gretna, Louisiana, this 11<sup>th</sup> day of May,

**CODED**

**ON MINUTES  
MAY 12 1993**

*[Handwritten Signature]*  
\_\_\_\_\_  
JUDGE

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: *[Handwritten Signature: Stacy C. Wheat]*  
JANE FAIA MENTZ  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Plaintiff  
3850 N. Causeway Blvd., Suite 710  
Metairie, LA 70002  
(504) 831-7726

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

*[Handwritten Signature]*  
\_\_\_\_\_  
DEPUTY CLERK  
24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
JUDGE  
E. THOMAS PRATER, JR.

**DIV**

Nº 44475

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOC

*Plaintiff*

vs.  
ANDREA GRANT WILLIAMS & ROBERT ANTHONY WILLIAMS

*Defendant*

JANE FAIA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

JAN. 29, 1993 jff

Date of Filing

HP Exhibit 0189 (179)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 444-475

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

ANDREA GRANT WILLIAMS

AND

ROBERT ANTHONY WILLIAMS  
(A/K/A ROBERT WILLIAMS)

92-0914  
FILED FOR RECORD  
APR 15 11 25  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.  
DIVISION "A"  
CODED 2

FILED: \_\_\_\_\_  
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of Federal National Mortgage Association, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant, Andrea Grant Williams is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant, and accordingly, defendant cannot be found and served, and diligent effort has been made to locate said defendant.

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant, Andrea Grant Williams.

WHEREFORE, for the reasons listed herein, Mover prays that this court appoint an attorney at law as curator ad hoc for the defendant, Andrea Grant Williams, and for all other relief as is just and proper in the premises.

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: *Stacy Wheat*  
JANE FAIA MENTZ  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Plaintiff  
3850 N. Causeway Blvd., Suite 710  
Metairie, LA 70002  
(504) 831-7726 ON FILE IN THIS OFFICE.

*not ex caput*  
MAR 16 1994  
S/ MYRA LANDIX  
Deputy Clerk

CODED

DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 444-475

DIVISION "A"

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

ANDREA GRANT WILLIAMS

AND

ROBERT ANTHONY WILLIAMS  
(A/K/A ROBERT WILLIAMS)

FILED: \_\_\_\_\_  
DEPUTY CLERK

ORDER

Considering the above and foregoing

IT IS ORDERED BY THE COURT, that Robert D. Lively  
attorney at law be and he is hereby appointed curator ad hoc for  
defendant Andrea Grant Williams in these proceedings and that a  
Writ of Seizure and Sale issue herein, and be served upon said  
attorney at law.

Gretna, Louisiana, this 16<sup>th</sup> day of March,  
19 94.

**CODED**

Robert D. Lively  
JUDGE

**RECORDED  
MAR 16 1994**

A TRUE COPY OF THE ORIGINAL  
IS FILED IN THIS OFFICE.

Robert D. Lively  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



Nº 444504

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NEW SOUTH FEDERAL SAVINGS BANK

CATHERINE M. RAY

vs.

*Plaintiff*

*Defendant*

DALE M. MAAS

*Attorney for Plaintiff*

*Attorney for Defendant*

FEBRUARY 1, 1993

Date of Filing

lma



TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NUMBER: 444,504

DIVISION "A"

NEW SOUTH FEDERAL SAVINGS BANK

VERSUS

CATHERINE M. RAY

O R D E R

Considering the foregoing Motion:

IT IS ORDERED that Robert D. Cleary,  
Attorney at Law, be and is hereby appointed Curator Ad-Hoc to  
represent the absentee defendant, Catherine M. Ray, herein.

THUS DONE AND SIGNED at Gretna, Louisiana, this 15<sup>th</sup>  
day of March 1993

**CODED**

ON MINUTES

MAR 17 1993

Shoukry  
J U D G E  
24TH JUDICIAL DISTRICT  
COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

PLEASE SERVE:  
CURATOR AD-HOC  
AND ORIGINAL PETITION

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

Nº 444568

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

DIV. ~~DIV. A~~  
JUDGE  
JAMES C. ARGENEAUX, III

STANDARD MORTGAGE CORP

*Plaintiff*

vs.

PATRICIA WINN, w/o & KEITH COBB JORDAN & DIANE WIRSHING, w/o &

ROSENDO EMILIO MARTINEZ

*Defendant*

JAMES C. ARGENEAUX, III

*Attorney for Plaintiff*

*Attorney for Defendant*

FEB. 2, 1993 jff

Date of Filing

HP Exhibit 0189 (181)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO: 444-568

DIVISION "A"

STANDARD MORTGAGE CORPORATION

VS.

PATRICIA WINN, WIFE OF/AND KEITH COBB JORDAN  
AND  
DIANE WIRSHING, WIFE OF/AND ROSENDO EMILIO MARTINEZ

*Handwritten signature: D. Wickman*

FILED: \_\_\_\_\_

DEPUTY CLERK

SUPPLEMENTAL AND AMENDED PETITION

I.

Petitioner realleges and reaffirms all allegations contained in Paragraphs I through VII of the original petition filed in these proceedings on February 2, 1993.

II.

Petitioner was informed and did believe that the defendants, Diane Wirshing, wife of/and Rosendo Emilio Martinez, were living and residing at 4801 Hessmer Ave., Metairie, La. 70002 and that acting on that information and belief, the petitioner requested that the said defendants be served at that address.

III.

The records of the Sheriff's Department of the Parish of Jefferson reflect that, in spite of diligent efforts, said Sheriff's Department has been unable to locate the defendants at the above mentioned address and has, therefore, been unable to serve the defendants. A skip trace ordered on Diane Wirshing, wife of/and Rosendo Emilio Martinez reflects that they have left the country and are believed to be living in Adjunta, Puerto Rico, with an office address for Dr. Rosendo Emilio Martinez of Suite 401, Parra Building, Ponce, Puerto Rico. Accordingly, it will be necessary for this Court to appoint an attorney to

~~1-15-93~~ not of court  
DATE APR 27 1993  
S/ MYRA LANDIX  
~~Deputy Clerk~~

CODED

represent the defendants in these proceedings.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants, Diane Wirshing, wife of/and Rosendo Emilio Martinez, that he be served with copies of the notice appointing the curator, original petition, the supplemental and amended petition together with the notice of seizure.

GRAHAM & ARCENEUX

BY: James C. Arceneaux

JAMES C. ARCENEUX, III  
Bar Roll No. 2524  
601 Poydras Street, Suite 2650  
New Orleans, La. 70130  
Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



A F F I D A V I T

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEUX, III

who, upon being first duly sworn, did depose and say;

That he is the attorney for Standard Mortgage Corporation; and, as such, is familiar with the account of the persons made defendants herein; that he has read the above and foregoing Supplemental And Amended Petition and that all of the facts and allegations therein contained are true and correct to the best of his knowledge, information and belief.

James C. Arceneux III  
JAMES C. ARCENEUX, III

SWORN TO AND SUBSCRIBED BEFORE  
ME THIS 13th DAY OF April,  
1993.

Patricia R. Francis  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

FILED  
DEPUTY CLERK

ORDER

Let Robert D. Stealy, Esq. be appointed to represent the absent defendants, Diane Wirshing, wife of/and Rosendo Emilio Martinez.

Gratna, Louisiana  
April 21, 1993

CODED

Shawna Stealy  
JUDGE  
ON MINUTES  
APR 23 1993

PLEASE SERVE:

- (1) COPY OF NOTICE OF APPOINTMENT
- (2) COPY OF PETITION
- (3) COPY OF SUPPLEMENTAL PETITION, AND
- (4) NOTICE OF SEIZURE ON:  
(NOTICE OF DEMAND WAIVED)

\_\_\_\_\_, Esq.  
Attorney appointed to represent  
the absent defendants  
Diane Wirshing, wife of/and  
Rosendo Emilio Martinez

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
Shawna Stealy  
DEPUTY CLERK  
24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
CLERK OF COURTS, LA.

**DIV**

Nº 444608

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

UNITED STATES OF AMERICA

vs.

SUSAN POCHE BUXTON

*Plaintiff*

*Defendant*

WILLIAM D. O'REGAN, III

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing FEB. 3, 1993 jff

HP Exhibit 0189 (182)

1 UNITED STATES OF AMERICA  
2  
3 VERSUS  
4  
5 SUSAN POCHE BUXTON

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA  
NUMBER: 444-608 DIVISION: A

6  
7 FILED

DEPUTY CLERK

8 MOTION TO APPOINT CURATOR

*Handwritten signature*  
CODED 2  
MAR 11 1993

9 NOW COMES, United States of America, through its  
10 undersigned counsel of record, and for its Motion to Appoint  
11 Curator, respectfully states:

12 I.

13 This is a civil action brought by the United States of  
14 America to foreclose a real estate mortgage upon immovable property  
15 located within the jurisdiction of this Court.

16 II.

17 The defendant, SUSAN POCHE BUXTON, is an absentee and her  
18 whereabouts are unknown.

19 WHEREFORE, United States of America prays that an  
20 Attorney at Law be appointed as curator to represent the defendant  
21 named herein.

22 *William D. O'Regan III*  
23 WILLIAM D. O'REGAN, III  
24 BAR ROLL NUMBER 10731  
25 ATTORNEY FOR PLAINTIFF  
26 1107 MAIN STREET  
27 LA PLACE LA 70068  
28 (504) 652-6476

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

*Handwritten signature*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

SSUED

*not a court clerk*  
MAR 09 1993

DATE

S/ MYRA LANDIX

Deputy Clerk

CODED

1 UNITED STATES OF AMERICA  
2  
3 VERSUS  
4  
5 SUSAN POCHE BUXTON

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA  
NUMBER: 444-608 DIVISION: A

6  
7 FILED

DEPUTY CLERK

8 ORDER

9 IT IS ORDERED that Robert G. Cooley,  
10 Attorney at Law, be appointed curator to represent the defendant in  
11 this proceeding.

12 IT IS FURTHER ORDERED that a fee of \$ 350.00 be  
13 fixed as compensation for the said curator and that the same be  
14 taxed as costs of this proceeding.

15 THUS DONE AND SIGNED at Gretna, Louisiana, on this 8<sup>th</sup>  
16 day of March, 1993.

17 **CODED**  
18 Thomas J. ...  
JUDGE

ON MINUTES  
MAR 9 1993

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THE OFFICE.  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV A**  
CLERK  
A. THOMAS PATTERSON, JR.

**DIV**

Nº 445440

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

EASTERN SAVINGS BANK, FSB

*Plaintiff*

vs.

DONALD J. EDMONSTON, SR., JOSEPHINE MANGUSO EDMONSTON,

ALVIN J. GUERCIA, TERESE EDMONSTON GUERCIA

*Defendant*

GEORGE S. DEAN, JR?

*Attorney for Plaintiff*

*Attorney for Defendant*

FEB. 24, 1993 jff

Date of Filing

HP Exhibit 0189 (183)

STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT  
EASTERN SAVINGS BANK

VERSUS NO.445-440-A

FILED: \_\_\_\_\_

DONALD J. EDMONSTON, SR. et el

MOTION & ORDER TO APPOINT CURATOR

On Motion of Eastern Savings Bank and on suggesting to the court that defendant(s) is/are "absentee(s)" defined in Louisiana Code of Civil Procedure article 5251(1) because, without limitation, Plaintiff has been unable to perfect service upon defendants, Donald J. Edmonston, Sr., Josephine Mancuso Edmonston, Alvin J. Guercia and Teresa Edmonston Guercia despite the diligent efforts to plaintiff and the Sheriff of Jefferson Parish, Louisiana, as reflected by the Sheriffs return on the notice of demand, and the whereabouts said defendant being unknown, and/or if dead their heirs are unknown, then therefore, and attorney at law should be appointed by this court to act as Curator ad Hoc upon whom services of legal process may be served during these procedures,

IT IS ORDERED that Robert D. Dickey attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Metra, Louisiana, this 19th day of April 1993.

CODED

ON MINUTES  
APR 21 1993

*[Signature]*  
JUDGE

VERIFICATION

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.  
GEORGE B. DEAN, JR.

SWORN TO AND SUBSCRIBED before me this 12th day of April, 1993.

Mary Ann Wallace  
NOTARY PUBLIC

LAST KNOWN ADDRESS:  
2509 GIUFFRÈ  
Kenner, LA 70002  
FILED IN THIS OFFICE.

APR 21 1993  
S/ MYRA LANDEX  
Notary Clerk

DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

CODED

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 440-992

DIVISION "A"

FIRST HEIGHTS BANK, FSB (F/K/A CHAMPION SAVINGS ASSOCIATION)

VERSUS

JEFFERY L. MARTIN, III  
(A/K/A JEFFERY MARTIN AND JEFFERY LOUIS MARTIN, III)

FILED  
MAR 11 1993  
DEPUTY CLERK

FILED: \_\_\_\_\_

DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of First Heights Bank, FSB (f/k/a Champion Savings Association), through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Jeffery L. Martin, III (a/k/a Jeffery Martin and Jeffery Louis Martin, III), is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), Jeffery L. Martin, III (a/k/a Jeffery Martin and Jeffery Louis Martin, III).

IT IS ORDERED BY THE COURT, that Robert D. Keely attorney at law be and he is hereby appointed curator ad hoc for

ISSUED Not of appt  
MAR 02 1993  
S/ MYRA LANDIX

HP Exhibit 0189 (184)

defendant(s) Jeffery L. Martin, III (a/k/a Jeffery Martin and Jeffery Louis Martin, III), in these proceedings and that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

Gretna, Louisiana, this 26<sup>th</sup> day of February, 19 93.

CODED

ON MINUTES  
MAR 1 1993

*[Handwritten signature]*  
\_\_\_\_\_  
JUDGE

Respectfully submitted,

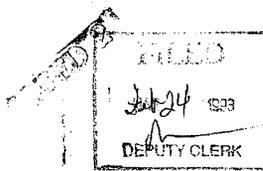
SHAPIRO AND KREISMAN

BY: *Stacy Wheat*  
JANE FAIA MENTZ  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Plaintiff  
3850 N. Causeway Blvd., Suite 710  
Metairie, LA 70002  
(504) 831-7726

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

*[Handwritten signature]*  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

STATE OF LOUISIANA  
PARISH OF JEFFERSON



BEFORE ME, the undersigned authority, personally came and appeared:

**BEVERLY COGGINS**

who, after being first duly sworn by me, Notary Public, did depose and state that she is the Collections Agent of First Heights Bank, FSB (f/k/a Champion Savings Association), the plaintiff in the above and foregoing matter, that she has read said motion to appoint an attorney to represent absent defendant(s) and that all of the allegations set forth therein are true and correct.

Beverly Coggins  
BEVERLY COGGINS

SWORN TO AND SUBSCRIBED  
BEFORE ME, NOTARY, THIS  
19th DAY OF February, 1992.

Stacy Wheat  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

4070103

200

**DIV. A**  
JUDGE  
**E. THOMAS PORTER, JR.**

446-138

CO

1 ASSOCIATES FINANCIAL SERVICES  
OF AMERICA, INC.

NUMBER: DIVISION:

2 VERSUS

24TH JUDICIAL DISTRICT COURT

3 FLOYD PRITCHETT, SR. AND  
4 JUANITA D. AUSTIN PRITCHETT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

**PETITION FOR EXECUTORY PROCESS**

6 The petition of Associates Financial Services of America, Inc., a domestic corporation,  
7 authorized to do and doing business in the Parish of Jefferson, State of Louisiana, who  
8 represents that:

9 1.

10 That Floyd Pritchett, Sr., and Juanita D. Austin Pritchett, defendants herein, is of the  
11 legal age of majority and is a resident of and domiciled in the Parish of Jefferson, Louisiana,  
12 and are justly and truly indebted unto petitioner, Associates Financial Services of America, Inc.,  
13 in the full and true sum of SIXTY-SEVEN THOUSAND ONE HUNDRED SEVENTY-FIVE  
14 AND 20/100 (\$67,175.20) DOLLARS, together with interest thereon at the rate of 14.41% per  
15 annum from date of filing the within petition, until paid in full, together with twenty-five (25%)  
16 percent of both principal and interest as attorney's fees and for all costs of these proceedings,  
17 all for this, to-wit:

18 2.

19 Petitioner is the owner and holder for valuable consideration, in due course and before  
20 maturity, of one certain real estate mortgage note, described as follows:

21 One certain promissory note dated April 19, 1988, made and subscribed by Floyd  
22 Pritchett, Sr., and Juanita Doris Pritchett payable to the order of Associates  
Financial Services of America, Inc., in the principal amount of \$69,449.43.

23 3.

24 That defendants failed to pay the installments due on said note according to the terms  
25 of the note, and the balance of \$67,175.20, together with interest, attorney's fees and costs as  
26 above described is justly due and payable and unpaid.

27 4.

28 That said note is paraphed "Ne Varietur" to identify with an Act of Mortgage passed  
29 before a Notary Public in and for the Parish of Jefferson, Louisiana, wherein the said  
30

LAW OFFICES  
OF  
BARNETTE  
SEALE, SMITH &  
UNION NATIONAL BANK  
PLAZA, SUITE 200  
1850 UNITED PLAZA BOULEVARD  
BATON ROUGE, LOUISIANA 70809  
(504) 924-1800  
APR 2 1993  
file note & mortgage  
with court

FILED 2 not by apt  
DATE APR 2 1993

S/3 HP Exhibit 0189 (185)

LAW OFFICES  
SEALE, SMITH, ZUBER & BARNETTE  
TWO UNITED PLAZA, SUITE 200  
880 UNITED PLAZA, BOULEVARD  
BATON ROUGE, LOUISIANA 70802  
(803) 824-1800

1 defendants mortgaged unto petitioner to secure the payment of the said above described  
2 indebtedness, the following described property, to-wit:

3 THAT PORTION OF GROUND, together with all the buildings and improvements  
4 thereon, and all of the rights, ways, privileges, servitudes, appurtenances and  
5 advantages thereunto belonging or in anywise appertaining, situated in the Parish  
6 of Jefferson, State of Louisiana, in PONTE VISTA SUBDIVISION in SQUARE  
7 6, bounded by "A" Street, Manson Street, "B" Street and Giuffrias Street, and  
8 according to a plan by E.L. Eustis, C.E., dated January 19, 1946, annexed to an act  
9 before H.L. Barnett, N.P., dated February 11, 1946, said portion is designated by  
10 the Nos. 39 and 40 which measure each 25 feet front on Manson Street, same in  
11 width in the rear, by a depth of 110 feet between equal and parallel lines. Lot No.  
12 40 lies nearer to and commences at a distance of 200 feet from the corner of  
13 manson Avenue (Street) and "A" Street; all as more fully shown on plat of survey  
14 by F.G. Stewart, Surveyor, dated April 6, 1951, annexed to an act passed before  
15 Louis G. Dutel, Jr., N.P., dated May 9, 1951; all as more fully shown on plat of  
16 survey by Adloe Orr, Jr. & Associates, dated November 15, 1954.

17 The improvements thereon bear House No. 216 and 316 Manson Avenue.  
18 all as will be seen by reference to a certified copy of said Act of Mortgage and original note  
19 which are attached hereto and made a part hereof.

20 5.

21 That in said Act, defendants confessed judgment and also waived the notice of demand  
22 for payment and also the three (3) days notice afforded defendants by Article 2639 of the Code  
23 of Civil Procedure, and expressly consented to immediate seizure of the above described  
24 property in the event of suit on said note.

25 6.

26 That said property is located in the Parish of Jefferson, Louisiana.

27 7.

28 Under the provisions of LRS 13:4359, petitioner is entitled that 100% of the purchase  
29 price at Sheriff's sale shall be paid, in cash, at the moment of adjudication.

30 8.

31 Petitioner alleges that the defendant, Floyd Pritchett, Sr., is deceased and that it is  
32 therefore necessary that the Court appoint an attorney at law to represent the deceased  
33 defendant, Floyd Pritchett, Sr., and upon whom service of process can be made.

34 9.

35 Petitioner alleges that the defendant, Juanita D. Austin Pritchett, is an absentee and that  
36 it is therefore necessary that the Court appoint an attorney at law to represent the absentee

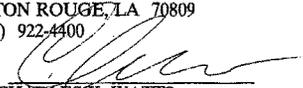
LAW OFFICES  
SEALE, SMITH, ZUBER & BARNETTE  
TWO UNITED PLAZA, SUITE 200  
8890 UNITED PLAZA BOULEVARD  
BATON ROUGE, LOUISIANA 70809  
(804) 924-1800

1 defendant, Juanita D. Austin Pritchett and upon whom service of process can be made.  
2 WHEREFORE, petitioner prays that Floyd Pritchett, Sr., and Juanita D. Austin Pritchett  
3 be served with a copy of this petition and that after all legal delays, except the three (3) days  
4 notice being waived by defendants herein in said act of mortgage aforescribed, a writ of  
5 seizure and sale issue herein, commanding the Sheriff of the Parish of Jefferson, State of  
6 Louisiana, to immediately seize and after all legal requirements and formalities required by  
7 law, sell the aforescribed property at public auction, WITH APPRAISEMENT, and out of  
8 the proceeds of said sale, petitioner be paid the full amount of its claim, SIXTY-SEVEN  
9 THOUSAND ONE HUNDRED SEVENTY-FIVE AND 20/100 (\$67,175.20) DOLLARS,  
10 together with interest, attorney's fees and all costs of these proceedings, by proper preference  
11 and priority over all persons whomsoever. Petitioner further prays that an attorney at law be  
12 appointed to represent the deceased defendant, Floyd Pritchett, Sr.

13 Petitioner further prays for all general and equitable relief.

14 Respectfully submitted,

15 SEALE, SMITH, ZUBER & BARNETTE  
16 8550 UNITED PLAZA BLVD., STE. 200  
17 BATON ROUGE, LA 70809  
(504) 922-4400

18 BY:   
19 CHARLES K. WATTS  
20 Bar Roll No. 13279

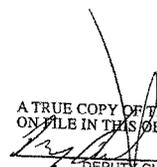
21 **SERVICE INFORMATION:**

22 Floyd Pritchett, Sr.  
23 through his Court  
24 appointed attorney

25 Juanita D. Austin Pritchett  
26 through her Court  
27 appointed attorney

28 **PROPERTY ADDRESS:**

29 316 Manson Avenue  
30 Metairie, LA 70001  
Gretna, LA 70056

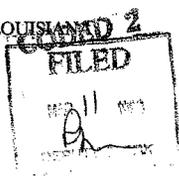
A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

LAW OFFICES  
SEALE, SMITH, ZUBER & BARNETTE  
TWO UNITED PLAZA, SUITE 200  
8850 UNITED PLAZA BOULEVARD  
BATON ROUGE, LOUISIANA 70809  
(504) 324-1800

1 ASSOCIATES FINANCIAL SERVICE  
OF AMERICA, INC.  
2  
3 VERSUS  
4 FLOYD PRITCHETT, SR., AND  
JUANITA D. AUSTIN PRITCHETT

NUMBER: DIVISION:  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

AFFIDAVIT



6 STATE OF LOUISIANA  
7 PARISH OF JEFFERSON

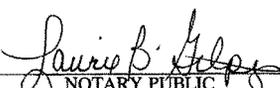
8 BEFORE ME, the undersigned authority, personally came and appeared Charles K.  
9 Watts, authorized to make this affidavit on behalf of Associates Financial Services of America,  
10 Inc., petitioner named in the above and foregoing petition, who, after being duly sworn, did  
11 depose and say:

12 That Associates Financial Services of America, Inc., is the petitioner in the above and  
13 foregoing petition; that he is familiar with the accounts of the aforesaid Associates Financial  
14 Services of America, Inc., and more particularly with the account of Floyd Pritchett, Sr., and  
15 Juanita D. Austin Pritchett presently past due in their payments and the balance due and owing  
16 on this account is \$67,175.20.

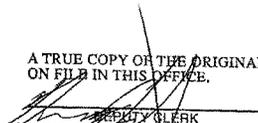
ASSOCIATES FINANCIAL SERVICES  
OF AMERICA, INC.

BY:   
CHARLES K. WATTS

17  
18  
19  
20 SWORN TO AND SUBSCRIBED, before me, this 8<sup>th</sup> day of March, 1993, in  
21 Baton Rouge, Louisiana.

  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

30

1 ASSOCIATES FINANCIAL SERVICES NUMBER: DIVISION:  
 OF AMERICA, INC.  
 2 VERSUS 24TH JUDICIAL DISTRICT COURT  
 3 FLOYD PRITCHETT, SR., AND PARISH OF JEFFERSON  
 4 JUANITA D. AUSTIN PRITCHETT STATE OF LOUISIANA

5 ORDER

6 Considering the foregoing petition and affidavit:

7 IT IS ORDERED that executory process issue herein according to the law and that a writ  
 8 of seizure and sale issue as prayed for and according to law.

9 Gretna, Louisiana, this 18<sup>th</sup> day of March, 1993.

11 ON MINUTES  
 MAR 22 1993  
 COPIES

11 *[Signature]*  
 JUDGE, 24TH JUDICIAL DISTRICT COURT  
 ON MINUTES  
 MAR 29 1993

LAW OFFICES  
 SEALE, SMITH, ZUBER & BARNETTE  
 TWO UNITED PLAZA, SUITE 200  
 BAYON BOULEVARD  
 BAYON BOULEVARD, LOUISIANA 70029  
 (504) 924-1600

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*[Signature]*  
 DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

1 ASSOCIATES FINANCIAL SERVICES NUMBER: DIVISION:  
 OF AMERICA, INC. 24TH JUDICIAL DISTRICT COURT  
 2 VERSUS  
 3 FLOYD PRITCHETT, SR., AND PARISH OF JEFFERSON  
 4 JUANITA D. AUSTIN PRITCHETT STATE OF LOUISIANA

ORDER

5  
 6 IT IS HEREBY ORDERED that Robert D. Cooley, attorney at law  
 7 be appointed curator ad hoc to represent the deceased defendant, Floyd Pritchett, Sr.

8 IT IS FURTHER ORDERED that Don C. Gardner, attorney at law  
 9 be appointed curator ad hoc to represent the absentee defendant, Juanita D. Austin Pritchett.

10 Gretna, Louisiana, this 24<sup>th</sup> day of March, 1993

11 ON MINUTES  
 12 APR 29 1993

13 [Signature]  
 14 JUDGE, CIVIL DISTRICT COURT  
 15 24<sup>th</sup> JDC

LAW OFFICES  
 SEALE, SMITH, ZUBER & BARNETTE  
 TWO UNITED PLAZA, SUITE 300  
 8880 UNITED PLAZA, SUITE 300  
 SUITE 300, MONROE, LOUISIANA 70009  
 (504) 924-1800

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 ON FILE IN THIS OFFICE.

[Signature]  
 DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

Nº 446694

**DIV**  
*Div. A*  
OFFICE  
OF THE CLERK  
OF THE DISTRICT COURT

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

MORTGAGE PROPERTIES CORPORATION

*Plaintiff*

vs.

NANNETTE RHEINER WIFE OF AND DENNIS E BUSCHBAUM

*Defendant*

L. K. CLEMENT, JR.

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing APRIL 2 1993 ml

HP Exhibit 0189 (186)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 446-694

DIVISION " A "

MORTGAGE PROPERTIES CORP.

VERSUS

NANNETTE RHEINER, wife of/and DENNIS E. BUSCHBAUM

RECORDED FOR RECORD  
APR 20 1993  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.

FILED: \_\_\_\_\_ DEPUTY CLERK

PETITION FOR APPOINTMENT OF CURATOR

The petition of Mortgage Properties Corp. ("MPC"), respectfully represents that:

I.

Despite due and diligent search, the whereabouts of defendants, Nannette Rheiner, wife of/and Dennis E. Buschbaum, are unknown to petitioner; the Sheriff attempting to serve defendants with Notice of Demand was unable to locate them and has so advised petitioner; it is therefore necessary that an attorney at law be appointed by the Court to represent defendants, Nannette Rheiner, wife of/and Dennis E. Buschbaum.

WHEREFORE, Petitioner prays that an attorney at law be appointed to represent the defendants, Nannette Rheiner, wife of/and Dennis E. Buschbaum, in this proceeding, and that said Curator be served with the Notices of Demand and of Seizure issued herein.

Sessions & Fishman  
J. DAVID FORSYTH - Bar No. 5719  
L. K. CLEMENT, JR. - Bar No. 4195  
210 St. Charles Avenue  
Place St. Charles - 36th Floor  
New Orleans, Louisiana 70170  
Telephone: (504) 582-1500

By: [Signature]  
L. K. CLEMENT, JR.  
Attorneys for Mortgage Properties Corp.

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ISSUED 100 by appt / not of demur  
MAY 05 1993  
S/ MYRA LANDIX  
Deputy Clerk

COBET  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



**DIV. A**  
JUDGE  
THOMAS PARTENIER, JR.

**DIV**

Nº 447979

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

THE U.S. SECRETARY OF VETERANS AFFAIRS

*Plaintiff*

vs.

LISA MELTON, divorced w/o TROY A LOONEY, n/w/o & KENNETH M.

MCCARTHY & CORA A. GUILLOT , w/o & DONALD ROY COOK, JR.

*Defendant*

ABBEY A. MACK

*Attorney for Plaintiff*

*Attorney for Defendant*

APRIL 27, 1993 jff

Date of Filing

HP Exhibit 0189 (187)

337

**DIV. A**

**CODED**

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
JUDGE

STATE OF LOUISIANA THOMAS PORTERUS, JR.

NO. 447-979

THE U. S. SECRETARY OF VETERANS AFFAIRS

vs.

LISA MELTON, divorced wife of TROY A LOONEY  
now wife of/and KENNETH M. MCCARTHY  
and  
CORA A. GUILLOT, wife of/and DONALD ROY COOK, JR.

DEPARTMENT OF JEFFERSON LA  
DIVISION  
93 APR 27 AM 11

FILED FOR RECORD

**CODED**

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

The Petition of the U. S. Secretary of Veterans Affairs, formerly known as The Administrator of Veterans Affairs, an officer of the United States of America, whose principal office and post address is: Veterans Administration, Washington, D.C. 20420, and his successors in such office, respectfully represents:

1.

Petitioner is the holder and owner of valuable consideration and before maturity of that certain promissory note, subscribed and executed by Lisa Melton McCarthy and Kenneth M. McCarthy, defendants herein, (the original of which is attached hereto and made a part hereof as Exhibit "P-1"), which said note is dated April 1, 1986, in the original principal sum of Fifty-Two Thousand Five Hundred Dollars (\$52,500.00), with principal and interest payable at the rate of Ten (10%) percent per annum from date until paid, and providing that said note shall bear reasonable attorney's fees, actually incurred by holder of said note, which said note is secured and is officially paraphrased "NE VARIETUR" to identify it with an Act of Mortgage/Credit Sale, (a certified copy of which is attached hereto and made a part hereof as Exhibit "P-2"), passed before Charles D. Lancaster, Jr., Notary Public, dated April 1, 1986, and recorded in the Parish of Jefferson, State of Louisiana, at Instrument No. 8615792, COB 1448, folio 314, MOB 1475, folio 99 of the mortgage records of

APR 23 1993  
file note & mortgage in vault

ISSUED note by apt  
DATE APR 23 1993

S. MYRA LANDX **CODED**  
Deputy Clerk

447979

the said Parish. Said note is payable to the order of The Administration Veterans Affairs and is secured by said Act of Mortgage in favor of The Administrator of Veterans Affairs on the following-described property, to-wit:

THAT CERTAIN LOT OF GROUND, together with all of the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of JEFFERSON, State of Louisiana, in that part thereof known as LIVE OAK MANOR SUBDIVISION, all as per plan of subdivision by Subdivision Planning Engineers, Inc., dated 3/16/59, revised 6/9/59, approved under Ordinance No. 4152, adopted by the Jefferson Parish Council, filed of record under Entry No. 159352 in COB 486, folio 469, and as per Act of Dedication before Harold J. Zeringer, Jr., N.P., dated 9/16/59, filed of record under Entry No. 160982, in COB 488, folio 343, more particularly described as follows, to-wit:

LOT 14, SQUARE 18, is bounded by JOSEPH STREET, LUCILLE STREET, JEFFER DRIVE AND CYNTHIA STREET, and commences at a distance of 440 feet from the intersection of Jeffer Drive and Cynthia Street and measures thence 55 feet front on Cynthia Street same width in the rear, by a depth of 95 feet between equal and parallel lines. All in accordance with a survey by J. J. Krebs & Sons, Inc., C.E., & S., dated 6/2/83 and resurveyed 6/15/83, 8/25/83 to show improvements.

