

Nº 416630

DIV

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

NATHAN PHILLIPS

vs.

CAROL SINGLETARY, WIFE OF FAND NORVIN TRENT (A/K/A NORVIN J.) SITZMAN , ET AL

*Plaintiff*

*Defendant*

CHARLES F. MCHALE, JR.  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing MAY 7, 1991 JL

\*157

CODED - 12

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 416-630

**DIV. A**  
**JUDGE**  
**& THOMAS PORTERUS, JR.**

NATHAN PHILLIPS

VS

CAROL SINGLETARY, wife of/and NORVIN TRENT  
(a/k/a NORVIN J.) SITZMAN, ET AL

FILED:

DEPUTY CLERK

ACTION FOR CONFIRMATION OF TITLE TO REAL ESTATE

The petition of Nathan Phillips, a resident of the Parish of Orleans, State of Louisiana, with respect represents that:

I.

Petitioner is the sole owner of the following described property situated in the Parish of Jefferson, to-wit:

ONE CERTAIN LOT OF GROUND, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging, or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in UPLAND SUBDIVISION, designated as LOT 24, SQUARE 15, bounded by Upland Avenue, Reno and Bern Streets and a 5 foot strip along the west property line reserved for drains, and measures, in accordance with map of Upland Subdivision, Jefferson Parish, by W. C. Hawkins, C.E. & S., dated August 23, 1927, a copy of same on file in the office of the Clerk of Court, Parish of Jefferson, as follows:

Lot 24 measures 38.72 feet front on Bern Street, a width in the rear of 36.05 feet, by a depth of 120 feet on the line separating Lot 24 and Lot 23 and a depth of 120.02 feet on its other side line. Lot 24 begins 220 feet from the corner of Upland Avenue and Bern Street. According to a survey made by John E. Walker, C.E., dated November 2, 1964, redated February 25, 1965, a copy of which is annexed to act passed on March 1, 1974 before Haley M. Carter, Notary Public, the property is shown as above described.

Improvements thereon bear the Nos. 8306 Bern Street.

II.

Petitioner acquired the subject property for the 1984 Parish taxes for the Parish of Jefferson, assessed in the name of "Norvin J. Sitzman", as per sheriff's deed dated May 29, 1985, registered in COB 1272, folio 314, on June 29, 1985, as per Exhibit P-1 attached hereto and made a part hereof.

ISSUED

*with a part of land of upat*

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DATE

MAY 13 1991

S/ MYRA LANDEX

## III.

Defendants, Carol Singletary, wife of/and Norvin Trent-Sitzman. acquired the subject property from Leonard G. Sitzman, Sr., as per act before Haley M. Carter, Notary Public, dated March 1, 1974, registered in COB 809, folio 317, as per Exhibit P-2 attached hereto and made a part hereof.

## III.

The above tax sale has not been redeemed nor has any suit been filed to annul the tax sale prior to the institution of this proceeding.

## IV.

Petitioner pleads the five year peremption period pursuant to Article 7, Section 25 of the 1974 Louisiana Constitution and desires to have the title to the subject property confirmed and quieted in accordance with the law.

## V.

Petitioner names as proper party defendants herein CAROL SINGLETARY, wife of/and NORVIN TRENT (a/k/a NORVIN J.) SITZMAN, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead.

## VI.

Petitioner has made a due and diligent effort to locate the above defendants, but has been unable to do so. Therefore, petitioner desires that an attorney at law be appointed curator ad hoc to represent the said absent defendants, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead.

## VII.

The last known address of the defendants is as follows:

1818 Bienville  
New Orleans, LA 70112

WHEREFORE, petitioner prays that a curator ad hoc be appointed herein to represent the absent defendants, CAROL

SINGLETARY, wife of/and NORVIN TRENT (a/k/a NORVIN J.) SITZMAN, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead.

Petitioner further prays that there be proper citation issued herein and that after due proceedings had, there be judgment herein in favor of the plaintiff and against all of the defendants confirming and quieting the title of the plaintiff to the subject property herein, and recognizing plaintiff as the sole and only owner thereof and enjoining and prohibiting the said defendants from claiming or setting up any right, title or interest in and to the said property or any part thereof.

And for all general and equitable relief.

*Charles E. McHale, Jr.*  
CHARLES E. MCHALE, JR.  
Attorney for Plaintiff  
Pan American Life Center  
601 Poydras St., Suite 2345  
New Orleans, LA 70130  
Phone: 524-0748  
Bar No. 9339

ORDER

LET *Robert A. Ceeley*, Attorney at Law, be and she/he is hereby appointed curator ad hoc to represent the absent defendants, CAROL SINGLETARY, wife of/and NORVIN TRENT (a/k/a NORVIN J.) SITZMAN, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead; and

LET citation issue herein as prayed for and according to law.

Gretna, Louisiana, this 9<sup>th</sup> day of May, 1991.

*Walter H. ...*  
CODING  
JUDGE  
ON MINUTES  
MAY 13 1991

PLEASE SERVE:

CAROL SINGLETARY, wife of/and NORVIN TRENT (a/k/a NORVIN J.) SITZMAN, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead, ALL THROUGH THE CURATOR AD HOC APPOINTED HEREIN.

5 7 19 91 1200  
I, HEREBY CERTIFY THAT ALL COSTS INCURRED IN THIS MATTER HAVE BEEN PAID.  
*James ...*  
Deputy Clerk

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE  
*...*  
-3- DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

417532  
N° 417532

**DIV**

1991  
1991  
1991

JUDGE  
G. THOMAS FOREST, JR.

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE OF JEFFERSON PARISH, ET AL

VS.

*Plaintiff*

DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO AND DOLORES TABB HAMPTON, A/K/A, ET AL

*Defendant*

IRA J. MIDDLEBERG

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing MAY 22, 1991 JL



consideration and before maturity of a certain promissory note executed by DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO, payable to the order of "BEARER", in the principal sum of FIFTY NINE THOUSAND NINE HUNDRED AND NO/100 (\$59,900.00) DOLLARS, dated November 1, 1979, payable in monthly installments, including principal and interest, beginning January 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 December 1, 2009, and which note bears the interest rate of 7.625% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by a Credit Sale of Property dated November 1, 1979, passed before Claude J. Champagne, Notary Public, and two witnesses, and recorded at Instrument No. 896903, MOB 780, Folio 307, COB 968, Folio 960, 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 Credit Sale of Property is attached hereto and made a part hereof and marked "P-2" for identification.

## 4.

Further, Progressive Mortgage Corporation did assign, transfer, convey and deliver all rights, title and interest in and to the above described promissory note unto Jefferson Parish Home Mortgage Authority and that Jefferson Parish Home Mortgage Authority did assign, transfer, convey and deliver all rights, title and interest in and to the above described promissory note unto First National Bank of Commerce, New Orleans, Louisiana, as Trustee for Jefferson Parish Home Mortgage Authority by Endorsement and Assignment of Note and Mortgage, in authentic form, dated November 7, 1979, executed by John B. Tarantino, and two witnesses, and passed before Claude J. Champagne, Notary Public, and recorded at Instrument No. 898749, MOB 781, Folio 482, of the official

records of Jefferson Parish. A certified copy of said Endorsement and Assignment of Note and Mortgage is attached hereto and made a part hereof and marked "P-3" for identification.

5.

DOLORES TABB HAMPTON, WIFE OF/AND ROY CLIFFORD HAMPTON, did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO, by Act of Sale And Assumption of Mortgage dated November 23, 1987, and passed before Kristina Skold Clark, Notary Public, and two witnesses, and which Act of Sale And Assumption of Mortgage was duly recorded at Instrument No. 87-58589, MOB 2106, Folio 104, COB 1852, Folio 117, of the official records of the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale And Assumption of Mortgage is attached hereto and made a part hereof and marked "P-4" for identification.

6.

By virtue of the aforementioned acts, defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of the 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 subdivision thereof known as WESTMINISTER PARK SUBDIVISION, as shown on a survey of J. J. Krebs & Sons, Inc., C.E. & S., dated October 24, 1977, approved by the Jefferson Parish Council under Ordinance No. 13192, adopted on January 4, 1978, registered in COB 918, folio 262, and also according to the survey of J. J. Krebs & Sons, Inc., dated April 18, 1979, revised May 4, 1979, revised July 7, 1979 and revised October 25, 1979, described as follows, to-wit: LOT 3, SQUARE 6, which said square is bounded by Westminster Boulevard, Wedmore Drive, the Easterly Boundary of the Subdivision and the 50' United Gas Pipeline Company Right of Way and said Lot No. 3 commences at a distance of 136.80 feet from the intersection of Wedmore Drive and Westminster Boulevard and measures thence 60 feet front on Wedmore Drive, with a width in the rear of 60.01 feet, by a depth on the

sideline nearer to Westminster Boulevard of 105.00 feet and a depth of 104.18 feet on the opposite sideline. Said property bearing the mailing address: 7409 Wedmore Drive, Marrero, Louisiana, 70072.

7.

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 acts, the property might be seized and sold under executory process, for cash and with appraisement, defendants having waived demand for payment as provided for in Article 2639 of the Louisiana Code of Civil Procedure.

8.

The defendants have failed to pay the installment due December 1, 1989, and all subsequent installments due under said note.

9.

Defendants are therefore in default under the terms and conditions of the aforesaid note and acts.

10.

Therefore, FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE FOR JEFFERSON PARISH HOME MORTGAGE AUTHORITY, 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 \$52,202.95, interest at the rate of 7.625% per annum from November 1, 1989, until paid, together with reasonable attorney's fees; 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.

11.

By virtue of the terms of the aforementioned note and acts, defendants agreed to pay reasonable attorney's fees for the attorney at law who might be employed to institute proceedings to

recover the amounts due under said note.

12.

In the note, defendants waived presentment, protest and notice. Paragraph 14 of said Act of Credit Sale of Property waived demand as provided for in Article 2639 of the Code of Civil Procedure of Louisiana.

13.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendants, DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO, are absentees who cannot be served personally with process, an attorney at law should be appointed to represent them.

14.

Defendants, DELORES HAMPTON AND ROY HAMPTON, filed for Bankruptcy Relief in the Eastern District of Louisiana, Case No. 89-14966-B, Chapter 13.

On July 27, 1990, Judge T. M. Brahney, III, ordered the Automatic Stay for defendants, Dolores Hampton and Roy Hampton, be lifted so that the plaintiff herein could foreclose on the property described in Paragraph 5 hereinabove. A certified true copy of the Ex Parte Order is attached hereto and made a part hereof and marked "P-5" for identification.

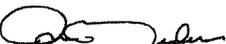
WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, that a writ of seizure and sale issue forthwith directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and with appraisal, to pay and satisfy the claim of your petitioner in the principal sum of \$52,202.95, interest at the rate of 7.625% per annum from November 1, 1989, until paid, together with all sums advanced for taxes and/or insurance, together with reasonable attorneys fees; 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 absentee defendants.

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. 9648

PLEASE SERVE NOTICE OF SEIZURE ON:

DEIRDRE ROBERT CUCINELLO, WIFE OF/AND  
ALLEN JOHN CUCINELLO  
Through Court Appointed Counsel

AND

DOLORES T. HAMPTON, WIFE OF/AND  
ROY C. HAMPTON  
7409 Wedmore Drive  
Marrero, Louisiana

ORDER

CONSIDERING THE FOREGOING,

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

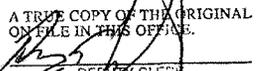
LET Robert D. Cooley Attorney at Law, be appointed Attorney at Hoc to represent the absentee defendants, DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO, in this proceeding.

GRETNA, LOUISIANA, this 29<sup>th</sup> day of May, 1991.

~~ORDER~~  
  
\_\_\_\_\_  
JUDGE

ON MINUTES

MAY 31 1991

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

Nº 418422

DIV

1991 JUN 13  
A  
CE  
11:05 AM, JL

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

RESOLUTION TURST CORPORATION AS CONSERVATOR OFR SOUTHERN FEDERAL SAVINGS BANK

VS

MICHAEL RAPP AND GENE P. DUOUCEY

*Plaintiff*

*Defendant*

STEPHEN J. BROUSSARD  
*Attorney for Plaintiff*

*Attorney for Defendant*

JUNE 13, 1991 JL

Date of Filing



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order of Southern Savings Association, plaintiff alleges that it is the holder of said promissory note by virtue of the following:

A) Southern Savings Association changed its name to Southern Savings Bank, S.S.B, on or about March 27, 1987.

B) The Office of Thrift Supervision by order No. 90-3088, dated December 14, 1990, appointed the Resolution Trust Corporation as Receiver for Southern Savings Bank, S.S.B.

C) On the same day, December 14, 1990, a federal charter was issued to Southern Federal Savings Bank and the Resolution Trust Corporation was appointed conservator therefor.

D) Thereafter and on December 14, 1990, the receiver transferred the assets of Southern Savings Bank, S.S.B unto Southern Federal Savings Bank. The promissory note and mortgage sued upon herein were transferred therewith.

E) The foregoing allegations in sub paragraphs B, C, and D are evidenced by a certified copy of an Act of Deposit which acknowledges documents which evidence the occurrences described in the foregoing sub paragraphs.

#### IV.

The said promissory note was paraphed "Ne Varietur" for identification with an Act of Mortgage dated July 29, 1983, passed before Stephen J. Broussard, Notary Public in and for the Parish of Orleans, State of Louisiana, recorded in the mortgage records of the Parish of Jefferson at MOB 888, folio 481. A certified copy of said Act of Mortgage is attached hereto and made a part hereof.

#### V.

In the Act of Mortgage herein referred to, the said defendants did specially mortgage, effect and hypothecate unto and in favor of all future holders of said promissory note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon and all the right, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining situated in the Parish of Jefferson, State of Louisiana, on the left descending bank of the Mississippi River, in

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Jefferson Highway and Sizler Tract, said lot is designated as Lot No. 120 on a survey made by F. C. Gandolfo, Jr., surveyor, dated August 3, 1948, redated August 9, 1948, and according thereto, said lot commences at a distance of 700 feet from the corner of Hyman Drive and Morris Place, and measures thence 50 feet front on Hyman Drive, same width in the rear, by a depth of 110 feet between equal and parallel lines, all in accordance with a survey made by J. L. Fontcuberta, Surveyor, dated May 5, 1971, a copy of which is annexed to an act passed before Roy L. Price, Notary Public, dated May 23, 1971. And according to a survey made by Gilbert, Kelly & Courturie, Inc., Surveying & Engineering, dated July 5, 1983, copy of which is annexed to an act passed before Stephen J. Broussard, Notary Public, dated July 29, 1983, said lot has the same designation, location and dimensions as mentioned above, an the improvements thereon bear the Municipal No. 529 Hyman Drive, Metairie, Louisiana.

Being the same property acquired by Michael Rapp and Gene P. Doucet from John X. Guercia, by an act passed before Stephen J. Broussard, Notary Public, dated July 29, 1983, registered in COB 1054, folio 618, Jefferson Parish, Louisiana.

## VI.

In the said Act of Mortgage, the said defendants confessed judgment upon the promissory note in favor of plaintiff and any future holder of the promissory note, and consented that if same were not paid in accordance with its stated terms and conditions and the stipulations of the act, then the said property might be seized and sold under executory process to the highest bidder, for cash, all of which will more fully appear by reference to the certified copy of the Act of Mortgage annexed hereto and made a part hereof.