Improvements thereon bear the Municipal No. 42 CYNTHIA STREET, WAGGAMAN, LOUISIANA 70094.

## 2.

In the above-described Act of Mortgage, the said mortgagors confessed judgment upon said note and mortgage and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory process for cash, with or without appraisalment, and without the necessity of legal demand for payment or putting in default. The said Act of Mortgage further provides that said mortgagor does not have the right to sell the property to the prejudice of said act and includes the "pact de non alienando." The said act further provides that the mortgagor will pay the reasonable fees of the attorney employed to collect the said note and mortgage, which said fees having been actually incurred by the holder of said note, your plaintiff herein. Said mortgagors have likewise waived all homestead exemptions.

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3.

The said note and mortgage further provide that if any installment of principal and interest, or any part thereof, shall remain unpaid on the date when such installment is due, that the said note would be in default and the holder of the note and mortgage shall have the right to accelerate the terms thereof in the full amount, and the full unpaid balance in principal and interest shall immediately become due and owing, together with said attorney's fees.

4.

Petitioner avers that the monthly installment due December 1, 1991, nor any installment subsequent due has been paid. The monthly installment is \$556.00 and this includes principal, interest, taxes and insurance. The unpaid principal balance is \$50,813.83. Interest on the unpaid principal balance accrues at the rate of ten (10%) percent per annum from November 1, 1991, until paid. Late charges accrue at the rate of 4% of the installment amount which is \$22.24 per month from December 1, 1991, until paid. Because of said default, the entire principal balance in the sum of \$50,813.83, together with interest at the rate of ten (10) percent per annum thereon from November 1, 1991, reasonable attorney's fees and all costs of this proceeding are due, owing and unpaid.

5.

By virtue of an Act of Sale and Assumption passed on March 29, 1989, before George C. Stringer, Jr., Notary Public, a certified copy of which is attached hereto and made a part hereof as Exhibit "P-3", Lisa Melton McCarthy and Kenneth M. McCarthy sold the property hereinabove described to Cora A. Guillot, wife of/and Donald Roy Cook, Jr. Said Act of Sale and Assumption is recorded in Instrument No. 89-13139, COB 2161, folio 182, and MOB 2493, folio 011 of the mortgage records of Jefferson Parish, Louisiana. In said Act of Sale and Assumption, Cora A. Guillot, wife of/and Donald Roy Cook, Jr., assumed all obligations of the original mortgage herein.

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6.

Subject instruments, security, lien and indebtedness secured hereby were acquired by Assignments of Note and Mortgage, as evidenced on the reverse of the Note, which are as follow:

- a) Assignment from the Administrator of Veterans Affairs to National Mortgage Company dated September 19, 1986, act before Paul H. Cassou, Notary Public. (P-4).
- b) Assignment from National Mortgage Company to Standard Federal Savings Bank dated March 31, 1987, act before Diane Holt, Notary Public. (P-5)
- c) Assignment from Standard Federal Savings Bank to the Secretary of Veterans Affairs dated March 9, 1992, act before Ruth Bernard, Notary Public. (P-6)

7.

Due to clerical errors contained in the Act of Assignment from National Mortgage Company to Standard Federal Savings Bank, a Ratification and Confirmation of Notarial Endorsement and Assignment of Mortgage Note was executed by the Assistant Vice-President of National Mortgage Company before Phyllis J. Mosby, Notary Public, dated March 24, 1993, the original of which is annexed hereto and made a part hereof as Exhibit P-7.

8.

Petitioner alleges that the defendants herein are not in the military service of the United States of America or any of its allies.

9.

Petitioner alleges amicable demand to no avail.

10.

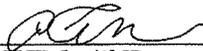
Petitioner alleges on its best information and belief that defendants, Lisa Melton McCarthy and Kenneth M. McCarthy are absentees, whose last known address is 146 Wyatt Bv., Lincoln, AL 35096. Therefore, it is necessary for the Court to appoint an attorney-at-law to represent the absentee defendants, Lisa Melton McCarthy and Kenneth M. McCarthy.

WHEREFORE, the premises and annexed documents and affidavit considered, Petitioner prays that an order of EXECUTORY PROCESS issue herein; that an attorney-at-law be appointed to represent

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absentee defendants, Lisa Melton McCarthy and Kenneth M. McCarthy; that immediately, a Writ of Seizure and Sale issue herein, directing the Sheriff of the Parish of Jefferson to seize, and after due advertisements, delays, requisites and formalities, save those expressly waived in the above Act of Mortgage, to sell the said property above described according to law, for cash and WITH BENEFIT OF APPRAISEMENT, and to pay and satisfy the claims of your Petitioner in the full sum of FIFTY THOUSAND EIGHT HUNDRED THIRTEEN AND 83/100 DOLLARS (\$50,813.83), together with interest thereon at the rate of Ten (10%) percent per annum from November 1, 1991 until finally paid, together with reasonable attorney's fees actually incurred by Petitioner; and all sums advanced for taxes and/or insurance; late charges; property preservation expenses and all costs of this proceeding; and that out of the proceeds of said sale, Petitioner be paid the amount of said claim by preference and priority over all other persons whomsoever.

Petitioner further prays for all general and equitable relief.



ABBEY A. MACK  
Paul Morphy, A Law Corporation  
P. O. Box 382  
Destrehan, Louisiana 70047  
Telephone: (504) 525-2100  
Bar Roll No. 9621

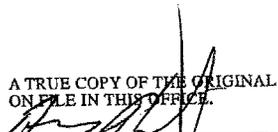
PLEASE SERVE:

Lisa Melton McCarthy  
and Kenneth M. McCarthy  
through their court-appointed attorney

- and -

Cora A. Guillot Cook  
and Donald Roy Cook, Jr.  
42 Cynthia Street  
Waggaman, LA 70094

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.



DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

O R D E R

Considering the allegations of the foregoing Petition and exhibits annexed thereto, let Michael F. Escudier, Attorney-at-Law, be appointed to represent the defendants, Lisa Melton McCarthy and Kenneth M. McCarthy; and let an Order of Executory Process issue herein, as prayed for and according to law.

Gretna, Louisiana, this 28<sup>th</sup> day of April, 1993.

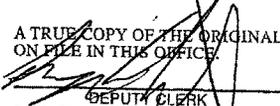
**CODEL**

  
\_\_\_\_\_  
J U D G E

ON MINUTES  
APR 29 1993

Michael Escudier  
6725 St. Claude Ave., Suite 100  
Ortoli, La 70032

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

APR 29 1993

N° 448059

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA



COLONIAL MORTGAGE CO

*Plaintiff*

vs.

JOE C. ACCARDO, ET UX

*Defendant*

CHARLES H. RYAN

*Attorney for Plaintiff*

*Attorney for Defendant*

APRIL 28, 1993 jff

Date of Filing

STATE OF LOUISIANA \* PARISH OF JEFFERSON  
TWENTY-FOURTH JUDICIAL DISTRICT COURT

COLONIAL MORTGAGE COMPANY

FILED: \_\_\_\_\_

VS. NO. 448,059 "A"

JOE C. ACCARDO, ET UX

BY: \_\_\_\_\_

(DY) CLERK OF COURT

FILED FOR RECORD  
MAY 9 9 57 AM '93  
PARISH OF JEFFERSON, LA  
CLERK OF COURT  
CODED 2

MOTION TO APPOINT ATTORNEY  
TO REPRESENT ABSENTEES

NOW INTO COURT, through undersigned counsel, comes COLONIAL MORTGAGE COMPANY, Plaintiff in the above entitled and numbered proceedings, and respectfully represents that:

1.

The Sheriff has been unable to locate or serve the defendant(s), JULIE SOLITO ACCARDO, in the Parish of Jefferson or in the State of Louisiana and plaintiff is informed, believes and so pleads that said defendant(s) are non-resident(s) of the State of Louisiana, or in the alternative, that said defendant(s) are absentee(s) who have concealed themselves to avoid service of process, and further, that defendant(s) have not appointed an agent or legal representative to represent them in this state.

2.

The last known whereabouts of the defendant(s) was 1239 Taylor Street, Kenner, Louisiana.

3.

It is necessary that an Attorney-at-Law be appointed by the court to represent the absentee defendant(s), to receive the notice of seizure on behalf of the absentee defendant(s).

WHEREFORE, PLAINTIFF PRAYS that an Attorney-at-Law be appointed to represent the absentee defendant(s) in the proceedings and that said defendants, JULIE SOLITO ACCARDO, be served with the notice of seizure and all other notices and

ISSUED not yet appt  
MAY 28 1993  
DATE  
S/ MYRA LANDEX  
Deputy Clerk

CODED

citations required or permitted by law through said Attorney-at-Law in the manner and form provided by law; plaintiff further reiterates the prayers of the petition filed herein.

Respectfully submitted,

BOLES, BOLES & RYAN  
ATTORNEY AT LAW  
1805 Tower Drive  
P. O. Box 2065  
Monroe, LA 71207-2065  
(318) 388-4050

BY: *Charles H. Ryan*  
Charles H. Ryan  
Bar #11557

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned legal authority in and for said Parish and State, personally came and appeared CHARLES H. RYAN, who first being duly sworn, did depose and say: That he is one of the attorneys for the plaintiff in the above and foregoing petition and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

*Charles H. Ryan*  
Charles H. Ryan

SWORN TO AND SUBSCRIBED before me, Notary, this 25th day of May, 1993.

*Conrad D. Motta*  
Notary Public

ORDER

IT IS ORDERED that *Robert D. Creeley*, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), JULIE SOLITO ACCARDO, and that said defendant(s) be served through said Attorney-at-Law with the notice of seizure and all other notices and citations required or permitted by law.

Gretna, Louisiana, this 27<sup>th</sup> day of May, 1993.

*Robert D. Creeley*  
JUDGE, DISTRICT COURT

**CODED**

**ON MINUTES  
MAY 28 1993**

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV A**  
JUDGE  
& CLERK OFFICE

**DIV**

Nº 449463

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NATIONAL MORTGAGE CO

*Plaintiff*

vs.

LEWANNA EDWARDS GOMEZ & DANEIL LOUIS GOMEZ & BRENDA BELL PORTIS

*Defendant*

RADER JACKSON

*Attorney for Plaintiff*

*Attorney for Defendant*

JUNE 2, 1993 jff

Date of Filing

HP Exhibit 0189 (189)

NM-04-04737

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
 STATE OF LOUISIANA  
 NO. 449-463 DIVISION A  
 NATIONAL MORTGAGE COMPANY  
 vs.  
 LEWANNA EDWARDS GOMEZ and DANIEL LOUIS GOMEZ  
 and  
 BRENDA BELL PORTIS

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 PARISH OF JEFFERSON, L.A.  
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FILED: \_\_\_\_\_ 19 \_\_\_\_\_ DEPUTY CLERK \_\_\_\_\_

MOTION TO APPOINT CURATOR

I.

ON MOTION of the plaintiff herein, who moves the Court for the appointment of a Curator ad Hoc on behalf of the defendant(s), Daniel Louis Gomez, Lewanna Edwards Gomez and Brenda Bell Portis, because from an examination of the record herein and more particularly the return of the Sheriff of the Parish of Jefferson, on the Notice of Seizure to be served on said defendant(s), it appears that the Sheriff has been unable to serve same after a due and diligent search therefor at the last known address in Louisiana. The Sheriff reports that he is unable to serve the defendants because the "house is empty."

II.

Accordingly, Mover shows that the said defendant(s) are absentees from this State, even though same may in fact be found within this State, all according to the definition of Article 5251 (1) Of the Louisiana Code of Civil Procedure, and that plaintiff is entitled to have an Attorney at Law appointed as Curator ad Hoc for the unrepresented and absent defendant(s).

*Motion not of court*  
 JUL 29 1993  
 S/ MYRA LANDIX  
 Deputy Clerk

CODED

O R D E R

THE ABOVE and foregoing Motion is GRANTED:

Let Robert S. Crosby, Attorney at Law, \_\_\_\_\_  
(Service Address) be appointed  
Curator ad Hoc for the absent and unrepresented defendants,  
Daniel Louis Gomez, Lewanna Edwards Gomez, and Brenda Bell  
Portis.

Metairie, Louisiana, this 28<sup>th</sup> day of July,  
1993.

COPIED

ON MINUTE  
JUL 29 1993

Thomas J. Baker  
J U D G E

Respectfully Submitted:

SHUSHAN, JACKSON & McPHERSON  
ATTORNEYS FOR PLAINTIFF

BY: [Signature]  
RADER JACKSON (atty bar code 7197)  
Suite 1500, 1010 Common Street  
New Orleans, Louisiana 70112  
(504) 581-9444

- 1) Please serve a copy of this Motion and Notice of Appointment on Curator.
- 2) Please send a copy of this Motion to the Sheriff, 'Attn: Real Estate Civil Seizures'.
- 3) Please serve the Sheriff's Notice of Seizure on defendants thru the above appointed Curator.

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
**JUDGE**  
**FRANK PATRICK JR.**

N<sup>o</sup> 44927

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

CHARLES F. CURRY CO (f/k/a CHARLES F. CURRY & CO)

vs.

*Plaintiff*

MARLINE WHELAN SMITH (a/k/a MARLENE WHELAN SMITH) & RICHARD SEILIN

SMITH & FOREST J CARTER, DECEASED

*Defendant*

JANE FAIA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

JUNE 11, 1993 jff

Date of Filing

HP Exhibit 0189 (190)

281  
CODED

93-0118

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 449-927

DIVISION 1  
JUDGE  
G. THOMAS PORTER, JR.

CHARLES F. CURRY COMPANY  
(F/K/A CHARLES F. CURRY AND COMPANY)

VERSUS

MARLINE WHELAN SMITH  
(A/K/A MARLENE WHELAN SMITH)

AND

RICHARD SEILIN SMITH

AND

FOREST J. CARTER, DECEASED

FILED FOR RECORD  
JUN 11 12 51 PM '93  
CLERK OF COURT  
PARISH OF JEFFERSON, LA.

FILED: \_\_\_\_\_  
DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS  
WITH BENEFIT OF APPRAISAL

The petition of Charles F. Curry Company (f/k/a Charles F. Curry and Company), a corporation organized under the laws of the United States of America, with respect represents:

I.

Petitioner is the holder and owner for valuable consideration, and before maturity, of that certain promissory note, payable to the order of "Bearer", made, subscribed and executed by Marline Whelan Smith (a/k/a Marlene Whelan Smith) and Richard Seilin Smith defendants herein, which said note is dated March 26, 1976, in the original principal sum of Twenty-Eight Thousand Five Hundred and No/100 (\$28,500.00) Dollars, with principal and interest payable at the rate of Two Hundred Twenty-Four and 30/100 (\$224.30) Dollars per month, commencing on the first day of May, 1976, and bearing Eight and Three-Fourths (8.75%) percent per annum interest from date, and providing that said note shall bear reasonable attorney's fees, which said note is secured and is officially paraphed "Ne Varietur" in conformity with an Act of Mortgage passed before Robert W. Lea, Notary Public, dated March 26, 1976 and which mortgage is recorded in Mortgage Office Book 674, folio 554, Parish of Jefferson, State of Louisiana. Said note is secured by an Act

JUN 24 1993  
Sub note of mortgage in v. suit

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JUN 25 1993  
S/ MYRA LANDIX  
CODED

of Mortgage in favor of "Charles F. Curry and Company" on the following described property, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon and all rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining situated in the City of Kenner, Parish of Jefferson, State of Louisiana, in that part thereof known as UNIVERSITY CITY SUBDIVISION, SECTION 2, and which portion of ground according to the plan thereof by Rene A. Harris, Inc., Consulting Engineers, entitled "Resubdivision of University City, Section 2", Jefferson Parish, Louisiana, dated March 15, 1963, designated as follows:

LOT EIGHT - A (8-A), SQUARE THIRTY - FOUR (34), bounded by East Louisiana State Drive, East Purdue Place, Ole Miss Drive and East Rice Place, measures sixty-two (62') feet front on East Louisiana State Drive, same width in the rear by a depth of One Hundred Ten (110') feet between equal and parallel lines, and Lot 8-A commences at a distance of 438 feet from the corner of East Louisiana State Drive and East Rice Place. All as more fully shown on survey by Gilbert, Kelly & Couturie, Inc., Surveying & Engineering, dated March 3, 1976, copy of which is annexed to an act before Robert W. Lea, Notary Public, dated March 26, 1976 and made a part thereto.

Improvements thereon bear Municipal No. 3716 East Louisiana State Drive.

## II.

Said note is endorsed in blank by Charles F. Curry and Company on the rear of said note and paraphed "Ne Varietur" for identification with an Act of Assignment passed before Geraldine Dietz, Notary Public, dated April 12, 1976, on the face of said note, however, said endorsement was not consummated at the time of the affixing of said paraph and the blank endorsement has been duly cancelled on the rear of said note and the paraph has been duly cancelled on the face of said note. Charles F. Curry and Company has since changed its name to Charles F. Curry Company. Accordingly, Charles F. Curry Company (f/k/a Charles F. Curry and Company), your petitioner herein, is the last holder and owner of said note.

## III.

In the above described act of mortgage, the said mortgagors, Marline Whelan Smith (a/k/a Marlene Whelan Smith) and Richard Seilin Smith, confessed judgment upon said note and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory

process for cash with or without appraisalment, and without the necessity of legal demand for payment, or putting in default. The said act of mortgage further provides that the said mortgagors do not have the right to sell, alienate or encumber the said property to the prejudice of the said act. The said act further provides that the mortgagors will pay the reasonable fees of the attorney at law employed to collect the note and mortgage. Said mortgagors have likewise waived all homestead exemptions.

## IV.

The said note and mortgage further provide that if any installment of principal and interest, or any part thereof shall remain unpaid on the said date when such installment is due, that the said note would be in default and the holder of the said note and mortgage shall then have the right to accelerate the terms thereof in the full amount, and the full unpaid balance in principal and interest shall immediately become due and owing together with said attorney's fees.

## V.

The said mortgage further provides that if the monthly payments stipulated in said act of Mortgage are in arrears mortgagor will, at creditor's option, pay to creditor a "late charge" not exceeding four per centum (4%) of any installment which is paid more than fifteen (15) days after the due date thereof, to cover the extra expense involved in handling delinquent payments. The monthly payments are in the sum of \$296.80, which allows the creditor to charge a late charge of \$11.60 on each installment delinquent in excess of fifteen (15) days.

## VI.

Petitioner avers that the said note and mortgage are past due and exigible and that the monthly installment due on October 1, 1992 and all subsequent installments are due and unpaid, and that because of said default, the entire unpaid principal balance in the sum of \$21,300.59 together with interest at the rate of Eight and

Three-Fourths (8.75%) percent per annum from September 1, 1992, plus a late charge of \$11.60 on each delinquent installment since October 16, 1992, together with any additional amounts which petitioner has advanced or hereafter advances, as permitted by the Note and Mortgage, for taxes, assessments, repairs to and maintenance and preservation of the mortgaged property, together with reasonable attorney's fees are due, owing and unpaid.

## VII.

Petitioner avers that the said Marline Whelan Smith (a/k/a Marlene Whelan Smith) and Richard Seilin Smith did, by a Settlement of Community passed before Michael H. Rasch, Notary Public, dated May 20, 1983, settle the acquets and gains existing between them and the said Marline Whelan Smith (a/k/a Marlene Whelan Smith) did transfer her one-half interest in said property sued upon herein to Richard Seilin Smith. Petitioner further avers that the said Richard Seilin Smith, divorced husband of Marline Whelan Smith (a/k/a Marlene Whelan Smith), did, by an Act of Sale with Assumption of Mortgage passed before Arthemise G. Barrios, Notary Public, dated December 21, 1987, recorded in Conveyance Office Book 1870, Page 0139, Mortgage Office Book 2129, Page 0146, Entry No. 87-62738, Jefferson Parish, Louisiana, grant, bargain, sell and convey said property to Forest J. Carter. That in said Act of Sale with Assumption of Mortgage the said Forest J. Carter did assume and obligate himself to all of the original terms and conditions of the note and mortgage sued upon herein.

## VIII.

Petitioner avers that the said Forest J. Carter has died and that no succession proceedings have been opened in order to settle his estate. Accordingly, it is necessary that an attorney at law be appointed by this court to represent and defend this suit on behalf of the said Forest J. Carter, all in accordance with Louisiana Civil Code of Procedure Article 2674 (2).

## IX.

Petitioner annexes hereto and makes a part hereof the

following documents (1) The original promissory note in the sum of Twenty-Eight Thousand Five Hundred and No/100 (\$28,500.00) Dollars, marked as Plaintiff's Exhibit "A", (2) A certified true copy of the Act of Mortgage, marked as Plaintiff's Exhibit "B", (3) Petitioner's affidavit of non-consummation and cancellation of blank endorsement and paraph by Geraldine Dietz, Notary Public, marked as Plaintiff's Exhibit "C", (4) A certified true copy of the Settlement of Community, marked as Plaintiff's Exhibit "D", and (5) A certified true copy of the Act of Sale with Assumption of Mortgage by Richard Seilin Smith, divorced husband of Marline Whelan Smith (a/k/a Marlene Whelan Smith) to Forest J. Carter, marked as Plaintiff's Exhibit "E", and makes all a part hereof as though copied at length herein.

## X.

On information and belief petitioner alleges that the defendants, Marline Whelan Smith (a/k/a Marlene Whelan Smith) and Richard Seilin Smith, are not in the active duty of the military service of the United States or any of its allies.

## XI.

Petitioner alleges amicable demand to no avail.

WHEREFORE, the premises and annexed documents and affidavit considered, petitioner prays that this court appoint a curator ad hoc to represent the deceased defendant, Forest J. Carter, in these proceedings, and that a Writ of Executory Process issue herein, that a Writ of Seizure and Sale issue immediately herein, directing the Civil Sheriff for the Parish of Jefferson, State of Louisiana, to seize, and after due advertisements, delays, requisites and formalities, save those expressly waived in the above described act of mortgage, to sell the said property described above according to law, for cash and with benefit of appraisal, to pay and satisfy the claim of your petitioner in the full sum of \$21,300.59 Dollars, with interest thereon at the rate of Eight and Three-Fourths (8.75%) percent per annum from September 1, 1992, together with a late charge of \$11.60 on each delinquent monthly installment since

October 16, 1992, and any additional amounts which petitioner has advanced or hereafter advances, as permitted by the Note and Mortgage, and proves according to law, for taxes, assessments, repairs to and maintenance and preservation of the mortgaged property, together with reasonable attorney's fees, and all costs of these proceedings, and petitioner prays to be paid the above amounts by preference and priority over all persons whomsoever, and for all other general and equitable relief.

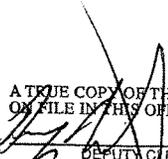
Respectfully submitted,

SHAPIRO AND KREISMAN



BY: \_\_\_\_\_  
JANE PALA MENTZ  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Petitioner  
3850 N. Causeway Blvd.  
Suite 710  
Metairie, Louisiana 70002  
Telephone No. (504) 831-7726

A TRUE COPY OF THE ORIGINAL  
OF FILE IN THIS OFFICE.



DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF TERREBONNE, LA.

ORDER

CONSIDERING the allegations of the foregoing petition and the exhibits attached thereto, it is ordered that Robert D. Ceady attorney at law be and is hereby appointed to represent the deceased defendant, Forest J. Carter.

IT IS FURTHER ORDERED that Executory Process issue immediately herein, as prayed for and according to law and that the writ of seizure be served upon all defendants and upon the attorney at law appointed to represent the deceased defendant, Forest J. Carter.

Gretna, Louisiana this 14<sup>th</sup> day of June 1993

**CODED**  
ON MINUTES  
JUN 17 1993  
Shirley R. ...  
J U D G E

PLEASE SERVE DEFENDANTS

Marline Whelan Smith (a/k/a Marlene Whelan Smith), divorced wife of Richard Seilin Smith  
3716 East Louisiana State Drive  
Kenner, Louisiana 70062

AND

Richard Seilin Smith, divorced husband of Marline Whelan Smith  
3010 8th Street  
Metairie, Louisiana 70002

AND

\_\_\_\_\_  
Attorney at Law appointed to represent Forest J. Carter, Deceased

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.  
Shirley R. ...  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.  
449907

**DIV. A**  
**JUDGE**  
**WACHOVIA MORTGAGE CO.**

Nº 451584

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

WACHOVIA MORTGAGE CO

vs.

FELTON CHARLES WARE & THERESA DIVINITY WARE

*Plaintiff*

*Defendant*

GEORGE B. DEAN, JR.  
*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 19, 1993 jff

Date of Filing

STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT  
WACHOVIA MORTGAGE COMPANY

VS. Suit #451-584 DIV A\_  
FELTON CHARLES WARE

FILED: \_\_\_\_\_

FILED FOR RECORD  
AUG 23 11 10 19  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.

MOTION & ORDER TO APPOINT CURATOR

On Motion of WACHOVIA MORTGAGE COMPANY and on suggesting to the Court that defendants(s) is/are "absentee(s)" defined by Louisiana Code of Civil Procedure article 5251(1) because, without limitation, Plaintiff has been unable to perfect service upon defendants, Felton Charles Ware and Theresa Divinity Ware, despite the diligent efforts to plaintiff and the Sheriff of Jefferson Parish, Louisiana, as reflected by the Sheriff;s return on the service documents, and the whereabouts of said defendant (s) is/are unknown, and/or if dead their heirs are unknown, then therefore, an attorney at law should be appointed by this court to act as Curator ad Hoc upon whom services of legal process may be served during these procedures,

IT IS ORDERED that Robert D. Crecely attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Gretna, Louisiana, this 24<sup>th</sup> day of August, 1993.

**CODED ON MINUTES**

JUDGE

AUG 25 1993

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

GEORGE B. DEAN, JR.

Sworn to and subscribed before me this 20th day of August, 1993.

Lawrence D. Smith  
Notary Public

Last known address:  
2857 Glenbrook Drive  
Gretna, La. 70056

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

not a copy  
AUG 25 1993  
S/ MYRA LANDIX  
Deputy Clerk

DEPUTY CLERK  
JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. 1**  
**PARISH OF JEFFERSON**  
**STATE OF LOUISIANA**

Nº 451772

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

MORTGAGE PROPERTIES CORP.

vs.

DONNA KRAUSE, DIVORCED WIFE OF/AND CHARLES J. ROMANO AND LAWRENCE PHILIP

HAND

*Plaintiff*

*Defendant*

JAMES C. ARCENEUX, III

*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 23, 1993 Ima

Date of Filing

HP Exhibit 0189 (193)

CODED-8

**DIV. A**

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO: 451-772

DIVISION " "

MORTGAGE PROPERTIES CORP.

VERSUS

DONNA KRAUSE, DIVORCED WIFE OF/AND CHARLES J. ROMANO  
AND  
LAWRENCE PHILIP HAND

FILED FOR RECORD  
JUL 22 1993  
PARISH OF JEFFERSON  
CLERK OF COURT  
CODED-8

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Mortgage Properties Corp., a corporation organized and existing under the laws of the State of Delaware having its principal place of business at 55 East 52nd St., 6th Floor, Park Avenue Plaza, New York, N.Y. 10055, with respect represents;

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Lawrence Philip Hand who was a resident of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Delta Savings and Loan Association in the principal sum of \$45,000.00 dated September 10, 1981 payable at 2001 Veterans Blvd., Kenner, La. or at such other place as the holder may designate in writing, in fixed monthly installments as set forth in the adjustable rate note and rider commencing on the first day of November, 1981 and payable in full on or before the first day of October, 2011. The said note bears interest at the rate as set forth in the Disclosure Statement annexed to the Mortgage on the unpaid balance from date until paid, and which said note is paraphrased "Ne Varietur" for identification with an Act of Mortgage

*AUG 04 1993  
file note + mortgages in Vault  
myf*

451772

-1- 3 mtd demand  
note of b-p AUG 04 1993

S/ MYRA LANDIX  
Deputy Clerk

CODED

dated September 10, 1981 and passed before James J. Donelon, Notary Public in and for the Parish of Jefferson and two witnesses, and duly recorded in MOB 834, folio 243, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

## II.

The said mortgagor did, in the said act, waive all homestead exemptions to which he may be entitled under the Constitution and laws of the State of Louisiana.

## III.

In the above mentioned Act, the mortgagor agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Delta Savings and Loan Association, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagor bound and obligated himself not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

## IV.

In the above mentioned act, the said mortgagor confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

## V.

In the said act hereinabove referred to, the said mortgagor did specially mortgage, affect and hypothecate unto and in favor

of the mortgagee, Delta Savings and Loan Association and any and all other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT CERTAIN CONDOMINIUM UNIT, together with all the improvements, servitudes, rights, ways, privileges and appurtenances thereunto belonging or in anywise appertaining, designated as UNIT NO. 102, 1020 St. Julien Drive, Kenner, Louisiana, including an undivided 2.857 (1/35th) percent ownership in the Common Elements and Limited Elements as more fully set forth in that certain Declaration of Condominium Ownership of BEAU CHATEAU CONDOMINIUMS created by act before Malcolm A. Meyer, Notary Public, on November 7, 1979, registered in COB 983, folio 940 and amended on October 9, 1980, by act before same Notary, registered in COB 990, folio 598 in the records of the Parish of Jefferson, State of Louisiana, together with the survey, plat and other instruments and documents annexed thereto and incorporated by reference therein which establishes the Beau Chateau Condominiums, which said condominium unit and the Common Elements and Limited Common Elements related thereto are situated upon Lot A-1 in Chateau Estates North, Section 2, Square 11 and bear Municipal Number 1020 St. Julien Drive, Kenner, La. 70062.

## VI.

By Act of Cash Sale and Assumption of Mortgage executed December 30, 1983, before Wallace H. Paletou, Notary Public, the above described property was transferred by Lawrence Philip Hand to Donna Krause, wife of/and Charles J. Romano, which said act is duly recorded in MOB 905, folio 749, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

## VII.

The reverse of the referenced promissory note reflects an endorsement by Delta Savings and Loan Association to Federal Home

Loan Bank of Dallas placed on said note in conjunction with the custodial assignment of said note by Delta Savings and Loan Association to Federal Home Loan Bank of Dallas as additional security for the advance of funds by Federal Home Loan Bank of Dallas; subsequently, the note was endorsed and returned by Federal Home Loan Bank of Dallas to Delta Savings and Loan Association, F.A.. No Act of Assignment was executed in conjunction with the endorsements inasmuch as the note in question was being pledged/held as security for the advance of funds by Federal Home Loan Bank of Dallas to Delta Savings and Loan Association. Moreover, when a promissory note has been assigned and is reacquired by the assignor, the intervening endorsements not necessary to its title may be cancelled pursuant to the provisions of R. S. 10:3-208.