## VIII.

Under the terms of the Act of Mortgage, defendants further agreed to pay 15% attorney's fees in the event of suit.

## IX.

Plaintiff alleges that said promissory note is in default and, therefore, it is fully due and payable and fully mature for the following reasons, to-wit:

- 1) Defendants have failed to pay in full the installment payment due on May 3, 1990, and the continuing installments due thereafter in accordance with the terms of the promissory note and Act of Mortgage.

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- 2) Amicable demand for payment in full was made upon the defendants by correspondence dated June 5, 1990, to no avail. A copy of the said correspondence is attached hereto and made a part hereof.

X.

There remains due and owing unto plaintiff, the principal balance in the amount of \$55,412.06, plus interest in the amount of \$4,706.40, accrued through August 31, 1990, together with interest at the rate of 12.875% per annum from September 1, 1990 until paid.

XI.

That defendants herein are absentee defendants, both being domiciled in the State of Texas and, therefore, in accordance with Article 2674 of the Louisiana Code of Civil Procedure, a Curator should be appointed to represent the absent defendants.

WHEREFORE, the premises and the annexed documents considered, petitioner prays that an order of executory process issue forthwith, that the defendants be served with the demand for payment required by Louisiana Code of Civil Procedure Art. 2639, and upon their failing to comply therewith, a writ of seizure and sale be issued, directing the Sheriff of the Parish of Jefferson, State of Louisiana, to seize and sell the property set out in Paragraph V of this petition, according to law, with appraisal, in order to pay and satisfy the claim of petitioner in the following amounts:

- 1) Principal in the amount of \$55,412.06.
- 2) Interest in the amount of \$4,706.40, accrued through August 31, 1990, together with interest at the rate of 12.875% per annum from September 1, 1990 until paid.
- 3) Attorney's fees in the amount of 15%.

and that out of the proceeds of the said sale, plaintiff be paid the amount of said indebtedness, together with interest, attorney's fees and all costs of these proceedings by preference and priority over all persons whomsoever.

Petitioner further prays that an attorney at law be appointed to represent the unrepresented and absent defendants.

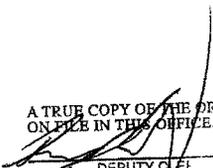
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And for all general and equitable relief.

**NEWMAN, MATHIS, BRADY & WAKEFIELD**  
A Professional Law Corporation  
212 Veterans Boulevard  
Metairie, Louisiana 70005  
Telephone: (504) 837-9040

By:   
STEPHEN J. BROUSSARD  
LA Bar Roll No. 1268

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.

DIVISION:

RESOLUTION TRUST CORPORATION,  
AS CONSERVATOR FOR SOUTHERN FEDERAL SAVINGS BANK

VERSUS

MICHAEL RAPP  
AND  
GENE P. DOUCET

FILED  
JUN 13 1991  
Kim Bourne  
DEPUTY CLERK

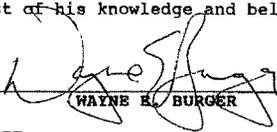
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DEPUTY CLERK

VERIFICATION

STATE OF LOUISIANA  
PARISH OF JEFFERSON

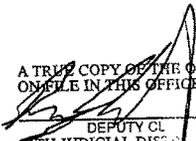
BEFORE ME, personally came and appeared the undersigned,  
WAYNE E. BURGER, after being duly sworn, deposed that he is Vice  
President of credit of Southern Federal Savings Bank and that all  
of the facts alleges in the said Petition for Executory Process are  
true and correct, to the best of his knowledge and belief.

  
WAYNE E. BURGER

SWORN TO AND SUBSCRIBED BEFORE  
ME, NOTARY, THIS 12<sup>th</sup> DAY OF  
June, 1991.

  
NOTARY PUBLIC

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

  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON

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

NO.

DIVISION:

RESOLUTION TRUST CORPORATION,  
AS CONSERVATOR FOR SOUTHERN FEDERAL SAVINGS BANK

VERSUS

MICHAEL RAPP  
AND  
GENE P. DOUCET

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

O R D E R

Considering the foregoing,

LET executory process issue as prayed for herein.

IT IS ORDERED that Robert Creeley,  
attorney at law be, and is hereby appointed to represent the absent  
defendants herein, namely Michael Rapp and Gene P. Doucet.

Gretna, Louisiana, this 21 day of June, 1991.

ON MINUTES  
CODED JUN 24 1991

[Signature]  
J U D G E

PLEASE SERVE DEFENDANTS WITH THE APPROPRIATE NOTICES  
UNDER THE LOUISIANA CODE OF CIVIL PROCEDURE ARTICLES 2639  
THREE DAY NOTICE OF DEMAND:

MICHAEL RAPP, THROUGH HIS CURATOR AD HOC

AND

GENE P. DOUCET, THROUGH HIS CURATOR AD HOC

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

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

1 7 1 0 2 1 1 0 1 3 7

**DIV. A**  
JULY 8, 1991  
E. THOMAS PATTERSON, JR.

No 419523

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

NATHAN PHILLIPS

*Plaintiff*

LILLIE MAE COSTON, DIVORCED WIFE OF JAMES J. OLIVER

*vs.*

*Defendant*

J. JOSEPH BLOTNER

*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 8, 1991 JL

**Date of Filing**

01010-9101065

TWENTY FOURTH JUDICIAL DISTRICT

STATE OF LOUISIANA

PARISH OF JEFFERSON

*pol*

NUMBER: 419-523

DIVISION: "A"

NATHAN PHILLIPS

VS.

LILLIE MAE COSTON, divorced wife of JAMES J. OLIVER

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

\_\_\_\_\_  
DEPUTY CLERK

PARISH OF JEFFERSON, LA  
DEPT. OF  
CLERK  
51 OCT 7 11 10 46  
FUDGE 70980

SUPPLEMENTAL AND AMENDED PETITION

The supplemental and amended petition of Nathan Phillips, a person of the full age of majority and resident of the Parish of Orleans, State of Louisiana, with respect represents:

I.

That a due and diligent search has been made by the Sheriff of the Parish of Jefferson, to serve the notice of seizure on the the defendant, Lillie Mae Coston, divorced wife of James J. Oliver to no avail.

II.

That an Attorney at Law should be appointed as Curator ad Hoc to represent the absent defendant, Lillie Mae Coston, divorced wife of James J. Oliver, in these proceedings as provided by law.

III.

That the petitioner reiterates and reaffirms all of the allegations contained in the original petition filed herein. WHEREFORE, petitioner prays that:

- 1). The supplemental and amended petition be filed as prayed for and in accordance with law.
- 2). That an attorney at law be appointed to represent the absent defendant, Lillie Mae Coston, divorced wife of James J. Oliver, in these proceedings.
- 3). That an order of executory process issue herein, dispensing with the demand for payment and the three day

DATE OCT 09 1991  
S/ MYRA LANDIX  
Deputy Clerk

**CODED**

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delay and that a writ of seizure and sale issue herein, directing the Sheriff of the Parish of Jefferson, to seize and after due proceedings had, and advertisements, notice and delays and formalities to sell without appraisalment, according to law, to the highest bidder, the property herein above described, to pay and satisfy the claim of petitioner, the sum of Fifteen Thousand, Eight Hundred and No/100 (\$15,800.00) Dollars, together with interest at the rate of Ten (10.00%) percent per annum from July 1, 1990, until paid, plus an attorney's collection fee of fifteen (15.00%) percent of the principal and interest due and all costs of these proceedings, on the terms of ten percent down, and the balance within thirty days; that out of the proceeds of the said sale, your petitioner be paid the amount of his claim with preference and priority over all persons whomsoever.

  
 \_\_\_\_\_  
 J. JOSEPH BLOTNER  
 ATTORNEY AT LAW  
 N.Y. BAR # 3161  
 814 SECOND STREET  
 GRETN, LA. 70053

ORDER

CONSIDERING the foregoing petition,

1). Let the supplemental and amended petition be filed as prayed for in accordance with law.

2). Let Richard D. Crecely Attorney at Law, be and he is hereby appointed to represent the absent defendant, LILLIE MAE COSTON, divorced wife of JAMES J. OLIVER, in these proceedings.

GRETN, LOUISIANA, this 4th day of OCTOBER, 1991.

CODED

  
 JUDGE

ON MINUTES  
OCT 8 1991

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

Nº 420376

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

DIV

DIV. A  
JUDGE  
E. HERMAN FARMER, JR.

ISABEL MILLER, wife of/and ANTHONY J. SCHNELLER  
*Plaintiff*

*vs.*

FINAL WORD INC

*Defendant*

CHARLES EMILE BRUNEAU, JR  
*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 24, 1991 jff

Date of Filing

CODED-1257

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA  
NO. 420-376

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

DIVISION IV  
JUL 26 1991

ISABEL MILLER, WIFE OF/AND ANTHONY J. SCHNELLER

versus

FINAL WORD, INC.

CODED-12

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

DEPUTY CLERK

PETITION TO ANNUL TAX SALE

The petition of MRS. ISABEL MILLER, wife of/and ANTHONY J. SCHNELLER, both persons of the full age of majority and residents of and domiciled in the Parish of Jefferson, State of Louisiana, with respect represent:

I.

Plaintiffs purchased the following described property from Mrs. Carol Schnitt, wife of/and Jack R. Sutton by act before Michael D. Charbonnet, Notary Public, dated August 29, 1984, registered in COB 1088, Folio 269, and bearing Entry No. 8841273 in the Conveyance Records of the Parish of Jefferson, State of Louisiana, and more particularly described as follows:

TWO CERTAIN LOTS 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 Parish of Jefferson, State of Louisiana, in that part thereof known as METAIRIE HEIGHTS SUBDIVISION, bounded by METAIRIE HEIGHTS AVENUE, 6TH STREET, FAGOT AVENUE, RIDGEWAY DRIVE, and LAKE PONTCHARTRAIN, designated as LOT NOS. 990 and 992 on a survey made by Gilbert, Kelly & Couturie, Inc., Surveyors, dated September 15, 1983, a copy of which is attached to an act before John H. Hammel, III, Notary Public, dated September 16, 1983, and according to said survey said lots adjoin each other and measure each 25' front on Metairie Heights Avenue, the same width in the rear by a depth of 120' between equal and papallel lines, with Lot No. 990 lying nearer to and commencing at a distance of 125' from the corner of Metairie Heights Avenue and 6th Street, and 12,375' from the corner of Metairie Heights Avenue and Fagot Avenue.

All as per certified copy of said Act annexed hereto and identified as Plaintiffs' Exhibit No. 1.

act filed w/ notary copy  
COR 79 DATE JUL 26 1991  
S/ MYRA LANDIX

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## II.

The defendant, FINAL WORD, INC. and/or VIRGINIA JOHNSON, doing business as "THE FINAL WORD", a Louisiana business corporation and an individual believed to be domiciled in the Parish of Jefferson, State of Louisiana, but whose whereabouts are unknown, hereinafter sometimes referred to as "FINAL WORD, INC.", was the adjudicatee of Lot 990, Metairie Heights Subdivision, forming a portion of the above described property by an alleged tax sale for delinquent parish taxes for the year 1984, held by the Sheriff and Ex-Officio Tax Collector for the Parish of Jefferson, on May 29, 1985, when the said defendant, FINAL WORD, INC., became the adjudicatee of the above described property, which was assessed and sold in the name of Jack R. Sutton.

## III.

The Sheriff's deed transferring the property to the defendant pursuant to the adjudication was registered in the office of the Clerk of Court for the Parish of Jefferson, on June 29, 1985, registered in COB 1272, Folio 0288, bearing Entry No. 8528971.

## IV.

The parish taxes for the year 1984 were assessed in the name of Jack R. Sutton only. No notice of said taxes was at any time given to plaintiffs, Mrs. Isabel Miller, wife of/and Anthony J. Schneller, who were the record owners on and after August 29, 1984, to date.

## V.

No notice in any form of delinquency or of a proposed tax sale of the property in question to defendant, FINAL WORD, INC., was ever conveyed to plaintiffs, Mrs. Isabel Miller, wife of/and Anthony J. Schneller, who were the owners as a matter of public record on and after August 29, 1984, to date. No notice of sale of the said property for taxes was

0 0 6 9 1 0 0 7 5 7

ever conveyed to plaintiffs, Mrs. Isabel Miller, wife of/and Anthony J. Schneller.

## VI.

By reference to the proces verbal of the Sheriff and Ex-Officio State Tax Collector for the Parish of Jefferson, filed with the Clerk of Court for the Parish of Jefferson, a certified copy of which is annexed hereto and identified as Plaintiffs' Exhibit No. 2, service of the notice of delinquent taxes on the above described property was allegedly made on Jack R. Sutton by registered letter, who was not the record owner of the property at that time. The Sheriff for the Parish of Jefferson, by letter dated May 9, 1991, annexed hereto and identified as Plaintiffs' Exhibit No. 3, acknowledged that the 1984 tax notice was sent to Jack R. Sutton, 1026 Homestead Avenue, Metairie, Louisiana, and that the Sheriff's office notified the wrong tax debtor.

## VII.

The office of the Secretary of State has no record regarding "Final Word, Inc." and no registered agent therefor. However, the records of the Secretary of State indicate that Virginia Johnson applied for a trade name for "The Final Word", c/o R. Goodman, Post Office Box 481, Kenner, Louisiana 70063. Plaintiffs, by certified letter, with a return receipt request, offered to redeem said property but the said letter was returned with the notation "addressee unknown". Said letter is annexed hereto and identified as Plaintiff's Exhibit No. 4. It, therefore, becomes necessary to appoint a curator ad hoc to represent defendant in these proceedings.

## VIII.

The aforementioned tax sale is null and void and conveyed no title to the defendant herein for the reasons hereinbefore recited.

0069100753

WHEREFORE, Plaintiffs, MRS. ISABEL MILLER, wife of/ and ANTHONY J. SCHNELLER, pray that a curator ad hoc be appointed to represent defendant in these proceedings and that there be judgment herein in their favor and against defendant, FINAL WORD, INC. and/or VIRGINIA JOHNSON, doing business as THE FINAL WORD, recognizing plaintiffs to be the owners of the property hereinabove described, and annulling the said tax sale, and ordering the cancellation of the inscription of said sale registered in COB 1272, Folio 0288, Entry No. 8528791, in the office of the Clerk of Court for the Parish of Jefferson, State of Louisiana; and for all costs of these proceedings.

*Charles Emile Bruneau, Jr.*  
CHARLES EMILE BRUNEAU, JR.  
BAR NO. 3600  
ATTORNEY FOR PLAINTIFFS  
MR. & MRS. ANTHONY J. SCHNELLER  
5534 CANAL BOULEVARD, SUITE 4  
NEW ORLEANS, LOUISIANA 70124  
T E L E P H O N E : 482-0694

\* \* \* \* \*  
O R D E R  
\* \* \* \* \*

LET *Robert D. Cooley*, attorney at law, be and he is hereby appointed curator ad hoc to represent and stand in judgment for FINAL WORD, INC. and/or VIRGINIA JOHNSON, doing business as "THE FINAL WORD", made defendant in this suit, and let citation and notice issue herein, as prayed for according to law.