## VIII.

By Act of Notarial Endorsement and Assignment of Mortgage Note dated November 14, 1991, executed before Louise M. Ruess, Notary Public, recorded in MBO 3180, folio 143, the above described mortgage note was transferred and assigned by Resolution Trust Corporation as Receiver for Delta Savings and Loan Association, F.A., f/k/a Delta Savings and Loan Association unto First Boston Mortgage Capital Corp., a certified copy of said assignment is attached hereto and made a part hereof and marked Plaintiff's Exhibit "D".

## IX.

By Act of Notarial Endorsement and Assignment of Mortgage Note dated September 18, 1992, executed before Martha Noriega, Notary Public, the above described mortgage note was transferred and assigned by First Boston Mortgage Capital Corp. unto Mortgage Properties Corp., the original of said assignment is attached hereto and made a part hereof and marked Plaintiff's Exhibit "E".

## X.

The petitioner herein, Mortgage Properties Corp., has been advised that Lawrence Philip Hand has moved and left no forwarding address. A check of the Haines, Polk and telephone directories failed to reflect the current whereabouts of this defendant. Accordingly, it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendant, Lawrence Philip Hand.

## XI.

The assumptors having failed to make the payments required under the terms of the mortgage, are in default under the terms of said mortgage; due notice of default having been given to borrowers, Mortgage Properties Corp., the last holder of the note, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from June 1, 1990 to date.

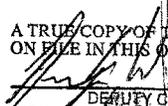
WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendant, Lawrence Philip Hand and, further, petitioner prays for an order of Executory Process herein; that due notice of demand be served upon the defendants and thereafter, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell without appraisalment and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of \$42,248.76 with as set forth in the Disclosure Statement annexed to the Mortgage from May 1, 1990 until paid, together with 15% percent attorney's fees

on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

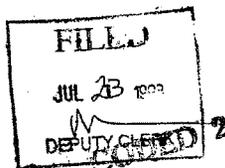
GRAHAM & ARCENEUX

BY:   
JAMES C. ARCENEUX, III  
Bar Roll No. 2524  
601 Poydras St., Suite 2650  
New Orleans, La. 70130  
Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

A F F I D A V I T



STATE OF LOUISIANA  
PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEUX, III

Attorney for GE Capital Asset Management Corporation, servicing agent for Mortgage Properties Corp. who upon being first duly sworn did depose and say;

That he has reviewed the foreclosure data sheet supplied by GE Capital Asset Management Corporation, servicing agent for Mortgage Properties Corp. and the other documentation supplied in conjunction with Loan No. 0240003368 in the name of Lawrence Philip Hand assumed by Donna Krause, wife of/and Charles J. Romano, and according to said data sheet the current principal balance due and owing is \$42,248.76, with interest as set forth in the Disclosure Statement annexed to the Mortgage from May 1, 1990 until paid, which said account is currently due for the months of June, 1990 until date; and moreover that defendants are not in the Armed Forces of the United States.

Affiant further declared that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

*James C. Arceneux III*  
\_\_\_\_\_  
JAMES C. ARCENEUX, III

SWORN TO AND SUBSCRIBED BEFORE  
ME THIS 22nd DAY OF July,  
1993.

*Patricia R. Francis*  
\_\_\_\_\_  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

*[Signature]*  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

ORDER

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein. It is further ordered that a Notice of Demand for payment be served on defendants herein and thereafter that a Writ of Seizure and Sale issue herein forthwith, as prayed for, according to law, without appraisement.

Let Robert J. Czeely, Esq. be appointed as Curator-ad-Hoc to represent the absent defendant, Lawrence Philip Hand.

Gretna, Louisiana  
July 29, 1993

*[Signature]*  
J U D G E

CODED ON MINUTES  
AUG 2 1993

PLEASE SERVE:

- (1) NOTICE OF DEMAND
- (2) NOTICE OF SEIZURE AND SALE ON:

Donna Krause Romano  
46 Madrid  
Kenner, La. 70065

Charles J. Romano  
3901 N. I-10 Service Road.  
Apt. H-257  
Metairie, La. 70002

PLEASE SERVE

- NOTICE OF APPOINTMENT
- NOTICE OF DEMAND
- NOTICE OF SEIZURE AND
- COPY OF PETITION ON:

\_\_\_\_\_, Esq.  
Curator-ad-Hoc to represent  
the absent defendant  
Lawrence Philip Hand

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV**  
**DIV. A**  
JUDGE  
HONORABLE

Nº 452302

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

CITY OF KENNER
vs.
THE SUCC OF YVONNE & JOHN RODZEN
<i>Plaintiff</i>
<i>Defendant</i>
J. CASEY FOS
<i>Attorney for Plaintiff</i>
<i>Attorney for Defendant</i>
AUGUST 4, 1993 jff
Date of Filing

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.: 452-302

DIVISION

DOCKET NO.:

CITY OF KENNER

VERSUS

THE SUCCESSION OF YVONNE AND JOHN RODZEN

FILED FOR RECORD  
AUG 19 1993  
PARISH OF JEFFERSON, LA  
DEPUTY CLERK

FILED:

**DIV. A**  
JUDGE  
THOMAS PORTEOUS, JR.  
DEPUTY CLERK

**PETITION FOR PRELIMINARY  
AND PERMANENT INJUNCTION**

The Petition of the City of Kenner, a Louisiana municipality incorporated under the laws of Louisiana and domiciled in Jefferson Parish with respect represents the following, to-wit:

**I.**

Upon information and belief, the record owners of Lots 35 and 36, Square 500, Highway Park Subdivision, Kenner, Louisiana, bearing the municipal address 2011 Georgia Avenue, are Yvonne and John Rodzen, now deceased.

**II.**

A succession proceedings bearing the style Succession of Yvonne and John Rodzen, No. 352-951, Division "H", was filed on or about October 22, 1987. Since this time no further pleadings have been filed and this case has, upon information and belief prescribed for lack of prosecution.

**III.**

The presumptive heirs of Yvonne and John Rodzen are:

- a. John Rodzen, Jr., who upon information and belief is a person of full age and majority domiciled in the Parish of St. Charles, State of Louisiana;
- b. Evelyn Gamble, who upon information and belief is a person of full age and majority domiciled in the Parish of St. Charles, State of Louisiana;
- c. James Rodzen, who upon information and belief is a person of full age and majority domiciled in the Parish of Jefferson, State of Louisiana, who it is believed occupies intermittently the property made the subject of this suit;
- d. Patricia Perkins, who upon information and belief is a person of full age and majority domiciled in the Parish of Jefferson, State of Louisiana, but whose exact whereabouts are unknown; and

**CODED**

AUG 20 1993

S/ MYRA LANDEX

452 302

- e. JoAnn Lea, who upon information and belief is a person of full age and majority whose whereabouts are unknown.

IV.

The above-referenced property which upon information and belief is an asset of the Succession of Yvonne and John Rodzen is in violation of the laws and ordinances of the city of Kenner by being in a dangerous state of disrepair and by having tall, uncut grass on the property.

V.

The City of Kenner is entitled to and seeks a preliminary injunction enjoining the Succession of Yvonne and John Rodzen and/or the presumptive legal heirs of Yvonne and John Rodzen from violating the laws and ordinances of the City of Kenner as set forth above. After due delay, the City of Kenner is entitled to and seeks a permanent injunction in the same form and substance as the preliminary injunction.

VI.

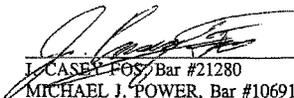
Because no further pleadings have been filed in the Succession of Yvonne and John Rodzen for over five (5) years and the whereabouts of the presumptive legal heirs of Yvonne and John Rodzen are unknown it is necessary and proper for this Court to appoint an Attorney-at-Law to represent the absent heirs pursuant to La. C.C.P. art. 3171, et. seq.

**WHEREFORE**, petitioner, the City of Kenner, prays that this Petition be deemed good and sufficient and that this Court appoint an Attorney-at-Law to represent the absent heirs of Yvonne and John Rodzen and that the heirs of Yvonne and John Rodzen through their Court appointed Attorney-at-Law be cited to appear and show cause, if any, they can why the City of Kenner should not be granted the preliminary injunction enjoining the Succession of Yvonne and John Rodzen and/or the heirs of Yvonne and John Rodzen from violating the laws and ordinances of the City of Kenner. The City of Kenner further prays that after all due proceedings are had herein a permanent injunction issue herein in the same substances and form

as the preliminary injunction enjoining the Succession of Yvonne and John Rodzen and/or the heirs of Yvonne and John Rodzen from violating the laws and ordinances of the City of Kenner.

Respectfully submitted,

ANSARDI, MAXWELL & POWER

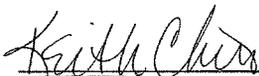
  
MICHAEL J. POWER, Bar #10691  
Concourse Place, Suite 125  
1940 I-10 Service Road  
Kenner, Louisiana 70065  
(504) 466-1331

**VERIFICATION**

**BEFORE ME** the undersigned, Notary Public, personally came and appeared:

**KEITH CHIRO,**

who, after being duly sworn did depose and state that he is the Director for Inspections and Code Enforcement for the City of Kenner. He has read the above and foregoing Petition for Preliminary and Permanent Injunction and all of the allegations contained therein are true and correct to the best of his information, knowledge and belief.

  
KEITH CHIRO

**SWORN TO AND SUBSCRIBED**

**BEFORE ME THIS** 4 **DAY**

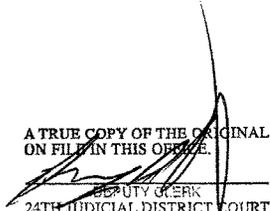
**OF** August, 1993.

  
NOTARY PUBLIC

**ORDER**

In consideration of the above and foregoing verified Petition for Preliminary and Permanent Injunction;

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF TERREBONNE

IT IS ORDERED that Robert G. Crealy, Attorney-at-Law be appointed to represent the absent heirs of Yvonne and John Rodzen.

GREINA, LOUISIANA, this 5 day of August, 1993.

CODED

ON MINUTES  
AUG 10 1993

[Signature]  
JUDGE

**PLEASE SERVE:**

John Rodzen, Evelyn Gamble, James Rodzen,  
Patricia Perkins and JoAnn Lea  
Through their Court Appointed Attorney-at-Law

A TRUE COPY OF THE ORIGINAL  
BE FILED IN THIS OFFICE.

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA. 6 1-1-11

**DIV. A**  
JUDGE  
~~TRAVIS PATTON, JR.~~  
**DIV.**

Nº 452464

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

LEADER FEDERAL BANK FOR SAVINGS

vs.

FRANCISCO J. SALMERON, SR. & SHERYL ANN BUSH, a/k/a

SHERYL ANN BUSH GERRICK

*Plaintiff*

*Defendant*

GEORGE B. DEAN, JR.

*Attorney for Plaintiff*

*Attorney for Defendant*

AUGUST 9, 1993 jff

Date of Filing

HP Exhibit 0189 (195)

STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT  
LEADER FEDERAL BANK FOR SAVINGS

FILED: \_\_\_\_\_

VS. Suit #452-464-DIV A  
FRANCISCO J. SALMERON, SR.

FILED FOR RECORD  
OCT 4 PM 12 30  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA

MOTION & ORDER TO APPOINT CURATOR

On Motion of LEADER FEDERAL BANK FOR SAVINGS and on suggesting to the Court that defendants(s) is/are "absentee(s)" defined by Louisiana Code of Civil Procedure article 5251(1) because, without limitation, Plaintiff has been unable to perfect service upon defendants, Francisco J. Salmeron, Sr., despite the diligent efforts to plaintiff and the Sheriff of Jefferson Parish, Louisiana, as reflected by the Sheriff;s return on the service documents, and the whereabouts of said defendant(s) is/are unknown, and/or if dead their heirs are unknown, then therefore, an attorney at law should be appointed by this court to act as Curator ad Hoc upon whom services of legal process may be served during these procedures,

IT IS ORDERED that Robert D. Cooley attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Gretna, Louisiana, this 9th day of October 1993.

CODED ON MINUTES  
OCT 12 1993

JUDGE

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.  
GEORGE B. DEAN, JR.

Sworn to and subscribed before me this 30th day of September, 1993.

Lisa Canoy  
Notary Public

Last known address:  
5 Creagan Ave  
Gretna, LA  
A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

CODED

ISSUED noted, copy  
DATE OCT 13 1993  
S/ MYRA LANDIX

DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

Deputy Clerk



STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT  
STM MORTGAGE COMPANY

FILED: \_\_\_\_\_

VS. Suit #452-466-DIV A  
LINDA M. NICHOLSON

FILED FOR RECORD  
OCT 14 PM 11:58  
PARISH OF JEFFERSON, LA.  
CLERK

MOTION & ORDER TO APPOINT CURATOR

On Motion of STM MORTGAGE COMPANY and on suggestion of the Court that defendants(s) is/are "absentee(s)" defined by Louisiana Code of Civil Procedure article 5251(1) because, without limitation, Plaintiff has been unable to perfect service upon defendants, Linda M. Nicholson, Freddie W. Davis, Jr and Ronald Dumas, despite the diligent efforts to plaintiff and the Sheriff of Jefferson Parish, Louisiana, as reflected by the Sheriff;s return on the service documents, and the whereabouts of said defendant (s) is/are unknown, and/or if dead their heirs are unknown, then therefore, an attorney at law should be appointed by this court to act as Curator ad Hoc upon whom services of legal process may be served during these procedures,

IT IS ORDERED that Robert D. Cuddy attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Gretna, Louisiana, this 8<sup>th</sup> day of October, 1993.

ON MINUTES  
OCT 12 1993  
CODED

Thomas W. [Signature]  
JUDGE

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

CODED

[Signature]  
GEORGE B. DEAN, JR.

Sworn to and subscribed before me this 30th day of September, 1993.

Lisa Conroy  
Notary Public

Last known address:  
3804 Chinlapin Street  
Harvey, La. A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

ISSUED last of sept  
OCT 13 1993  
DATE  
S/ MYRA LANDIX  
Deputy Clerk

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

~~FILED~~  
~~CLERK~~  
~~U.S. DISTRICT COURT~~  
~~NEW ORLEANS, LOUISIANA~~  
**DIV**

Nº 452817

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NATIONAL MORTGAGE CO

vs.

VIRGIL CARROLL BLAND & DEBORAH BROOKS BLAND

*Plaintiff*

*Defendant*

JANE FAIA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

DATE OF FILING AUGUST 17, 1993 jff

Date of Filing

HP Exhibit 0189 (197)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 452-817

NATIONAL MORTGAGE COMPANY

VERSUS

VIRGIL CARROLL BLAND

AND

DEBORAH BROOKS BLAND

FILED FOR RECORD  
103 SEP 17 PM 3 24  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.  
CODED

FILED: \_\_\_\_\_  
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of National Mortgage Company, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Virgil Carroll Bland and Deborah Brooks Bland, is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), Virgil Carroll Bland and Deborah Brooks Bland.

WHEREFORE, for the reasons listed herein, Mover prays that this court appoint an attorney at law as curator ad hoc for the

FILED NOV 20 1993  
SEP 23 1993  
S/ MYRA LANDIX  
CODED

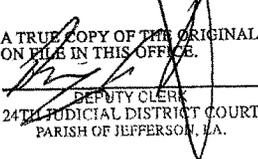
defendant(s), Virgil Carroll Bland and Deborah Brooks Bland, and  
for all other relief as is just and proper in the premises.

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Stacy C. Wheat  
JANE FAIA MENTZ  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Plaintiff  
3850 N. Causeway Blvd., Suite 710  
Metairie, LA 70002  
(504) 831-7726

A TRUE COPY OF THE ORIGINAL  
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DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 452-817

DIVISION "A"

NATIONAL MORTGAGE COMPANY

VERSUS

VIRGIL CARROLL BLAND

AND

DEBORAH BROOKS BLAND

FILED: \_\_\_\_\_ DEPUTY CLERK

ORDER

Considering the above and foregoing,  
IT IS ORDERED BY THE COURT, that Robert D. Cecily  
attorney at law be and he is hereby appointed curator ad hoc for  
defendant(s) Virgil Carroll Bland and Deborah Brooks Bland, in  
these proceedings and that a Writ of Seizure and Sale issue herein,  
and be served upon said attorney at law.

Gretna, Louisiana, this 21<sup>st</sup> day of September  
19 93.

CODED ON MINUTES  
SEP 23 1993

[Signature]  
JUDGE

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[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

Nº 453498

**DIV**  
of the  
**DIV. A**  
JUDGE  
of the  
PARISH OF LOUISIANA

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

FIRST NATIONAL BANK OF CHICAGO NOT IN ITS INDIVIDUAL CAPACITY BUT

SOLELY AS TRUSTEE FOR AMERICAN HOUSING TRUST I

vs.

*Plaintiff*

VICTOR CASTRO, JR., LANITA FRANCINE CASTRO (a/k/a LANITA FRANCINE

HARRIS CASTRO) & JOSEPH MERVYB SIMON & INGRID MARSHALL SIMON

*Defendant*

JANE FAIA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

SEPTEMBER 1, 1993 jff

Date of Filing

HP Exhibit 0189 (198)

DIV. A 93-0273

G. THOMAS JUDGE OF JEFFERSON  
G. THOMAS JEFFERSON, JR.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 453-498

DIVISION

FIRST NATIONAL BANK OF CHICAGO NOT IN ITS INDIVIDUAL CAPACITY BUT  
SOLELY AS TRUSTEE FOR AMERICAN HOUSING TRUST I

VERSUS

VICTOR CASTRO, JR.

AND

LANITA FRANCINE CASTRO  
(A/K/A LANITA FRANCINE HARRIS CASTRO)

AND

JOSEPH MERVYN SIMON

AND

INGRID MARSHALL SIMON

FILED: \_\_\_\_\_ DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS  
WITH BENEFIT OF APPRAISAL

The petition of the First National Bank of Chicago not in its individual capacity but solely as Trustee for American Housing Trust I, a corporation organized under the laws of the United States of America, with respect represents:

I.

Petitioner is the holder and owner for valuable consideration, and before maturity, of that certain promissory note, payable to the order of the "Administrator of Veterans Affairs", made, subscribed and executed by, Victor Castro, Jr. and Lanita Francine Castro (a/k/a Lanita Francine Harris Castro), defendants herein, which said note is dated April 14, 1988 in the original principal sum of Thirty-Two Thousand Five Hundred and No/100 (\$32,500.00) Dollars with principal and interest payable at the rate of Three Hundred and Two and No/100 (\$302.00) Dollars per month, commencing on the first day of May, 1988 and bearing Nine and One-Half (9.500%) percent per annum interest from date, and providing that

SEP 08 1993  
file note & mortgage in judgment

FILED  
SEP 08 1993  
PARISH OF JEFFERSON, LA  
COURT CLERK  
DEPT. OF REVENUE

DATE not a copy  
SEP 08 1993  
S/ MYRA LANDIX

CODED 453498

said note shall bear reasonable attorney's fees of all sums due under said note, which said note is secured and is officially paraphrased "Ne Varietur" for identification with an Act of Mortgage passed before Ellen Mullins, Notary Public, dated April 14, 1988 and which mortgage is recorded in Mortgage Office Book 2211, folio 1, Instrument Number 8816266, Parish of Jefferson, State of Louisiana. Said note is secured by an Act of Mortgage in favor of the "Administrator of Veterans' Affairs", on the following described property, to-wit:

ONE CERTAIN LOT OF GROUND, together with all the building and improvements thereon, and all the rights, ways, privileges, servitudes, and appurtenances thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in Section 7, Township 14 S., R. 23 E., located in ESTELLE HEIGHTS SUBDIVISION EXTENSION NO. 2, according to a plan of Subdivision of WM. Maier, Civil Engineer, dated September 30, 1967, revised October 23, 1967, approved by the Jefferson Parish Council on November 30, 1967, under Ordinance No. 8564, a print of which is attached to Entry No. 413-169 and is on file in the office of the Clerk of Court for the Parish of Jefferson in Plan Book 60, as Plan 25, the said lot is designated and measures as follows:

Lot 13, Square 15, which said Square is bounded by Jimmy Dean Drive, Ames Boulevard, Russell Drive and Yvonne Drive and measures 65.52 feet front on Jimmy Dean Drive, a width in the rear of 84.05 feet, a depth of 101.70 feet on the side line adjoining Lot No. 12 and a depth of 100 feet on the opposite side line. All according to survey by Sterling Mandle, Land Surveyor, dated June 17, 1976.

Improvements thereon bear the Municipal No. 2733 Jimmy Dean Drive, Marrero, Louisiana 70072.

#### II.

Said note is endorsed "Without recourse, Pay to the Order of the First National Bank of Chicago as Trustee for American Housing Trust 1, Paul Griener Loan Guaranty Officer, on behalf of the Administrator of Veterans Affairs, pursuant to the authority granted under 38 CFR 36.4342", which, together with an Assignment of Mortgage passed before Paul H. Cassou, Notary Public, dated June 29, 1988, transferred said note from the Administrator of Veterans Affairs to the First National Bank of Chicago as Trustee for American Housing Trust 1. Accordingly, the First National Bank of Chicago not in its individual capacity but solely as Trustee for American Housing Trust I, your petitioner herein, is the last holder and owner of said note.

#### III.

In the above described act of mortgage, the said mortgagors,

453498 P.M.

Victor Castro, Jr. and Lanita Francine Castro (a/k/a Lanita Francine Harris Castro), confessed judgment upon said note and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory process for cash without appraisal, and without the necessity of legal demand for payment, or putting in default. The said act of mortgage further provides that said mortgagors do not have the right to sell, alienate or encumber the said property to the prejudice of the said act. The said act further provides that the mortgagors will pay the fees of the attorney employed to collect the said note and mortgage, which said fees are fixed at a reasonable amount of the amount sued upon. Said mortgagors have likewise waived all homestead exemptions.

## IV.

The said note and mortgage further provide that if any installment of principal and interest, or any part thereof shall remain unpaid on the said date when such installment is due, that the said note would be in default and the holder of the said note and mortgage shall then have the right to accelerate the terms thereof in the full amount, and the full unpaid balance in principal and interest shall immediately become due and owing together with said attorney's fees.

## V.

The said mortgage further provides that if the monthly payments stipulated in said act of Mortgage are in arrears "Borrower shall pay to Lender a late charge of four (4%) percent of any monthly installment as provided in the Note not received by Lender within fifteen (15) days after such installment is due". The current monthly payments are in the sum of \$351.50, which allows the lender to charge a late charge of \$14.06 on each installment delinquent in excess of fifteen (15) days.

## VI.

Petitioner avers that the said note and mortgage are past due and exigible and that the monthly installment due on September 1, 1992 and all subsequent installments are due and unpaid, and that because of said default, the entire unpaid principal balance in the

sum of \$31,246.13 together with interest at the rate of Nine and One-Half (9.500%) percent per annum from August 1, 1992, together with a late charge of \$14.06 on each delinquent installment since September 16, 1992, together with any additional amounts which petitioner has advanced or hereafter advances, as permitted by the Note and Mortgage, for taxes, assessments, repairs to and maintenance and preservation of the mortgaged property, together with reasonable attorney's fees of all sums due under said note and mortgage is now due, owing and unpaid.

## VII.

Petitioner avers that the said Victor Castro, Jr. and Lanita Francine Castro (a/k/a Lanita Francine Harris Castro), represented by their duly authorized agent and attorney in fact, Thelma Miller, did, by an Act of Sale and Assumption of Mortgage passed before H. Edward Ellzey, Notary Public, dated December 11, 1989, recorded in Conveyance Office Book 2281, Page 0310, Mortgage Office Book 2639, Page 0505, Jefferson Parish, Louisiana, grant, bargain, sell and convey said property to Joseph Mervyn Simon and Ingrid Marshall Simon. That in said Act of Sale and Assumption of Mortgage the said Joseph Mervyn Simon and Ingrid Marshall Simon, being represented by their duly authorized agent and attorney in fact, Richard P. Berry, did assume and obligate themselves to all of the original terms and conditions of the note and mortgage sued upon herein.

## VIII.

Petitioner annexes hereto and makes a part hereof the following documents (1) The original promissory note in the sum of Thirty-Two Thousand Five Hundred and No/100 (\$32,500.00) Dollars, marked as Plaintiff's Exhibit "A", (2) A certified true copy of the Act of Mortgage, marked as Plaintiff's Exhibit "B", (3) A certified true copy of the Assignment of Mortgage by the Administrator of Veterans Affairs to the First National Bank of Chicago as Trustee for American Housing Trust 1, marked as Plaintiff's Exhibit "C", and (4) A certified true copy of the Sale and Assumption by Victor Castro, Jr. and Lanita Francine Castro (a/k/a Lanita Francine Harris Castro) to Joseph Mervyn Simon and Ingrid Marshall Simon,

including Powers of Attorney by Victor Castro, Jr. and Lanita Francine Castro (a/k/a Lanita Francine Harris Castro) to Thelma Miller and by Joseph Mervyn Simon and Ingrid Marshall Simon to Richard P. Berry, marked as Plaintiff's Exhibit "D", and makes all a part hereof as though copied at length herein.

## IX.

On information and belief petitioner alleges that the defendants, Victor Castro, Jr., Lanita Francine Castro (a/k/a Lanita Francine Harris Castro), Joseph Mervyn Simon and Ingrid Marshall Simon, are not in the active duty of the military service of the United States or of any of its allies. Petitioner further alleges that the defendants, Victor Castro, Jr. and Lanita Francine Castro (a/k/a Lanita Francine Harris Castro), are currently residing at 8000 Waters Avenue, #159, Savannah, Georgia 31406 and accordingly are absentee defendants and further that the defendants, Joseph Mervyn Simon and Ingrid Marshall Simon, are currently residing at 21418 Bloomfield #62, Lakewood, California 90715 and accordingly are absentee defendants. Petitioner alleges that it is entitled to the appointment of an attorney to represent defendants, Victor Castro, Jr., Lanita Francine Castro (a/k/a Lanita Francine Harris Castro), Joseph Mervyn Simon and Ingrid Marshall Simon, all in accordance with Civil Code of Procedure Article 2674.

## XI.

Petitioner alleges amicable demand to no avail.

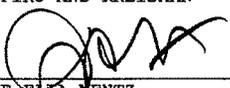
WHEREFORE, the premises and annexed documents and affidavit considered, petitioner prays that this court appoint a curator ad hoc to represent the absentee defendants in these proceedings, and that a Writ of Executory Process issue herein, that a Writ of Seizure and Sale issue herein, directing the Civil Sheriff for the Parish of Jefferson, State of Louisiana, to seize, and after due advertisement, delays, requisites and formalities, save those expressly waived in the above described act of mortgage, to sell the said property described above according to the law, for cash and with benefit of appraisal, to pay and satisfy the claim of your petitioner in the full sum of \$31,246.13 Dollars, with interest

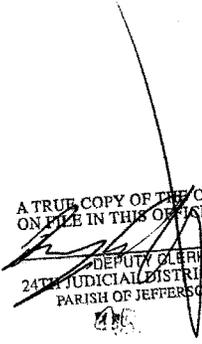
4. 1A D

thereon at the rate of Nine and One-Half (9.500%) percent per annum from August 1, 1992, together with a late charge of \$14.06 on each delinquent monthly installment since September 16, 1992, and any additional amounts which petitioner has advanced or hereafter advances, as permitted by the Note and Mortgage, and proves according to law, for taxes, assessments, repairs to and maintenance and preservation of the mortgaged property, together with reasonable attorney's fees of all sums due, owing and unpaid, and all costs of these proceedings, and petitioner prays to be paid the above amount by preference and priority over all persons whomsoever, and for all other general and equitable relief.

Respectfully submitted,

SHAPIRO AND KREISMAN

  
BY: \_\_\_\_\_  
JANE FARA MENTZ  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Petitioner  
3850 N. Causeway Blvd.  
Suite 710  
Metairie, Louisiana 70002  
Telephone No. (504) 831-7726

  
A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

ORDER

CONSIDERING the allegations of the foregoing petition and the exhibits attached thereto, it is ordered that Robert G. Creeley attorney at law be and is hereby appointed to represent the absentee defendants, Victor Castro, Jr., Lanita Francine Castro (a/k/a Lanita Francine Harris Castro), Joseph Mervyn Simon and Ingrid Marshall Simon, herein.

IT IS FURTHER ORDERED that Executory Process issue immediately herein, as prayed for and according to law and that the writ of seizure be served upon said attorney at law appointed to represent the absentee defendants Victor Castro, Jr., Lanita Francine Castro (a/k/a Lanita Francine Harris Castro), Joseph Mervyn Simon and Ingrid Marshall Simon.

Gretna, Louisiana, this 2<sup>nd</sup> day of September, 1993

[Signature]  
JUDGE

CODED

ON MINUTES  
SEP 7 1993

PLEASE SERVE

Robert G. Creeley  
Attorney at Law to represent  
Victor Castro, Jr., Lanita  
Francine Castro (a/k/a Lanita  
Francine Harris Castro), Joseph  
Mervyn Simon and Ingrid Marshall  
Simon

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24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
**JUDGE**  
**ERNEST PEREZ, JR.**  
**DIV**

Nº 453829

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

STANDARD MORTGAGE CORP.

*Plaintiff*

vs.

SANDRA BETHAY, w/o & EDWARD J. TOURELLE, JR. & LINDA PEREZ, w/o &

ERNEST JOSEPH BABIN, JR.

*Defendant*

JAMES C. ARCENEUX, III  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing \_\_\_\_\_ SEPTEMBER 9, 1993 iff \_\_\_\_\_

HP Exhibit 0189 (199)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO: 453-829

DIVISION

STANDARD MORTGAGE CORPORATION

VERSUS

SANDRA BETHAY, WIFE OF/AND EDWARD J. TOURELLE, SR.  
AND  
LINDA PEREZ, WIFE OF/AND ERNEST JOSEPH BABIN, JR.