GRETNA, LOUISIANA, This *24th* day of July, 1991.

*Robert D. Cooley*  
J U D G E

PLEASE SERVE:

FINAL WORD, INC. and/or  
VIRGINIA JOHNSON, d/b/a  
"THE FINAL WORD"  
Through their Curator Ad Hoc

ON MINUTES  
JUL 26 1991

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

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Nº 420489

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

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

RESOLUTION TRUST CORP

**vs.**

*Plaintiff*

PAULETTA WELLMAN NAPIER, wife of/and RALPH W. NAPIER, JR

*Defendant*

IRA J. MIDDLEBERG  
*Attorney for Plaintiff*

*Attorney for Defendants*

**Date of Filing** JULY 25, 1991 iff

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HOME 1903-0033/ LOAN NO. 4622

*POI*

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO: 420-489

DIVISION:

FILED  
31 AUG 19 11  
FILED FOR RECORD  
CLERK OF THE COURT  
PARISH OF JEFFERSON, LA.  
DEPUTY CLERK  
31 AUG 19 11

RESOLUTION TRUST CORPORATION AS RECEIVER FOR  
HOME SAVINGS AND LOAN ASSOCIATION, F.A.

-VERSUS-

PAULETTA WELLMAN NAPIER, WIFE OF/AND RALPH W. NAPIER, JR.

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes RESOLUTION TRUST CORPORATION AS RECEIVER FOR HOME SAVINGS AND LOAN ASSOCIATION, F.A., who respectfully represents that:

1.

The defendants, Pauletta Wellman Napier and Ralph W. Napier, Jr. are persons of the full age of majority whose last known address was 18 Colony Trail, Mandeville, Louisiana. Petitioner has been advised by the St. Tammany Parish Sheriff's Office that the defendants have moved from the above address. Petitioner did cause to be sent a letter to the U.S. Postmaster, Mandeville, Louisiana 70448. Said letter was returned to petitioner with notation that defendants had moved and left no forwarding address.

2.

This Court has jurisdiction over the property against which this mortgage and judgment is sought to be enforced; but because defendants, Pauletta Wellman Napier and Ralph W. Napier, Jr. are absentees and, therefore,

ISSUED *not of app't w/ cert*  
- 1 - DATE **AUG 28 1991**  
S/ MYRA LANDIX  
CLERK OF THE COURT

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service cannot be made, an attorney at law should be appointed to represent them.

3.

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

WHEREFORE, RESOLUTION TRUST CORPORATION AS RECEIVER FOR HOME SAVINGS AND LOAN ASSOCIATION, F.A., prays that an attorney at law be appointed to represent the absent defendants, Pauletta Wellman Napier and Ralph W. Napier, Jr.

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

PLEASE SERVE:

PAULETTA WELLMAN NAPIER AND  
RALPH W. NAPIER, JR.  
THROUGH COURT APPOINTED COUNSEL

ORDER

IT IS ORDERED by the Court that Robert A. Crowley attorney at law, be and is hereby appointed as Curator Ad Hoc to represent the absent defendants, Pauletta Wellman Napier and Ralph W. Napier, Jr. in this proceeding.

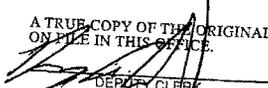
GRETN, LOUISIANA, this 23rd day of August, 1991.

ON MINUTES

AUG 26 1991

  
\_\_\_\_\_  
JUDGE

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

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

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

No. 420532

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

STANDARD MORTGAGE CORP

*Plaintiff*  
**Vs.**  
ARHONDA TROUILLE TORNABENE (ARHONDA TROUILLE) wife of/and

HAROLD V. TORNABENE, JR.  
*Defendant*

JAMES C. ARCENEAUX, III  
*Attorney for Plaintiff*

*Attorney for Defendant*

JULY 26, 1991 JFF

**Date of Filing**

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 420-532

DIVISION

STANDARD MORTGAGE CORPORATION

VS.

ARHONDA TROUILLE TORNABENE (ARHONDA TROUILLE)  
WIFE OF/AND HAROLD V. TORNABENE, JR.

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

DEPUTY CLERK

SUPPLEMENTAL AND AMENDED PETITION

I.

Petitioner realleges and reaffirms all allegations contained in Paragraphs I through VIII of the original petition filed in these proceedings on July 26, 1991.

II.

Petitioner was informed and did believe that the defendants, Arhonda Trouille Tornabene, wife of/and Harold V. Tornabene, Jr., were living and residing at 4309 Center St., Metairie, La. 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 defendant. A letter directed to the U. S. Postmaster requesting a forwarding address was returned showing "Good as addressed", however, the sheriff's return reflected that the house was vacant. A skip trace was ordered on the defendants reflected that they were living and residing at 4613 Yale St., Apt. D, Metairie, La. The sheriff attempted service at this new

ISSUED Not Report  
NOV 26 1991  
DATE  
S/ MYRA LAMILLI  
Deputy Clerk

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address and reported that the defendants had moved. Another letter was sent to the U. S. Postmaster requesting a forwarding address was returned showing "Good As Addressed". Accordingly, the current whereabouts of the defendants are unknown to petitioner and therefore, it will be necessary for this Court to appoint an attorney to represent the defendants in these proceedings.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants, Arhonda Troquille Tornabene, wife of/and Harold V. Tornabene, Jr., 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  
 Bd'r 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.

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

CONFIDENTIAL

FILED  
NOV 19 1991  
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DEPUTY CLERK

AFFIDAVIT

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 15th DAY OF November,  
1991.

*Patricia R. Francis*  
\_\_\_\_\_  
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
IS FILED IN THIS OFFICE.  
*[Signature]*  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

2072103751

ORDER

Let Robert Creeley, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Arhonda Troquille Tornabene, wife of/and Harold V. Tornabene, Jr.,

Gretna, Louisiana  
November 22, 1991

CODED

*[Signature]*  
JUDGE

ON MINUTES  
NOV 25 1991

PLEASE SERVE:

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

\_\_\_\_\_, Esq.  
Curator-ad-Hoc to represent  
the absent defendants  
Arhonda Troquille Tornabene, wife  
of/and Harold V. Tornabene, Jr.  
(NOTICE OF DEMAND WAIVED)

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

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





010079102305

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 26th DAY OF Sept., 1991.

*Robert O. Fisher*  
\_\_\_\_\_  
NOTARY PUBLIC

O R D E R

IT IS ORDERED by the court that *Robert R. Kelly*, attorney at law, be appointed to represent the absent defendant, Barry R. Alfortish and that a certified true copy of the order be sent to the Sheriff of Jefferson Parish with the name and address of the attorney at law to be appointed for the absent defendant.

GRETNA, LOUISIANA this 1st day of October, 1991.

CODED  
OCT 3 1991  
ON MINUTES

*Shirley A. Kelly*  
\_\_\_\_\_  
CLERK

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

*Shirley A. Kelly*  
\_\_\_\_\_  
DEPUTY CLERK  
24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, L.A.

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

No 422162

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

IN RE: INTERDICTION OF HELEN POCHE

*Plaintiff*

vs.

*Defendant*

ANN MACLAINE

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing AUG. 30, 1991 c s

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*pd*

TWENTY-FOURTH JUDICIAL DISTRICT COURT  
STATE OF LOUISIANA

NO. 422-162

DIVISION A

IN RE:  
INTERDICTION OF  
HELEN POCHE

*Shirley Walker*  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.  
FILED FOR RECORD  
1991 SEP 30 AM 10 36

**CODED**

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

DEPUTY CLERK

MOTION FOR APPOINTMENT OF COUNSEL

On motion of Ann Maclaine, attorney for petitioner Advocacy Center for the Elderly and Disabled, and upon suggesting that defendant Helen Poche was personally served with the petition for interdiction on September 11, 1991, and upon further suggesting that defendant has not filed an answer to said petition, and that, pursuant to La. Code Civ. Pro. Art. 4544, an attorney needs to be appointed to represent defendant,

IT IS ORDERED that *Robert H. Cecily*, attorney at law, be and hereby is appointed to represent defendant Helen Poche in these proceedings.

Gretna, Louisiana, this 14<sup>th</sup> day of October, 1991.

**CODED**

ON MINUTES  
OCT 3 1991

JUDGE

*A Maclaine*

Ann Maclaine, Bar No. 8780  
Advocacy Center for the Elderly  
and Disabled  
210 O'Keefe, Suite 700  
New Orleans, Louisiana 70112  
(504) 522-2337  
Mover

Please serve this motion and the original petition for interdiction on the Attorney appointed to represent Helen Poche

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

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

ISSUED

DATE

*not of a ppl who target*

OCT 04 1991  
S/ MYRA LANDIX

Deputy Clerk

**CODED**

**DIV. A**  
JUDGE  
— **THOMAS PORTIUS, II.**

**DIV**

Nº 422559

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

FIRST NATIONAL BANK OF JEFFERSON PARISH

*Plaintiff*

*Vs.*

DAYTON V. MASSA & SUSAN BREUER MASSA & VICTOR L. MASSA & ELIZABETH I. WALLACE

*Defendant*

MASSA & LEONARD J. THOMPSON & PEGGY THOMPSON

MAURICE E. CLARK, JR.  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing  
SEPT. 9, 1991 c s

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FIRST NATIONAL BANK OF JEFFERSON PARISH 24th JUDICIAL DISTRICT COURT

[Plaintiff]  
VERSUS  
[defendants]

DAYTON V. MASSA & SUSAN BREUER MASSA &  
VICTOR L. MASSA & ELIZABETH J. WALLACE MASSA &  
LEONARD J. THOMPSON & PEGGY THOMPSON

PARISH OF JEFFERSON  
STATE OF LOUISIANA  
DIVISION  
DOCKET

NO. 422-559

EXECUTORY PROCESS ON COLLATERAL MORTGAGE  
Under Louisiana Consumer Credit Law

ABOVE NAMED PLAINTIFF CORPORATION, DOMICILED IN LOUISIANA, LICENSED UNDER LA R.S. 9:3510 et seq, SAYS:

*file 3 notes + mortgage  
Vault reg 17 1991*

1. Plaintiff holds note signed by above named full age defendants, domiciled in this parish dated AUGUST 24, 1988, for \$65,855.92, payable in 23 installments of \$955.34 and 1 installment for \$63,609.96, the 25th day of each succeeding month, and bearing interest after maturity as shown by said note, annexed hereto and made part hereof, as if written in extenso.
2. Default of one instalment matures note, making it due in full with 25% attorney fees on principal and interest due.
3. Defendants made payments on said note, leaving a balance of \$61,217.56 past due since AUGUST 25, 1990, with no unearned interest due, resulting in a net principal balance due of \$61,217.56 plus delinquent interest of \$3061.47.
4. To secure prompt, full payment of said promissory hand note, defendants did give in pledge the hereinafter stated collateral mortgage notes and the hereinafter stated collateral mortgages they are identified with.
5. Petitioner is holder and owner for value of one certain collateral mortgage note, signed and executed by the defendants to the order of bearer dated JULY 12, 1985 at Harvey, Louisiana, in the amount of \$30,000.00, payable on demand and bearing interest after maturity as shown by said note, annexed hereto and made part hereof, as if written in extenso. Said collateral mortgage note is secured by an Act of Collateral Mortgage of even date, filed at MOB 1227, folio 110, Parish of Jefferson, and the said Collateral mortgage note was paraphred by notary to identify it with the said collateral mortgage, a copy of which is certified and annexed hereto and made part hereof, as if written in extenso, in which defendants specially mortgage and hypothecate the following described property, to-wit:

ONE CERTAIN LOT 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 Parish of Jefferson, State of Louisiana, in that part thereof known as MAGNOLIA RIDGE SUBDIVISION, bounded by ORCHARO ROAD, CITRUS ROAD, MARK LANE, SONIAT CANAL NOTTAWAY PLACE and BELLE CHERIE PLACE, being a resubdivision of Lots 63-A, 64-A and 65-A, Highland Acres (or Farms), Section "G" of Square "G", in accordance with the plan of J.J. Krebs & Sons, Inc., C.E., dated November 3, 1977, approved by the Jefferson Parish Council under Ordinance No. 13210 said February 1, 1978, registered in COB 920, folio 56, Entry No. 810-822, Jefferson Parish. Said lot is designated as LOT NO. 20 and measures 60 feet front along a curve having a radius of 40 feet on Belle Cherie Place, a width in the rear of 10 feet by a depth of 75.57 feet on the Orchard Road side and a first depth of 112.57 feet to a point, thence second depth of 10 feet to the rear property line on the opposite sideline. All as more fully shown on survey by J.J. Krebs & Sons, Inc., dated October 12, 1978, a copy of which is annexed hereto.

00199100950

Improvements thereon bear the municipal number 9420 Belle Cherie Place, River Ridge, Louisiana 70123.

Being the same property acquired by Susan Breuer wife of/and Dayton V. Massa from Archway Builders, Inc. in an act dated February 11, 1983, registered in COB 1041, folio 673, Parish of Jefferson, State of Louisiana.

6. Petitioner is holder and owner for value of a second collateral mortgage note, signed and executed by defendants to the order of bearer dated JULY 12, 1985 at Harvey, Louisiana, in the amount of \$60,000.00, payable on demand and bearing interest after maturity as shown by said note, annexed hereto and made part hereof, as if written in extenso. Said collateral mortgage note is secured by an Act of Collateral Mortgage of even date filed at MOB 2495, folio 553, Parish of ORLEANS, and the said collateral mortgage note was paraphed by notary to identify it with the said collateral mortgage, a copy of which is certified and annexed hereto and made part hereof, as if written in extenso, in which defendants specially mortgage and hypothecate the following described property, to-wit:

A CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the Fifth District of the City of New Orleans, in that part thereof known as Victory Plaza Annex, which is composed of parcels G, H and J of Victory Drive Plaza, which said portion of ground, according to a plan of subdivision of Adloe Orr, Jr. & Associates, C.E. & S., dated May 5, 1964, approved by the City Planning Commission on October 1, 1964, registered in COB 659, folio 503, which lot is designated and measures as follows:

LOT 49, SQUARE H-2, bounded by Jo Ann Place, Americus Street, Murl Street, Magellan Canal, Elizardi Blvd., Wall Blvd. and Copernicus Street, which lot commences 36 feet from the point of curve having a radius of 20 feet at the intersection of Americus Street and Jo Ann Place and a width in the rear of 85 feet, and by a depth on the sideline nearest Americus Street of 106.28 feet, and by a depth on the opposite side line of 100 feet.

Improvements bear the municipal number 1807-09 Jo Ann Place.

Being the same property acquired in an act dated July 12, 1985, registered in COB \_\_\_\_\_, folio \_\_\_\_\_, Parish of Orleans, State of Louisiana.

7. Defendants agreed in the said Acts of Collateral Mortgage that the said hereinabove described properties would remain so mortgaged and hypothecated in the favor of any holder of said notes, until full payment of any debt or note for which said collateral mortgage notes might be pledged as security or until full payment of the collateral mortgage notes together with principal and interest and 25% attorney fees on principal and interest, together with premiums of insurance, payments to prior mortgage holders, taxes, expenses and court costs; and defendants did confess judgment herein for the principal and all these debts and charges hereinabove enumerated and did consent that if the collateral mortgage notes or their secured debts be not paid in accordance with their terms, the mortgaged property might be sold without appraisalment to the highest bidder for cash under executory process.