FILED: \_\_\_\_\_

DEPUTY CLERK

**DIV. A**  
JUDGE  
L. THOMAS PATRICE, JR.  
FILED FOR RECORD  
Coted 177

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Standard Mortgage Corporation, a Louisiana corporation whose principal place of business is 300 Plaza, One Shell Square, New Orleans, Louisiana 70139, with respect represents,

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Linda Perez Babin, wife of/and Ernest Joseph Babin, Jr. who were residents of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Standard Mortgage Corporation in the principal sum of \$63,550.00 dated February 20, 1987 payable at Standard Mortgage Corporation, 300 Plaza, One Shell Square, New Orleans, La. 70139 or at such other place as the holder may designate in writing, in fixed monthly installments of \$466.31 commencing on the first day of April, 1987 and payable in full on or before the first day of March, 2017. The said note bears interest at the rate of 8% percent per annum on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for identification with an Act of Credit Sale and Vendor's Lien dated February 20, 1987 and passed before Patricia

SEP 21 1993  
file note + mortgage in vault  
ng

453829

-1-

ISSUED Not a part  
DATE SEP 21 1993  
S/ MYRA LANDIX  
Deputy Clerk

B. Arnona, Notary Public in and for the Parish of Jefferson and two witnesses, and duly recorded in MOB 1842, folio 284, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

## II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

## III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

## IV.

In the above mentioned act, the said mortgagors confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

## V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Standard Mortgage Corporation and any and all

other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT PORTION OF GROUND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging, or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in Township 14 South, Ranges 23 and 24 East, Southeast Land District of Louisiana, West of the Mississippi River, known as Harvey Canal Property, Jefferson Parish, Louisiana, designated as Parcel P-6, as per plan by J. J. Krebs & Sons, Inc., C.E., dated May 15, 1973, revised September 26, 1973, April 11, 1974, May 5, 1975, December 29, 1975, October 19, 1976, March 27, 1978, July 24, 1978 and December 5, 1979, which said portion has been resubdivided into WOODMERE SUBDIVISION SECTION 8, all as per plan of resubdivision by J. J. Krebs & Sons, Inc., C.E., dated October 15, 1979, approved by the Jefferson Parish Council by Ordinance No. 14246, on March 12, 1980, registered in COB 979, folio 380, and as per Act of Dedication before Odom B. Heebe, N.P., dated June 2, 1980, registered in COB 982, folio 845; same being designated as follows:

LOT 2226, SQUARE H-1, which said square is bounded by Deerglen Drive, Whippetree Drive, Glenmere Drive and Deercross Place, and said Lot 2226 commences at a distance of 529.04 feet from the intersection of Deerglen Drive and Whippetree Drive and measures thence 60 feet front on Deerglen Drive, same in width in the rear, by a depth of 100 feet between equal and parallel lines, all as per survey made by J. J. Krebs & Sons, Inc., C.E. & S., dated June 5, 1981, resurveyed July 14, 1981 to show improvements designated as 4037 Deerglen Drive. All as more fully shown on survey by Sterling E. Mandle, Land Surveyor, dated December 14, 1984, except the said Lot 2226 commences at a distance of 184.97 feet from the corner of Deerglen Drive and Deercross Place.

All in accordance with a survey by Mandle Surveyors, dated 1-27-87, to show improvements.

Improvements thereon bear the municipal number 4037 Deerglen Drive, Harvey, La. 70058.

VI.

By Act of Cash Sale and Assumption of Mortgage executed September 22, 1989, before Deryle A. Bourgeois, Notary Public, the above described property was transferred by Linda Perez, wife of/and Ernest Joseph Babin, Jr. to Sandra Bethay, wife of/and Edward J. Tourelle, Jr., which said act is duly recorded in MOB

2605, folio 459, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

## VII.

The petitioner herein, Standard Mortgage Corporation, has been advised that the defendants, Linda Perez, wife of/and Ernest Joseph Babin, Jr. have left the state and are believed to be living and residing at 19231 Cypress River, Katy, Texas 77449 and it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendants, Linda Perez, wife of/and Ernest Joseph Babin, Jr..

## VIII.

The assumptors having failed to make the payments required under the terms of the mortgage, are in default under the terms of said mortgage and Standard Mortgage Corporation, as the last holder of the note, after having given due notice herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from April 1, 1993 to date.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants, Linda Perez, wife of/and Ernest Joseph Babin, Jr. and, further, petitioner prays for an order of Executory Process herein; and, further, that a writ of seizure and sale issue herein directing the Sheriff for

the Parish of Jefferson, State of Louisiana, to seize and sell with appraisement and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of \$59,625.74 with 8% percent interest thereon from March 1, 1993 until paid, together with reasonable attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEUX

BY: James C. Arceneaux  
 JAMES C. ARCENEUX, III  
 Bar Roll No. 2524  
 681 Poydras St., Suite 2650  
 New Orleans, La. 70130  
 Phone: (504) 522-8256

-5-

A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE.

DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

A F F I D A V I T

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally ~~came~~ and appeared:

JAMES C. ARCENEUX, III

Attorney for Standard Mortgage Corporation who upon being first duly sworn did depose and say;

That he has reviewed the foreclosure data sheet supplied by Standard Mortgage Corporation and the other documentation supplied in conjunction with Loan No. 046018 (425) in the name of Linda Perez, wife of/and Ernest Joseph Babin, Jr. assumed by Sandra Bethay, wife of/and Edward J. Tourellé, Jr., and according to said data sheet the current principal balance due and owing is \$59,625.74, with interest at the rate of 8% from March 1, 1993 until paid, which said account is currently due for the months of April, 1993/until date; and moreover that defendants are not in the Armed Services of the United States.

Affiant further declared that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

James C. Arceneux III  
JAMES C. ARCENEUX, III

SWORN TO AND SUBSCRIBED BEFORE  
ME THIS 8th DAY OF September,

1993.  
Patricia B. Francis  
NOTARY PUBLIC

Coded 117  
PARISH OF ORLEANS  
CLERK OF COURT  
24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

O R D E R

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, with appraisal.

Let Richard S. Cooley, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Linda Perez, wife of/and Ernest Joseph Babin, Jr..

Gretna, Louisiana  
Sept. 15, 1993

[Signature]  
JUDGE  
CODED ON MINUTES  
SEP 17 1993

PLEASE SERVE

NOTICE OF SEIZURE AND SALE ON:  
(NOTICE OF DEMAND WAIVED)

Sandra Bethay, wife of/and  
Edward J. Tourelle, Jr.  
4037 Deerglen Dr.  
Harvey, La. 70058

PLEASE SERVE COPY OF PETITION,  
NOTICE OF APPOINTMENT AND  
NOTICE OF SEIZURE AND SALE ON:  
(NOTICE OF DEMAND WAIVED)

\_\_\_\_\_, Esq.  
Curator-ad-Hoc to represent  
the absent defendants  
Linda Perez, wife of/and  
Ernest Joseph Babin, Jr.  
19231 Cypress River  
Katy, Texas 77449

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPT. CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

Nº 454538

DIV



24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

THE FEDERAL HOME LOAN MORTGAGE CORP

vs.

THE ESTATE OF ZODES D. WOOLEY, THE ESTATE OF MYRLINE HERRING WOOLEY, THE

ESTATE OF JUNIUS P. MATHERNE & THE ESTATE OF ZENOBIA WOOLEY MATHERNE

*Plaintiff*

*Defendant*

LAWRENCE ROE DODD

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing SEPTEMBER 27, 1993 jff

HP Exhibit 0189 (200)

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO.

DIVISION:

THE FEDERAL HOME LOAN MORTGAGE CORPORATION

VERSUS

THE ESTATE OF ZODES D. WOOLEY, THE ESTATE OF MYRLINE HERRING  
WOOLEY, THE ESTATE OF JUNIUS P. MATHERNE AND THE ESTATE OF  
ZENOBIA WOOLEY MATHERNE

SEP 27  
FILED

FILED: \_\_\_\_\_

DEPUTY CLERK: \_\_\_\_\_

\*\*\*\*\*  
MOTION FOR CURATOR FOR UNREPRESENTED DEFENDANT  
IN EXECUTORY PROCEEDINGS

On motion of Lawrence Roe Dodd, attorney for the plaintiff,  
and on showing to the court that:

1.

The plaintiff is informed and believes and, therefore,  
alleges that THE ESTATE OF ZODES D. WOOLEY, THE ESTATE OF  
MYRLINE HERRING WOOLEY, THE ESTATE OF JUNIUS P. MATHERNE AND THE  
ESTATE OF ZENOBIA WOOLEY MATHERNE, defendant(s) herein, is an  
absentee, being absent and not represented in this state, or, is  
dead, no succession representative has been appointed and the  
deceased debtor's heirs and legatees have not been sent into  
possession, all as set out in La. C.C.P. art. 2674, as amended.

2.

That either the defendant debtor named above cannot be found  
and served, although due and diligent effort has been made by the  
sheriff; or, alternatively, the debtor(s) are known by the plain-  
tiff herein to be absentees; or deceased, and such effort on the  
part of the sheriff would be useless.

3.

Therefore, whether or not the debtor(s) may still reside  
within the state, or should in truth and fact be deceased, an  
attorney at law should be appointed to represent them under the

200-1000

provisions of La. C.C.P. art. 5091 and art. 2674, as both have been amended, upon whom service of process or service of the notice of seizure herein may be made.

4.

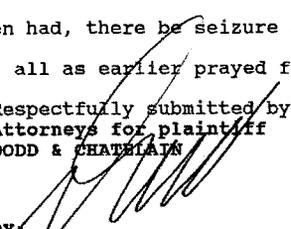
The plaintiff has not been able to determine whether or not either debtor, if alive, is in the military service.

5.

Therefore, the attorney at law appointed to represent the debtor should also be appointed to represent him under the provisions of the Soldiers and Sailors Relief Act, as amended.

**WHEREFORE**, plaintiff respectfully prays that this Court appoint an attorney at law to represent the defendant(s) under the provisions of La. C.C.P. art. 5091 and art. 2674, as both have been amended, and under the provisions of the federal Soldiers and Sailors Relief Act, as amended; that said attorney be served with ANY NECESSARY DOCUMENTS IN THE ABOVE REFERENCED MATTER; and that, after due proceedings have been had, there be seizure and sale of the subject property herein, all as earlier prayed for.

Respectfully submitted by  
Attorneys for plaintiff  
DODD & CHATELAIN

BY:   
LAWRENCE ROE DODD  
8801 Bluebonnet Boulevard  
Baton Rouge, Louisiana 70810  
Telephone (504) 769-2900

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO:

DIVISION:

THE FEDERAL HOME LOAN MORTGAGE CORPORATION

VERSUS

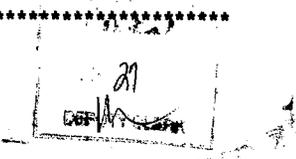
THE ESTATE OF ZODES D. WOOLEY, THE ESTATE OF MYRLLINE HERRING  
WOOLEY, THE ESTATE OF JUNIUS P. MATHERNE AND THE ESTATE OF  
ZENOBIA WOOLEY MATHERNE

\*\*\*\*\*

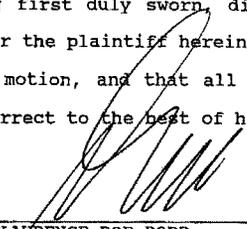
VERIFICATION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

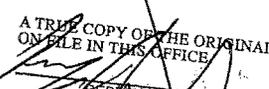


BEFORE ME, a Notary Public, personally came and appeared:  
Lawrence Roe Dodd, who, being first duly sworn, did depose and  
say that he is the attorney for the plaintiff herein; that he has  
read the above and foregoing motion, and that all of the facts  
stated therein are true and correct to the best of his knowledge,  
information and belief.

  
\_\_\_\_\_  
LAWRENCE ROE DODD

SWORN TO AND SUBSCRIBED before me, Notary, this 20<sup>th</sup> day  
of September, 1993 at Baton Rouge, Louisiana.

  
\_\_\_\_\_  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
  
GENEVA CLARK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO:

DIVISION:

THE FEDERAL HOME LOAN MORTGAGE CORPORATION

VERSUS

THE ESTATE OF ZODES D. WOOLEY, THE ESTATE OF MYRLLINE HERRING  
WOOLEY, THE ESTATE OF JUNIUS P. MATHERNE AND THE ESTATE OF  
ZENOBIA WOOLEY MATHERNE

\*\*\*\*\*

ORDER

The foregoing motion, the law and the evidence considered:

IT IS ORDERED that Richard R. Preeby attorney at law,  
admitted to practice before this Court be and he is hereby  
appointed to represent the defendant(s) herein, THE ESTATE OF  
ZODES D. WOOLEY, THE ESTATE OF MYRLLINE HERRING WOOLEY, THE  
ESTATE OF JUNIUS P. MATHERNE AND THE ESTATE OF ZENOBIA WOOLEY  
MATHERNE, under the provisions La. C.C.P. art. 5091 and art.  
2674, as amended, and under the provisions of the Soldiers and  
Sailors Relief Act, as amended, and let the said attorney be  
served with ANY NECESSARY DOCUMENTS IN THE ABOVE REFERENCED  
MATTER.

1993. GRETNA, Louisiana, this 28<sup>th</sup> day of September

ON MINUTES  
SEP 29 1993

CODED

Richard R. Preeby  
JUDGE 24TH JUDICIAL DISTRICT COURT

LAST KNOWN ADDRESS OF ABSENTEE(S):  
701 N. ATLANTA, METAIRIE, LA. 70003

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

Richard R. Preeby  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

454538

**DIV**  
**DIV. A**  
JUDGE  
G. THOMAS PORTEROS, JR.

Nº 455809

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

SUCC OF HARRY J. ROME  
vs.

*Plaintiff*

*Defendant*

ELBERT N. BYRNES

*Attorney for Plaintiff*

*Attorney for Defendant*

OCTOBER 28, 1993 jff

Date of Filing

HP Exhibit 0189 (201)

TWENTY-FOURTH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA  
NO. 455-809  
DIVISION " A "  
SUCCESSION  
OF  
HARRY J. ROME

DOCKET

FILED FOR RECORD  
93 DEC 29 11 10 17  
BERCHMAN  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.  
CODED 2

FILED: \_\_\_\_\_

DEPUTY CLERK

MOTION FOR APPOINTMENT OF CURATOR

ON MOTION of ROLAND J. ROME and JERRY W. ROME, Co-testamentary Executors of the abovementioned succession and on suggesting to the Court that on December 10, 1993, a petition was filed for possession and that in said petition BERCHMAN L. ROME was cited to appear and that the said BERCHMAN L. ROME has since moved from his address at 1125 Clearview Parkway, Apartment B, Metairie, Louisiana 70001 and that his whereabouts are unknown and that an attorney at law should be appointed as Curator Ad Hoc representing the said absent BERCHMAN L. ROME and that the proceedings should be conducted contradictorily with him.

CONSIDERING THE FOREGOING:

IT IS ORDERED that Robert D. Kealy, address \_\_\_\_\_, Attorney at Law be appointed Curator Ad Hoc to represent the said BERCHMAN L. ROME, defendant in the above entitled matter and that the proceedings should be conducted contradictorily against said Curator Ad Hoc.

Gretna, Louisiana, this 5<sup>th</sup> day of January, 1994.  
~~December, 1993.~~

[Signature]  
J U D G E  
MINUTES  
JAN 5 1994  
CODED

RESPECTFULLY SUBMITTED:

ELBERT N. BYRNES and  
JOHN B. HATTNER

BY: [Signature]  
JOHN B. HATTNER, Bar No. 6652  
326 S. Broad Street  
New Orleans, LA 70119  
Phone. 504-821-4343

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
JUDGE  
**DIV. 2** INDIAN & PARISHES, LA.

Nº 455985

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

LEADER FEDERAL BANK FOR SAVINGS

*Plaintiff*

vs.

ELIZABETH PETITT, w/o & JAMES W. FEATHERSTON

*Defendant*

WILLIAM L. DOWNING

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing NOVEMBER 2, 1993 jff

HP Exhibit 0189 (202)

LEADER FEDERAL BANK FOR SAVINGS

DOCKET NO. 455,985 DIV A

24TH JUDICIAL DIST. COURT

VS.

ELIZABETH PETITT WIFE OF/AND  
JAMES W. FEATHERSTON

PARISH OF JEFFERSON  
STATE OF LOUISIANA

21

FILED FOR F. GONZ  
SPR JUN 11 PM 12:22  
DEPT. OF JEFFERSON, LA.

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes plain-  
herein, who respectfully represents:

1.

The Sheriff of Jefferson Parish, Louisiana, has advised  
counsel for plaintiff that the defendant James W. Featherston is  
out of the country. It is uncertain as to whether the defendant  
is merely temporarily out of the country or permanently residing  
out of the country.

2.

Plaintiff has requested that the Sheriff serve James W.  
Featherston domiciliary through his wife, Elizabeth Pettitt  
Featherston. However, in an abundance of caution, plaintiff  
desires that an attorney ad hoc be appointed to represent him as  
well.

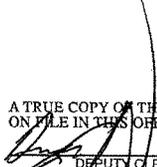
WHEREFORE, plaintiff prays that an attorney ad hoc be  
appointed to represent the defendant James W. Featherston herein;  
that the said defendant be served with a copy of this petition  
and the notice of seizure, and that all further proceedings be  
carried on contradictorily against said attorney ad hoc.

By Attorneys,

  
WILLIAM L. DOWNING  
LA BAR CODE #14233  
WILLIAM L. DOWNING & ASSOC.  
P.O. Box 45212, Dept. 398  
Baton Rouge, LA 70895  
(504) 291-0055

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

DATE not of court  
JAN 21 1994  
S/ MYRA LANDIX  
Deputy Clerk

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

CODE

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared WILLIAM L. DOWNING, who, being by me first duly sworn, did depose and say that:

He is the attorney for the petitioner in the above petition; he has read the same; all of the allegations contained therein are true and correct, to the best of his information, knowledge and belief.

*William L. Downing*

WILLIAM L. DOWNING

Sworn to and subscribed before me this 5<sup>th</sup> day of

January, 1994.

*Lori J. Manning*  
LORI J. MANNING  
NOTARY PUBLIC

ORDER

Let *Robert A. Ceely*, attorney at law, be and he is hereby appointed as attorney ad hoc to represent the defendant James W. Featherston and let all further proceedings herein insofar as the said James W. Featherston is concerned be carried on contradictorily against the said attorney ad hoc and his fee and expenses be taxed as costs.

READ, RENDERED AND SIGNED at Gretna, Louisiana, this 12<sup>th</sup> day of January, 1994.

CODED ON MINUTES  
JAN 14 1994

*[Signature]*  
JUDGE

LAST KNOWN ADDRESS OF  
ABSENTEE DEFENDANT:  
2005 Portola Via  
Harvey, LA 70058

Property address:  
2005 Portola Via  
Harvey, LA 70058

\*\*\*NOTE TO CURATOR\*\*\*

We believe that Mr. Featherston is only temporarily out of the country and we have asked that he be served domiciliary through his wife at the property address as well as through you. You may possibly obtain further information from Mrs. Featherston who was served personally at the property address. According to the 1991-92 phone book, their phone number is 504/366-8991.

TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT

Nº 456087

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

**DIV. A**  
JUDGE  
THOMAS PATRICK, II

3580

STANDARD MORTGAGE CORP.

*Plaintiff*  
vs.  
LORIA ADAMS MILES, (A/k/a LORIA ADAMS, DIVORCED w/o LAWRENCE MILES, JR., )

& HOA THI NGUYEN, w/o & THAT NGUYEN & DEERA DUNAGAN, w/o & BUDDY L. UNDERWOOD, JR.  
*Defendant*

JAMES C. ARCENEAUX, III  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing NOVEMBER 4, 1993 iff

HIP Exhibit 0189 (203)

**DIV. A**

**CODED**

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO: *456-087*

DIVISION

STANDARD MORTGAGE CORPORATION

VERSUS

LORIA ADAMS MILES (A/K/A LORIA ADAMS, DIVORCED  
WIFE OF LAWRENCE MILES, JR.)

AND

HOA THI NGUYEN, WIFE OF/AND THAT NGUYEN  
AND

DEBRA DUNAGAN, WIFE OF/AND BUDDY L. UNDERWOOD, JR.

FILED FOR RECORDED  
NOV 4 1993  
**CODED**

*Debra Dunagan*  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.

FILED: \_\_\_\_\_ DEPUTY CLERK

**PETITION FOR EXECUTORY PROCESS**

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Standard Mortgage Corporation, a Louisiana  
corporation whose principal place of business is 300 Plaza, One  
Shell Square, New Orleans, Louisiana 70139, with respect  
represents,

I.

Petitioner is the holder and owner, for valuable  
consideration before maturity, of a promissory note executed by  
Debra Dungan Underwood, wife of/and Buddy L. Underwood, Jr. who  
were residents of and domiciled in the Parish of Jefferson, State  
of Louisiana, payable to the order of BEARER in the principal sum  
of \$63,350.00 dated February 25, 1986 payable at Standard  
Mortgage Corporation, New Orleans, La. or at such other place as  
the holder may designate in writing, in fixed monthly  
installments of \$555.94 commencing on the first day of April,  
1986 and payable in full on or before the first day of March,  
2016. The said note bears interest at the rate of 10% percent  
per annum on the unpaid balance from date until paid, and which  
said note is paraphed "Ne Varietur" for identification with an

-1-

**CODED**

ISSUED *not of apt*  
DATE NOV 15 1993

**456087**

S/ MYRA LANDIX

DEPUTY CLERK

Act of Credit Sale and Vendor's Lien dated February 25, 1986 and passed before James G. Sax, Notary Public in and for the Parish of Orleans and two witnesses, and duly recorded MOB 1435, folio 231, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

## II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

## III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

## IV.

In the above mentioned act, the said mortgagors confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

## V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in favor

of the mortgagee, Standard Mortgage Corporation and any and all other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in Township 14 South, Ranges 23 and 24 East, Southeast Land District of Louisiana, West of the Mississippi River, known as Harvey Canal Property, Jefferson Parish, Louisiana, formerly designated as Parcel Q-2-B, which said portion of ground has been resubdivided into WOODMERE SOUTH SUBDIVISION SECTION 3, all as per plan of resubdivision made by J. J. Krebs & Sons, Inc., C.E.&S., dated October 10, 1983, approved by the Jefferson Parish Council by Ordinance No. 15784, recorded in COB 1064, folio 925, and as per Act of Dedication before Odom B. Heebe, Notary Public, dated February 2, 1984, recorded in COB 1067, folio 270, same being designated as follows:

LOT 788 of SQUARE Y, which square is bounded by Keith-Way Drive, Destrehan Avenue, a 70 foot drainage servitude and Shell-Bark Drive and which lot commences 310 feet from the corner of Keith-Way Drive, and Shell-Bark Drive and measures thence 60 feet front on Keith-Way Drive, same width in the rear, by a depth of 100 feet between equal and parallel lines, all as more fully shown on a survey made by John F. Marshall, Land Surveyor, dated December 3, 1985.

Improvements thereon bear the Municipal No. 3144 Keith-Way Drive, Harvey, La. 70058.

VI.

By Act of Cash Sale and Assumption of Mortgage executed June 27, 1988, before James G. Sax, Notary Public, the above described property was transferred by Debra Dunagan, wife of/and Buddy L. Underwood, Jr. to Hoa Thi Nguyen, wife of/and That Nguyen, which said act is duly recorded in MOB 2280, folio 309, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all

of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

## VII.

By Act of Cash Sale and Assumption of Mortgage executed October 10, 1991, before David W. Birdsong, Notary Public, the above described property was transferred by Hoa Thi Nguyen, wife of/and That Nguyen to Loria Adams Miles, which said act is duly recorded in MOB 3057, folio 180, Parish of Jefferson, Louisiana; the said assumptor did assume, bind and obligate herself to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if she was the maker of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "D".

## VIII.

The petitioner herein, Standard Mortgage Corporation, has been advised that Debra Dunagan, wife of/and Buddy L. Underwood, Jr. have moved and their current whereabouts are unknown and that Hoa Thi Nguyen, wife of/and That Nguyen are believed to be living at 4491 Silverberry Court, Concord, CA 94521. Accordingly, it will be necessary for this Honorable Court to appoint an attorney to represent the absent defendants.

## IX.

The assumptors having failed to make the payments required under the terms of the mortgage, are in default under the terms of said mortgage and Standard Mortgage Corporation, as the last holder of the note, after having given due notice herein, has

exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from May 1, 1993 to date.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants, Debra Dunagan, wife of/and Buddy L. Underwood, Jr. and Hoa Thi Nguyen, wife of/and That Nguyen and, further, petitioner prays for an order of Executory Process herein; and, further, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell with appraisalment and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of \$59,904.26 with 10% percent interest thereon from April 1, 1993 until paid, together with reasonable attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEUX

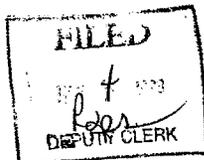
BY: James C. Arceneaux  
 JAMES C. ARCENEUX, III  
 Bar Roll No. 2524  
 601 Poydras St., Suite 2650  
 New Orleans, La. 70130  
 Phone: (504) 522-8256

-5-

A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE.

[Signature]  
 DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

A F F I D A V I T



STATE OF LOUISIANA  
PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEUX, III

Attorney for Standard Mortgage Corporation who upon being first duly sworn did depose and say:

That he has reviewed the foreclosure data sheet supplied by Standard Mortgage Corporation and the other documentation supplied in conjunction with Loan No. 042966 (895) in the name of Debra Dunagan, wife of/and Buddy L. Underwood, Jr. assumed by Hoa Thi Nguyen, wife of/and That Nguyen and assumed by Loria Adams Miles, and according to said data sheet the current principal balance due and owing is \$59,904.26, with interest at the rate of 10% from April 1, 1993 until paid, which said account is currently due for the months of May, 1993 until date.

Affiant further declared that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

James C. Arceneux III  
JAMES C. ARCENEUX, III

SWORN TO AND SUBSCRIBED BEFORE

ME THIS 4th DAY OF November,

1993.

Patricia R. Francis  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.  
NOV 10 1993

O R D E R

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, with appraisalment.

Let Robert S. Coaly, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Debra Dunagan, wife of/and Buddy L. Underwood, Jr. and Hoa Thi Nguyen, wife of/and That Nguyen.

Gretna, Louisiana  
November 8, 1993

*[Signature]*  
JUDGE  
ON MINUTES  
NOV 10 1993  
CODE 1

PLEASE SERVE

NOTICE OF SEIZURE AND SALE ON:  
(NOTICE OF DEMAND WAIVED)

Loria Adams Miles  
3144 Keith-Way Dr.  
Harvey, La. 70058

PLEASE SERVE COPY OF PETITION,  
NOTICE OF APPOINTMENT AND  
NOTICE OF SEIZURE AND SALE ON:  
(NOTICE OF DEMAND WAIVED)

\_\_\_\_\_, Esq.  
Curator-ad-Hoc to represent  
the absent defendants  
Debra Dungan, wife of/and  
Buddy L. Underwood, Jr.  
and  
Hoa Thi Nguyen, wife  
of/and That Nguyen  
4491 Silverberry Court  
Concord, CA 94521

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
JUDGE  
**DIV**  
E. THOMAS PATRICK, JR.

Nº 456393

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

\_\_\_\_\_  
\_\_\_\_\_  
SECURITY NATIONAL PARTNERS, A LIMITED PARTNERSHIP  
*Plaintiff*  
vs.  
ROBERT D. KLEIN & HOARD STREET PROPERTIES CO.  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
*Defendant*  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
JACK J. MENDHEIM  
*Attorney for Plaintiff*  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
*Attorney for Defendant*  
\_\_\_\_\_  
\_\_\_\_\_

Date of Filing NOVEMBER 12, 1993 j.f.f

SECURITY NATIONAL PARTNERS,  
A LIMITED PARTNERSHIP

NUMBER: 456-393

VERSUS

**DIV. A**  
JUDGE  
**G. THOMAS PORTER**

DIVISION:  
JUDICIAL DISTRICT COURT

**CODED**

ROBERT O. KLEIN AND  
HOARD STREET PROPERTIES CO.

PARISH OF JEFFERSON  
STATE OF LOUISIANA

FILED: \_\_\_\_\_

DEPUTY CLERK

FILED FOR RECORD  
NOV 12 12 PM 12 02  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA

**CODED**

**EXECUTORY PROCESS ON IMMOVABLE**

The petition of Security National Partners, A Limited Partnership, a limited partnership organized under the laws of Alaska, authorized to do and doing business in the State of Louisiana, its principal place of business in East Baton Rouge, Louisiana, herein represented by Security National Investments, Inc., its General Partner, with respect represents:

NOV 17 1993  
FILE (3) LETTER & MORTGAGE W/10/11/89

I.

Made defendants herein are Robert O. Klein, a person of the full age of majority and resident of the Parish of Orleans, State of Louisiana, and Hoard Street Properties Co., a corporation organized under the laws of Delaware.

II.

Petitioner is the holder and owner, for valuable consideration, before maturity, of a promissory note, dated September 5, 1989, executed by defendant, Robert O. Klein, payable to the order of Pontchartrain State Bank, for the full sum of SEVENTY NINE THOUSAND SIX HUNDRED TWENTY TWO AND 78/100 (\$79,622.78) DOLLARS together with interest at the rate of eleven per cent (11%) per annum from date until paid. This note provides for reasonable attorney fees on principal and interest not in excess of twenty five (25%) per cent in the event it is turned over to an attorney

ISSUED NOTE & MORT  
DATE NOV 17 1993  
S/ MYRA LANDIS  
Deputy Clerk

**456393**

**CODED**

Gilbert, Kelly and Courturie, Errol E. Kelly, Surveyor, dated November 4, 1975, a copy of which is annexed to another act passed before Allain C. Andry, III, N.P., dated November 11, 1975, for reference, said lots adjoin each other, and measure each 25 feet front on Delaware Avenue, the same in width in the rear, which fronts on a 15 feet alley running through said Square from 26th Street in the direction of 27th Street by a depth of 120 feet between equal and parallel lines; Lot 44 being nearer to and commencing at a distance of 100 feet from the corner of Delaware Avenue and 26th Street.

The improvements bear the No. 2637 Delaware Avenue.

The hereinabove described collateral mortgage note is annexed hereto as Exhibit P-2, a collateral pledge agreement is annexed hereto as Exhibit P-3 and P-4, and a certified copy of said mortgage, with a resolution attached, is annexed hereto as Exhibit P-5.

V.

In said act of mortgage the said defendants agreed that the above described property would remain specially mortgaged, affected and hypothecated in favor of any holder or holders of said mortgage note until the full and final payment thereof, in principal, in interest, and attorney's fees, taxes, and costs, and the said defendants bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the act of mortgage.

VI.

In said act of mortgage the said defendants confessed judgment upon the said mortgage note, and consented that if the same were not paid in accordance with its terms and conditions and the stipulations of the act, said property might be seized and sold under executory process, for cash.

VII.

In said act of mortgage the said defendants further agreed that in the event the said mortgage note was placed in the hands of an attorney for collection, an additional amount of twenty five per cent (25%) of both principal and interest shall accrue as

for collection. Said promissory note is annexed hereto as Exhibit P-1.

III.

Defendants became delinquent on this note and have failed and refused to pay the principal and interest due despite amicable demand to do so. Defendants therefore now owe petitioner the sum of SEVENTY SEVEN THOUSAND THREE HUNDRED FIFTY SEVEN AND 79/100 (\$77,357.79) DOLLARS on this promissory note, plus interest at the rate of eleven per cent (11%) from February 12, 1991 until paid, all costs of these proceedings, and reasonable attorney's fees of 25% of the aggregate of interest and principal.

IV.

The note described in Paragraph II (P-1) above is secured by the pledge of a mortgage note executed by Hoard Street Properties Co., dated May 23, 1988 payable to BEARER in the amount of ONE HUNDRED FIFTY THOUSAND AND NO/100 (\$150,000.00) DOLLARS, payable on demand; the mortgage note bears interest at the rate of fifteen per cent (15%) per annum from date until paid, which note is paraphed "Ne Varietur" for identification with an act of mortgage passed before W. Monroe Stephenson, Notary Public for the Parish of Orleans, State of Louisiana, and two witnesses and recorded in MOB 2248, folio 15 of the Jefferson Parish, Louisiana, Clerk's official records. In said act of mortgage hereinabove referred to, the said defendants did specially mortgage, affect and hypothecate unto and in favor of any holder or holders of said mortgage note, the following described property, situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, with all improvements and all the rights, ways, privileges, servitudes and advantages thereunto or in anywise appertaining situated in the Parish of Jefferson, City of Kenner, State of Louisiana, in that part hereof known as HIGHWAY PARK SUBDIVISION, IN SQUARE NO. 369 thereof, bounded by 26th Street and 27th Street, Connecticut and Delaware Avenues, designated as LOTS 43 AND 44 and according to survey by

attorney's fees; which fees nevertheless shall be a "reasonable" amount to be fixed by this court.