8. In the said Acts of Collateral Mortgage, defendants did expressly waive a putting in default or three day notice of demand.

9. Petitioner shows that there is due and owing a balance of default on the hereinabove stated hand note in the amount of \$61,217.56 plus delinquent interest of \$3061.47, together with 25% interest per annum thereon from the date of JUNE 18, 1991.

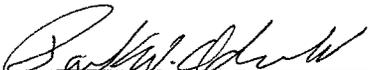
10. Defendants, DAYTON V. MASSA & SUSAN BREUER MASSA, have moved out of state and a curator must be

001991009550

appointed to represent the absent defendants herein.

WHEREFORE, considering the annexed documents, the premises and the Law, Plaintiff prays for an order of EXECUTORY PROCESS herein, and that a writ of seizure and sale issue SHERIFF OF THE APPROPRIATE PARISH herein, directing the ~~XXXXXX~~ that he seize and after advertisement and due proceedings had, sell the hereinabove described property WITH appraisalment to the highest bidder for cash to pay and satisfy the claim of your petitioner, amounting to the full sum of \$ 61,217.56 PLUS DELINQUENT INTEREST OF \$3061.47 together with interest thereon at the rate of 25 % per annum from JUNE 18, 1991 ~~UNTIL PAID~~ ~~XXXXXX~~ together with 25 % attorney fees on the principal and interest and all costs of these proceedings, and petitioner further prays that out of these proceeds of the sale petitioner be paid the amount of his claim with preference and priority over all persons whomsoever.

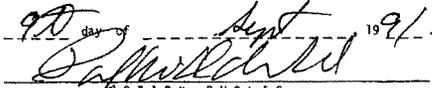
And for all equitable relief.

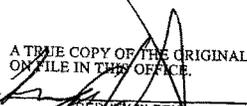
  
 MAURICE E. CLARK, Jr. and/or PAUL W. ODENWALD  
 Attorneys for Plaintiff  
 P.O. Box 19282, 3929 Tulane Ave., N.O., La. 70179  
 phone # 488 4486

STATE OF LOUISIANA  
PARISH OF ORLEANS

BEFORE ME, the undersigned Notary, personally came and appeared this day: MANAGER RETAIL  
MILTON BOUDREAU who deposed under oath that he is the COLLECTIONS  
 for plaintiff herein and has read the above and foregoing petition, and that all statements made therein are true and correct.

  
 AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS  
9<sup>th</sup> day of Sept 1991.  
  
 NOTARY PUBLIC

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

ORDER

LET EXECUTORY PROCESS ISSUE HEREIN as prayed for and according to Law. SUSAN  
 AND LET Robert Creedy BE APPOINTED CURATOR FOR DAYTON V. MASSA & BREUER MA  
Robert, Louisiana, this September 10<sup>th</sup> 1991.

ON MINUTES  CODED  
 J U D G E

SEP 11 1991  
 SERVE: VICTOR L. MASSA ELIZABETH J. WALLACE MASSA LEONARD J. THOMPSON  
 531 TERRACE ST 531 TERRACE ST 9921 NOTTOWAY  
 JEFFERSON, LA. 70121 JEFFERSON, LA. 70121 RIVER RIDGE, LA. 70123  
PEGGY THOMPSON, 9921 NOTTOWAY, RIVER RIDGE, LA. 70123 Page 3 of 4

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

No 423088

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

AMERICAN THRIFT AND FINANCE PLAN, INC.

**vs.**

ROSLYN JOHNSON, WIFE OF/AND HAROLD JOHNSON

*Plaintiff*

*Defendant*

DANIEL A. OPPENHEIM

*Attorney for Plaintiff*

*Attorney for Defendant*

SEPT. 19, 1991 cs

**Date of Filing**

11159101845

24TH JUDICIAL DISTRICT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 423-088 DIVISION "A" DOCKET NO: \_\_\_\_\_

AMERICAN THRIFT AND FINANCE PLAN, INC.

VERSUS

ROSLYN JOHNSON, wife of/and  
HAROLD JOHNSON

*PA*

CODED-12

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

DEPUTY CLERK

FILED FOR RECORD  
NOV 2 1991  
CLERK OF COURTS  
JEFFERSON PARISH, LA

MOTION TO APPOINT CURATOR TO REPRESENT ABSENTEE DEFENDANT

Now into court, through its undersigned counsel, comes American Thrift and Finance Plan, Inc., plaintiff herein, and respectfully represents to this Honorable Court:

1.

That certain immovable property, located at 252 Coretta Drive, Avondale, Louisiana which is owned by the defendants, Roslyn Johnson and Harold Johnson, and which property is mortgaged to plaintiff herein, has been seized by the Sheriff for the Parish of Jefferson, under a writ of executory process directed to him in this proceeding.

2.

That the written notice of seizure and sale issued in accordance with Articles 2640 and 2641, LA C.C.P. has been returned by the Sheriff for the Parish of Jefferson with the notation that after a due and diligent search, he has been unable to locate the defendant, Roslyn Johnson, at her domicile, employment, or anyone authorized to represent her.

3.

That the said Roslyn Johnson is an absentee within the meaning and contemplation of Article 5251, LA C.C.P. and that the whereabouts of the said defendant are unknown and she can not be found and served after a due and diligent search, though she may be domiciled or actually reside in the state, and that it is necessary that the court appoint an Attorney at Law to represent her and upon whom service can be made of notice of seizure and sale and against whom this proceeding can be conducted contradictorily,

ISSUED not of a part  
DATE NOV 14 1991  
S/ MYRA LANDIX  
Deputy Clerk

CODED

11159101846

Wherefore, plaintiff prays that an Attorney at Law be appointed by this Honorable Court to represent the absentee defendant, Roslyn Johnson, upon whom all legal notices and proceedings shall be served and against whom this proceeding shall be conducted contradictorily.

*Daniel A. Oppenheim*  
Daniel A. Oppenheim  
Attorney for Plaintiff  
116-G Terry Parkway  
Gretna, Louisiana 70056  
(504) 362-1982  
Bar Roll No. 18005

ORDER

Considering the forgoing motion,

IT IS ORDERED by this court, that *Robert P. Reilly* be appointed as Attorney at Law, to represent the absentee defendant, Roslyn Johnson upon whom all legal notices and proceedings shall be served; and that all proceedings against said defendant shall be conducted contradictorily against the aforesaid Attorney at Law as provided by law.

Gretna, Louisiana, this 5<sup>th</sup> day of November, 1991.

**CODED**

*[Signature]*  
JUDGE

**ON MINUTES  
NOV 8 1991**

PLEASE SERVE:

Roslyn Johnson  
Through her 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  
**DIV.**  
L. THOMAS PORTER, JR.

Nº 423366

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

\_\_\_\_\_

\_\_\_\_\_

STANDARD MORTGAGE CORP

*vs.*

*Plaintiff*

DOLORES GALINDO CONTRERAS (DOLORES GALINDO) WIFE OF/AND

FERNANDO CONTRERAS

*Defendant*

\_\_\_\_\_

JAMES C. ARCENEUX, III

*Attorney for Plaintiff*

\_\_\_\_\_

*Attorney for Defendant*

\_\_\_\_\_

**Date of Filing** SEPT. 25, 1991 jff

1 0 1 1 6 1 1 0 1



10239102 60

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

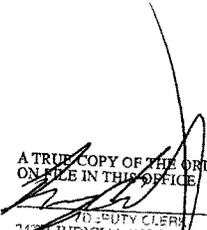
who, upon being first duly sworn, did depose and say;

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.

SWORN TO AND SUBSCRIBED BEFORE  
ME THIS 9th DAY OF October,  
1991.

  
\_\_\_\_\_  
PATRICIA R. FRANCIS  
NOTARY PUBLIC

  
A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
\_\_\_\_\_  
NOTARY PUBLIC  
24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

C. 1 0 2 3 9 1 0 2 6 1

ORDER

Let Robert Cready, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Dolores Galindo, wife of/and Fernando Contreras.

Gretna, Louisiana  
October 21, 1991

  
J U D G E

COPIED

ON MINUTES

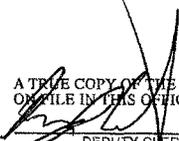
OCT 21 1991

PLEASE SERVE:

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

\_\_\_\_\_, Esq.  
Curator-ad-Hoc to represent  
the absent defendants  
Dolores Galindo, wife  
of/and Fernando Contreras  
(NOTICE OF DEMAND WAIVED)

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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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 III  
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.

11/10/91

**DIV. A**  
JUDGE  
& THOMAS P. BRYANT, JR.

Nº 423845

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

LEADER FEDERAL BANK FOR SAVINGS

*Plaintiff*

*vs.*

CHUCK ANDY MAUER AND GIAVANNA SALTAMACCHIA MAUER

*Defendant*

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

*Attorney for Defendant*

**Date of Filing** OCT. 7, 1991 c s

01021910004

CODED

STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT

LEADER FEDERAL BANK FOR SAVINGS

VS. NO. 423-845

CHUCK ANDY MAUER  
GIAVANNA SALTALAMACCHIA MAUER

\*\*\*  
DIV. A  
JUDGE  
E. THOMAS FORTIUS, JR.  
CLERK OF COURT  
CODED  
FILED FOR RECORD  
OCT 17 1991 3 35 PM '91  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

PETITION FOR EXECUTORY PROCESS

The petition of LEADER FEDERAL BANK FOR SAVINGS, formerly known as Leader Federal Savings and Loan Association (Exhibit D), a banking organization authorized to do business in Jefferson Parish, Louisiana, respectfully represents:

1.

The defendants are CHUCK ANDY MAUER and GIAVANNA SALTALAMACCHIA MAUER, makers of the promissory note attached as Exhibit A, non-residents of the State of Louisiana.

2.

Defendants owe plaintiff principal of \$57,601.61, interest thereon at 10.500% per annum from April 1, 1991, amounts due for taxes and insurance premiums at the rate of \$104.84 per month from May 1, 1991, any additional amounts which plaintiff hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of 10% of all amounts due, and all costs.

3.

The indebtedness due plaintiff is represented and secured by the following authentic evidence:

- (a) Original promissory note paraphed for identification with the act of mortgage and/or privilege (Exhibit A);
- (b) Certified copy of act of mortgage and/or privilege importing a confession of judgment (Exhibit B);
- (c) Original of Notarial Endorsement and Assignment of Mortgage Note (Exhibit C).

4.

Plaintiff enjoys the Benefit of the following:

UJ 117 1991  
file note + mortgage in Vault

not of apt  
OCT 17 1991  
S/ MYRA LANDEK  
CODED

10219100015

- (a) Confession of judgment;
- (b) Pact de non alienando;
- (c) Waiver of appraisalment;
- (d) Waiver of demand for payment;
- (e) Waiver of homestead exemption;
- (f) Right to accelerate for nonpayment.

5.

The defendants defaulted on (breached) the note and mortgage by failing to pay, when due, the monthly installment for May 1, 1991, and defendants remained in default by thereafter failing to pay, in full, such installment and all successive monthly installments and other amounts due on the note and mortgage before plaintiff accelerated the entire indebtedness represented by the note and mortgage which entire indebtedness remains unpaid.

6.

Defendants are not entitled to the benefit of the Soldiers & Sailors Civil Relief Act of 1940.

7.

Plaintiff is entitled to enforce its mortgage and/or privilege on the following described property in an executory proceeding, 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 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, 1979, registered in COB 952, folio 429, and also according to the survey of J. J. Krebs & Sons, Inc., dated December 9, 1981, resurveyed February 16, 1982, resurveyed June 30, 1982. LOT 14, SQUARE 12, which said square is bounded by Runnymede Drive, Westminster Park Subdivision (side), Burnley Drive (side), Parcel C-2, and Westwood Drive. Lot No. 14 commences at a distance of 441.88 feet from the intersection of Runnymede Drive and Westwood Drive and measures thence 60 feet front on Runnymede Drive, same width in the rear, by depths of 100 feet on each side line. All as more fully shown on survey by Dading, Marques & Associates, Inc., dated January 14th, 1988; subject to restrictions, servitudes, rights-of-way and outstanding mineral rights of record affecting the property.

9 0 2 1 9 1 0 0 0 0 5

8.

The defendants, CHUCK ANDY MAUER and GIAVANNA SALTALAMACCHIA MAUER, are "absentees" as defined by Louisiana Code of Civil Procedure Article 5251(1) because, without limitation, they are non-residents of the State of Louisiana and/or if dead their heirs are unknown. Their last known address is: P. O. Box 397, Louisville, Mississippi 39339. Therefore, an attorney at law should be appointed to represent said defendants upon whom service of seizure and any other required services might be made.

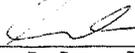
WHEREFORE, PLAINTIFF PRAYS that:

I. A writ of seizure and sale issue to sell the property described in Paragraph 7 above WITHOUT appraisal and from the proceeds thereof to pay the amount owed plaintiff, to-wit: \$57,601.61, interest thereon at 10.500% per annum from April 1, 1991, amounts due for taxes and insurance premiums at the rate of \$104.84 per month from May 1, 1991, any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of 10% of all amounts due, and all costs hereof and

II. The Clerk issue the writ of seizure and sale immediately.

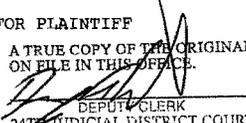
III. An attorney at law be appointed as Curator ad Hoc upon whom service of seizure and any other required services might be made.

THOMPSON, SPARKS, DEAN & MORRIS  
1401 Royal Avenue  
P. O. Box 2867  
Monroe, Louisiana 71207-2867  
(318)388-1440

BY:   
George B. Dean, Jr. (#4764)

ATTORNEYS FOR PLAINTIFF

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

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

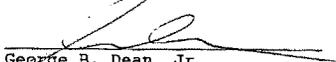
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PLEASE SERVE DEFENDANTS through the court appointed attorney; they are non-residents of the State of Louisiana. Their last known address is: P. O. Box 397, Louisville, Mississippi 39339.

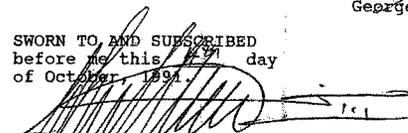
This is the property address: 7201 Runnymede Drive  
Marrero, LA 70072

STATE OF LOUISIANA  
PARISH OF OUACHITA

BEFORE ME, the undersigned authority, personally came and appeared GEORGE B. DEAN, JR., who, being by me first duly sworn, deposed and said that he is the attorney for petitioner herein and that the allegations of fact contained herein are true and correct to the best of his knowledge, information and belief.

  
George B. Dean, Jr.

SWORN TO AND SUBSCRIBED  
before me this 9th day  
of October, 1991.

  
Notary Public

ORDER

Considering plaintiff's petition and the exhibits and finding that plaintiff is entitled hereto,

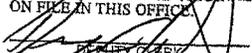
IT IS ORDERED that a writ of seizure and sale issue commanding the Sheriff to seize and sell the property described in Paragraph 7 of the petition affected by the mortgage and/or privilege as prayed for and according to the law.

IT IS ORDERED that Richard H. Cully, Attorney at Law, be appointed as Curator ad Hoc upon whom service of notice and any other required services might be made.