## VIII.

In said act of mortgage the said defendants further agreed to pay all taxes, liens and assessments against the mortgaged property before they became delinquent and to furnish to the mortgagee or the holder of the said mortgage note, with the tax or other receipts showing such payment, and further agreed to keep the buildings and other insurable improvements on the premises insured against loss or damage by fire or otherwise, in such sum as required by the mortgagee.

## IX.

In said act of mortgage the said defendants further agreed that if the said mortgage note or any installment thereon be not promptly and fully paid when due, or in the event of failure to comply with any of the obligations therein undertaken, or conditions therein set forth, the said mortgage note should, at the option of the holder of the said mortgage note, at once mature and become due and payable, and authorized the then holder of the said mortgage note without making a demand and without notice or putting in default, the same being expressly waived, to cause the property hereinabove described to be seized and sold, after due process of law, under executory or other legal process, consenting that the property be sold to the highest bidder for cash.

## X.

Pursuant to the terms and conditions of the above described mortgage (P-5), Petitioner is entitled to and desires to be appointed keeper of the herein described property.

## XI.

Petitioner has called the note referred to hereinabove due and avers that amicable

demand has been made for payment of the entire amount due, all without avail.

## XII.

The Commissioner of Financial Institutions for the State of Louisiana, as Conservator of Pontchartrain State Bank, (the "Bank"), Metairie, Louisiana, appointed the FEDERAL DEPOSIT INSURANCE CORPORATION ("FDIC") as Receiver of the Bank in that proceedings entitled "In the Matter of Pontchartrain State Bank, Metairie, Louisiana, a Louisiana Banking Corporation," bearing Number 420,213 on the docket of the Twenty Fourth Judicial District Court, Jefferson Parish, Louisiana.

## XIII.

The FDIC, in its receivership capacity, transferred to the FDIC, in its corporate capacity, various assets of Bank, including but not limited to the promissory note (P-1).

## XIV.

Pursuant to a Notarial Endorsement and Assignment dated September 17, 1993, a copy of which is attached hereto as P-6, the FDIC, in its corporate capacity, transferred all of its right, title, and interest in said promissory note (P-1) to Security National Partners, A Limited Partnership, petitioner herein, who are now the owners and holders of this note and entitled to proceed with this proceeding.

## XV.

Petitioner alleges on information and belief that the said Hoard Street Properties, Co. sold, transferred and conveyed the herein described property to Prism Realty Investors, Inc., by Act of Sale dated September 21, 1990, a certified copy of which is attached hereto and made part hereof as P-7. Petitioner desires Prism Realty Investors, Inc. be served notice of these proceedings.

## XVI.

Petitioner alleges on information and belief that the said Prism Realty Investors, Inc. is a corporation organized under the laws of Delaware, its registered agent for

service of process being The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801; and the said Prism Realty Investors, Inc. is not registered with the Secretary of State for the State of Louisiana. Therefore, petitioner desires and is entitled to an attorney at law practicing before this court be appointed to represent the said Prism Realty Investors, Inc. and be served with notice of these proceedings.

XVII.

Petitioner alleges that the defendants, Robert O. Klein and Hoard Street Properties Co., are not in the military service of the United States or any of its allies.

**WHEREFORE**, petitioner prays:

1) That an attorney at law be appointed to represent Prism Realty Investors, Inc. according to law.

2) For an order of executory process issue forthwith, and that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, Louisiana to seize and sell after due advertisement, delays, requisites, and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, with appraisalment to pay and satisfy the claim of petitioner, in the sum of SEVENTY SEVEN THOUSAND THREE HUNDRED FIFTY SEVEN AND 79/100 (\$77,357.79) DOLLARS, plus interest at the rate of eleven per cent (11%) per annum from February 12, 1991 until paid, together with "reasonable" attorney fees of 25% of the aggregate of interest and principal, and all costs of these proceedings; and

3) That out of the proceeds of the sale, petitioners claim be paid in principal and interest, attorney's fees and costs, by preference and priority over all other persons.

4) Petitioner be appointed Keeper of the herein described property during the pendency of these proceedings.

**PETITIONER PRAYS FURTHER**, for all orders and decrees necessary in

the premises.



JACK J. MENDHEIM

Attorney for Petitioner

P. O. Box 86359

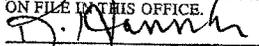
11911 Justice Avenue

Baton Rouge, Louisiana 70879-6359

504-293-0095

Bar No. 9431

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.



DEPUTY CLERK

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON, LA.

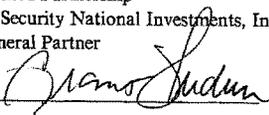
STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE

**BEFORE ME**, the undersigned Notary Public, duly commissioned and qualified in and for the State and Parish aforesaid, personally came and appeared Grant Thudium, who after being duly sworn deposed and said:

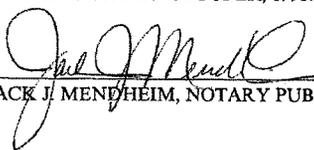
That he is an authorized representative of the Security National Investments, Inc., General Partner of Security National Partners, A Limited Partnership for the State of Louisiana; that he is familiar and well acquainted with note and account sued upon; that the true and correct amount owed to plaintiff on said account by the above named defendants is the principal amount of SEVENTY SEVEN THOUSAND THREE HUNDRED FIFTY SEVEN AND 79/100 (\$77,357.79) DOLLARS, plus interest at the rate of eleven (11%) from February 12, 1991 until paid, together with "reasonable" attorney fees of 25% of the aggregate of interest and principal, that he has read the foregoing petition in its entirety and that all of the allegations contained herein are true and correct to the best of the undersigned's knowledge and belief.

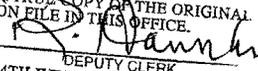
Affiant further states that after a complete review of the documents contained in the files of the above referenced account, there is no indication that defendants, Robert O. Klein and Hoard Street Properties Co., are in the military service of the United States or any of its allies.

Security National Partners, A  
Limited Partnership  
BY: Security National Investments, Inc.  
General Partner

BY: 

SWORN TO AND SUBSCRIBED BEFORE ME,  
THIS 26TH DAY OF OCTOBER, 1993.

  
\_\_\_\_\_  
JACK J. MENDHEIM, NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT OF  
PARISH OF JEFFERSON, LA.

SECURITY NATIONAL PARTNERS,  
A LIMITED PARTNERSHIP

NUMBER:

DIVISION:

VERSUS

24TH JUDICIAL DISTRICT COURT

ROBERT O. KLEIN AND  
HOARD STREET PROPERTIES CO.

PARISH OF JEFFERSON

STATE OF LOUISIANA

FILED: \_\_\_\_\_

DEPUTY CLERK

**ORDER**

The foregoing petition for seizure and sale by executory process and the annexed documents considered;

**IT IS ORDERED**, that Robert D. Carly, Attorney at Law be and he is hereby appointed to represent Prism Realty Investors, Inc.

**IT IS FURTHER ORDERED**, that executory process issue forthwith herein.

**IT IS FURTHER ORDERED**, that a Writ of Seizure and Sale issue herein commanding the Sheriff of Jefferson Parish, Louisiana, to seize and sell with appraisalment, the property described in the foregoing petition to satisfy petitioner's demand and all costs as prayed according to law.

**IT IS FURTHER ORDERED**, that Petitioner be and they are hereby appointed Keeper of the property described herein during the pendency of these proceedings.

Gretna, Louisiana, this 15<sup>th</sup> day of November, 1993.

**CODED**

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

R. Hamm  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

[Signature]  
JUDGE

**ON MINUTES  
NOV 17 1993**

456393

PLEASE SERVE:

Robert O. Klein  
3602 Camp Street  
New Orleans, Louisiana

or

**PERSONAL SERVICE ONLY AT  
PLACE OF EMPLOYMENT**

31 26th Avenue  
Kenner, Louisiana

Hoard Street Properties Co.  
through agent of service  
Pam Mills  
710 Carondelet  
New Orleans, Louisiana 70130

Please serve Notice of Seizure on:  
Prism Realty Investors, Inc.  
through court appointed attorney

450303

**DIV. A**  
JUDICIAL  
**DIV. 1**  
TRIAL COURT

No 457499

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

LEADER FEDERAL BANK FOR SAVINGS  
*Plaintiff*

vs.

MARTHA CESPEDES WIFE OF /AND BOBBY H. RICHARDSON  
*Defendant*

WILLIAM L. DOWNING  
*Attorney for Plaintiff*

*Attorney for Defendant*

DECEMBER 10, 1993

Date of Filing

LEADER FEDERAL BANK FOR SAVINGS

DOCKET NO. 457-499 DIV A  
24TH JUDICIAL DIST. COURT

VS. .

MARTHA CESPEDES WIFE OF/AND  
BOBBY H. RICHARDSON

PARISH OF JEFFERSON  
STATE OF LOUISIANA

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes plaintiff  
herein, who respectfully represents:

1.

The Sheriff of Jefferson Parish, Louisiana, after a diligent search, has been unable to locate the defendants Martha Cespedes wife of/and Bobby H. Richardson, at their address last known to plaintiff, as will be evidenced from the Sheriff's return in these proceedings.

2.

Thomas A. Grace, Jr., private process server, appointed in this matter, has been unable to locate the defendants Martha Cespedes wife of/and Bobby H. Richardson, at their address last known to plaintiff, as will be evidenced from the Sheriff's return in these proceedings.

3.

Plaintiff has written the United States Post Office for any forwarding addresses of Martha Cespedes Richardson and Bobby H. Richardson at 311 Brett Drive, Gretna, LA 70056, and received a response of "moved left no address". Plaintiff has also attempted to obtain a forwarding address through directory assistance in the city of last known residence and was advised that there was no listing for Bobby or Martha Richardson.

4.

The private process server was advised by neighbors that Mr. and Mrs. Richardson are divorced. He was further advised that it is believed Martha Richardson resides in either Central or South America and that it is believed Bobby Richardson resides in Mississippi. However, the neighbors were unable to provide exact addresses for either.

FILED FOR RECORD  
94 FEB 24 11 11 AM '94  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA

SEARCHED not done  
INDEXED not done  
MAR 08 1994  
S/ MYRA LANDIX  
CLERK  
CODED

5.

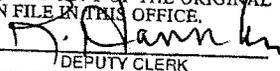
The whereabouts of said defendants being unknown to the plaintiff, plaintiff believes and therefore alleges that the defendants Martha Cespedes Richardson and Bobby H. Richardson, are absentees as defined by Louisiana Code of Civil Procedure Article 5251, and that an attorney ad hoc should be appointed to represent them in these proceedings against whom all further proceedings herein should be carried on.

WHEREFORE, plaintiff prays that an attorney ad hoc be appointed to represent the defendants Martha Cespedes Richardson and Bobby H. Richardson herein; that the said defendants be served with a copy of this petition and the notice of seizure, and that all further proceedings be carried on contradictorily against said attorney ad hoc.

By Attorneys,

  
 \_\_\_\_\_  
 WILLIAM L. DOWNING  
 LA BAR CODE #14233  
 WILLIAM L. DOWNING & ASSOC.  
 P.O. Box 45212, Dept. 398  
 Baton Rouge, LA 70895  
 (504) 291-0055

A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE.

  
 \_\_\_\_\_  
 DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared WILLIAM L. DOWNING, who, being by me first duly sworn, did depose and say that:

He is the attorney for the petitioner in the above petition; he has read the same; all of the allegations contained therein are true and correct, to the best of his information, knowledge and belief.

*William L. Downing*  
WILLIAM L. DOWNING

Sworn to and subscribed before me this 17<sup>th</sup> day of February, 1994.

*Lori J. Manning*  
LORI J. MANNING  
NOTARY PUBLIC

ORDER

Let *Robert J. Creely*, attorney at law, be and he is hereby appointed as attorney ad hoc to represent the defendants Martha Cespedes Richardson and Bobby H. Richardson and let all further proceedings herein insofar as the said Martha Cespedes Richardson and Bobby H. Richardson are concerned be carried on contradictorily against the said attorney ad hoc and his fee and expenses be taxed as costs.

READ, RENDERED AND SIGNED at Gretna, Louisiana, this 1<sup>st</sup> day of March, 1994.

CODED  
FT. MENT  
MAR 2 1994

*[Signature]*  
JUDGE

LAST KNOWN ADDRESS OF ABSENTEE DEFENDANT:  
311 Brett Drive  
Gretna, LA 70056

Property address:  
311 Brett Drive  
Gretna, LA 70056

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.  
*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

\ No 458197

**DIV I**

**DIV II**

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

JUDGE  
SUSAN CHENEARD

FIRST NATIONAL BANK OF COMMERCE

vs.

TIMOTHY J. HOWELL & ELISE HOWELL

*Plaintiff*

*Defendant*

ROBERT T. WAKEFIELD

*Attorney for Plaintiff*

*Attorney for Defendant*

DECEMBER 30, 1993 11f

Date of Filing

*201*

FIRST NATIONAL BANK OF COMMERCE  
VERSUS  
TIMOTHY J. HOWELL AND ELISE  
HOWELL (AS WIFE IN COMMUNITY)

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA  
NO. 458-197 A

FILED FOR RECORD  
MAR 7 AM 10 08  
DEPUTY CLERK  
PARISH OF JEFFERSON  
**CODED-2**

FILED: \_\_\_\_\_

DEPUTY CLERK

**SUPPLEMENTAL AND AMENDING PETITION**

The supplemental petition of First National Bank Of Commerce  
plaintiff in the above numbered and entitled cause, respectfully  
represents that the plaintiff desires to supplement its Petition  
For Executory Process filed herein in December of 1993 in the  
following respects:

I.

Pursuant to plaintiff's original petition for executory  
process, this Honorable Court signed an order for the issuance of  
executory process in December of 1993 and the initial notices of  
seizure were issued shortly thereafter.

II.

The sheriff of this parish has, after a due and diligent  
search, been unable to serve the notices of seizure upon Elise  
Howell.

III.

In accordance with Article 2641 and 2674 of the Code of Civil  
Procedure, plaintiff desires that this Honorable Court appoint an  
attorney at law to represent said defendant.

WHEREFORE, plaintiff reiterating the prayer of its original  
petition, prays that this supplemental petition be filed and that  
an attorney at law be appointed to represent the absent defendant,  
Elise Howell.

A TRUE COPY OF THE ORIGINAL  
ON FILED IN THIS OFFICE  
*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

NEWMAN, MATHIS, BRADY, WAKEFIELD  
& SPEDALE  
A PROFESSIONAL LAW CORPORATION  
212 Veterans Blvd.  
Metairie, Louisiana 70005  
(504) 837-9040  
BY: *[Signature]*  
ROBERT T. WAKEFIELD #13159

*not by cert*  
MAR 9 1994  
S/ MYRA LANDIX  
**CODED**

V E R I F I C A T I O N

STATE OF LOUISIANA  
PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared: ROBERT T. WAKEFIELD who being duly sworn, deposed and said:

That Robert T. Wakefield is the attorney for the plaintiff in the foregoing Petition for Executory Process and that all of the facts alleged in the foregoing petition are true and correct to the best of his knowledge and belief.

*Robert T. Wakefield*  
\_\_\_\_\_  
ROBERT T. WAKEFIELD

SWORN TO AND SUBSCRIBED BEFORE  
ME THIS 2 DAY OF March, 1994.

*Joseph E. Julia*  
\_\_\_\_\_  
NOTARY PUBLIC

O R D E R

IT IS ORDERED by the court that *Robert K. Coody*, attorney at law, be appointed to represent the absent defendant, Elise Howell, and that a certified true copy of the order be sent to the Sheriff of ORLEANS with the name and address of the attorney at law to be appointed for the defendant.

GRETNA, LOUISIANA this 8<sup>th</sup> day of March, 1994.

COPIED

*Shannon*  
\_\_\_\_\_  
J U D G E

FILED  
MAR 9 1994

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

*D. J. Hamrick*  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
JUDGE  
TRANS. PARTS, E.  
**DIV**

No 458399

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

GENERAL MOTORS ACCEPTANCE CORP.

vs.

JOHN E. RUIZ & ASHTON J. O'BRIEN

*Plaintiff*

*Defendant*

ARTHUR S. MANN, III

*Attorney for Plaintiff*

*Attorney for Defendant*

JANUARY 6, 1994 jef

Date of Filing

HP Exhibit 0189 (207)

0214.def  
94-0023

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

pl

NO.: 458-399

DIVISION "A"

GENERAL MOTORS ACCEPTANCE CORPORATION  
VERSUS

JOHN E. RUIZ AND ASHTON J. O'BRIEN

FILED FOR RECORD  
94 FEB 18 AM 9 00  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.

FILED: \_\_\_\_\_

DEPUTY CLERK

MOTION TO APPOINT ATTORNEY TO  
REPRESENT ABSENT DEFENDANT

ON MOTION OF Plaintiff, through its undersigned counsel, which upon information and belief suggests to the Court that the defendants herein, John E. Ruiz and Ashton J. O'Brien, have departed from the jurisdiction of this Court and that the Sheriff for the Parish has been unable to locate said defendants after due and diligent search; that mover, through its agents, has conducted a diligent search for the defendants but has been unable to locate same, all as will more fully appear by reference to mover's affidavit filed herein that as a result it is necessary that an attorney at law be appointed to represent the absent defendants herein pursuant to Louisiana Code of Civil Procedure and be served with a notice of seizure and to appoint an appraiser herein.

IT IS ORDERED that Robert H. Cooley, Attorney at Law, be and is hereby appointed to represent the absent defendants herein and be served with a notice of seizure and to appoint an appraiser.

Metra  
NEW ORLEANS, LOUISIANA, this 24th day of February, 1994.

By its attorneys,

BERRIGAN, LITCHFIELD, SCHONEKAS  
MANN & CLEMENT

BY: Arthur S. Mann  
ARTHUR S. MANN, III, NO. 909  
2150 Energy Centre  
1100 Poydras Street  
New Orleans, LA 70163-2150  
(504) 568-0541

FILED  
FEB 28 1994  
S/ MYRA LANDIX  
DEPUTY CLERK

[Signature]  
I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

PLEASE SERVE NOTICE  
OF APPOINTMENT, NOTICE  
OF SEIZURE AND TO  
APPOINT APPRAISER  
ON CURATOR-AD-HOC  
NAMED HEREIN.

**DIV. A**  
JUDGE  
~~THOMAS PATRICK, JR.~~  
**DIV.**

№ 459447

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

LEADER FEDERAL BANK FOR SAVINGS

vs.

*Plaintiff*

PAMELA DUCOTE, w/o & DAVID SIMS, & FRANCES FROST WIDOW OF

FRANK WILSON BY FIRST MARRIAGE, NOW w/o & WILLIAM TALMADGE SHEFFIELD, SR.

*Defendant*

WILLIAM L. DOWNING

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing \_\_\_\_\_ FEBRUARY 1, 1994 iff

LEADER FEDERAL BANK FOR SAVINGS

DOCKET NO. 459-447 DIV. A

VS.

24TH JUDICIAL DIST. COURT

PAMELA DUCOTE WIFE OF/AND  
DAVID SIMS, ET AL

PARISH OF JEFFERSON  
STATE OF LOUISIANA

*PI*

FILED FOR RECORD  
31 APR 81 PM 12 01  
CLERK OF DISTRICT COURT  
PARISH OF JEFFERSON, LA

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes plaintiff herein, who respectfully represents:

1.

The Sheriff of Jefferson Parish, Louisiana, after a diligent search, has been unable to locate the defendants Pamela Ducote wife of/and David Sims, and Frances Frost widow of Frank Wilson by first marriage, now wife of/and William Talmadge Sheffield, Sr., at their addresses last known to plaintiff, as will be evidenced from the Sheriff's return in these proceedings.

2.

Plaintiff has been advised by the sheriff's office that Pamela Ducote Sims and David Sims were unable to be served at their last known address of 1504 Hanging Moss Lane, Gretna, LA 70053 because the house was vacant. Sheriff also advised that Frances Frost Sheffield and William Talmadge Sheffield, Sr. were unable to be served at their last known address of 14 Joyce Avenue, Jefferson, LA 70121 because they were unknown at this address.

3.

Plaintiff has attempted to obtain a forwarding address through directory assistance in the city of last known residence for each of the defendants and was advised as follows:

David Sims, 6824 Tara Lane, New Orleans; (504) 246-8160 -- Counsel for plaintiff called this number and was advised that it has been disconnected;

David C. Sims, 4201 Belvedere (in phone book), 3708 Division Street (per Directory Assistance operator); (504) 455-3527 -- Counsel for plaintiff called this number and was advised that this David C. Sims is not the same person as the defendant in this suit;

Dave Sims, 2110 Cypress Acres; (504) 362-4601 -- Counsel for plaintiff called this number and was advised that it has been disconnected;

Pamela Sims, no street listed; (504) 391-9156 -- Counsel for plaintiff called this number and left a message on an answering machine which has not been returned;

CODED

*Not by apt*  
APR 11 1994  
S/ MYRA LANDIX

Pamela Sims, 4204 N. Claiborne; (504) 943-9296 -- Counsel for plaintiff called this number and was advised that this Pamela Sims is not the same person as the defendant in this suit;

Pamela Ducote - no listing

Frances Sheffield - no listing

Frances Frost - no listing

Frances H. Wilson, 5400 DeBore; (504) 282-9072 -- Counsel for plaintiff called this number but got no answer;

Frances Louise Wilson, 596 Holmes Boulevard; (504) 368-8776 -- Counsel for plaintiff called this number and was advised it has been disconnected;

William Sheffield (listing under William and Tracey Sheffield), 14 Joyce Avenue; (504) 833-3265 -- Counsel for plaintiff wrote this person which letter was never responded to; counsel for plaintiff attempted service at this address and sheriff advised house was vacant; counsel for plaintiff called this number and left a message on an answering machine which was not returned.

3.

The whereabouts of said defendants being unknown to the plaintiff, plaintiff believes and therefore alleges that the defendants, Pamela Ducote wife of/and David Sims, and Frances Frost widow of Frank Wilson by first marriage now wife of/and William Talmadge Sheffield, Sr., are absentees as defined by Louisiana Code of Civil Procedure Article 5251, and that an attorney ad hoc should be appointed to represent them in these proceedings against whom all further proceedings herein should be carried on.

WHEREFORE, plaintiff prays that an attorney ad hoc be appointed to represent the defendants Pamela Ducote wife of/and David Sims, and Frances Frost widow of Frank Wilson by first marriage now wife of/and William Talmadge Sheffield, Sr. therein; that the said defendants be served with a copy of this petition and the notice of seizure, and that all further proceedings be carried on contradictorily against said attorney ad hoc.

By Attorneys,

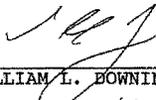
A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.  
*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

*[Signature]*  
WILLIAM L. DOWNING  
LA BAR CODE #14233  
WILLIAM L. DOWNING & ASSOC.  
P.O. Box 45212, Dept. 398  
Baton Rouge, LA 70895  
(504) 291-0055

STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared WILLIAM L. DOWNING, who, being by me first duly sworn, did depose and say that:

He is the attorney for the petitioner in the above petition; he has read the same; all of the allegations contained therein are true and correct, to the best of his information, knowledge and belief.

  
WILLIAM L. DOWNING

Sworn to and subscribed before me this 11<sup>th</sup> day of March, 1994.

  
LORI J. MANNING  
NOTARY PUBLIC

ORDER

Let Robert G. Crealy, attorney at law, be and he is hereby appointed as attorney ad hoc to represent the defendants Pamela Ducote wife of/and David Sims, and Frances Frost widow of Frank Wilson by first marriage now wife of/and William Talmadge Sheffield, Sr. and let all further proceedings herein insofar as the said defendants are concerned be carried on contradictorily against the said attorney ad hoc and his fee and expenses be taxed as costs.

READ, RENDERED AND SIGNED at Gretna, Louisiana, this 6<sup>th</sup> day of April, 1994.

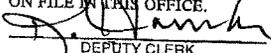
CODED  
FILMED  
APR 8 1994

  
JUDGE

LAST KNOWN ADDRESS OF ABSENTEE DEFENDANTS:  
Pamela Ducote Sims  
and David Sims  
1504 Hanging Moss Lane  
Gretna, LA 70043

Property address:  
1504 Hanging Moss Lane  
Gretna, LA 70043

Frances Frost Sheffield  
and William Talmadge Sheffield, Sr.  
14 Joyce Avenue  
Jefferson, LA 70121  
and  
1504 Hanging Moss Lane  
Gretna, LA 70043

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

9 1 1 0 2 0 2 4 1 1

**DIV. A**  
JUDGE  
THOMAS PERDUE JR.  
**DIV**

Nº 459877

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

CRYE-LEIKE MORTGAGE CO., INC.

*Plaintiff*

vs.

JANICE AMEDEE WOFFORD (a/k/a JANICE A. WOFFORD) & RICHARD THOMAS

WOFFORD (a/k/a RICHARD T. WOFFORD)

*Defendant*

JANE FAIA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

FEBRUARY 10, 1994 jff

Date of Filing

HP Exhibit 0189 (209)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF  
STATE OF LOUISIANA

NO. 459-877

CRYE-LEIKE MORTGAGE COMPANY, INC.

VERSUS

JANICE AMEDEE WOFFORD  
(A/K/A JANICE A. WOFFORD)

AND

RICHARD THOMAS WOFFORD  
(A/K/A RICHARD T. WOFFORD)

FILED FOR RECORD  
9250215  
MAR 23 PM 8 27  
S. J. J. J.  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.  
DIVISION "A"  
CODED 2

101

FILED: \_\_\_\_\_  
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of Crye-Leike Mortgage Company, Inc., through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Janice Amedee Wofford (a/k/a Janice A. Wofford) and Richard Thomas Wofford (a/k/a Richard T. Wofford), is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), Janice Amedee Wofford (a/k/a Janice A. Wofford) and Richard Thomas Wofford (a/k/a Richard T. Wofford).

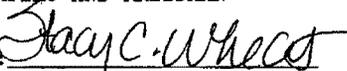
WHEREFORE, for the reasons listed herein, Mover prays that this court appoint an attorney at law as curator ad hoc for the

SEALER not a part  
MAR 29 1994  
DATE  
S/ MYRA LANDIX  
CODED

defendant(s), Janice Amedee Wofford (a/k/a Janice A. Wofford) and Richard Thomas Wofford (a/k/a Richard T. Wofford), and for all other relief as is just and proper in the premises.

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: 

JANE FAIA MENTZ

Louisiana Bar Roll No. 16908

STACY C. WHEAT

Louisiana Bar Roll No. 19826

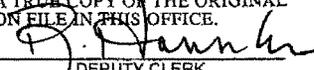
Attorneys for Plaintiff

3850 N. Causeway Blvd., Suite 710

Metairie, LA 70002

(504) 831-7726

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 459-877

DIVISION "A"

CRYE-LEIKE MORTGAGE COMPANY, INC.

VERSUS

JANICE AMEDEE WOFFORD  
(A/K/A JANICE A. WOFFORD)

AND

RICHARD THOMAS WOFFORD  
(A/K/A RICHARD T. WOFFORD)

FILED: \_\_\_\_\_ DEPUTY CLERK

ORDER

Considering the above and foregoing,

IT IS ORDERED BY THE COURT, that Robert L. Cady  
attorney at law be and he is hereby appointed curator ad hoc for  
defendant(s) Janice Amedee Wofford (a/k/a Janice A. Wofford) and  
Richard Thomas Wofford (a/k/a Richard T. Wofford), in these  
proceedings and that the requisite three (3) day notice of demand  
for payment be issued herein and served upon said attorney, and  
after all necessary delays that a Writ of Seizure and Sale issue  
herein, and be served upon said attorney at law.

19 94 Gretna, Louisiana, this 25<sup>th</sup> day of March.

CODED  
FILED  
MAR 29 1994

[Signature]  
JUDGE

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



HIBERNIA NATIONAL BANK

NUMBER 460-306 DIVISION "A"

VERSUS

24TH JUDICIAL DISTRICT COURT

MILTON JOSEPH WILTZ, ET AL

PARISH OF JEFFERSON

STATE OF LOUISIANA

**COPIED**

*PI*

**MOTION FOR ATTORNEY FOR ABSENTEE**

FILED FOR RECORD  
94 MAY 29 AM 1:00  
DEPUTY CLERK  
PARISH OF JEFFERSON

On motion of Kizer, Hood & Morgan, attorneys for plaintiff, and on showing to the Court that:

1.

The plaintiff is informed and believes, and therefore alleges, that Milton Joseph Wiltz and Averi Parker Wiltz, defendants in these proceedings, are absentees, as the term is defined in Louisiana Code of Civil Procedure, Article 5251(1).

2.

The plaintiff is informed and believes, and therefore alleges, that Milton Joseph Wiltz and Averi Parker Wiltz, residents of Jefferson Parish, Louisiana; however, after diligent effort on the part of the Jefferson Parish Sheriff's Office, the defendants have not and cannot be found and served. A representative on behalf of the plaintiff has advised that a thorough search of plaintiff's records, as well as public records and other informational sources available, has failed to provide plaintiff with any other information regarding the whereabouts of Milton Joseph Wiltz and Averi Parker Wiltz. Therefore, an attorney-at-law should be appointed to represent Milton Joseph Wiltz and Averi Parker Wiltz, under the provisions of Louisiana Code of Civil Procedure, Articles 5091, 2641 and 2674, as amended, to whom all notices shall be given in the manner prescribed by law, and contradictorily against whom seizure and sale shall be conducted.

3.

The plaintiff has not been able to determine whether or not said defendant is in the military service.

4.

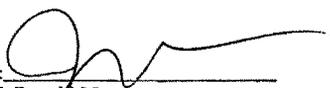
Therefore, the attorney-at-law appointed to represent the said defendants should also be appointed to represent said defendant under the provisions of the Soldiers and Sailors Civil Relief Act (50 USC App. Sec. 520, et seq.), as amended.

SEARCHED *not done*  
INDEXED *MAY 24 1994*  
S/ MYRA LANDIX  
CLERK OF COURT  
**COPIED**

WHEREFORE, plaintiff respectfully moves this Honorable Court to appoint an attorney-at-law to represent Milton Joseph Wiltz and Averi Parker Wiltz, under the provisions of the Louisiana Code of Civil Procedure, Articles 5091, 2641 and 2674, as amended, and under the provisions of the Soldiers and Sailors Civil Relief Act, as amended, upon which said attorney all notices shall be given to the manner prescribed by law, and contradictorily against whom the seizure and sale in this matter shall be conducted.

By Attorneys,

KIZER, HOOD & MORGAN, L.L.P.

By:   
J. Donald Morgan  
748 Main Street  
Baton Rouge, Louisiana 70821  
(504) 387-3121  
Bar Roll #14245

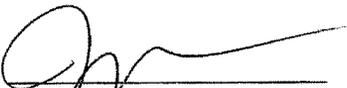
FILED  
APR 27 1994  
DEPUTY CLERK

AFFIDAVIT

STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE

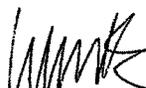
BEFORE ME, personally came and appeared, J. Donald Morgan, who, being by me first duly sworn, deposed and said:

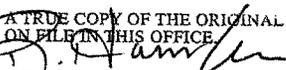
That he is one of the attorneys for the plaintiff herein; that he has read the above and foregoing motion and that of the facts stated therein are true and correct, to the best of his knowledge, information and belief.

  
J. Donald Morgan

SWORN TO AND SUBSCRIBED Before Me,

this 25th day of April, 1994.

  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, L.A.

HIBERNIA NATIONAL BANK

NUMBER 460-306 DIVISION "A"

VERSUS

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

MILTON JOSEPH WILTZ, ET AL

STATE OF LOUISIANA

ORDER

LET, Robert F. Ceely an attorney-at-law admitted to practice before this court, whose address is \_\_\_\_\_, and whose telephone number is \_\_\_\_\_ be and (s)he is hereby appointed to represent the defendants herein, Milton Joseph Wiltz and Averi Parker Wiltz, under the provisions of the Code of Civil Procedure, Articles 5091, 2641 and 2674, as amended, and the Soldiers and Sailors Civil Relief Act, as amended, and a writ of seizure in this matter be served upon him in the manner prescribed by law, and let the seizure and sale in this matter be conducted contradictorily with him in the manner prescribed by law;

Gretna, Louisiana, this 3<sup>rd</sup> day of May, 1994.

**CODED**

*[Signature]*  
JUDGE, 24TH JUDICIAL DISTRICT COURT

PLEASE SERVE THE FOLLOWING WITH A CERTIFIED COPY OF THIS MOTION, AND WITH NOTICE OF SEIZURE:

Milton Joseph Wiltz  
and Averi Parker Wiltz  
Through the attorney appointed  
above to represent them.

**FILED**  
**MAY 4 1994**

PROPERTY LOCATED AT:

1540 Westminster Boulevard  
Marrero, Louisiana 70072

**DIV. A**  
JUDGE  
L. THOMAS PATRICK, JR.  
**DIV**

**Nº 460809**

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FLEET MORTGAGE CORP

vs.

CHUNG NGOC DO

*Plaintiff*

*Defendant*

CHARLES H. RYAN  
*Attorney for Plaintiff*

*Attorney for Defendant*

MARCH 7, 1994:jff

Date of Filing

HP Exhibit 0189 (211)

STATE OF LOUISIANA \* PARISH OF JEFFERSON  
TWENTY-FOURTH JUDICIAL DISTRICT COURT

FLEET MORTGAGE CORP.  
VS. NO. 460,809 "A"  
CHUNG NGOC DO

FILED: \_\_\_\_\_  
BY: \_\_\_\_\_  
(BY) CLERK OF COURT

FILED FOR RECORD  
JUN 8 1994 P 2: 57  
CLERK OF COURT  
PARISH OF JEFFERSON, LA.  
CODED 2

MOTION TO APPOINT ATTORNEY  
TO REPRESENT ABSENTEES

265  
201

NOW INTO COURT, through undersigned counsel, comes FLEET MORTGAGE CORP., Plaintiff in the above entitled and numbered proceedings, and respectfully represents that:

1.

The Sheriff has been unable to locate or serve the defendant(s), CHUNG NGOC DO, in the Parish of Jefferson, or in the State of Louisiana despite a diligent search and has made a return or report to the court to this effect. Plaintiff is informed, believes and so pleads that said defendant(s) are non-resident(s) of the State of Louisiana, or persons whose whereabouts are unknown and whose whereabouts cannot be discovered after a diligent search; or in the alternative, that said defendant(s) are absentee(s) who have concealed themselves to avoid service of process, and further, that defendant(s) have not appointed an agent or legal representative to represent them in this state.

2.

The last known whereabouts of the defendant(s) was 716 Mystic Drive, Terrytown, LA; or U.S. Navy Station, Belle Chasse, LA.

3.

It is necessary that an Attorney-at-Law be appointed by the court to represent the absentee defendant(s) in accordance with CCP 2674 to receive the notice of seizure and any other services on behalf of the absentee defendant(s).

FILED: not on court  
JUN 16 1994  
S/ MYRA LANDIX  
CLERK OF COURT

CODED

WHEREFORE, PLAINTIFF PRAYS that an Attorney-at-Law be appointed to represent the absentee defendant(s) in these proceedings and that said defendants, CHUNG NGOC DO, be served with the notice of seizure and all other notices and citations required or permitted by law through said Attorney-at-Law in the manner and form provided by law.

Respectfully submitted,

BOLES, BOLES & RYAN  
ATTORNEY AT LAW  
1805 Tower Drive  
P. O. Box 2065  
Monroe, LA 71207-2065  
(318) 388-4050

BY *Charles H. Ryan*  
Charles H. Ryan  
Bar #11557

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, the undersigned legal authority in and for said Parish and State, personally came and appeared CHARLES H. RYAN, who first being duly sworn, did depose and say: That he is one of the attorneys for the plaintiff in the above and foregoing motion and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

*Charles H. Ryan*  
Charles H. Ryan

SWORN TO AND SUBSCRIBED before me, Notary, this 1st day of June, 1994.

*James C. [Signature]*  
Notary Public

ORDER

IT IS ORDERED that *Robert G. Creeley*, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), CHUNG NGOC DO, and that said defendant(s) be served through said Attorney-at-Law with the notice of seizure and all other notices and citations required or permitted by law.

Gretna, Louisiana, this 13<sup>th</sup> day of June, 1994.

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
*D. J. Lannin* DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.  
CODED

*[Signature]*  
JUDGE, DISTRICT COURT  
FILED  
JUN 15 1994

**DIV. A**  
JUDGE  
E. THOMAS MATTHEWS, JR.

**DIV**

No 460829

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

TOYOTA MOTOR CREDIT CORP.

vs.

CHARLENE M. ADAMS

*Plaintiff*

*Defendant*

PETER S. THRIFFILEY

*Attorney for Plaintiff*

*Attorney for Defendant*

MARCH 8, 1994 jff

Date of Filing

HP Exhibit 0189 (212)

*Handwritten mark*

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

CASE NO. 460-829

DIVISION "A"

TOYOTA MOTOR CREDIT CORPORATION

VERSUS

CHARLENE M. ADAMS

**CODED**

FILED 103-242550  
MAR 28 PM 1 57  
DORIS L. GLEBE  
PARISH OF JEFFERSON, LA.

FILED: \_\_\_\_\_ DEPUTY CLERK: \_\_\_\_\_

MOTION FOR APPOINTMENT OF CURATOR

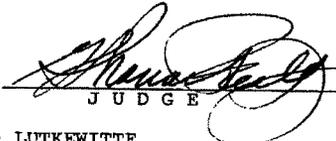
On Motion of Plaintiff TOYOTA MOTOR CREDIT CORPORATION, through its undersigned counsel, and upon suggesting to the Court that defendant CHARLENE M. ADAMS is subject to the jurisdiction of this court, however, the Sheriff has made a return "unable to locate after due and diligent search." The plaintiff is informed and believes that the defendant has moved from the address of 506 Jefferson Park, Jefferson, Louisiana 70121 which was the last known address plaintiff had for the defendant; That the plaintiff has made a due and diligent search for the whereabouts of the defendant, and has been unable to locate a current address for the defendant; That to plaintiff's knowledge, defendant has no agent or other legal representative in the State and no fixed place of residence with a person living there competent to receive service of process, all of which facts are verified by the plaintiff in the attached Affidavit made a part here of as Exhibit "A". It is therefore necessary that the Court appoint an attorney at law to represent the defendant CHARLENE M. ADAMS and upon whom service of all process may be made.

IT IS ORDERED, that Robert G. Creeley be appointed as attorney at law to represent the absent defendant CHARLENE M. ADAMS in these proceedings and upon whom service of all process may be made.

Gretna, Louisiana, this 28<sup>th</sup> day of March, 1994.

~~not a cert~~  
~~MAR 31 1994~~  
~~S/ MYRA LAVIX~~

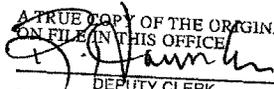
**CODED**

  
\_\_\_\_\_  
J U D G E

FAVRET, DEMAREST, RUSSO & LUTKEWITTE  
A Professional Law Corporation

  
\_\_\_\_\_  
PETER S. THRIFFILEY #12780  
Attorney for Plaintiff  
1515 Poydras Street, Suite 1400  
New Orleans, LA 70112  
(504) 561-1006

PLEASE SERVE:  
CURATOR APPOINTED TO REPRESENT DEFENDANT

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
JUDGE  
4 THOMAS PARTIEN  
**DIV**

No 460987

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NATIONAL MORTGAGE CO

*Plaintiff*

vs.

JAMES LELAND DAUPHIN (e/k/a JAMES L. DAUPHIN & JAMES DAUPHIN) &

REBECCA TACKETT DAUPHIN (e/k/a REBECCA DAUPHIN)

*Defendant*

JANE FAIA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

MARCH 11, 1994 jff

Date of Filing

HP Exhibit 0189 (213)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 460-987

NATIONAL MORTGAGE COMPANY

VERSUS

JAMES LELAND DAUPHIN  
(A/K/A JAMES L. DAUPHIN AND JAMES DAUPHIN)

AND

REBECCA TACKETT DAUPHIN  
(A/K/A REBECCA DAUPHIN)

FILED FOR RECORD  
94 MAY 13 2 PM 11 32  
PARISH OF JEFFERSON, LA.  
DEPUTY CLERK  
COPIES

901

FILED: \_\_\_\_\_ DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of National Mortgage Company, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), James Leland Dauphin (a/k/a James L. Dauphin and James Dauphin) and Rebecca Tackett Dauphin (a/k/a Rebecca Dauphin), is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), James Leland Dauphin (a/k/a James L. Dauphin and James Dauphin) and Rebecca Tackett Dauphin (a/k/a Rebecca Dauphin).

WHEREFORE, for the reasons listed herein, Mover prays that this court appoint an attorney at law as curator ad hoc for the defendant(s), James Leland Dauphin (a/k/a James L. Dauphin and James Dauphin) and Rebecca Tackett Dauphin (a/k/a Rebecca Dauphin),

not of apt  
MAY 19 1994  
S/ MYRA LANDIX  
Deputy Clerk

and for all other relief as is just and proper in the premises.

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Stacy C. Wheat  
JANE FAIA WENTZ  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Plaintiff  
3850 N. Causeway Blvd., Suite 710  
Metairie, LA 70002  
(504) 831-7726

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
R. J. Danner  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 460-987

DIVISION "A"

NATIONAL MORTGAGE COMPANY

VERSUS

JAMES LELAND DAUPHIN  
(A/K/A JAMES L. DAUPHIN AND JAMES DAUPHIN)

AND

REBECCA TACKETT DAUPHIN  
(A/K/A REBECCA DAUPHIN)

FILED: \_\_\_\_\_ DEPUTY CLERK

ORDER

Considering the above and foregoing,

IT IS ORDERED BY THE COURT, that Robert G. Crealy  
attorney at law be and he is hereby appointed curator ad hoc for  
defendant(s) James Leland Dauphin (a/k/a James L. Dauphin and James  
Dauphin) and Rebecca Tackett Dauphin (a/k/a Rebecca Dauphin), in  
these proceedings and that a Writ of Seizure and Sale issue herein,  
and be served upon said attorney at law.

Gretna, Louisiana, this 16<sup>th</sup> day of May,  
19 94.

FILED

[Signature]  
JUDGE

MAY 19 1994

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



Nº 461887

DIV

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

BANCOSTON MORTGAGE CORP

*Plaintiff*

vs.

MARGARET GRACE TREADAWAY RECHTIEN & HENRY JOSEPH RECHTIEN

(a/k/a HENRY J. RECHTIEN) & KATHERINE MCGREW ELLIS & ROBERT LEE ELLIS, SR.

*Defendant*

JANE FAIA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing MARCH 31, 1994 iff

HP Exhibit 0189 (214)

94-0273

FILED FOR RECORD  
94 JUN 29 PM 1 13  
CLERK OF THE COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 461,887

DIVISION "A"

201

BANCBOSTON MORTGAGE CORPORATION

VERSUS

MARGARET GRACE TREADAWAY RECHTIEN

AND

HENRY JOSEPH RECHTIEN  
(A/K/A HENRY J. RECHTIEN)

AND

KATHERINE MCGREW ELLIS

AND

ROBERT LEE ELLIS, SR.

CODED

FILED: \_\_\_\_\_  
DEPUTY CLERK

MOTION TO APPOINT ATTORNEY AT LAW TO DEFEND SUIT

On motion of BancBoston Mortgage Corporation, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Margaret Grace Treadaway Rechtién, Henry Joseph Rechtién (a/k/a Henry J. Rechtién), Katherine McGrew Ellis and Robert Lee Ellis, Sr., is unknown as appears from the Sheriff's return of the citation of file in these proceeding specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law to represent the defendant(s) Margaret Grace Treadaway Rechtién, Henry Joseph Rechtién (a/k/a Henry J. Rechtién), Katherine McGrew Ellis and Robert Lee Ellis, Sr., in their absence and to defend this suit

*Myra Landix*  
DATE noted by court JUN 23 1994

S/ MYRA LANDIX

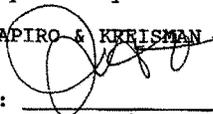
CODED

on their behalf.

WHEREFORE, mover prays that this Court appoint an attorney at law to represent the defendant(s) Margaret Grace Treadaway Rechten, Henry Joseph Rechten (a/k/a Henry J. Rechten), Katherine McGrew Ellis and Robert Lee Ellis, Sr., in their absence and to defend this suit on their behalf.

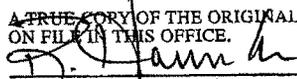
Respectfully submitted,

SHAPIRO & KRISMAN

BY: 

Jane Faia Mentz # 16908  
Stacy C. Wheat # 19826  
Attorneys for Plaintiff  
3850 North Causeway Boulevard  
Suite 710  
Metairie, LA 70002  
(504) 831-7726

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 461,887

DIVISION "A

BANCOSTON MORTGAGE CORPORATION

VERSUS

MARGARET GRACE TREADAWAY RECHTIEN

AND

HENRY JOSEPH RECHTIEN  
(A/K/A HENRY J. RECHTIEN)

AND

KATHERINE MCGREW ELLIS

AND

ROBERT LEE ELLIS, SR.

O R D E R

IT IS ORDERED BY THE COURT, that Robert G. Creely  
attorney at law be and he is hereby appointed to represent  
defendant(s), Margaret Grace Treadaway Rechtiens, Henry Joseph  
Rechtiens (a/k/a Henry J. Rechtiens), Katherine McGrew Ellis and  
Robert Lee Ellis, Sr., in these proceedings and defend this suit,  
and that he/she be cited to appear and answer the petition on their  
behalf.

Gretna, Louisiana, this 14th day of June,  
1994.

CODED

FILED  
JUN 17 1994

[Signature]  
JUDGE

PLEASE SERVE:

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

ATTORNEY AT LAW APPOINTED  
TO REPRESENT THE ABSENT  
DEFENDANT(S) MARGARET GRACE TREADAWAY RECHTIEN, HENRY JOSEPH  
RECHTIEN (A/K/A HENRY J. RECHTIEN), KATHERINE MCGREW ELLIS, AND  
ROBERT LEE ELLIS, SR.

**DIV. A**  
JUDGE  
**DIV. A**

**Nº 464107**

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

HIBERNIA NATIONAL BANK

vs.

COREY T. WARMINGTON & MONICA JAMES WARMINGTON

*Plaintiff*

*Defendant*

J. DONALD MORGAN

*Attorney for Plaintiff*

*Attorney for Defendant*

MAY 26, 1994 JFF

Date of Filing

HP Exhibit 0189 (215)

09 16 07 0 3 8 10

JUDGE  
G. THOMAS PORTER

CODED

*200*

HIBERNIA NATIONAL BANK

NUMBER 46107 DIVISION

VERSUS

24TH JUDICIAL DISTRICT COURT

COREY T. WARMINGTON and MONICA  
JAMES WARMINGTON

PARISH OF JEFFERSON

STATE OF LOUISIANA

PARISH OF JEFFERSON  
U.S. DISTRICT COURT

FILED  
MAY 1994  
PM 2 14

**PETITION FOR EXECUTORY PROCESS WITHOUT APPRAISEMENT AND WITHOUT NOTICE TO PAY**

The petition of Hibernia National Bank, a national banking organization domiciled in Orleans Parish, Louisiana, respectfully represents as follows:

1.

The defendants herein are Corey T. Warmington, who is a resident of Jefferson Parish, Louisiana; and Monica James Warmington, whose address is unknown to petitioner; all of the full age of majority.

*MAY 31 1994  
file note + mortgage in result*

2.

Defendants are indebted, in solido, to plaintiff in the sum of TWENTY-EIGHT THOUSAND ONE HUNDRED SEVENTY-NINE AND 70/100 (\$28,179.70) DOLLARS, together with interest thereon at the rate of Eight and 45/100 (8.45%) percent per annum from October 1, 1993, until paid, together with Twenty-five (25%) percent additional upon the total amount due as stipulated attorney's fees, and for all costs of these proceedings, for the following reasons.

3.

Plaintiff is the holder and owner of one (1) promissory note made and executed by defendants, Corey T. Warmington and Monica James Warmington, dated June 28, 1991, in the principal amount of TWENTY-EIGHT THOUSAND SEVEN HUNDRED AND NO/100 (\$28,700.00) DOLLARS, payable to the order of HIBERNIA NATIONAL BANK, in monthly installments of principal and interest of Two Hundred Nineteen and 66/100 (\$219.66) Dollars commencing on the first day of August, 1991, and on the first day of each month thereafter until the principal and interest are fully paid, except that the final payment of principal and interest, if not sooner paid, shall be due and payable on the first day of July, 2021, stipulating Eight and 45/100 (8.45%) percent per annum interest on the unpaid balance until paid and stipulating Twenty-five (25%) percent additional on both principal and interest due, as attorney's fees; which original note, referred to herein as the "mortgage note" is attached hereto and made a part hereof, and to which special reference is made for more specific proof.

SUBSCRIBED not of court  
MAY 31 1994  
S/ KYRA LANDIX

CODED

464107

4.

The mortgage note was paraphrased "Ne Varietur" by James G. Sax, Notary Public, on June 28, 1991, to identify it with an act of mortgage, executed on the same day by the said makers of the mortgage note, granting to and in favor of any future holder of the mortgage note a vendor's lien and privilege, in the same sum as the mortgage note, bearing upon the following described property to secure the payment of the mortgage note:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in Section 7, Township 14 South, Range 23 East, Located in ESTELLE HEIGHTS SUBDIVISION, EXTENSION NO. 2, according to a plan of subdivision of William Maier, C.E., dated September 30, 1967, approved by the Jefferson Parish Council on November 30, 1967, under Ordinance Number 8564, and is on file in the Office of Clerk of Court, Jefferson Parish, in Plan Book 60, as Plan No. 25, the said Lot is designated and measures as follows:

**LOT 41, SQUARE 14**, which square is bounded by Jimmy Dean Drive, Ames Boulevard, Isabelle Drive and Yvonne Drive, and measures 50' front on Jimmy Dean Drive, the same width in the rear, by a depth of 100' between equal and parallel lines, and according to a survey made by Gilbert, Kelly & Couturie, Inc., Surveying and Engineering, dated December 20, 1985. Said Lot has the same designation, location and dimensions as mentioned above, except said lot is shown to commence at a distance of 130.39 feet from the corner of Jimmy Dean Drive and Yvonne Drive. All as more fully shown on a survey by Gilbert, Kelly & Couturie, Inc., Surveying and Engineering, dated April 22, 1991. The improvements thereon bear the Municipal Number 2772 Jimmy Dean Drive, Marrero, Louisiana 70072.

A certified copy of said mortgage is attached hereto and made a part hereto and to which special reference is made for more specific proof. Said mortgage was filed of record in the office of the Clerk of Court for the Parish of Jefferson, Louisiana, on July 9, 1991, as Instrument Number 9129757, MOB 2970, folio 268.

5.

By an Act of Correction dated May 17, 1994, a blank endorsement executed by Hibernia National Bank was corrected and canceled, in that Hibernia National Bank remains the holder and owner of the mortgage note. The original of this act is attached hereto and made a part hereof and to which special referenced is made for more specific proof. In addition, the mortgage note was paraphrased for identification with said act of correction.

6.

In the mortgage, the makers of the mortgage note consented that in the event of a thirty (30) day default in the payment of the note or any installment thereon, or in the event of a failure to comply with any of the obligations enumerated therein, the whole indebtedness

secured thereby shall, at the option of the mortgagee, become due and payable, and, except where the default consists of the sale or transfer of the property without the consent of the mortgagee, the said mortgagee shall have the right to cause the property herein mortgaged, together with all the improvements thereon, to be seized and sold under executory or other process issued by any competent court or to proceed with the enforcement of its rights in any other manner provided by law, the said mortgagor expressly confessing judgment in favor of the mortgagee and waiving the benefit of all laws relative to the appraisal of property seized and sold under executory or other process and further specifically waiving the three-day notice to pay as provided for in Article 2639 of the Louisiana Code of Civil Procedure. Plaintiff herein specially pleads each and all of the stipulations and the provisions of the act of mortgage and mortgage note as fully and completely as though the whole and each of them were copied herein, particularly the express waiver of the benefit of appraisal and notice to pay as written therein.

## 7.

The mortgage is subject to credits on the principal in the total sum of FIVE HUNDRED TWENTY AND 30/100 (\$520.30) DOLLARS, leaving an unpaid remainder of the principal of said mortgage note in the sum of TWENTY-EIGHT THOUSAND ONE HUNDRED SEVENTY-NINE AND 70/100 (\$28,179.70) DOLLARS, with interest paid and credited up to October 1, 1993.

## 8.

The installment provided for in the note which was due and payable on the first day of November, 1993, and those due thereafter, have not been paid. Amicable demand has been made on the defendants, in accordance with the terms of the mortgage, but to no avail, and therefore plaintiff has exercised and does exercise its option to declare the entire principal sum, interest, attorney's fees, escrow deficiencies, and all costs due and payable. Defendants have not paid these amounts, and, as such, said amounts are presently in default and thus remain due and payable.

## 9.

On information and belief, petitioner alleges that Monica James Warmington, defendant in these proceedings, is an absentee, being absent and not represented in this state. A representative on behalf of the plaintiff has advised that a thorough search of plaintiff's records, as well as public records and other informational sources available, has failed to provide plaintiff

464102

with any other information regarding the whereabouts of Monica James Warmington. Therefore, an attorney at law should be appointed to represent Monica James Warmington under the provisions of the Louisiana Code of Civil Procedures.

10.

Plaintiff does not desire to exercise its right to claim any deficiency which may be left unpaid after the sale of this property and, to that end, desires to have the property sold without benefit of appraisalment.

**WHEREFORE**, the premises and annexed documents being considered, plaintiff, Hibernia National Bank, prays that an attorney at law be appointed to represent Monica James Warmington, and further prays for an order of executory process and a writ of seizure and sale immediately issued herein, and accordingly, the Sheriff of the Parish of Jefferson be directed to seize and, after due service of notice of seizure, advertisements, delays, requisites and formalities, to sell at public auction, without appraisalment, and to the highest bidder for cash payable immediately upon adjudication, the property described in the mortgage, to pay and satisfy the claim of Hibernia National Bank in the principal sum of TWENTY-EIGHT THOUSAND ONE HUNDRED SEVENTY-NINE AND 70/100 (\$28,179.70) DOLLARS, together with interest thereon at the rate of Eight and 45/100 (8.45%) percent per annum from October 1, 1993, until paid, together with Twenty-five (25%) percent additional upon the total amount due as stipulated attorney's fees, and for all costs of these proceedings.

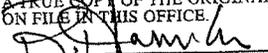
By Attorneys,

KIZER, HOOD & MORGAN, L.L.P.

BY: 

J. Donald Morgan, Bar Roll #14245  
748 Main Street  
Baton Rouge, Louisiana 70802-5526  
(504) 387-3121

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

464106

HIBERNIA NATIONAL BANK

NUMBER \_\_\_\_\_ DIVISION \_\_\_\_\_

VERSUS

24TH JUDICIAL DISTRICT COURT

COREY T. WARMINGTON and MONICA  
JAMES WARMINGTON

PARISH OF JEFFERSON

STATE OF LOUISIANA

VERIFICATION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

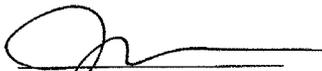
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FILED
26
DEPUTY CLERK

**BEFORE ME**, the undersigned authority, personally came and appeared **J. Donald Morgan**, who being first duly sworn, deposed that he is the attorney for the plaintiff in the above and foregoing petition, and as such, duly authorized to execute this affidavit; that he has read the petition and all of the allegations of fact contained in it are true and correct, to the best of his knowledge, information and belief.

Affiant alleges that the signature(s) affixed to the documents attached to or identified in the foregoing petition are genuine to the best of the information, knowledge, or the belief of the affiant.

To the best of my knowledge, information and belief, the defendants, Corey T. Warmington and Monica James Warmington, are not in the military service, and, therefore, the provisions of the Soldiers and Sailors Civil Relief Act (50 USC App. Sec. 520, et seq.), as amended, do not apply.



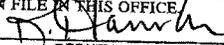
\_\_\_\_\_  
J. DONALD MORGAN

SWORN TO AND SUBSCRIBED before me,

this 25th day of May, 1994.



\_\_\_\_\_  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

403307

HIBERNIA NATIONAL BANK

NUMBER \_\_\_\_\_ DIVISION \_\_\_\_\_

VERSUS

24TH JUDICIAL DISTRICT COURT

COREY T. WARMINGTON and MONICA  
JAMES WARMINGTON

PARISH OF JEFFERSON  
STATE OF LOUISIANA

**ORDER**

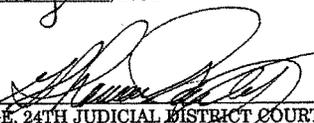
The foregoing petition, attached documents, and affidavit being considered:

LET Robert G. Creely, an attorney at law admitted to practice before this court, whose address is 901 Deligny St. and whose telephone number is 367-2181 be and said attorney is hereby appointed to represent the defendant herein, Monica James Warmington;

**FURTHER IT IS ORDERED** that executory process be issued herein as prayed for and according to law; and a writ of seizure and sale be issued herein immediately to the Sheriff of the Parish of Jefferson, Louisiana, commanding him to seize immediately the said property and proceed to the sale thereof, **without benefit of appraisal**, according to law, to satisfy the demand of plaintiff.

Gretna, Louisiana, this 27<sup>th</sup> day of May, 1994.

**CODED**

  
\_\_\_\_\_  
JUDGE, 24TH JUDICIAL DISTRICT COURT

**FILMED**  
MAY 31 1994

PLEASE SERVE THE FOLLOWING WITH NOTICE OF SEIZURE:

- (1) **Corey t. Warmington**  
2772 Jimmy Dean Drive  
Marrero, Louisiana 70072
- (2) **Monica James Warmington**  
Through the attorney at law  
appointed to represent her.

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
R. Danner  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**PROPERTY LOCATED AT:**

2772 Jimmy Dean Drive  
Marrero, Louisiana 70072

**SEIZURE INFORMATION:**

Seizure to be effected by Constructive  
Seizure pursuant to La.-R.S. 13:3851, et seq.

464107

**DIV. A**  
JUDGE  
& THOMAS PATTERSON JR.

**DIV**

№ 464338

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOC

vs.

JAMES P. DABON, JR. & RITA TUEY BARTLETT, w/o & JON G. BARTLETT

*Plaintiff*

*Defendant*

IRA J. MIDDLEBERG

*Attorney for Plaintiff*

*Attorney for Defendant*

JUNE 2, 1994 jff

Date of Filing

HP Exhibit 0189 (216)

0 0 9 1 6 1 5 0 1 0 1 1

250

LN 1513-1396/LOAN NO. 15-25-02642

**DIV. A**

JUDGE

**G. THOMAS PORTERUS, JR.**

**CODED**

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. *464-338*

PARISH OF JEFFERSON, LA.  
DEPT. CLERK  
DEVISION  
34 JUN 2 PM 1 35

FILED FOR RECORD

**CODED**

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

**JAMES P. DABON, JR. AND  
RITA TUEY BARTLETT, WIFE OF/AND JON G. BARTLETT**

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

*JUN 09 1994  
file note + mortgage in court*

The petition of FEDERAL NATIONAL MORTGAGE ASSOCIATION, a privately owned, federally chartered corporation, created by Congress, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

Defendant, James P. Dabon, Jr. is a person of the full age of majority and a resident of the Parish of Jefferson, State of Louisiana.

Defendants, Rita Tuey Bartlett and Jon G. Bartlett are persons of the full age of majority whose whereabouts are unknown to petitioner.

2.

The defendants are jointly, severally and solidarilly liable unto petitioner for the following reasons, to-wit:

3.

Petitioner is the holder and owner in due course for valuable consideration and before maturity of a certain promissory note executed by Rita Tuey Bartlett and Jon G. Bartlett, payable to the order of "OURSELVES" and endorsed by the said Rita Tuey Bartlett and Jon G. Bartlett, in the principal sum of SEVENTEEN THOUSAND THREE HUNDRED AND NO/100 (\$17,300.00) DOLLARS, dated July 10, 1970, payable in monthly installments, including principal and interest,

*Not of apt*  
JUN 0 9 1994  
S/ MYRA LANDIX

**464338**  
**CODED**

beginning September 1, 1970 and on the first day of each month thereafter until principal and interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on August 1, 2000, and which note bears interest at the rate of 8.50% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by an Act of Vendor's Lien dated July 10, 1970, passed before Claude J. Champagne, Notary Public and two witnesses and recorded in MOB 718 folio 466 of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and made a part hereof and marked "P-1" for identification. A certified true copy of the Act of Vendor's Lien is attached hereto and made a part hereof and marked "P-2" for identification.

4.

Further, Lomas & Nettleton West, Inc. did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Lomas & Nettleton Financial Corporation, by Notarial Endorsement and Assignment of Mortgage Note, in authentic form, dated August 26, 1970, executed by C.A. Abright, Vice President, and passed before Sue Rogers, Notary Public and two witnesses. A certified true copy of said Notarial Endorsement and Assignment of Mortgage Note is attached hereto and made a part hereof and marked "P-3" for identification.

5.

Further, Lomas & Nettleton Financial Corporation did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Federal National Mortgage Association, by Notarial Endorsement and Assignment of Mortgage Note, in authentic form, dated August 26, 1970, executed by C.A. Abright, Vice President, and passed before Sue Rogers, Notary Public and two witnesses. A certified true copy of said Notarial Endorsement and Assignment of Mortgage Note is attached hereto and made a part hereof and marked "P-4" for identification.

6.

James P. Dabon, Jr. did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow

464338

from Rita Tuey Bartlett and Jon G. Bartlett, by Act of Sale and Assumption dated January 11, 1974, and passed before Arthur G. Kingsmill, Notary Public and two witnesses and which Act of Sale and Assumption was duly recorded in MOB 627 folio 372 of the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale and Assumption is attached hereto and made a part hereof and marked "P-5" for identification.

7.

By virtue of the aforementioned act(s), defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, in the State of Louisiana, in that part thereof known as CLAIBORNE GARDENS SUBDIVISION, said portion being designated as LOT 9 of SQUARE 101. According to a plan by Rene A. Harris, C.E., dated July 8, 1970, Square 101 is bounded by East Claiborne Parkway, Cabildo Lane, 2 15-foot Walkway separating Square 101 from Square 103, and Lot 10 of Square 101. Lot 9 commences at a distance of 512.59 feet from Cabildo Lane and the 15-foot walkway separating Square 101 from Square 103, and measures thence 60.38 feet front on Cabildo Lane, with a width in the rear of 60 feet, by a depth of 121.43 feet on the side line closer to the 15-foot walkway separating Square 101 from Square 103, and a depth of 128.19 feet on the opposite side line.