Gretna, Louisiana, this 9th day of October, 1991.

CODED

  
Judge, 24th Judicial District

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

OCT 15 1991  
ON MINUTES

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Nº 423988

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

DIV. A  
JUDGE  
L. THOMAS PORTERUS, JR.

DIV

MOHAMMAD JAWA ID

vs.

ASKARI AMIR

*Plaintiff*

*Defendants*

MOHAMMAD JAWA ID

(IN PROPER PERSON)

*Attorney for Plaintiff*

*Attorney for Defendants*

Date of Filing OCT. 8, 1991 cs

HP Exhibit 0189 (121)

01214210239

81

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

NO. 423-933

DIVISION

MOHAMMAD JAWAID

VERSUS

ASKARI AAMIR

PARISH OF JEFFERSON  
DEPUTY CLERK

51 NOV 19 11 10 56

FILED NO. 19980

CODED-17

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

MOTION FOR APPOINTMENT OF CURATOR

NOW INTO COURT, through undersigned counsel, comes Mohammad Jawaid, plaintiff in the above entitled and numbered proceeding, who respectfully represents:

I.

Plaintiff filed the original Petition herein on October 8, 1991, and requested that service be made upon defendant, Askari Aamir, at his place of residence, 4089 Division Street, Metairie, Louisiana.

II.

The citation issued in these proceedings on October 9, 1991, has been returned by the sheriff marked "not at this address per tenant".

III.

Upon information and belief, plaintiff represents that the defendant in this suit has his legal domicile in this parish and state but has no agent or other legal representative in this parish and that the sheriff of this parish has made a due and diligent to serve defendant at the last known address in this parish.

WHEREFORE, plaintiff prays that a curator be appointed to represent the absent defendant; that he or she be served with a copy of the Petition filed herein and duly cited to appear and answer it and that after due proceedings had there be judgment in favor of plaintiff and against the defendant, as originally prayed for herein.

ISSUED Oct 10 1991  
DATE DEC 10 1991  
S/ MYRA LANE  
Deputy Clerk

012119102051

Respectfully submitted,

Anne T. Turissini  
 ANNE T. TURISSINI LA. BAR #15060  
 ATTORNEY FOR PLAINTIFF  
 2802 Tulane Avenue, Suite 101  
 New Orleans, Louisiana 70119  
 Telephone: 822-1042

ORDER

Considering the foregoing Motion,

IT IS ORDERED that Richard S. Cooley be appointed as  
 curator to represent the defendant in these proceedings and that he or she  
 be served with citation and copy of the Petition filed herein.

Gretna, Louisiana, this 16<sup>th</sup> day of December, 1991.

**CODED** [Signature]  
 JUDGE

11/19. 1991  
 FURNISH COPY TO ALL  
 CLERKS OF COURTS IN THIS MATTER  
 HAVE TO SEND  
[Signature]  
 DEPUTY CLERK

ON MINUTES  
DEC 10 1991

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. & THOMAS PORTIUS, JR.**

Nº 424264

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

SECURITY INDUSTRIAL INSURANCE CO.

*Plaintiff*

**vs.**

JAMES H. QUEYROUZE AND GAYLE FREIDENBERG QUEYROUZE

*Defendants*

O'NEIL J. PARENTON, JR.  
*Attorney for Plaintiff*

*Attorney for Defendants*

OCT. 16, 1991 c s

**Date of Filing**

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SECURITY INDUSTRIAL  
INSURANCE COMPANY

24TH JUDICIAL DISTRICT COURT

VERSUS NO.: 424-264

A PI

PARISH OF JEFFERSON

JAMES J. QUEYROUZE and  
GAYLE FREIDENBERG QUEYROUZE

STATE OF LOUISIANA

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

DY. CLERK

RECEIVED  
APR 15 11 3 56  
PARISH OF JEFFERSON, LA  
DEPUTY CLERK  
S/ MYRA LANDEX

\*\*\*\*\*  
MOTION AND ORDER FOR AN APPOINTMENT OF CURATOR AD HOC  
\*\*\*\*\*

On the motion of SECURITY INDUSTRIAL INSURANCE COMPANY,  
judgement creditor herein, and on suggesting to the Court:

1.

The mover is a judgment creditor of the judgment debtors,  
JAMES J. QUEYROUZE and GAYLE FREIDENBERG QUEYROUZE by judgment  
dated and signed on January 15, 1992, said judgment further  
recognizing the mover's mortgage on the property described herein.  
By issuance of a Writ of Fieri Facias, the Sheriff of the Parish  
of Jefferson, State of Louisiana, has constructively seized the  
following described property:

ONE CERTAIN LOT OF GROUND, together with all  
the buildings and improvements thereon, and all  
the rights, ways, privileges, servitudes and  
advantages thereunto belonging or in anywise  
appertaining, situated in the Parish of  
Jefferson, State of Louisiana, in the City of  
Kenner, in Section Number One of CHATEAU  
ESTATES SOUTH, in SQUARE NUMBER TWO, bounded  
by CHATEAU ROTHCHILD DRIVE, CHATEAU TALBOT  
DRIVE, FORTY-FIRST STREET, CHATEAU BOULEVARD  
and CHATEAU MOUTON ROTHCHILD DRIVE, designated  
as LOT NUMBER THIRTY-EIGHT on a survey made by  
J. J. Krebs & Sons, Inc., Surveyors, dated  
August 6, 1977, a copy of which is annexed to  
act passed before Margaret Gaudin, Notary  
Public, dated September 23, 1977 and registered  
in C.O.B. 907 folio 62, and, according to  
which, said lot commences at a distance of six  
hundred and twelve and forty-six one-hundredths  
feet from the corner of Chateau Rothchild Drive  
and Chateau Mouton Rothchild Drive, and  
measures thence seventy-six and thirty-five  
one-hundredths feet front on Chateau Rothchild  
Drive, has a width in the rear of seventy-four  
and two one-hundredths feet, by a depth between  
equal and parallel lines of one hundred and  
twenty-five feet.

ISSUED Not by apt  
DATE APR 15 1992  
S/ MYRA LANDEX  
Deputy Clerk

COPIED

C 0 4 2 2 9 2 0 3 6 1 1

And as further described in Survey of J. J. Krebs & Sons, Inc., Surveyors, dated August 6, 1977 and staked November 1, 1977, a copy of which is annexed hereto and made a part hereof.

Being the same property acquired by Mr. and Mrs. James H. Queyrouze from Mr. and Mrs. Victor Edward Babin, Jr., by an Act passed before Philip Schoen Brooks, Notary Public, dated October 19th, 1978, and registered in C.O.B. 941 folio 330.

The above described property is subject to (1) the building restrictions created by an act passed before Martin O. Miller, II, Notary Public, dated March 27, 1972, registered in Conveyance Office Book 758, folio 255, and in another act passed before the same Notary, on March 1, 1973, registered in Conveyance Office Book 787, folio 775, amended by an act passed before the same Notary on June 5, 1973, registered in Conveyance Office Book 791, folio 554, amended by another act passed before the same Notary on September 12, 1972, registered in Conveyance Office Book 791, folio 987, and further amended by an act passed before the same Notary, on August 2, 1973, registered in Conveyance Office Book 796, folio 760; and (2) a servitude over the rear five feet reserved for utility purposes.

2.

Notice of Issue of Seizure was issued on April 3, 1992 and service was attempted on April 7, 1991 with the return providing the officer was unable to serve the judgment creditors, due to the fact the judgment creditors have moved from the property.

3.

The mover has been advised of such and has verified such with the Sheriff's Office on the East Bank of Jefferson Parish. Mover was further advised that the return was mailed this date, but would probably not be filed until next week. Mover desires that, based on the information provided by the Sheriff's Office, that an attorney be appointed to accept notice of seizure in accordance with La. Code of Civil Procedure 2293(b).

By Attorneys,

TALBOT, SOTILE, CARMOUCHE,  
MARCHAND & MARCELLO  
A Professional Law Corporation  
P.O. Drawer 669  
Donaldsonville, LA 70346  
Tele: (504) 473-3811

BY:



O'NEIL J. PARENTON, JR.

0 4 2 2 9 2 0 3 6 1 2

ORDER

Considering the foregoing,  
IT IS HEREBY ORDER that Robert D. Crecely is  
appointed curator ad hoc, to accept notice of seizure on the  
property described herein in accordance with La.CCP 2293(b), and  
to perform all acts required by law.

SIGNED this 15<sup>th</sup> day of April,  
1992, at Shreveport, Louisiana

[Signature]  
J U D G E

*[Faint circular stamp]*

4-15-92, 1992  
I HEREBY CERTIFY THAT ALL COPIES REQUIRED BY THE COURT HAVE BEEN MADE.  
[Signature]  
Deputy Clerk  
**COPIED 2**

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

E. THOMAS PORTERUS, JR.

DIV

Nº 424288

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

RESOLUTION TRUST CORPORATIONS RECEIVER FOR ENTERPRISE FEDERAL SAVINGS AND

LOAN ASSOCIATION

Vs.

JEANNETTA BECKER WIFE OF/AND KENNETH G. O'FLYNN

*Plaintiff*

*Defendant*

DENNIS H. CARRIERE

*Attorney for Plaintiff*

*Attorney for Defendants*

OCT. 16, 1991 c s

Date of Filing

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

NO. 424-288

DIVISION " A "

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PARISH OF JEFFERSON  
DEPUTY CLERK  
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MORTGAGE PROPERTIES CORPORATION

VERSUS

JEANETTA BECKER, wife of/and KENNETH O'FLYNN

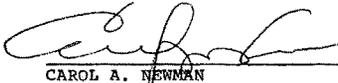
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DEPUTY CLERK

MOTION TO APPOINT CURATOR AD HOC

On motion of the plaintiff herein, by virtue of undersigned counsel, has exercised due diligence to serve the defendants', Jeanetta Becker, wife of/and Kenneth O'Flynn without success and should be deemed absentee defendants. Therefore, mover respectfully requests that a curator ad hoc be appointed herein to represent the absentee defendants'.

Respectfully submitted,



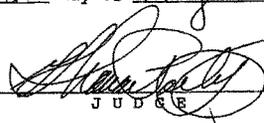
CAROL A. NEWMAN  
Mover  
Bar Roll No. 14266

ORDER APPOINTING CURATOR AD HOC

Considering the allegations of the Petition for Executory Process filed in this proceedings, the exhibits attached thereto and the Motion herein; Robert S. Ceely, Esq. an Attorney at Law, is appointed to represent the absentee defendants' in this proceeding; and IT IS ORDERED that a writ of seizure and sale be issued herein forthwith, as prayed for and according to law.

Gretna, Louisiana, this 26<sup>th</sup> day of May, 1993.

CODED  
ON MINUTES  
MAY 27 1993

  
J U D G E

ISSUED MAY 27 1993  
DATE MAY 27 1993  
BY MIRKA LANDIX  
Deputy Clerk

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

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

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

**DIV**

Nº 424427

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

ANCHOR SAVINGS BANK, FSB, FORMERLY KNOWN AS SUBURBAN COASTAL CORPORATION

*Plaintiff*

vs

VICKI LYNN BROWN AND RANDY R. O'NEAL, HELEN HARPER LOVELESS, WIFE OF/AND

RICHARD S. LOVELESS

*Defendants*

IRA J. MIDDLEBERG

*Attorney for Plaintiff*

*Attorney for Defendant*

OCT. 18, 1991 cs

Date of Filing

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CODED 255

AMSI 0007-0188 / LOAN NO. 066829-3

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA  
JUDGE  
G. THOMAS PORTEOUS, JR.

NO. 424.427

DIVISION

ANCHOR SAVINGS BANK, FSB, formerly known as  
SUBURBAN COASTAL CORPORATION

VERSUS

VICKI LYNN BROWN AND RANDY R. O'NEAL  
HELEN HARPER LOVELESS, WIFE OF/AND RICHARD S. LOVELESS

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

1991 file note + mortgage in vmbt mx  
100

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OCT 24 1991  
CLERK OF COURT

The petition of ANCHOR SAVINGS BANK, FSB, formerly known as SUBURBAN COASTAL CORPORATION, a corporation organized under the laws of the State of New Jersey, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

Defendants, Randy R. O'Neal, Helen Harper Loveless and Richard S. Loveless are persons of the full age of majority and residents of and domiciled in the Parish of Jefferson, State of Louisiana.

Defendant, Vicki L. Brown is a person of the full age of majority who is a non-resident of the State of Louisiana; whose last known mailing address is 129 Main Street, Delhi, New York 13753.

2.

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

CODED

INSUED... 4 net of demand  
not of apt

DATE OCT 24 1991  
S/ MYRA LANDIX

1 0 2 9 9 1 0 3 3 0 8

3.

Petitioner is the holder and owner in due course for valuable consideration and before maturity of a certain promissory note executed by Vicki Lynn Brown and Randy R. O'Neal, payable to the order of "Suburban Coastal Corp", in the principal sum of FIFTY-EIGHT THOUSAND SEVEN HUNDRED AND NO/100 (\$58,700.00) DOLLARS, dated March 6, 1981, payable in monthly installments, including principal and interest, beginning April 1, 1981 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 June 1, 2007, and which note bears interest at the rate of 10.250% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by an Act of Mortgage, dated March 6, 1981, passed before Eric Oliver Person, Notary Public and two witnesses and recorded in Registry No. 952876, MOB 818, folio 215, acquired at COB 1000, folio 69, 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 Mortgage is attached hereto and made a part hereof and marked "P-2" for identification.

4.

The aforesaid mortgage was amended to reflect the correct date, by Notarial Act of Correction, dated September 25, 1991, executed by Eric Oliver Person, passed before Kristi A. Post, Notary Public and two witnesses, which Act of Corrections was recorded at Instrument No. 9143244 of the official records of the Parish of Orleans, State of Louisiana. A certified true copy of the Act of Corrections is attached hereto, made a part hereof and marked "P-3" for identification.

5.

Further, plaintiff avers that is the holder of aforesaid note, regardless of the participation endorsement mistakenly placed in the reverse of said note by Suburban Coasta Corporation, as is shown more fully in that

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certain Act of Ratification and Cancellation of Endorsement of Note executed by Anchor Savings Bank, FSB, formerly known as Suburban Coastal Corporation on October 10, 1991, in authentic form, passed before Daniel J. Perrotta, Notary Public and two competent witnesses, the original of which document is attached hereto, made a part hereof, and marked "P-4" for identification.

6.

Helen Harper Loveless and Richard S. Loveless did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from Vicki L. Brown and Randy R. O'Neal, by Act of Sale and Assumption dated August 21, 1981, and passed before Eric Oliver Person, Notary Public, and two witnesses and which Act of Sale and Assumption was duly recorded in COB 1011, folio 457, MOB 832, folio 972, Registry No. 984650 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.

5.

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, State of Louisiana, in that part thereof known as TERRYTOWN SUBDIVISION, SECTION 2 and 2A, and designated as LOT 2, SQUARE 5. Said lot is bounded by Amapola Circle, Holmes Blvd., Athena Avenue and Adonis Way. Said lot commence at a distance of 80 feet from the corner of Amapola Circle and Adonis Way and measures thence 60 feet front on Amapola Circle by a first width in the rear of 36.06 feet to a point and thence a second width in the rear of 36.06 feet by a depth of 98 feet on each side line, all in accordance with a survey by Gilbert, Kelly & Couturie, Inc., dated February 7, 1981.