The improvements thereon bear the municipal number 9429 Cabildo Lane.

8.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid act(s), the property might be seized and sold under executory process, for cash and without appraisalment, defendants having waived the demand for payment as provided for in Louisiana Civil Code of Procedure Article 2639.

9.

The defendants have failed to pay the installment due November 1, 1993 and all subsequent installments due under said note.

10.

The defendants are therefore in default under the terms and conditions of the aforesaid note and act(s).

11.

Therefore, FEDERAL NATIONAL MORTGAGE ASSOCIATION has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of \$8,184.73, interest at the rate of 8.50% per annum from October 1, 1993, until paid, together with 10% attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

12.

By virtue of the terms of the aforementioned note and act(s), defendants agreed to pay 10% attorney's fees for the attorney at law who might be employed to institute proceedings to recover the amounts due under said note.

13.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendants, Rita Tuey Bartlett and Jon G. Bartlett, are absentees who cannot be served personally with process, an attorney at law should be appointed to represent them.

14.

In accordance with the terms of said Act of Vendor's Lien, defendants waived any and all notice of demand.

WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, and that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and without appraisalment, to pay and satisfy the claim of your petitioner in the principal sum of \$8,184.73, with interest at the rate of 8.50% per annum from

October 1, 1993 until paid, together with 10% attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

Petitioner further prays that an attorney at law be appointed to represent the absent defendants in this proceeding.

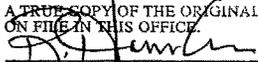
MIDDLEBERG, RIDDLE & GIANNA  
201 ST. CHARLES AVENUE - 31ST FLOOR  
NEW ORLEANS, LOUISIANA 70170-3100  
TELEPHONE: (504) 525-7200  
ATTENTION: FORECLOSURE DEPARTMENT

  
\_\_\_\_\_  
IRA J. MIDDLEBERG  
BAR NO. 9640

PLEASE SERVE NOTICE OF SEIZURE ON:

JAMES P. DABON, JR.  
9429 CABILDO LANE  
WESTWEGO, LA. 70094

RITA TUEY BARTLETT AND  
JON G. BARTLETT  
THROUGH COURT APPOINTED COUNSEL

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

ORDER

CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

FURTHER, LET Robert G. Creeley, attorney at law, be appointed to represent the absent defendants, Rita Tuey Bartlett and Jon G. Bartlett, in this proceeding.

GRETN, LOUISIANA, this 3rd day of June, 1994.

**FILED**  
MAY 6 1994

JUN 6 1994

**CODED**

466-388

**DIV**  
**DIV A**  
JUDGE  
THOMAS PATRICK, JR.

No. 465007

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
GE CAPITAL ASSET MANAGEMENT CORP.  
vs.  
SADIE SHANNON MOSES (a/k/a SADIE MOSES) & FREDDY MOSES  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Plaintiff*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Defendant*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
JANE FAIA MENTZ  
*Attorney for Plaintiff*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Attorney for Defendant*

Date of Filing JUNE 17, 1994. jff.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 465-007

DIVISION 5

FILED FOR RECORD  
'94 OCT 5 9 11 12  
PARISH OF JEFFERSON, LA.

*Rel*

GE CAPITAL ASSET MANAGEMENT CORPORATION

VERSUS

SADIE SHANNON MOSES  
(A/K/A SADIE MOSES)

AND

FREDDY MOSES

**CODED**

FILED: \_\_\_\_\_ DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of GE Capital Asset Management Corporation, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Sadie Shannon Moses (a/k/a Sadie Moses) and Freddy Moses, is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), Sadie Shannon Moses (a/k/a Sadie Moses) and Freddy Moses.

WHEREFORE, for the reasons listed herein, Mover prays that this court appoint an attorney at law as curator ad hoc for the defendant(s), Sadie Shannon Moses (a/k/a Sadie Moses) and Freddy Moses, and for all other relief as is just and proper in the

ISSUED Asst. to Court  
DATE OCT 13 1994  
S/ MYRA LANDIX

**CODED**

premises.

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: *Stacy C. Wheat*  
JANE FAIA MENTZ  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Plaintiff  
3850 N. Causeway Blvd., Suite 710  
Metairie, LA 70002  
(504) 831-7726

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 465-007

DIVISION "A"

GE CAPITAL ASSET MANAGEMENT CORPORATION

VERSUS

SADIE SHANNON MOSES  
(A/K/A SADIE MOSES)

AND

FREDDY MOSES

FILED: \_\_\_\_\_  
DEPUTY CLERK

ORDER

Considering the above and foregoing

IT IS ORDERED BY THE COURT, that Robert D. Cooley  
attorney at law be and he is hereby appointed curator ad hoc for  
defendant(s) Sadie Shannon Moses (a/k/a Sadie Moses) and Freddy  
Moses, in these proceedings and that a Writ of Seizure and Sale  
issue herein, and be served upon said attorney at law.

Gretna, Louisiana, this 12<sup>th</sup> day of October,  
19 94.

**CODED**

**FILED**  
**OCT 13 1994**

[Signature]  
JUDGE

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. 2**  
**JUDGE**

Nº 465042

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

IN RE: INTERDICTION OF EDNA TANNER DRIVER  
vs.

*Plaintiff*

*Defendant*

FRANK P. BATTARD  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing       JUNE 20, 1994       jff

TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 465-042

DIVISION "A"

IN RE: INTERDICTION OF EDNA TANNER DRIVER

FILED: \_\_\_\_\_

Deputy Clerk

FILED FOR RECORD  
94 AUG 10 11 30 AM '94  
CLERK OF COURT  
PARISH OF JEFFERSON, LA.

MOTION AND ORDER TO APPOINT ATTORNEY TO REPRESENT DEFENDANT

DO1

On motion of Debra Tanner Moore, niece of Edna Tanner Driver, through her undersigned counsel, and on suggesting to the Court that, as will appear from the sheriff's return of record in these proceedings, the defendant was personally served with citation on July 5, 1994; that the delay for answering has expired; and that the defendant has made no appearance in these proceedings.

IT IS ORDERED by the Court that:

1. Robert S. Coody, Esq., Attorney at Law, is appointed to represent the defendant, Edna Tanner Driver, in these proceedings; and
2. Citation and a certified copy of the Petition and Order in this matter be served on the attorney at law appointed above to represent the defendant.

Gretna, Louisiana, this 9th day of August, 1994.

CODED

[Signature]  
JUDGE

RESPECTFULLY SUBMITTED:

[Signature]  
Frank P. Battard  
VOELKER & BATTARD  
Attorneys for Petitioners  
3850 N. Causeway Blvd.  
Suite 1330  
Metairie, LA 70002  
(504)-836-7055  
Bar No. 2850

PT MTD  
AUG 10 1994  
A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

not a copy w/out cert  
AUG 12 1994  
S/ MYRA LANDIX  
Deputy Clerk

CODED



STATE OF LOUISIANA \* PARISH OF JEFFERSON  
TWENTY-FOURTH JUDICIAL DISTRICT COURT

FLEET MORTGAGE CORP.  
VS. NO. 465-086 DIVISION "A"  
DAVID SINGLETON, ET UX

FILED: \_\_\_\_\_  
BY: \_\_\_\_\_  
(BY) CLERK OF COURT

FILED FOR RECORD  
CLERK OF COURT  
J. [Signature]  
SEP 6 1994

MOTION TO APPOINT ATTORNEY  
TO REPRESENT ABSENTEES

*8/21/94*

NOW INTO COURT, through undersigned counsel, comes ~~FLEET~~  
MORTGAGE CORP., Plaintiff in the above entitled and numbered  
proceedings, and respectfully represents that:

1.

The Sheriff has been unable to locate or serve the  
defendant(s), DAVID SINGLETON and WANDA GROSS SINGLETON, in the  
Parish of Jefferson, or in the State of Louisiana despite a  
diligent search and has made a return or report to the court to  
this effect. Plaintiff is informed, believes and so pleads that  
said defendant(s) are non-resident(s) of the State of Louisiana, or  
persons whose whereabouts are unknown and whose whereabouts cannot  
be discovered after a diligent search; or in the alternative, that  
said defendant(s) are absentee(s) who have concealed themselves to  
avoid service of process, and further, that defendant(s) have not  
appointed an agent or legal representative to represent them in  
this state.

2.

The last known whereabouts of the defendant(s) was 3720  
Chadwood Drive, Harvey, LA 70058.

3.

It is necessary that an Attorney-at-Law be appointed by the  
court to represent the absentee defendant(s) in accordance with CCP  
Article 2674 to receive the notice of seizure and any other  
services on behalf of the absentee defendant(s).

WHEREFORE, PLAINTIFF PRAYS that an Attorney-at-Law be  
appointed to represent the absentee defendant(s) in these  
proceedings and that said defendant(s), DAVID SINGLETON and WANDA  
GROSS SINGLETON, be served with the notice of seizure and all other

SIGNED [Signature]  
DATE SEP 06 1994  
S/ MYRA LANDIX

CODED

notices and citations required or permitted by law through said Attorney-at-Law in the manner and form provided by law.

Respectfully submitted,

BOLES, BOLES & RYAN  
Attorneys at Law  
P. O. Drawer 2065  
Monroe, LA 71207-2065  
(318) 388-4050

BY: *Charles H. Ryan*  
Charles H. Ryan  
Bar No. 11557

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, the undersigned legal authority in and for said Parish and State, personally came and appeared CHARLES H. RYAN, who first being duly sworn, did depose and say: That he is one of the attorneys for the plaintiff in the above and foregoing motion and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

*Charles H. Ryan*  
Charles H. Ryan

SWORN TO AND SUBSCRIBED before me, Notary, this 22nd day of August, 1994.

*James C. Phillips*  
NOTARY PUBLIC

**ORDER**

IT IS ORDERED that *Robert D. Ceeley*, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), DAVID SINGLETON and WANDA GROSS SINGLETON, and that said defendant(s) be served through said Attorney-at-Law with the Notice of Seizure and all other notices and citations required or permitted by law.

Gretna, Louisiana, this 29<sup>th</sup> day of August, 1994.

**CODED**

*Shirley Seal*  
JUDGE, DISTRICT COURT

CHR/acs #33885  
FMC Loan No. 7711296

SEP 2 1994

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

No 465427

DIV

DIV. A  
JUDGE  
CLERK

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

THE U. S. SECRETARY OF VETERANS AFFAIRS

*Plaintiff*

vs.

WINFRED JOHNS & BRUNETTA JOHNSON, DIVORCED W/o WINFRED JOHNS,

NOW WIFE OF CHARLES RILEY

*Defendant*

ABBEY A. MACK

*Attorney for Plaintiff*

*Attorney for Defendant*

JUNE 28, 1994 jff

Date of Filing

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 465427

THE U. S. SECRETARY OF VETERANS AFFAIRS

VS.

WINFRED JOHNS AND BRUNETTA JOHNSON, DIVORCED WIFE OF  
WINFRED JOHNS, NOW WIFE OF CHARLES RILEY

FILED: \_\_\_\_\_

DEPUTY CLERK

**DIV. A**  
**CODED**  
JUDGE  
THOMAS PORTER, JR.  
DIVISION  
JUN 28 10 09 AM '94  
CLERK

PETITION FOR EXECUTORY PROCESS

The Petition of the U. S. Secretary of Veterans Affairs, formerly known as The Administrator of Veterans Affairs, an officer of the United States of America, whose principal office and post address is: Veterans Administration, Washington, D.C. 20420, and his successors in such office, respectfully represents:

1.

Petitioner is the holder and owner of valuable consideration and before maturity of that certain promissory note, subscribed and executed by Brunetta Johnson Johns and Winfred Johns, defendants herein, (the original of which is attached hereto and made a part hereof as Exhibit "P-1"), which said note is dated November 18, 1986, in the original principal sum of Thirty-Eight Thousand Dollars (\$38,000.00), with principal and interest payable at the rate of ten (10%) percent per annum from date until paid, and providing that said note shall bear reasonable attorney's fees, actually incurred by holder of said note, which said note is secured and is officially paraphed "NE VARIETUR" to identify it with an Act of Mortgage/Credit Sale, (a certified copy of which is attached hereto and made a part hereof as Exhibit "P-2"), passed before Charles D. Lancaster, Jr., Notary Public, dated November 18, 1986, and recorded in the Parish of Jefferson, State of Louisiana, at MOB 1751, folio 162, of the mortgage records of the said Parish. Said note is payable to the order of the Administrator of Veterans Affairs and is secured by said Act of Mortgage in favor of the

JUL 11 1994

*file note & mortgage in suit*

ISSUED not a copy 465427  
DATE JUL 11 1994  
S/ MYRA LANDUX  
Clerk

**CODED**

Administrator of Veterans Affairs on the following described property, to-wit:

THAT CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that subdivision thereof known as WESTMINSTER PARK EXTENSION NO. 2 SUBDIVISION, as shown on a survey of J. J. Krebs & Sons, Inc., C.E.&S., dated October 30, 1978, approved by the Jefferson Parish Council under Ordinance No. 13781, adopted on March 7, 1978, registered in COB 952, folio 429, and also according to the survey of J. J. Krebs & Sons, Inc., dated September 22, 1980, resurveyed October 16, 1980 and resurveyed March 16, 1981.

LOT 21, SQUARE 9, which said square is bounded by Westminster Boulevard, Rue Louis Phillipe, Parcel C-1 and Westminster Park Subdivision (side). Said Lot No. 21 commences at a distance of 333.29 feet from the first point of curvature of Westminster Blvd., into Rue Louis Phillipe and measures thence 60 feet front on Westminster Blvd., same width in the rear, by depth of 150' on each sideline.

2.

In the above described Act of Mortgage, the said mortgagors confessed judgment upon said note and mortgage and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory process for cash, with or without appraisalment, and without the necessity of legal demand for payment or putting in default. The said Act of Mortgage further provides that said mortgagor does not have the right to sell the property to the prejudice of said act and includes the "pact de non alienando." The said act further provides that the mortgagor will pay the reasonable fees of the attorney employed to collect the said note and mortgage, which said fees having been actually incurred by the holder of said note, your plaintiff herein. Said mortgagors have likewise waived all homestead exemptions.

3.

The said note and mortgage further provide that if any installment of principal and interest, or any part thereof, shall remain unpaid on the date when such installment is due, that the

465427

said note would be in default and the holder of the note and mortgage shall have the right to accelerate the terms thereof in the full amount, and the full unpaid balance in principal and interest shall immediately become due and owing, together with said attorney's fees.

4.

Petitioner avers that neither the monthly installment due April 1, 1993, nor any installment subsequently due has been paid. The monthly installment is Three Hundred Ninety-Eight Dollars (\$398.00) and this includes principal, interest, taxes and insurance. The unpaid principal balance is Thirty-Seven Thousand Two Hundred Dollars and Thirty-Eight Cents (\$37,200.38). Interest on the unpaid principal balance accrues at the rate of ten (10%) percent per annum from March 1, 1993, until paid. Late charges accrue at the rate of four (4%) percent of the installment amount which is Fifteen Dollars and Ninety-Two Cents (\$15.92) per month from April 1, 1993, until paid. Because of said default, the entire principal balance in the sum of Thirty-Seven Thousand Two Hundred Dollars and Thirty-Eight Cents (\$37,200.38), together with interest at the rate of ten (10%) percent per annum thereon from March 1, 1993, reasonable attorney's fees and all costs of this proceeding are due, owing and unpaid.

5.

Subject instruments, security, lien and indebtedness secured hereby were acquired by Assignments of Note and Mortgage, as evidenced on the reverse of the note, which are as follows:

- a) Assignment from the Administrator of Veterans Affairs, now known as the U. S. Secretary of Veterans Affairs, to National Mortgage Company, dated June 2, 1987, Act before Paul H. Cassou, Notary Public. (Exhibit "P-3")
- b) Assignment from National Mortgage Company to The Secretary of Veterans Affairs, dated November 15, 1990, Act before Edwin S. Atkeison, Notary Public. (Exhibit "P-4")

6.

Due to clerical errors contained on the Act of Assignment from

National Mortgage Company to the Secretary of Veterans Affairs, a Ratification and Confirmation of Notarial Endorsement and Assignment of Mortgage Note was executed by the Assistant Vice-President of National Mortgage Company, Act before Paula Foster, Notary Public, dated June 24, 1994, the original of which is annexed hereto and made a part hereof as Exhibit "P-5".

7.

Petitioner alleges that the defendants herein are not in the military service of the United States of America or any of its allies.

8.

Petitioner alleges on its best information and belief that the defendant, Winfred Johns, whose last known address is Route 2, Box 170, Smithdale, Mississippi 39664, is absent and unrepresented. Therefore, pursuant to Louisiana Code of Civil Procedure Article 2672, Section 2, the Court should appoint an attorney at law to represent the absent defendant, Winfred Johns.

9.

Defendant, Brunetta Johnson Johns Riley, filed Chapter 13 Bankruptcy proceedings in the U.S. Bankruptcy Court for the Eastern District of Louisiana, Case No. 93-12363. An order lifting the automatic stay on the above property was signed on May 20, 1994 by the U.S. Bankruptcy Judge for the Eastern District of Louisiana. A certified copy of the Order is annexed hereto and marked Exhibit "P-6".

10.

Petitioner alleges amicable demand to no avail.

WHEREFORE, the premises and annexed documents and affidavit considered, Petitioner prays that an order of EXECUTORY PROCESS issue herein; that immediately, a Writ of Seizure and Sale issue herein, directing the Sheriff of the Parish of Jefferson to seize, and after due advertisements, delays, requisites and formalities, save those expressly waived in the above Act of Mortgage, to sell

7100 250 5 11 14

the said property above described according to law, for cash and WITH BENEFIT OF APPRAISEMENT, and to pay and satisfy the claims of your Petitioner in the full sum of Thirty-Seven Thousand Two Hundred Dollars and Thirty-Eight Cents (\$37,200.38), together with interest thereon at the rate of ten percent (10%) per annum from March 1, 1993, until paid, together with reasonable attorney's fees actually incurred by Petitioner; and all sums advanced for taxes and/or insurance; late charges; property preservation expenses and all costs of this proceeding; and that out of the proceeds of said sale, Petitioner be paid the amount of said claim by preference and priority over all other persons whomsoever.

Petitioner further prays that an attorney at law be appointed by this Honorable Court to represent the absent defendant, Winfred Johns.

Petitioner further prays for all general and equitable relief.

  
\_\_\_\_\_  
ABBEE A. MACK  
Attorney for Plaintiff  
P. O. Box 382  
Destrehan, Louisiana 70047  
Telephone: (504) 525-2100  
Bar Roll No. 9621

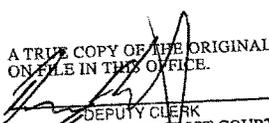
PLEASE SERVE:

Brunetta Johnson Johns Riley  
1820 Westminster Boulevard  
Marrero, Louisiana 70072

and

Attorney ad hoc appointed  
to represent the absent defendant,  
Winfred Johns

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

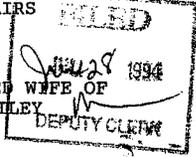
NO.

DIVISION " "

THE U. S. SECRETARY OF VETERANS AFFAIRS

VS.

WINFRED JOHNS AND BRUNETTA JOHNSON, DIVORCED WIFE OF  
WINFRED JOHNS, NOW WIFE OF CHARLES RILEY



FILED: \_\_\_\_\_

DEPUTY CLERK

A F F I D A V I T

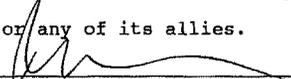
STATE OF LOUISIANA

PARISH OF ORLEANS

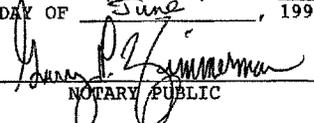
BEFORE ME, the undersigned authority, personally came and appeared:

**ABBEY A. MACK,**

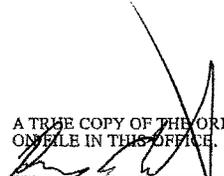
attorney for the U. S. Secretary of Veterans Affairs, who, upon being duly sworn, did depose and say that she is the attorney for the U. S. Secretary of Veterans Affairs, and as such, is familiar with the account of: **Brunetta Johnson Johns Riley and Winfred Johns**, Account No. 21-4-7154, which said account has a principal balance of Thirty-Seven Thousand Two Hundred Dollars and Thirty-Eight Cents (\$37,200.38), plus interest at the rate of ten (10%) percent per annum, from March 1, 1993, until paid; and moreover that she has read the above and foregoing Petition and that all of the facts and allegations therein contained are true and correct. Appearer further alleges that on its best information and belief, the defendants in this proceeding are not in the military service of the United States of America or any of its allies.

  
\_\_\_\_\_  
ABBEY A. MACK

SWORN TO AND SUBSCRIBED  
BEFORE ME, NOTARY, THIS 28<sup>th</sup>  
DAY OF June, 1994.

  
\_\_\_\_\_  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
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\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

465427

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO.

DIVISION " "

THE U. S. SECRETARY OF VETERANS AFFAIRS

VS.

WINFRED JOHNS AND BRUNETTA JOHNSON, DIVORCED WIFE OF  
WINFRED JOHNS, NOW WIFE OF CHARLES RILEY

FILED: \_\_\_\_\_

DEPUTY CLERK

O R D E R

Considering the allegations of the foregoing Petition and Exhibits annexed thereto, let Robert W. Creely, attorney at law, be appointed to represent the absent defendant, Winfred Johns, and let an Order of Executory Process issue herein, as prayed for and according to law.

Gretna, Louisiana, this 7<sup>th</sup> day of July,  
1994.

CODED

[Signature]  
J U D G E

FILED  
JUL 8 1994

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

465427

Nº 465445

DIV

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

DIV. N  
JUDGE  
SUSAN CHERAPY

UNITED STATES OF AMERICA

*Plaintiff*

vs.

RICHARD ALBERT VINCENT & SHARON LYNN LANDRY VINCENT

*Defendant*

WILLIAM D. O'REGAN, III

*Attorney for Plaintiff*

*Attorney for Defendant*

JUNE 28, 1994. jff

Date of Filing

CODED

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

CODED

465-445

1  
2  
3  
4  
5 UNITED STATES OF AMERICA  
6 ...Plaintiff  
7 v.  
8 RICHARD ALBERT VINCENT and  
9 SHARON LYNN LANDRY VINCENT  
10 ...Defendant

Civil Docket #  
Division #

DIV. A  
JUDGE A  
G. THOMAS FORTIGUS, JR.

RECEIVED  
JUL 1 1994  
CLERK OF COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

11 Filed Deputy Clerk

12 PETITION

13 The petition of the United States of America, through  
14 undersigned counsel, with respect represents:

15 I.

16 This is a civil action brought by the United States of  
17 America, through its agency and instrumentality, the Farmers Home  
18 Administration, United States Department of Agriculture.

19 II.

20 For valuable consideration and to obtain a Rural Housing  
21 Loan from the United States of America, acting through the Farmers  
22 Home Administration, United States Department of Agriculture, the  
23 defendants executed and delivered to plaintiff, a certain  
24 promissory note which is attached hereto as Exhibit 1 and  
25 incorporated herein by reference. Plaintiff is the owner and  
26 holder of this note.

27 III.

28 Concurrently with the execution and delivery of the above  
29 described promissory note and for the purpose of securing payment  
30 of the indebtedness evidenced by it, defendants executed,  
31 acknowledged in the manner required by law, and delivered to  
32 plaintiff, a Real Estate Mortgage covering certain immovable

JUL 1 1994  
full back mortgage in court

William D. O'Regan III  
A Professional Law Corporation

CODED

FILED 2 July 1 1994  
NOT of court  
DATE 504-852-6431 MYRA LANDIX

465-445

1107 Main Street  
Laplace, LA 70068

1 property described therein. A certified copy of said mortgage is  
2 attached hereto as Exhibit 2 and incorporated herein by reference.  
3 Plaintiff is the owner and holder of this mortgage.

4  
IV.

5 In order to receive an interest credit subsidy from  
6 plaintiff, defendants executed a Subsidy Repayment Agreement which,  
7 in part, provides that any subsidy received is due and payable upon  
8 the sale or non-occupancy of the property by the defendants. A  
9 copy of said Subsidy Repayment Agreement is attached hereto as  
10 Exhibit 3 and incorporated herein by reference. Plaintiff is the  
11 owner and holder of this Agreement.

12  
V.

13 Defendants violated the covenants of the note and  
14 mortgage by failing to pay the principal and interest when due. By  
15 reason of such default, plaintiff accelerated the indebtedness and  
16 declared the entire unpaid balance immediately due and payable, but  
17 the defendants failed and refused to pay the balance. A copy of  
18 the Notice of Acceleration describing in detail the defaults of the  
19 defendants is attached hereto as Exhibit 4 and incorporated herein  
20 by reference.

21  
VI.

22 That after allowing all credits thereon, there is now  
23 past due and unpaid on the promissory note described above, the  
24 principal sum of \$41,288.29, plus accrued interest of 3,029.20 as  
25 of the 2nd day of July 1994, with interest accruing thereafter  
26 until paid at the note rate, and interest credit subsidy subject to  
27 recapture in the amount of \$21,947.74 all of which more fully  
28 appear from a Certified Statement of Account which is attached  
29 hereto as Exhibit 5 and incorporated herein.

30  
VII.

31 That all conditions precedent have been performed:  
32 including advising defendants of the availability of moratorium

1 relief, as is evidenced by the letters sent to defendants, copies  
2 of which are annexed hereto as Exhibit 6. Amicable demand has been  
3 made, but without avail.

4 WHEREFORE, the plaintiff prays for service upon the  
5 defendants of a copy of said Complaint together with citation  
6 according to law and after legal delays and due proceedings herein,  
7 for judgment in favor of plaintiff and against the defendants to  
8 recover the amount due and owing to the United States of America as  
9 set forth in Paragraph VI above, plus all further advances up to  
10 the date of the judgment secured under the terms of the mortgage.

11 Plaintiff further prays that its lien, privilege and  
12 mortgage, be recognized and maintained upon the immovable property  
13 and that said immovable property be sold with benefit of appraisal,  
14 according to law, at public auction, to the highest bidder, and  
15 that out of the proceeds of said sale the plaintiff be paid by  
16 preference and priority over all persons whomsoever the amount of  
17 its claim, including any advances made by the plaintiff up to the  
18 date of judgment for the account of the defendants in accordance  
19 with the terms of the mortgage, and that the amount realized from  
20 said sale be credited pro tanto upon the amount of the judgment  
21 herein; and plaintiff further prays that said judgment be decreed  
22 to act in rem against the immovable property and not in personam  
23 against the defendant.

24 Plaintiff further prays for all orders and decrees  
25 necessary in these premises and for all general and equitable  
26 relief and for all costs herein.

27 UNITED STATES OF AMERICA

28 BY: *William D. O'Regan III*  
29 WILLIAM D. O'REGAN, III  
30 BAR ROLL NO. 10271  
31 ATTORNEY FOR PLAINTIFF  
32 1107 Main St.  
33 LaPlace LA 70068  
34 (504) 652-6476

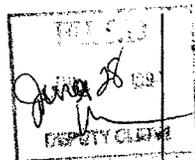
A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

1 PLEASE SERVE:

2 Richard Albert Vincent  
3 through his duly appointed curator

4 Sharon Lynn Landry Vincent  
5 15 Azalea  
6 Marrero LA 70072

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA



UNITED STATES OF AMERICA  
...  
RICHARD ALBERT VINCENT and  
SHARON LYNN LANSURY VINCENT  
...  
...  
...

Civil Docket #  
Division "11"

11 Filed Deputy Clerk

MOTION TO APPOINT CURATOR

13 NOW COMES, United States of America, through its  
14 undersigned counsel of record, and for its Motion To Appoint  
15 Curator, respectfully states:

16 I.

17 This is a civil action brought by the United States of  
18 America to foreclose a real estate mortgage upon immovable property  
19 located within the jurisdiction of this Court.

20 II.

21 The defendant, Richard Albert Vincent, is deceased, no  
22 succession representative has been appointed, and his heirs and  
23 legatees have not been sent into possession judicially.

24 WHEREFORE, United States of America prays that an  
25 Attorney at Law be appointed as curator to represent the defendant  
26 named herein.

*William D. O'Regan III*  
WILLIAM D. O'REGAN, III  
BAR ROLL NO. 10231  
ATTORNEY FOR PLAINTIFF  
1107 Main Street  
LaPlace LA 70068  
(504) 652-6476

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

UNITED STATES OF AMERICA  
...  
RICHARD ALBERT VINCENT AND  
EMILSON LENA LAMIER VINCENT  
...

Civil Docket #  
Division "A"

11 Filed Deputy Clerk

ORDER

12  
13 IT IS ORDERED that Richard D. Creeley  
14 Attorney at Law, be appointed curator to represent the defendant,  
15 Richard Albert Vincent, in this proceeding.

16 IT IS FURTHER ORDERED that a fee of \$ 200.00 be  
17 fixed as compensation for the said curator and that the same be  
18 taxed as costs of this proceeding.

19 THUS DONE AND SIGNED at Gretna, Louisiana, on this 7th  
20 day of July, 1994.

Thomas P. [Signature]  
JUDGE

FILED  
JUL 8 1994

628 19 93  
I, HEREBY CERTIFY THAT ALL  
COSTS INCURRED IN THIS MATTER  
HAVE BEEN PAID.  
[Signature]  
Party Clerk

A TRUE COPY OF THE ORIGINAL  
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[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
JUDGE  
**DIV.**  
FAMILY DISTRICT &

Nº 465902

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FEDERAL HOME LOAN MORTGAGE CORP.

vs.

SANDY RODRIGUEZ COX (a/k/a SANDY CATHERINE RODRIGUEZ COX &

SANDY CATHERINE RODRIGUEZ) & EDWARD J. COX & MOWEAMER WHEELER GREEN  
*Defendant*

*Plaintiff*

JANE FAIA MENTIZ

*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 11, 1994 jff

Date of Filing

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 465-902

DIVISION "A"

FEDERAL HOME LOAN MORTGAGE CORPORATION

VERSUS

SANDY RODRIGUEZ COX  
(A/K/A SANDY CATHERINE RODRIGUEZ COX AND  
SANDY CATHERINE RODRIGUEZ)

AND

EDWARD J. COX

AND

MOWEANER WHEELER GREEN

901

FILED FOR RECORD  
SEP 22 1994  
CLERK OF COURT  
JEFFERSON PARISH  
LOUISIANA

FILED: \_\_\_\_\_ DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of Federal Home Loan Mortgage Corporation, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Sandy Rodriguez Cox (a/k/a Sandy Catherine Rodriguez Cox and Sandy Catherine Rodriguez) and Edward J. Cox, is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), Sandy Rodriguez Cox (a/k/a Sandy Catherine Rodriguez Cox and Sandy Catherine Rodriguez) and Edward J. Cox.

WHEREFORE, for the reasons listed herein, Mover prays that this court appoint an attorney at law as curator ad hoc for the defendant(s), Sandy Rodriguez Cox (a/k/a Sandy Catherine Rodriguez

ISSUED SEP 22 1994  
DATE S/ MYRA LANDIS

CODED

Cox and Sandy Catherine Rodriguez) and Edward J. Cox, and for all other relief as is just and proper in the premises.