Improvements thereon bear Municipal Number 103  
AMAPOLA CIRCLE, GRETNA, LOUISIANA.

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6.

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.

7.

The defendants have failed to pay the installment due April 1, 1991 and all subsequent installments due under said note.

8.

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

9.

Therefore, ANCHOR SAVINGS BANK, FSB, formerly SUBURBAN COASTAL CORPORATION, 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 \$50,993.43, interest at the rate of 10.25% per annum from March 1, 1991, until paid, together with 15% per cent 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 prosecution of this matter.

10.

By virtue of the terms of the aforementioned note and act(s) defendants agreed to pay attorney's fee equal to 15% 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.

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11.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendant, Vicki L. Brown is an absentee who cannot be served personally with process, an attorney at law should be appointed to represent her.

12.

Amicable demand has been made to no avail. Copies of demand letters are attached hereto and marked "P- " for identification.

WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, that after notice of demand for payment, 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 with appraisal, to pay and satisfy the claim of your petitioner in the principal sum of \$50,993.43, with interest at the rate of 10.25% per annum from March 1, 1991 until paid, together with 15% per cent 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 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.

10299103012

Petitioner further prays that an attorney at law be appointed to represent the absent defendant 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 DEMAND FOR PAYMENT ON:

VICKI LYNN BROWN  
THROUGH COURT APPOINTED COUNSEL

RANDY R. O'NEAL  
4400 DAUPHINE STREET  
NEW ORLEANS, LOUISIANA 70146

HELEN HARPER LOVELESS  
RICHARD S. LOVELESS  
103 AMAPOLA CIRCLE  
GRETNA, LOUISIANA 70053

ORDER

CONSIDERING THE FOREGOING,

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

FURTHER, LET Robert S. Cecily attorney at law, be appointed to represent the absent defendant, Vicki Brown, in this proceeding.

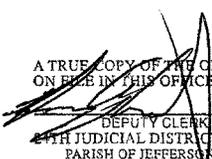
GRETNA, LOUISIANA, this 23<sup>rd</sup> day of October, 1991.

ON MINUTES  
OCT 24 1991

  
\_\_\_\_\_  
JUDGE

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CODED

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

  
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DEPUTY CLERK  
4TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

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

**DIV**

No 424729

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

AMSOUTH MORTGAGE COMPANY, INC.

*Plaintiff*

*vs.*

JOHN FORREST STEPHENSON AND BARBARA POWELL STEPHENSON

*Defendants*

JANE FAIA MENT

*Attorney for Plaintiff*

*Attorney for Defendant*

OCT. 25, 1991 cs

**Date of Filing**

HP Exhibit 0189 (125)

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P1

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 424-729

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DEPUTY CLERK  
DIVISION TWO  
PARISH OF JEFFERSON, LA  
*Myra Lander*

AMSOUTH MORTGAGE COMPANY, INC.

VERSUS

JOHN FORREST STEPHENSON

AND

BARBARA POWELL STEPHENSON

CODED

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

MOTION TO APPOINT CURATOR

On motion of AmSouth Mortgage Company, Inc., through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant, Barbara Powell Stephenson, 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, Barbara Powell Stephenson.

IT IS ORDERED BY THE COURT, that Robert Creely attorney at law be and he is hereby appointed curator ad hoc for defendant Barbara Powell Stephenson, in these proceedings and that

ISSUED not a copy  
DATE JAN 15 1992  
S/ MYRA LANDER  
Deputy Clerk

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

Gretna, Louisiana, this 9th ON MINUTES JANUARY, 19 92

JAN 13 1992  
*[Signature]*  
JUDGE

Respectfully submitted,

SHAPIRO AND KREISMAN

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

**DIV. 7**  
JUDGE  
**DIV. 7** THOMAS PORTER, JR.

Nº 425730

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

STANDARD MORTGAGE CORPORATION

*vs.*

*Plaintiff*

RITA HUDSON, DIVORCED WIFE OF JOHN BOYKIN, NOW WIFE OF/AND FREDERICK L. WHICHAM

*Defendant*

JAMES C. ARCENEAUX, III

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing NOV. 19, 1991 cs

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PI

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

NO: 425-730

DIVISION "A"

STANDARD MORTGAGE CORPORATION

VS.

RITA HUDSON, DIVORCED WIFE OF JOHN BOYKIN,  
NOW WIFE OF/AND FREDERICK L. WHIGHAM

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DEPUTY CLERK

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JEFFERSON PARISH  
LA.

SUPPLEMENTAL AND AMENDED PETITION

I.

Petitioner realleges and reaffirms all allegations contained in Paragraphs I through VI of the original petition filed in these proceedings on November 18, 1991.

II.

Petitioner was informed and did believe that the defendants, Rita Hudson, wife of/and Frederick L. Wigham, were living and residing at 600 Yetta Ave., Harvey, La. 70058 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 defendant. A certified letter sent to the defendants at 600 Yetta Avenue, Harvey, La. was forwarded to them at 5680 N. Highway 20 #9, Oak Harbor, Washington 98277. Accordingly, since the defendants are living out of state, it will be necessary for this Court to appoint an attorney to represent the defendants in these proceedings.

WHEREFORE, petitioner prays that the Court appoint an

COPIED

Noted apt  
DATE JAN 21 1992  
S/ MYRA LAMIDEX  
Deputy Clerk

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attorney to represent the absent defendants, Rita Hudson, wife of/and Frederick L. Whigham, 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  
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*[Signature]*  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

123920293

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 January,

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, L.A.

0125920205

ORDER

Let Robert H. Creely, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Rita Hudson, wife of/and Frederick L. Whigham.

Gretna, Louisiana  
January 15, 1992

[Signature]  
JUDGE

CODED

ON MINUTES  
JAN 16 1992

PLEASE SERVE:

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

Robert H. Creely, Esq.  
Curator-ad-Hoc to represent  
the absent defendants  
Rita Hudson, wife of/and  
Frederick L. Whigham  
(NOTICE OF DEMAND WAIVED)

901 Derbigny Street  
Gretna, La 70053

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. C. THOMAS PORTERS, JR.**

No 419458

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

JEFFERSON SAVINGS & LOAN ASSOCIATION

vs.

PAULA BONNECARRERE, WIFE OF /AND JAMES C. CALLAHAN, SR.

*Plaintiff*

*Defendant*

WARREN E. MOULEXEDOUX, JR.,

*Attorney for Plaintiff*

*Attorney for Defendant*

DECEMBER 26, 1991 JL

Date of Filing

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POI

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

NO. 410-458

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

PAULA BONNECARRERE, wife of/and  
JAMES C. CALLAHAN, SR.

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PARISH OF JEFFERSON, LA  
*Myra Louch*

CODED-11

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SUPPLEMENTAL AND AMENDING  
PETITION FOR EXECUTORY PROCESS

NOW INTO COURT, through undersigned counsel, comes  
JEFFERSON SAVINGS & LOAN ASSOCIATION, plaintiff in the above  
entitled and numbered cause, who desires to supplement and amend  
its original Petition For Executory Process, filed herein on the  
26th day of December, 1990, in the following respects:

I.

By adding Paragraph 15 to the original Petition to read as  
follows:

15.

As shown on the due and diligence return filed of record  
herein, the mortgagors, Paula Bonnacarrere, wife of/and James C.  
Callahan, Sr., though they be domiciled or actually present in  
the state, cannot be found and served after a diligent effort.  
Therefore, they are absentees under Louisiana Code of Civil  
Procedure, Article 5251, and it will be necessary to appoint an  
attorney at law to represent them pursuant to the provisions of  
Louisiana Code of Civil Procedure, Article 5091.

II.

By amending the prayer of the original Petition to include  
the following:

Petitioner further prays that an attorney at law be  
appointed to represent the absentees, Paula Bonnacarrere, wife  
of/and James C. Callahan, Sr.

WHEREFORE, petitioner, reiterating the prayer of its  
original petition as though set forth at length herein, prays

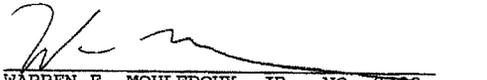
SUBJECT not of appeal  
DATE MAY 01 1991  
S/ MYRA LOUCH  
Deputy Clerk

CODED

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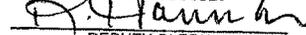
that its original petition be supplemented and amended in the above particulars and that, after due proceedings had, there be judgment herein in favor of the petitioner, Jefferson Savings & Loan Association and against the defendants, Paula Bonnacarrere, wife of/and James C. Callahan, Sr., as originally prayed for herein.

HALL, LENTINI, MOULEDOUX  
& WIMBERLY



WARREN E. MOULEDOUX, JR., NO. 9782  
Attorney for Petitioner  
2551 Metairie Road  
Metairie, Louisiana 70001  
Telephone: (504) 838-8777

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. 410-458

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

PAULA BONNECARRERE, wife of/and  
JAMES C. CALLAHAN, SR.

FILED FOR RECORD  
1991 APR 24 PM 3 00  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.

CODED: 71

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

VERIFICATION

STATE OF LOUISIANA  
PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared: RAYMOND S. MONTALBANO, of lawful age, who, after being by me first duly sworn, did depose and say:

That he is the Vice President of Jefferson Savings & Loan Association, the petitioner in the above and foregoing petition; that he has read the same and re-avers all facts contained therein as if said facts were reproduced in full. Furthermore, to the best of his knowledge and belief, the allegations therein contained are true and correct.

*Raymond S. Montalbano*  
\_\_\_\_\_  
RAYMOND S. MONTALBANO,  
Vice-President  
Jefferson Savings & Loan Association

Sworn to and subscribed before me, Notary, this 23 day of April, 1991.

*[Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC

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

U S U R V I O R A I

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 410-458

DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

PAULA BONNECARRERE, wife of/and  
JAMES C. CALLAHAN, SR.

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

ORDER

Considering the above and foregoing;

LET the foregoing Supplemental and Amending Petition for  
Executory Process be filed as prayed for; and

LET Robert H. Cooley, Attorney at Law,  
be appointed to represent the absentees, Paula Bonnacarrere, wife  
of/and James C. Callahan, Sr., in accordance with Louisiana Code  
of Civil Procedure, Article 5091.

Gretna, Louisiana, this 29<sup>th</sup> day of April,  
1991.

COPIED

[Signature]  
J U D G E

PLEASE SERVE NOTICE OF SEIZURE  
Personally on Attorney at Law  
Appointed to Represent that Absentees:  
PAULA BONNECARRERE CALLAHAN  
and JAMES C. CALLAHAN, SR.

ON MINUTES  
APR 30 1991

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  
**L. THOMAS PORTIQUIS, JR.**

**DIV**

**Nº 427449**

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

GENERAL MOTORS ACCEPTANCE CORPORATION

*Plaintiff*

vs.

DEBORAH L. BOWLES

*Defendant*

ARTHUR S. MANN, III

*Attorney for Plaintiff*

*Attorney for Defendant*

JAN. 6, 1992 cs

Date of Filing

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92-0223

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

NO.: 427-449

DIVISION "A"

GENERAL MOTORS ACCEPTANCE CORPORATION

VERSUS

DEBORAH L. BOWLES

*P1*

FILED  
MAR 13 1992  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.

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

MOTION TO APPOINT ATTORNEY TO  
REPRESENT ABSENT DEFENDANT

ON MOTION OF General Motors Acceptance Corporation,  
through its undersigned counsel, and on suggesting and showing to  
the Court that, upon information and belief, the defendant herein,  
Deborah L. Bowles, has departed from the jurisdiction of this  
Court and that the Sheriff for the Parish of Jefferson has been  
unable to locate said defendant after due and diligent search and  
that, accordingly, it is necessary that an attorney at law be  
appointed to represent the absent defendant 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 G. Creely, Attorney at  
Law, be and is hereby appointed to represent the absent defendant  
herein and be served with a notice of seizure and to appoint an  
appraiser.

CRETEA, LOUISIANA, this 13<sup>th</sup> day of March,  
1992.

*Robert G. Creely*  
J U D G E  
CODED 2 ON MINUTES  
MAR 16 1992

By its attorneys,

BERRIGAN, DANIELSON, LITCHFIELD,  
OLSEN, SCHONEKAS & MANN

BY: *[Signature]*  
ARTHUR S. MANN, III, NO. 9094  
2150 Energy Centre  
1100 Poydras Street  
New Orleans, LA 70163-2150  
(504) 568-0541

PLEASE SERVE NOTICE  
OF APPOINTMENT, NOTICE  
OF SEIZURE AND TO  
APPOINT APPRAISER  
ON CURATOR-AD-HOC  
NAMED HEREIN.

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

SSUED *ht of amt*  
DATE APR 09 1992  
S/ MYRA LANDIX  
Deputy Clerk

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

CODED

**DIV. A**  
NOTICE  
OF FILING RIGHTS

**DIV**

NO 427506

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

SECURITY NATIONAL #4, A LIMITED PARTNERSHIP

*Plaintiff*

vs.

WORLDWIDE WAREHOUSE CO., INC. AND ROBERT O. KLEIN

*Defendant*

JACK J. MENDEHEIM  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing JAN. 7, 1992 cs.

SECURITY NATIONAL #4,  
A LIMITED PARTNERSHIP

SUIT NO. 42-506 DIV. "A"

VERSUS

24TH JUDICIAL DISTRICT COURT

WORLDWIDE WAREHOUSING CO., INC.  
AND ROBERT O. KLEIN

PARISH OF JEFFERSON  
STATE OF LOUISIANA

DATE FILED

DEPUTY CLERK

MOTION TO APPOINT CURATOR

NOW INFO COURT, through its undersigned counsel comes Security National #4, A Limited Partnership, herein represented by Security National Inc. of Alaska, its General Partner, plaintiff in the above entitled and number proceedings and respectfully represents:

I.

Plaintiff has been notified that the Sheriff has been unable to make service on the defendant(s), Worldwide Warehousing Co., Inc. and Robert O. Klein. Petitioner desires and is entitled to have an attorney at law practicing before this Court appointed to represent the absentee defendant(s) under LSA-C.C.P. art. 5091, et seq.

WHEREFORE, plaintiff prays that an attorney at law be appointed to represent the defendant(s), Worldwide Warehousing Co., Inc. and Robert O. Klein.

Respectfully submitted:

Jack O. Mendheim  
JACK O. MENDEHEIM, Bar #9431  
Attorney at Law  
1191A Justice Ave.  
P. O. Box 86359  
Baton Rouge, LA 70879-6359  
(504) 293-0095

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

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

ISSUED not of appt

FEB 28 1992

DATE

S/ MYRA LANDIX

Deputy Clerk

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FEB 20 11 12 AM '92  
PARISH OF JEFFERSON, LA.  
DEPUTY CLERK  
Myra Landix  
CODED

CODED

DIV  
JUDGE  
THOMAS JEFFERSON, JR.

DIV

NO. 427682

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

*Plaintiff*

vs.

MICHAEL L. KOSTERLITZ

*Defendant*

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

*Attorney for Defendant*

JAN. 10, 1992 cs

Date of Filing

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**CODED**  
151

STATE OF LOUISIANA \* PARISH OF JEFFERSON 24TH DISTRICT COURT

**DIV. A**  
JUDGE  
**E. THOMAS PORTIGUS**

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VS. NO. 427-682

MICHAEL L. KOSTERLITZ

DEPUTY CLERK OF COURT

FILED FOR RECORD  
JAN 10 10 39 AM '92  
CLERK OF COURT  
PARISH OF JEFFERSON  
**CODED**

PETITION FOR EXECUTORY PROCESS

The petition of FEDERAL NATIONAL MORTGAGE ASSOCIATION, a corporation organized and existing under the laws of the United States, having its principal office in the city of Washington, D.C., authorized to do business in Jefferson Parish, Louisiana, respectfully represents:

1.

The defendant is MICHAEL L. KOSTERLITZ, maker of the promissory note attached as Exhibit A, non-resident of the State of Louisiana.

2.

Defendant owes plaintiff principal of \$71,665.57, interest thereon at 9.625% per annum from July 1, 1991, amounts due for taxes and insurance premiums at the rate of \$132.67 per month from August 1, 1991, any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of a reasonable amount of all amounts due, subject to a credit of \$571.64, and all costs.

3.

The indebtedness due plaintiff is represented and secured by the following authentic evidence:

- (a) Original promissory note paraphed for identification with the act of mortgage and/or privilege (Exhibit A);
- (b) Certified copy of act of mortgage and/or privilege importing a confession of judgment (Exhibit B);
- (c) Original of Notarial Act of Endorsement and Assignment of Mortgage Note (Exhibit C);
- (d) Copy of Loan Conversion Registration (Exhibit D).

**CODED**

NOTARIAL  
JAN 7 1992  
S. WATKINS LANDRY  
Notary Clerk

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4.

Plaintiff enjoys the benefit of the following:

- (a) Confession of judgment;
- (b) Pact de non alienando;
- (c) Waiver of appraisalment;
- (d) Waiver of homestead exemption;
- (e) Right to accelerate for nonpayment.

5.

The defendant defaulted on (breached) the note and mortgage by failing to pay, when due, the monthly installment for August 1, 1991, and defendant remained in default by thereafter failing to pay, in full, such installment and all successive monthly installments and other amounts due on the note and mortgage before plaintiff accelerated the entire indebtedness represented by the note and mortgage which entire indebtedness remains unpaid, despite the mailing of notice by plaintiff to defendant by certified mail, prior to such acceleration, specifying:

- 1. The breach;
- 2. The action required to cure such breach;
- 3. A date not less than 30 days from the date the notice is mailed by which such breach must be cured;
- 4. A failure to cure such breach on or before the date specified in the notice would result in acceleration of sums secured by the mortgage;
- 5. That borrower had the right to reinstate after acceleration and the right to assert non-existence of the default or any other defense of defendant to acceleration and foreclosure;
- 6. That if the breach was not cured on or before the date specified in the notice, plaintiff could declare all of the sums secured by the mortgage to be immediately due and payable without further demand and that the property could be seized and sold to satisfy the indebtedness due (Exhibit E).

6.

Defendant is not entitled to the benefit of the Soldiers & Sailors Civil Relief Act of 1940.

7.

Plaintiff is entitled to enforce its mortgage and/or privilege on the following described property in an executory proceeding, to-wit:

001239202552

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 BISSONNET PLAZA SUBDIVISION, in Section No. 6, in SQUARE NO. 25, bounded by Kawanee Avenue, Olympic Drive, Asher Street and Elmwood Parkway, designated as LOT NO. 9, all in accordance with survey of Adloe Orr, Jr. & Associates, C.E., dated May 18, 1959, registered in COB 487, folio 572, approved by the Jefferson Parish Council under Ordinance No. 4202, adopted August 27, 1959, Parish of Jefferson, Louisiana, on September 10, 1959, and in accordance with survey of Adlor Orr, Jr. & Associates, C.E., dated February 16, 1960, which said lot commences at a distance of 70 feet from the corner of Kawanee Avenue and Olympic Drive, and measures thence 65 feet front on Kawanee Avenue, the same width in the rear, by a depth of 100 feet between equal and parallel lines; as more fully shown on the survey of Harris and Varisco, dated April 7, 1976, a copy of which is annexed to the act before James A. Mounger, N.P. dated 4/9/76.

The improvements thereon bear the Municipal No. 6505 Kawanee Avenue. All as will appear by survey of Varisco, Inc., dated December 5, 1983; subject to restrictions, servitudes, rights-of-way and outstanding mineral rights of record affecting the property.

8.

The defendant, MICHAEL L. KOSTERLITZ, is "absentee" as defined by Louisiana Code of Civil Procedure Article 5251(1) because, without limitation, he is a non-resident of the State of Louisiana and/or if dead his heirs are unknown. His last known address is: 1557 Stoneleigh Way, Stone Mountain, Georgia 30088. Therefore, an attorney at law should be appointed to represent said defendant upon whom service of seizure and any other required services might be made.

WHEREFORE, PLAINTIFF PRAYS that:

I. The Clerk issue the demand for payment before issuing the writ of seizure and sale.

II. A writ of seizure and sale issue (which writ shall not be issued by the Clerk until after issuance of the demand for payment) to sell the property described in Paragraph 7 above WITH appraisal and from the proceeds thereof to pay the amount owed plaintiff, to-wit: \$71,665.57, interest thereon at 9.625% per annum from July 1, 1991, amounts due for taxes and insurance premiums at the rate of \$132.67 per month from August 1, 1991,

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any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of a reasonable amount of all amounts due, subject to a credit of \$571.64, and all costs hereof.

III. An attorney at law be appointed as Curator ad Hoc upon whom service of seizure and any other required services might be made.

THOMPSON, SPARKS, DEAN & MORRIS  
1401 Royal Avenue  
P. O. Box 2867  
Monroe, Louisiana 71207-2867  
(318)388-1440

BY:   
George B. Dean, Jr. (#4764)

ATTORNEYS FOR PLAINTIFF

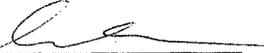
PLEASE SERVE DEFENDANT through the court appointed attorney; he is a non-resident of the State of Louisiana. His last known address is: 1557 Stoneleigh Way, Stone Mountain, Georgia 30088.

This is the property address: 6505 Kawanee Avenue  
Metairie, LA 70003

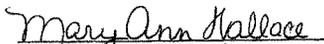
STATE OF LOUISIANA

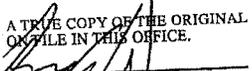
PARISH OF OUACHITA

BEFORE ME, the undersigned authority, personally came and appeared GEORGE B. DEAN, JR., who, being by me first duly sworn, deposed and said that he is the attorney for petitioner herein and that the allegations of fact contained herein are true and correct to the best of his knowledge, information and belief.

  
George B. Dean, Jr.

SWORN TO AND SUBSCRIBED  
before me this 8th day  
of January, 1992.

  
Notary Public

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

0 1 2 3 9 2 0 2 5 5 4

ORDER

Considering plaintiff's petition and the exhibits and finding that plaintiff is entitled thereto,

IT IS ORDERED that a writ of seizure and sale issue (after due delays) commanding the Sheriff to seize and sell the property described in Paragraph 7 of the petition affected by the mortgage and/or privilege as prayed for and according to the law.

IT IS ORDERED that Robert G. Creely, Attorney at Law, be appointed as Curator ad Hoc upon whom service of notice and any other required services might be made.

Gretna, Louisiana, this 13<sup>th</sup> day of January 1992.

[Signature]  
Judge, 24th Judicial District

ON MINUTES  
JAN 15 1992

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

Nº 427791

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

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

FLEET MORTGAGE CORP.

vs.

ROBERT L. COLLINS

*Plaintiff*

*Defendant*

CHARLES H. RYAN

*Attorney for Plaintiff*

*Attorney for Defendant*

JAN. 13, 1992 CS

Date of Filing

HP Exhibit 0189 (134)

02209202165

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 #11537

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 5th day of February, 1992.

James C. Chilton  
Notary Public

ORDER

IT IS ORDERED that Robert L. Collins, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), ROBERT L. COLLINS, 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 11th day of February, 1992.

James C. Chilton  
JUDGE, DISTRICT COURT

ON MINUTES  
FEB 14 1992

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

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

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

**DIV**

N<sup>o</sup> 428430

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

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

*Plaintiff*

vs.

CONNIE PICCIOTTO, WIFE OF/AND EDWING A. MANTILLA AND JAY SCOTT JENKINS

*Defendant*

JANET D. DILZELL

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing JAN. 28, 1992 CS

CODED

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

NO. 428-430

**DIV. A**  
JUDGE  
DIVISION " "  
**G. THOMAS PORTERUS, JR.**

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION  
VERSUS  
CONNIE PICCIOTTO, WIFE OF/AND  
EDWING A. MANTILLA AND JAY SCOTT JENKINS

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PARISH OF JEFFERSON LA.  
CODED

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

PETITION FOR EXECUTORY PROCESS

The petition of Pelican Homestead and Savings Association, a savings and loan association organized and existing under the laws of the State of Louisiana, and domiciled in the Parish of Jefferson, appearing herein through the undersigned counsel, with respect represents that:

JAN 30 1992  
file note + mortgage in your file

I.

Made defendants herein are:

- (1) Connie Picciotto, wife of/and Edwing A. Mantilla, both persons of the full age of majority and domiciled in the State of Florida; and
- (2) Jay Scott Jenkins, a person of the full age of majority and domiciled in the City of Little Rock, State of Arkansas.

II.

That, the said Connie Picciotto, wife of/and Edwing A. Mantilla are absentees under Louisiana Code of Civil Procedure Article 5251 since they are non-residents of this State. Their last known address is 243 N.E. Acacia Tr., Jenson Beach, FL 34957. Therefore, it will be necessary to appoint an attorney at law to represent the absentees under Louisiana Code of Civil Procedure Article 2674.

III.

That, the said Jay Scott Jenkins is an absentee under Louisiana Code of Civil Procedure Article 5251 since he is a

ISSUED 2 not of demand of notes app  
JAN 30 1992  
S/ MYRA LANDEX  
Deputy Clerk

CODED

non-resident of this State. His last known address is 11704 Pleasant Ridge Drive, Apartment 708, Little Rock, Arkansas. Therefore, it will be necessary to appoint an attorney at law to represent the absentee under Louisiana Code of Civil Procedure Article 2674.

## IV.

Your petitioner, Pelican Homestead and Savings Association, is the holder and owner for a valuable consideration before maturity of a certain adjustable rate note made and subscribed in Metairie, Louisiana, on January 25, 1984, by Connie Picciotto, wife of/and Edwing A. Mantilla, to the order of the Pelican Homestead and Savings Association in the original principal amount of SEVENTY-ONE THOUSAND TWO HUNDRED FIFTY AND NO/100 (\$71,250.00) DOLLARS, payable in installments as provided in said Note and Mortgage, and stipulating to bear interest at the rate of eight and seventy-five/one hundred (8.75%) percent per annum from date until February 28, 1985. On March 1, 1985, and each March 1st, thereafter, the annual "Change Date," the rate of interest will adjust to equal the index of "Contract Interest Rate, Purchase of Previously Occupied Homes, National Average for all Major Types of Lenders" published by the Federal Home Loan Bank Board, as of January 1, 1985, and each January 1st thereafter, in accordance with the terms of said Note and Mortgage, until paid. Said Note is secured by and paraphed "Ne Varietur" for identification with an Act of Mortgage passed before John H. Norman, Notary Public, dated January 25, 1984, in the amount of SEVENTY-ONE THOUSAND TWO HUNDRED FIFTY AND NO/100 (\$71,250.00) DOLLARS, recorded in the Parish of Jefferson in MOB 906, folio 252, wherein the said Connie Picciotto, wife of/and Edwing A. Mantilla executed a first mortgage in the presence of said Notary Public and two competent witnesses who signed thereon, encumbering the following described property, to-wit:

ONE 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 City of Kenner, Parish of Jefferson, State of Louisiana, in that part thereof known as CHATEAU ESTATES NORTH SECTION 3, being a resubdivision of Parcel 12B, Chateau Estates, in accordance with a plan of resubdivision made by J. J. Krebs & Sons, Inc., C.E., dated October 5, 1976, approved by ordinance no. 1949, registered in COB 879, folio 830. Said lot is designed by the NUMBER 39 of Bordeaux Village Townhouses which measurements are shown on survey by J. J. Krebs & Sons, Inc., dated April 5, 1977, resurveyed April 13, 1977, improvements shown May 27, 1977, certified correct December 19, 1977, a copy of which is attached to an act before John H. Norman, Notary Public, dated April 17, 1978, registered in COB 924, folio 718.

Purchaser subscribes one share of stock in a non-profit corporation known as Bordeaux Village Townhomes Association, Inc., which Association has title to Lots 59 and 60 (common area) together with all improvements thereon. Purchaser hereby accepts and agrees to be bound by the terms, conditions and provisions contained in the "Declaration of Conditions and Restrictions of Bordeaux Village Townhomes", registered in COB 879, folio 830 and COB 887, folio 89, Jefferson Parish, and any amendments thereto, and the articles of incorporation and by-laws of Bordeaux Village Townhomes Association, Inc.

Purchaser shall enjoy a non-exclusive right and servitude of use in and to the Common Area (lots 59 and 60) in common with other owners of townhomes of Bordeaux Village. Purchaser shall enjoy a non-exclusive servitude in, on and through the Common Area for ingress and egress to and from the lot purchased.

Purchaser is also granted a servitude and exclusive right of use of, as well as right of ingress and egress to and from parking spaces, numbers 48 and 55 located in the Common Area.

Purchaser declares that upon the sale of said property, ownership of stock in the Bordeaux Village Townhomes Association, Inc., along with any and all rights thereto and along with exclusive right of use of the above described parking spaces shall all be transferred along with and as part of title to said property. Purchaser grants the right of access construction and reconstruction for the purpose of maintenance and repair of all utilities and utility lines which may fall within the bounds of said lot and improvements.

Being the same property acquired by Connie Picciotto wife of/and Edwing A. Mantilla from Roxanne von Zedtwitz wife of/and Manolis P. Arapis, by act dated of even date herewith, passed before the undersigned Notary Public.

This property bears municipal address 4124-D Loire Drive, Kenner, Louisiana.

V.

Petitioner attaches hereto as Exhibits A and B respectively

and makes a part hereof a certified copy of the aforesaid Act of Mortgage and the original of the Note identified therewith.

## VI.

That, by Act of Sale and Assumption, dated November 12, 1987, before Malcolm A. Meyer, Notary Public, Jay Scott Jenkins assumed the loan from Connie Picciotto, wife of/and Edwing Mantilla, and bound himself in solido with them for the full payment of the Note and all obligations expressed in the Act of Mortgage. Said Act of Sale and Assumption was recorded in MOB 2097, folio 043, of the mortgage records of Jefferson Parish. In accordance with the terms of said sale and assumption, interest was to be charged at a rate of seven and five-tenths (7.5%) percent per annum, from date until July 31, 1988. Beginning August 1, 1988, the note was scheduled to adjust to equal the Contract Interest Rate, rounded upward to the nearest one-eighth (1/8%) percent as of July 1, 1988, and each July 1, thereafter, until paid. A certified copy of said Act of Sale and Assumption is attached hereto and made a part hereof as Exhibit C.