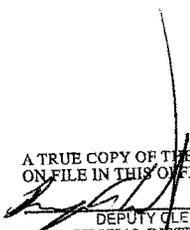
Respectfully submitted,

SHAPIRO AND KREISMAN

BY: 

JANE FAIA MENTZ  
Louisiana Bar Roll No. 16908  
STACY C. WHEAT  
Louisiana Bar Roll No. 19826  
Attorneys for Plaintiff  
3850 N. Causeway Blvd., Suite 710  
Metairie, LA 70002  
(504) 831-7726

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DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 465-902

DIVISION "A"

FEDERAL HOME LOAN MORTGAGE CORPORATION

VERSUS

SANDY RODRIGUEZ COX  
(A/K/A SANDY CATHERINE RODRIGUEZ COX AND  
SANDY CATHERINE RODRIGUEZ)

AND

EDWARD J. COX

AND

MOWEANER WHEELER GREEN

FILED: \_\_\_\_\_ DEPUTY CLERK

ORDER

Considering the above and foregoing

IT IS ORDERED BY THE COURT, that Robert D. Cooley

attorney at law be and he is hereby appointed curator ad hoc for defendant(s) Sandy Rodriguez Cox (a/k/a Sandy Catherine Rodriguez Cox and Sandy Catherine Rodriguez) and Edward J. Cox, in these proceedings and that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

19 94 Gretna, Louisiana, this 21<sup>st</sup> day of September.

CODED

[Signature]  
JUDGE

FILED  
SEP 22 1994

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ON FILE IN THIS OFFICE.

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DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

STATE OF LOUISIANA  
PARISH OF JEFFERSON

FILED FOR RECORD  
SEP 16 1991  
NOTARY PUBLIC  
J. C. ...

BEFORE ME, the undersigned authority, personally ~~came~~ and appeared the attorney for the plaintiff of the law firm of ~~Shepard~~ and Kreisman who, after being first duly sworn by me, Notary Public, did depose and state the she is the Attorney for the plaintiff in the above and foregoing proceeding, that she has read said pleading and that all of the allegations set forth therein are true and correct to the best of her knowledge, information and belief.

SHAPIRO AND KREISMAN

*Stacy C. Wheat*  
\_\_\_\_\_  
JANE FAIA MENTZ  
STACY C. WHEAT

SWORN TO AND SUBSCRIBED  
BEFORE ME, NOTARY, THIS  
DAY OF SEP, 1991.  
*[Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

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ON FILE IN THIS OFFICE.  
*[Signature]*  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
JUDGE  
**THOMAS PORTERUS, JR.**  
**DIV**

Nº 466292

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

MIDFIRST BANK, STATE SAVINGS BANK

vs. *Plaintiff*

MIGUEL M. ALVAREZ, REBECCA HERVEY ALVAREZ, MIRIAM ROS ALVAREZ  
& MIGUEL E. ALVAREZ

*Defendant*

GEORGE B. DEAN, JR.

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing JULY 18, 1994 iff

RECEIVED

STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT  
MIDFIRST BANK, STATE SAVINGS BANK

FILED: \_\_\_\_\_

VS. Suit #466-292 DIV A  
MIGUEL M. ALVAREZ

MOTION & ORDER TO APPOINT CURATOR

*pc1*

On Motion of MIDFIRST BANK, STATE SAVINGS BANK and on suggesting to the Court that defendants(s) is/are "absentee(s)" as defined by Louisiana Code of Civil Procedure article \_\_\_\_\_ because, without limitation, Plaintiff has been unable to perfect service upon defendants, Miguel M. Alvarez, despite the diligent efforts of the plaintiff and of the Sheriff of Jefferson Parish, Louisiana, as reflected by the Sheriff's return on the service documents, and the whereabouts of said defendant(s) is/are unknown, and/or if dead their heirs are unknown, then therefore, an attorney at law should be appointed by this court to act as Curator ad Hoc upon whom services of legal process may be served during these procedures,

FILED  
SEP 14 1994  
CLERK  
COEDED 2

IT IS ORDERED that Richard S. Creely attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Gretna, Louisiana, this 13th day of September 1994.

COPIES SEP 14 1994  
FBI MFD

Richard S. Creely  
JUDGE

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.  
Attorney for the Plaintiff  
P O Box 2867  
Monroe, Louisiana 71201-2867

SWORN TO AND SUBSCRIBED before me, Notary Public, this 2nd day of September, 1994

Ann Canoy  
Notary Public

To curator: The Sheriff has attempted service on the defendant at the following address(es): 2540 Whippletree Dr., Metairie, La. 70058

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

NOT. CL. NOT  
SEP 16 1994

S/ MYRA DAVIDS  
Notary Clerk

CLERK  
24TH DISTRICT COURT  
PARISH OF JEFFERSON, LA.

**DIV. A**  
**DIV. A**  
JUDGE  
BRYAN R.

N° 466832

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

ETTA CLAIRE NOEL DAIGLE w/o & TERRY JOSEPH DAIGLE

*Plaintiff*

vs.

ESTATE OF VIOLA CHAUVIN, DOUGLAS CHAUVIN & VALERIE CHAUVIN HEBERT

*Defendant*

CATHERINE J. SOUTULLO

*Attorney for Plaintiff*

*Attorney for Defendant*

AUGUST 1, 1994 jff

Date of Filing

HP Exhibit 0189 (224)

9 1 7 0 4 0 1 9 0 3  
ETTA CLAIRE NOEL DAIGLE  
wife of and TERRY JOSEPH DAIGLE

\* 24TH JUDICIAL DISTRICT  
\* PARISH OF JEFFERSON

VS.

\* STATE OF LOUISIANA

ESTATE OF VIOLA CHAUVIN,  
DOUGLAS CHAUVIN AND  
VALERIE CHAUVIN HEBBERT

\* NUMBER: 466-827

**DIV. A**  
JUDGE  
THOMAS FORTEOUS, JR.

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION TO QUIET TITLE

The petition of Etta Claire Noel wife of and Terry Joseph Daigle, both of the full age of majority and residents of the Parish of Jefferson, State of Louisiana with respect represents that:

I.

Etta Claire Noel wife of and Terry Joseph Daigle are the owners of the following described property, to-wit:

A CERTAIN PIECE OR PORTION OF GROUND, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining in what is known as BELT BRIDGE SUBDIVISION situated in the Fifth Ward of the Parish of Jefferson above the Town of Westwego, Louisiana. Said piece or portion of ground is five (5') feet of Lot 52 of Square TWENTY-SEVEN, which square is bounded by Old Spanish Trail, Thirteenth Street, Fourteenth Street and the River Road.

Being the same property acquired by Terry and Etta Daigle by Tax Sale dated May 17, 1989, registered in COB 2237, folio 220, on July 29, 1989, Parish of Jefferson.

II.

Petitioners became owners of the above described property by purchase at a tax sale dated May 17, 1989, by Harry Lee, for taxes assessed in the name of Viola Chauvin, for the year 1988, registered in COB 2237, folio 220, Jefferson Parish, Louisiana.

III.

Viola Chauvin acquired title to the property by purchase from Effie Chauvin, wife of/and Ira Pendarvis, by act before Charles L. Melancon, Notary Public, dated November 6, 1947, registered in COB 247, folio 593, Jefferson Parish, Louisiana.

IV.

Petitioner desires to have the title to the property described in Paragraph I confirmed and quieted according to the law and as in the Constitution of the State of Louisiana.

ISSUED 3 acts & acts  
not of copy AUG 02 1994

CODED DATE S/ MYRA LANDEX **466832**

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Petitioners have learned that Viola Chauvin has been deceased for over six years and they believe that her succession was never opened. The petitioners believe that Viola Chauvin had at least ten collateral relations, who would be her heirs at law, but petitioners have only been able to locate two of them. Accordingly, it is necessary that a Curator ad Hoc be appointed to represent, contradictorily, those of Viola Chauvin's heirs who could not be located and with whom the hereabove described proceedings shall be conducted.

WHEREFORE, petitioners pray that a Curator ad Hoc be appointed to represent the heirs of Viola Chauvin who cannot be located, and that defendants Douglas Chauvin and Valerie Chauvin Hebert be duly cited, individually, and the other heirs be cited through their Curator ad Hoc, to appear and answer this petition and their Curator ad Hoc be served with a copy thereof, and after all legal delays and due proceedings had, there be judgment in favor of petitioners, Etta Claire Noel wife of and Terry Joseph Daigle, and against all of the heirs of Viola Chauvin, confirming and quieting title to your petitioners to the above described property, and recognizing said petitioners as the sole owners thereof, enjoining and prohibiting any and all of the heirs of Viola Chauvin from claiming or setting up any right, title or interest in or to the property or any portion thereof.

Petitioners further pray for all general and equitable relief.

*Etta Claire Noel Daigle*  
Etta Claire Noel Daigle

*Terry Joseph Daigle*  
Terry Joseph Daigle

PLEASE SERVE:

Curator ad Hoc

AND

Douglas Chauvin, personally  
at his place of employment  
Sheriffs Office  
Terrebonne Parish  
Houma, Louisiana

AND

Valerie Chauvin Hebert  
4923 Iberville Street  
New Orleans, Louisiana

*Catherine J. Soutell*  
Atty. for Petitioners  
225 N. Poydras St.  
Gretna La 70053  
361-4414

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.  
466832

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ETTA CLAIRE NOEL DAIGLE  
wife of and TERRY JOSEPH DAIGLE

VS.

ESTATE OF VIOLA CHAUVIN,  
DOUGLAS CHAUVIN AND  
VALERIE CHAUVIN HEBERT

\* 24TH JUDICIAL DISTRICT COURT  
\*  
\* PARISH OF JEFFERSON  
\*  
\* STATE OF LOUISIANA  
\*  
\* NUMBER:                      DIVISION:

FILED: \_\_\_\_\_ DEPUTY CLERK

ORDER

Considering the foregoing petition, it is ordered that  
*Richard G. Ceely*, be appointed as Curator ad Hoc to  
represent the missing heirs of Viola Chauvin, and her heirs and assigns, in  
these proceedings and that he be served with citation and copy of this  
petition.

Signed at Gretna, Louisiana this *12<sup>th</sup>* day of *August* 1994.

**CODED**

*Richard G. Ceely*  
\_\_\_\_\_  
JUDGE

FILED  
AUG 2 1994

*8-1* 1994  
I, HEREBY CERTIFY THAT ALL  
FEES INCURRED IN THIS MATTER  
HAVE BEEN PAID.  
*Curator fees*

**CODED**  
Deputy Clerk

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DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA

466832

**DIV**  
**OFFICE**  
**DIVISION**

Nº 467141

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FEDERAL HOME LOAN MORTGAGE CORP.

CAROL JOHNSON WEISELOGEL & ARTHUR G. WEISELOGEL

*Plaintiff*

*Defendant*

JANE FAIA MENTZ

*Attorney for Plaintiff*

*Attorney for Defendant*

AUGUST 8 1994 jff

Date of Filing

HP Exhibit 0189 (225)

19 11 60 13 217

94-0218

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

**DIV. A**

**CODED**

STATE OF LOUISIANA JUDGE

**E. THOMAS PORTERUS, JR.**

NO. **467-141**

FEDERAL HOME LOAN MORTGAGE CORPORATION

VERSUS

CAROL JOHNSON WEISELOGEL

AND

ARTHUR G. WEISELOGEL

FILED FOR RECORD  
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DEPUTY CLERK  
PARISH OF JEFFERSON, LA

**CODED**

FILED: \_\_\_\_\_ DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS  
WITHOUT BENEFIT OF APPRAISAL

The petition of Federal Home Loan Mortgage Corporation, a corporation organized under the laws of the United States of America, with respect represents:

I.

Petitioner is the holder and owner for valuable consideration, and before maturity, of that certain promissory note, payable to the order of "Bearer", made, subscribed and executed by Carol Johnson Weiselogel and Arthur G. Weiselogel defendants herein, which said note is dated March 26, 1987, in the original principal sum of Seventy-Seven Thousand Six Hundred Fifty and No/100 (\$77,650.00) Dollars, with principal and interest payable at the rate of Five Hundred Sixty-Nine and 77/100 (\$569.77) Dollars per month, commencing on the first day of May, 1987, and bearing Eight (8.00%) percent per annum interest from date, and providing that said note shall bear reasonable attorney's fees, which said note is secured and is officially paraphed "Ne Varietur" in conformity with an Act of Mortgage passed before Ellen Mullins, Notary Public, dated March 26, 1987 and which mortgage is recorded in Mortgage Office Book 1878, folio 187, Entry Number 8715511, Parish of Jefferson, State of Louisiana. Said note is secured by an Act of Mortgage in favor of "First Financial Bank, FSB" on the following described property, to-wit:

AUG 12 1994  
file note + mortgage in vault  
mg

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages

ISSUED not of apt 467141  
DATE AUG 12 1994  
S/ MYRA LANDIX **CODED**

09 11160 375

thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as Park Place Subdivision, Section 2, being a resubdivision of Parcel Z-1 of Park Place and Parcel 26 portion of Cazalar Plantation T 14 S, R 24 E, into Lots 178 thru 421, all located and measuring as per plan of resubdivision made by J. J. Krebs & Sons, Inc., C.E. & S., dated November 8, 1979, approved by the Jefferson Parish Council under Ordinance No. 14223 on February 20, 1980, and recorded in COB 978, Folio 397, and according to the aforesaid plan the property is described as follows:

Lot 348 of Square 10, which Square is bounded by Fairfax Drive, Sanibel Lane, Kingsway Drive West and Westside Drive, and which said Lot commences 64.67 feet from the corner of Fairfax Drive and Sanibel Lane, and measures thence 60.03 feet front on Fairfax Drive, 60.00 feet in the rear, by a depth of 105.36 feet along the Northerly most sideline and 105.54 feet along the opposite sideline. All as more fully shown on survey made by J. J. Krebs & Sons, Inc., C.E. & S., dated March 11, 1987, a copy of which is annexed to an act of mortgage dated March 26, 1987, passed before Ellen Mullins, Notary Public, recorded in COB 1690, folio 93 and made a part thereof.

Improvements thereon bear the Municipal No. 909 Fairfax Drive.

#### II.

First Financial Bank, FSB has since merged into Secor Bank. Said note is endorsed "Pay to the Order of Federal Home Loan Mortgage Corporation, without recourse, First Financial Bank, FSB", which, together with an Assignment of Mortgage passed before Dora W. Jones, Notary Public, dated June 6, 1994, transferred said note from Secor Bank, successor by merger to First Financial Bank, FSB, to Federal Home Loan Mortgage Corporation. Accordingly, Federal Home Loan Mortgage Corporation, your petitioner herein, is the last holder and owner of said note.

#### III.

In the above described act of mortgage, the said mortgagors, Carol Johnson Weiselogel and Arthur G. Weiselogel, confessed judgment upon said note and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory process for cash with or without appraisalment, and without the necessity of legal demand for payment, or putting in default. The said act of mortgage further provides that the said mortgagors do not have the right to sell, alienate or encumber the said property to the prejudice of the said act. The said act further provides that the mortgagors will pay the reasonable fees of the attorney at law employed to collect the note and mortgage. Said mortgagors have



Seventy-Seven Thousand Six Hundred Fifty and No/100 (\$77,650.00) Dollars, marked as Plaintiff's Exhibit "A", (2) A certified true copy of the Act of Mortgage, marked as Plaintiff's Exhibit "B", (3) A certified true copy of the Resolution of Luco Development Incorporated, marked as Plaintiff's Exhibit "C", (4) A certified true copy of the Resolution by Marbit Incorporated, marked as Plaintiff's Exhibit "D", (5) A certified true copy of the Resolution of Armay Development Corporation, marked as Plaintiff's Exhibit "E", and (6) A certified true copy of the Assignment of Mortgage by Secor Bank, successor by merger to First Financial Bank, FSB, to Federal Home Loan Mortgage Corporation, marked as Plaintiff's Exhibit "F", and makes all a part hereof as though copied at length herein.

## VIII.

On information and belief petitioner alleges that the defendants, Carol Johnson Weiselogel and Arthur G. Weiselogel, are not in the active duty of the military service of the United States or any of its allies. Petitioner further alleges that the defendants, Carol Johnson Weiselogel and Arthur G. Weiselogel, are currently residing at 1701 Marie Terrace, Arlington, Texas 76010 and accordingly are absentee defendants. Petitioner alleges that it is entitled to the appointment of an attorney to represent defendants, Carol Johnson Weiselogel and Arthur G. Weiselogel, all in accordance with Louisiana Civil Code of Procedure Article 2674.

## IX.

Petitioner alleges amicable demand to no avail.

WHEREFORE, the premises and annexed documents and affidavit considered, petitioner prays that this court appoint a curator ad hoc to represent the absentee defendants in these proceedings, and that a Writ of Executory Process issue herein, that a Writ of Seizure and Sale issue immediately herein, directing the Civil Sheriff for the Parish of Jefferson, State of Louisiana, to seize, and after due advertisements, delays, requisites and formalities, save those expressly waived in the above described act of mortgage, to sell the said property described above according to law, for cash and without benefit of appraisal, to pay and satisfy the claim

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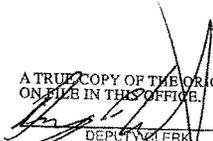
of your petitioner in the full sum of \$72,447.59 Dollars, with interest thereon at the rate of Eight (8.00%) percent per annum from August 1, 1993, together with a late charge of \$26.97 on each delinquent monthly installment since September 16, 1993, and any additional amounts which petitioner has advanced or hereafter advances, as permitted by the Note and Mortgage, and proves according to law, for taxes, assessments, repairs to and maintenance and preservation of the mortgaged property, together with reasonable attorney's fees, and all costs of these proceedings, and petitioner prays to be paid the above amounts in satisfaction of its claim, according to law, and for all other general and equitable relief.

Respectfully submitted,

SHAPIRO AND KREISMAN

BY:   
 \_\_\_\_\_  
 JANE FAJA MENTZ  
 Louisiana Bar Roll No. 16908  
 STACY C. WHEAT  
 Louisiana Bar Roll No. 19826  
 Attorneys for Petitioner  
 3850 N. Causeway Blvd.  
 Suite 710  
 Metairie, Louisiana 70002  
 Telephone No. (504) 831-7726

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 DEPUTY CLERK  
 22<sup>ND</sup> JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

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94-0218

ORDER

CONSIDERING the allegations of the foregoing petition and the exhibits attached thereto, it is ordered that Robert G. Creely attorney at law be and is hereby appointed to represent the absentee defendants, Carol Johnson Weiselogel and Arthur G. Weiselogel, herein.

IT IS FURTHER ORDERED that Executory Process issue immediately herein, without benefit of appraisal, to pay and satisfy the claim of the petitioner, according to law, and that the writ of seizure be served on the attorney at law appointed to represent the absentee defendants, Carol Johnson Weiselogel and Arthur G. Weiselogel.

Gretna, Louisiana this 9<sup>th</sup> day of August, 19 94

CODED

[Signature]  
JUDGE

PLEASE SERVE

FILMED  
AUG 10 1994

\_\_\_\_\_  
Attorney-at-Law appointed to represent  
Carol Johnson Weiselogel and  
Arthur G. Weiselogel

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[Signature]  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT CLERK  
PARISH OF ORLEANS, LA.



**DIVA**  
LAW OFFICE  
OF  
PETER PERLBERG, JR.

Nº 467516

**DIV.**

**24th JUDICIAL DISTRICT COURT**  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

\_\_\_\_\_

\_\_\_\_\_

NATIONAL MORTGAGE CO

vs. *Plaintiff*

MARK RUDOLPH FERRARA (a/k/a MARK R. FERRARA) & CAROL ANN INNAMORATO

FERRARA (a/k/a CAROL ANN FERRARA)

*Defendant*

\_\_\_\_\_

\_\_\_\_\_

JANE PAIA MENTZ

*Attorney for Plaintiff*

\_\_\_\_\_

*Attorney for Defendant*

\_\_\_\_\_

Date of Filing AUGUST 17, 1994 jff

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

93-0987  
~~INDEXED~~

STATE OF LOUISIANA

**DIV. A**  
JUDICIAL DISTRICT

NO. 467-516

G THOMAS PORTEOUS, JR.  
JUDGE

NATIONAL MORTGAGE COMPANY

VERSUS

MARK RUDOLPH FERRARA  
(A/K/A MARK R. FERRARA)

AND

CAROL ANN INNAMORATO FERRARA  
(A/K/A CAROL ANN FERRARA)

FILED FOR RECORD  
JUL 17 1984  
PARISH OF JEFFERSON  
~~INDEXED~~

FILED: \_\_\_\_\_  
DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

The petition of National Mortgage Company, a corporation organized under the laws of the United States of America, with respect represents:

I.

Petitioner is the holder and owner for valuable consideration, and before maturity, of that certain promissory note, payable to the order of "Ourselves", and by the makers thereof duly endorsed in blank, made, subscribed and executed by Mark Rudolph Ferrara (a/k/a Mark R. Ferrara) and Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara), defendants herein, which said note is dated April 12, 1984, in the original principal sum of Fifty-Nine Thousand Five Hundred Seventy-One and No/100 (\$59,571.00) Dollars, with principal and interest payable at the rate of Six Hundred Thirty-Five and 78/100 (\$635.78) Dollars per month, commencing on the first day of June, 1984, and bearing Twelve and One-Half (12.50%) percent per annum interest from date, and providing that said note shall bear attorney's fees in the amount of Ten (10%) percent of all sums due under said note, which said note is secured and is officially paraphed "Ne Varietur" in conformity with an Act of Mortgage passed before Brenda H. Fontenot, Notary Public, dated April 12, 1984 and which mortgage is recorded in Mortgage Office Book 915, folio 211, Instrument Number 8417513, Parish of Jefferson, State of Louisiana. Said note is secured by an Act of

AUG 25 1994  
COPIED  
file with mortgage by

467516

Vendor's Lien Mortgage, in favor of "Mellon Financial Services Corporation #7", on the following described property, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as TIMBERLANE VILLAGE, PHASE I, according to a plan of resubdivision by J. J. Krebs, dated March 24, 1981, approved by the Jefferson Parish Council under Ordinance No. 105041, dated February 3, 1982, registered in COB 1021, folio 157, and is more particularly described as follows:

LOT 15B of SQUARE B, all as more fully described by the survey made by R. P. Fontcuberta, Jr., Land Surveyor, dated December 9, 1983, a copy of which is annexed to an act before Brenda H. Fontenot, Notary Public, recorded in MOB 915, folio 211 and made a part thereof.

Improvements thereon bear Municipal No. 1924 Snowbird Drive, Harvey, Louisiana.

II.

Defendant herein, Mark Rudolph Ferrara (a/k/a Mark R. Ferrara), filed Chapter 13 Bankruptcy on June 7, 1993 in Proceeding No. 193-04449 in the United States Bankruptcy Court, Middle District of Tennessee. The Agreed Order Granting Relief from Automatic Stay and Abandonment of Property of the Bankruptcy Estate was signed on July 5, 1994, a copy of which is attached hereto and made a part hereof as an exhibit.

III.

Said note is endorsed "Pay to the Order of Franklin Savings Association, without recourse, Mellon Financial Services Corporation #7", which, together with an Assignment of Mortgages passed before Debbie S. Detinne, Notary Public, dated August 31, 1989, transferred said note from Mellon Financial Services Corporation #7 to Franklin Savings Association. Said note is further endorsed in blank by Franklin Savings Association and further endorsed in blank by Resolution Trust Corporation as Conservator of Franklin Savings Association, however, said endorsements were not consummated and the blank endorsements have been duly cancelled on the rear of said note. In accordance with Order No. 90-368 of the Office of Thrift Supervision dated February 15, 1990, Franklin Savings Association was placed into conservatorship and the Resolution Trust Corporation was appointed as Conservator of Franklin Savings Association. Said note is

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further endorsed "Without recourse, Pay to the Order of National Mortgage Company, Resolution Trust Corporation as Conservator of Franklin Savings Association", by Samuel E. Meek, Vice President of Franklin Savings Association, duly authorized pursuant to the Affidavit of Managing Agent and Power of Attorney recorded in the records of St. John the Baptist Parish at Conveyance Office Book 275, folio 150, Act No. 135270, which, together with a Notarial Endorsement and Assignment of Mortgage Note passed before Jean C. Burroughs, Notary Public, dated July 15, 1992, transferred said note from Resolution Trust Corporation as Conservator of Franklin Savings Association to National Mortgage Company. Said note is further endorsed in blank by National Mortgage Company, however, said endorsement was not consummated and the blank endorsement has been duly cancelled on the rear of said note. Accordingly, National Mortgage Company, your petitioner herein, is the last holder and owner of note.

## IV.

In the above described Act of Mortgage, the said mortgagors Mark Rudolph Ferrara (a/k/a Mark R. Ferrara) and Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara), confessed judgment upon said note and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory process for cash with or without appraisal, and without the necessity of legal demand for payment, or putting in default. The mortgagors further agree in said act of mortgage not to sell, alienate or encumber said property to the prejudice of said Act. The said act further provides that the mortgagors will pay the reasonable and customary fees of the attorney employed to collect the said note and mortgage. Said mortgagors have likewise waived all homestead exemptions.

## V.

The said note and mortgage further provide that if any installment of principal and interest, or any part thereof shall remain unpaid on the said date when such installment is due, that the said note would be in default and the holder of the said note

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and mortgage shall then have the right to accelerate the terms thereof in the full amount, and the full unpaid balance in principal and interest shall immediately become due and owing together with said attorney's fees.

## VI.

The said note and mortgage further provide that if the monthly payments stipulated in said act of mortgage are in arrears the mortgagee may collect a "late charge" not to exceed four cents (\$.04) for each dollar (\$1) of each payment more than fifteen (15) days in arrears to cover the extra expense involved in handling delinquent payments. The current monthly payments are in the sum of \$734.50 which allows the mortgagee to charge a late charge of \$29.38 on each installment delinquent in excess of fifteen (15) days.

## VII.

Petitioner avers that the said note and mortgage are past due and exigible and that the monthly installment due on June 1, 1993 and all subsequent installments are due and unpaid, and that because of said default, the entire unpaid principal balance in the sum of \$56,551.96 together with interest at the rate of Twelve and One-Half (12.50%) percent per annum from May 1, 1993, plus a late charge of \$29.38 on each delinquent installment since June 16, 1993, together with any additional amounts which petitioner has advanced or hereafter advances, as permitted by the Note and Mortgage, for taxes, assessments, repairs to and maintenance and preservation of the mortgaged property, together with attorney's fees in the amount of Ten (10%) percent of all sums are due, owing and unpaid.

## VIII.

Petitioner avers that the said Mark Rudolph Ferrara (a/k/a Mark R. Ferrara) did, by a Quitclaim Deed passed before Peggy Y. Green, Notary Public, dated September 10, 1993, recorded in Conveyance Book 2880, folio 179, Instrument No. 9351478, Jefferson Parish, Louisiana, sell, transfer, quitclaim and convey all of his right, title and interest in said property sued upon herein to Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara).

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## IX.

Petitioner annexes hereto and makes a part hereof the following documents (1) The original promissory note in the sum of Fifty-Nine Thousand Five Hundred Seventy-One and No/100 (\$59,571.00) Dollars, marked as Plaintiff's Exhibit "A", (2) A certified true copy of the Act of Vendor's Lien Mortgage, marked as Plaintiff's Exhibit "B", (3) A copy of Agreed Order Granting Relief from Automatic Stay and Abandonment of Property of the Bankruptcy Estate, marked as Plaintiff's Exhibit "C", (4) A certified true copy of the Assignment of Mortgages by Mellon Financial Services Corporation #7 to Franklin Savings Association, marked as Plaintiff's Exhibit "D", (5) A certified true copy of the Notarial Endorsement and Assignment of Mortgage Note by Resolution Trust Corporation as Conservator of Franklin Savings Association to National Mortgage Company, marked as Plaintiff's Exhibit "E", (6) A certified true copy of Quitclaim Deed, marked as Plaintiff's Exhibit "F", and (7) Petitioner's affidavit of military status of defendants, marked as Plaintiff's Exhibit "G", and makes all a part hereof as though copied at length herein.

## X.

On information and belief petitioner alleges that the defendants, Mark Rudolph Ferrara (a/k/a Mark R. Ferrara) and Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara), are not in the active duty of the military service of the United States or any of its allies, as evidenced by the affidavit annexed hereto as an exhibit. Petitioner further alleges that the defendant, Mark Rudolph Ferrara (a/k/a Mark R. Ferrara), is currently residing at 1169 Roseland Drive, Columbia, Tennessee 38401 and further that the defendant, Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara), is currently residing at 201 6th Avenue, Columbia, Tennessee 38401 and accordingly are absentee defendants. Petitioner alleges that it is entitled to the appointment of an attorney to represent defendants, Mark Rudolph Ferrara (a/k/a Mark R. Ferrara) and Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara), all in accordance with Civil Code of Procedure Article 2674.

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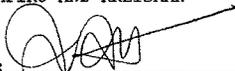
XI.

Petitioner alleges amicable demand to no avail.

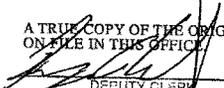
WHEREFORE, the premises and annexed documents and affidavit considered, petitioner prays that this court appoint a curator ad hoc to represent the absentee defendants in these proceedings, and that a Writ of Executory Process issue herein, that a Writ of Seizure and Sale issue immediately herein, directing the Civil Sheriff for the Parish of Jefferson, State of Louisiana, to seize, and after due advertisements, delays, requisites and formalities, save those expressly waived in the above described act of mortgage, to sell the said property described above according to law, for cash and without benefit of appraisal, to pay and satisfy the claim of your petitioner in the full sum of \$56,551.96 Dollars, with interest thereon at the rate of Twelve and One-Half (12.50%) percent per annum from May 1, 1993, together with a late charge of \$29.38 on each delinquent monthly installment since June 16, 1993, and any additional amounts which petitioner has advanced or hereafter advances, as permitted by the Note and Mortgage, and proves according to law, for taxes, assessments, repairs to and maintenance and preservation of the mortgaged property, together with attorney's fees in the amount of Ten (10%) percent of all sums due, and all costs of these proceedings, and petitioner prays to be paid the above amounts in satisfaction of its claim, according to law, and for all other general and equitable relief.

Respectfully submitted,

SHAPIRO AND KREISMAN

BY:   
 JANE FAIA MENTZ  
 Louisiana Bar Roll No. 16908  
 STACY C. WHEAT  
 Louisiana Bar Roll No. 19826  
 Attorneys for Petitioner  
 3850 N. Causeway Blvd.  
 Suite 710  
 Metairie, Louisiana 70002  
 Telephone No. (504) 831-7726

A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE

  
 DEPUTY CLERK  
 CIVIL JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

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ORDER

CONSIDERING the allegations of the foregoing petition and the exhibits attached thereto, it is ordered that Richard P. Kelly attorney at law be and is hereby appointed to represent the absentee defendants, Mark Rudolph Ferrara (a/k/a Mark R. Ferrara) and Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara), herein.

IT IS FURTHER ORDERED that Executory Process issue immediately herein, without benefit of appraisal, to pay and satisfy the claim of the petitioner, according to law, and that the writ of seizure be served upon the attorney at law appointed to represent the absentee defendants, Mark Rudolph Ferrara (a/k/a Mark R. Ferrara) and Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara).

Gretna, Louisiana, this 18<sup>th</sup> day of August, 1994

CODED  
FILED  
AUG 19 1994

Richard P. Kelly  
JUDGE

PLEASE SERVE

Attorney at Law appointed to represent Mark Rudolph Ferrara (a/k/a Mark R. Ferrara), divorced husband of Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara) and Carol Ann Innamorato Ferrara (a/k/a Carol Ann Ferrara), divorced wife of Mark Rudolph Ferrara (a/k/a Mark R. Ferrara)

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
Richard P. Kelly  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.