## VII.

That, Connie Picciotto, wife of/and Edwing A. Mantilla were represented in the above-referenced Act of Sale and Assumption by Shirley Hennan, pursuant to a Power of Attorney dated October 21, 1987. A certified copy of the Power of Attorney is attached hereto and made part hereof as Exhibit D.

## VIII.

In order to secure said Note, a Continuing Guaranty up to FIVE MILLION AND NO/100 (\$5,000,000.00) DOLLARS, but not more than the total amount due under the promissory note and mortgage assumed on November 12, 1987, was executed by Connie Picciotto, wife of/and Edwing Mantilla, on November 12, 1987. A copy of said Continuing Guaranty is attached hereto and made part hereof as Exhibit E.

## IX.

In order to secure said Note, a Continuing Guaranty up to FIVE

MILLION AND NO/100 (\$5,000,000.00) DOLLARS, but not more than the total amount due under the promissory note and mortgage assumed on November 12, 1987, was executed by Jay Scott Jenkins on November 12, 1987. A copy of said Continuing Guaranty is attached hereto and made part hereof as Exhibit F.

## X.

That, by said Acts, petitioner retained a first mortgage lien and privilege on the property, and the defendants granted a special mortgage under the "pact de non alienando" upon said property to secure the payment of said Note, with interest, attorney's fees, late charges, advances and other charges, as will be hereinafter set forth.

## XI.

That, under the aforedescribed Act, the said defendants confessed judgment upon said Note and consented that if said Note were not paid in accordance with the terms and conditions of said Act of Mortgage and Act of Sale and Assumption, the mortgaged property might be seized and sold by Executory Process, for cash, to the highest bidder with or without appraisal at the option of the petitioner.

## XII.

That, by said Acts, the said defendants obligated themselves in case it became necessary to institute legal proceedings for the recovery of the amount of said Note, or any portion thereof, to pay the fees of the attorney at law employed for that purpose, which fees are fixed by the terms of said Act of Mortgage at twenty (20%) percent of the sums due under the Note, which amount is reasonable in light of the amount of legal expertise and time expended to obtain the satisfaction of this debt.

## XIII.

That, by the terms of said Acts, it was stipulated that should said defendants violate any of the conditions of the Act or fail to promptly perform any obligations thereunder, or fail to make any

payment due to the petitioner, the said petitioner may, at its option, after notice as provided in said Act, declare the entire balance due by the defendants to the petitioner or any holder or holders of the said Note immediately due, exigible and payable, together with all interest, attorney's fees, late charges, advances and all other expenses and charges.

## XIV.

That, by the terms of said Acts, it was stipulated that should the defendants fail to pay any taxes or insurance premiums affecting the subject property, when due, that the holder of the Note, at its option, may pay such taxes and insurance premiums as they become due, and such advance shall become an additional indebtedness secured by the mortgage given in the aforesaid Act and shall bear interest at the same rate as the principal debt from the date of disbursement until paid.

## XV.

That, in accordance with said Acts, the said defendants obligated themselves to pay a late charge fee of five (5%) percent of any monthly installment of principal and interest not received by the petitioner within fifteen (15) days after such installment is due.

## XVI.

That, the said defendants are more than thirteen (13) weeks in arrears in their payments, the last payment having been made through August 31, 1991.

## XVII.

That, in accordance with the terms of the Note and Act of Mortgage, the Note is in default as it is past due and exigible as to principal, interest, late charges and attorney's fees and remains unpaid, notwithstanding formal notice of delinquency and notice of acceleration, within the time limits set forth in said Act, as outlined in the Authentic Act of Notice of Delinquency and Acceleration attached hereto and made a part hereof as Exhibit G.

## XVIII.

That, on March 1, 1985, March 1, 1986, March 1, 1987, August 1, 1988, August 1, 1989, August 1, 1990, and August 1, 1991, the interest rate adjusted in accordance with the terms of the Note and Act of Mortgage and Act of Sale and Assumption of Mortgage. Notification of the interest rate changes was sent to defendants within the time limits set forth in the Note and Act of Mortgage, as shown by the Authentic Act of Notice of Interest Rate Change which is attached hereto and made part hereof as Exhibit H.

## XIX.

Now, by Affidavit and Certificate of Amount Due attached as Exhibit I, petitioner shows that there is a balance due of SIXTY-SIX THOUSAND FOUR HUNDRED EIGHT-FOUR AND 96/100 (\$66,484.96) DOLLARS, together with interest at the rate of nine and twenty-five/one hundred (9.25%) percent per annum from September 1, 1991 until July 31, 1992, at which time the interest rate will adjust in accordance with the terms of the Note and Act of Mortgage and Act of Sale and Assumption of Mortgage until paid, plus any amounts advanced for the payment of taxes and insurance, together with interest calculated in the same manner as the original mortgage amount from the date of disbursement until paid, together with late charges and attorney's fees in the amount of twenty (20%) percent of the sums due under the Note.

## XX.

That, by the terms of the Act of Mortgage, as well as La. Rev. Stat. §6:824(D)(3) and/or La. Rev. Stat. §9:5136, et seq., the petitioner may, at its option and without security, appoint itself or an agent as keeper or receiver to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due. The said petitioner, Pelican Homestead and Savings Association, wishes to exercise its right to appoint itself as receiver of the above-referenced property.

## XXI.

Petitioner desires that the hereinabove described property be seized and sold, on terms of ten (10%) percent cash down with the balance in cash within thirty (30) days of the sheriff's sale, with benefit of appraisalment, according to law.

WHEREFORE, premises and the attached documents and authentic evidence being considered, petitioner prays:

(1) That, an attorney at law be appointed to represent the absentees, Connie Picciotto, wife of/and Edwing A. Mantilla;

(2) That, an attorney at law be appointed to represent the absentee, Jay Scott Jenkins;

(3) That Pelican Homestead and Savings Association, or its agent, be appointed as keeper or receiver, without security, to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due;

(4) That, after service of the three-day demand and the expiration of the delays, a writ of seizure and sale issue herein, directing the Sheriff for the Parish of Jefferson to seize and, after due delays, requisites and formalities, save those expressly waived in the Act of Mortgage, to sell, on terms of ten (10%) percent cash down with the balance in cash within thirty (30) days of the sheriff's sale, the property hereinabove described, with benefit of appraisalment, according to law;

(5) That, out of the proceeds of said sale, petitioner, Pelican Homestead and Savings Association, be paid the sum of SIXTY-SIX THOUSAND FOUR HUNDRED EIGHT $\frac{4}{10}$  AND 96/100 (\$66,484.96) DOLLARS, together with interest at the rate of nine and twenty-five/one hundred (9.25%) percent per annum from September 1, 1991 until July 31, 1992, at which time the interest rate will adjust in accordance with the terms of the Note and Act of Mortgage and Act of Sale and Assumption of Mortgage until paid, plus any amounts advanced for the payment of taxes and insurance, together with interest calculated in the same manner as the original mortgage

amount from the date of disbursement until paid, together with late charges and attorney's fees in the amount of twenty (20%) percent of the sums due under the Note, and for all costs of these proceedings;

(6) That, petitioner, Pelican Homestead and Savings Association, be paid the amount of the aforesaid claim with preference and priority over all inferior lienholders whomsoever; and

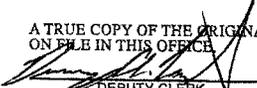
(7) For all general and equitable relief.

BALDWIN & HASPEL:

JEANNIE M. RANDAZZO (Bar #11101)  
JANET D. DILZELL (Bar #14217)  
PATRICK K. RESO (Bar #20583)

BY: Janet D. Dilzell  
~~Attorneys for Petitioner~~  
2121 Airline Highway  
5th Floor  
Metairie, LA 70001  
(504) 836-8480

F:\DATA\EPWK\MANT3633.01E

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. 428-430

DIVISION "A"

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VERSUS

CONNIE PICCIOTTO, WIFE OF/AND  
EDWING MANTILLA AND JAY SCOTT JENKINS

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

DEPUTY CLERK

ORDER

Considering the above and foregoing Petition, let Robert H. Creely be appointed to represent the absentees, Connie Picciotto, wife of/and Edwing A. Mantilla, and let Don C. Gardner be appointed to represent the absentee, Jay Scott Jenkins, in accordance with Louisiana Code of Civil Procedure Article 2674; let a Writ of Seizure and Sale issue herein, after service of the three-day demand and the expiration of the required delays; and let Pelican Homestead and Savings Association, or its agent, be appointed as keeper or receiver, without security, to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due, all as prayed for and according to law.

Gretna, Louisiana, this 28<sup>th</sup> day of January, 1992.

COPIED

*[Handwritten Signature]*  
J U D G E

ON MINUTES  
JAN 29 1992

PLEASE SERVE  
THREE-DAY DEMAND,  
NOTICE OF SEIZURE and  
NOTICE TO APPOINT APPRAISER ON:

ATTORNEY AT LAW APPOINTED TO  
REPRESENT THE ABSENTEES, CONNIE  
PICCIOTTO, WIFE OF/AND EDWING  
MANTILLA:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(ADDITIONAL SERVICE INSTRUCTIONS ON FOLLOWING PAGE)

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

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

FILED IN RECORD  
92 JAN 28 11 12  
PARISH OF JEFFERSON  
DEPT. OF PUBLIC SAFETY  
L.A.

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

**Nº 429354**

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

IN RE: INTERDICTION OF JAMES JOSE RIVERA

vs.

*Plaintiff*

*Defendant*

ANTHONY J. MILAZZO, JR.  
*Attorney for Plaintiff*

*Attorney for Defendant*

FEB. 18, 1992 CS

Date of Filing

HP Exhibit 0189 (136)

9 2 0 9 2 3 8 2 6 4 3

**AMATO AND CREELY**  
A PROFESSIONAL LAW CORPORATION  
901 DERBIGNY STREET  
POST OFFICE BOX 441  
GREINA, LOUISIANA 70054-0441  
TELEPHONE: 504-367-8181  
TELEFAX: 504-362-5168

September 10, 1992

Clerk of Court  
Parish of Jefferson  
New Gretna Courthouse  
Gretna, Louisiana 70053

Re: Interdiction of James Jose Rivera  
24th JDC No. 429-354, "A"

Dear Sir:

Please be advised that my duties as curator have now been completed in the above matter. Therefore, please forward to my office the curator fee deposited with your office at the time of filing of the original petition herein.

Sincerely,

*Robert G. Creely*  
ROBERT G. CREELY

RGC/da

Deposit Put up  
on 8-19-92 \$ 200.00

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

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

CHECK NO. 209  
**PAID**  
Robert G. Creely  
dtd. 9-21-92  
\$ 200.00

S/C GAUTHIER

DEPUTY CLERK

DEPT. OF REVENUE  
PARISH OF JEFFERSON, LA.  
SEP 11 10 32  
1992

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

**Nº 429485**

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

**DIV**

PAULETTE ARABIE MARCHIAFAVA, INDIVIDUALLY AND AS TUTRIX OF THE MINOR PAUL MARCHIAFAVA

*Plaintiff*

vs.

ROSA DELSOL HERNANDEZ (ROSA EDLSOL), WIFE OF/AND ANTONIO L. HERNANDEZ

*Defendant*

JAMES C. ARCENEAUX, III  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing FEB. 19, 1992 c s

HP Exhibit 0189 (137)

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**DIV. A**

JUDGE  
G. THOMAS BOUTROS, JR.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: **429-485**

DIVISION "

PAULETTE ARABIE MARCHIAFAVA, INDIVIDUALLY AND  
AS TUTRIX OF THE MINOR PAUL MARCHIAFAVA

VERSUS

ROSA DELSOL HERNANDEZ (ROSA DELSOL),  
WIFE OF/AND ANTONIO L. HERNANDEZ

FILED FEB 27 1992  
PARISH OF JEFFERSON, LA  
CLERK  
9 35

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

DEPUTY CLERK

*FILED 1992  
file noted mortgage in Vault  
my*

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 Paulette Arabie Marchiafava, individually  
and as Tutrix of the minor Paul Marchiafava, a person of the full  
age of majority and a resident of the Parish of Orleans, with  
respect represents:

I.

Petitioner is the holder and owner, for valuable  
consideration before maturity, of a promissory note executed by  
Rosa DelSol, wife of/and Antonio L. Hernandez who are residents  
of and domiciled in the State of California with a mailing  
address of 4541 Vellflower, Long Beach, California, payable to  
the order of "BEARER in the principal sum of \$50,000.00 dated  
August 13, 1982 payable at Kenner, Louisiana or at such other  
place as the holder may designate in writing, in fixed monthly  
installments of \$526.61 commencing on the first day of September,  
1982 and payable in full on or before the first day of August,  
2007. The said note bears interest at the rate of twelve (12%)  
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 August 13, 1982 and passed before Roy M.

-1-

ISSUED *not of demand of 1st of apppt*  
DATE **FEB 27 1992**  
**S/ MYRA LANDIX**  
Deputy Clerk

CODED

C 9 2 2 5 7 2 1 2 0 9 9 C

D'Aquila, Notary Public in and for the Parish of Jefferson and two witnesses, and duly recorded in MOB 857, folio 936, 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 Santo R. Marchiafava, 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, Santo R. Marchiafava 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:

A 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 on the West Bank of the Mississippi River, Jefferson Parish, State of Louisiana, in TERRYTOWN SUBDIVISION NO. 8, being a part of Section D of Elmwood Subdivision, according to plan of Adloe Orr & Associates dated April 22, 1964, said lot is situated in SQUARE 135, bounded by Mystic Avenue, Behrman Highway, Carol Sue Avenue, Guardian Avenue and Matador Drive, said lot is designated as LOT 48-A according to said plan and measures as follows: Lot 48-A commences at a distance of 605 feet from the corner of Carol Sue and Mystic Avenues, measures thence 60 feet front on Mystic Avenue, same in width in the rear, by a depth of 115 feet between equal and parallel lines. According to survey of Rene A. Harris, Inc., C.E., dated October 10, 1964, said lot is situated, designated and measures as hereinabove set forth.

Improvements thereon bear the municipal number 741 Mystic Avenue, Gretna, La. 70053.

Being the same property acquired by Rosa DelSol, wife of/and Antonio L. Hernandez from Karen Lynn Marchiafava and Santo R. Marchiafava in an act before Roy M. D'Aquila, Notary Public, dated August 13, 1982 and duly registered in COB 1030, folio 863.

VI.

Santo R. Marchiafava died April 21, 1985 and his succession was opened under Docket No. 85-10993 of the Civil District Court for the Parish of Orleans and pursuant thereto a Judgment of Possession was rendered January 15, 1987 recognizing Paulette Arabie Marchiafava as a legatee of a one-half (1/2) interest in and to all of decedent's separate property together with the usufruct over the remaining one-half (1/2) of decedent's separate property which includes the above referenced promissory note. The heirs of decedent, Ross S. Marchiafava, Lee James Marchiafava, Karen Lynn Marchiafava and the minor child Paul Marchiafava, were recognized as the only children and legal heirs of Santo R. Marchiafava and sent into possession of the remaining undivided one-half (1/2) interest in and to the above described promissory note subject to the usufruct of Paulette Arabie Marchiafava. The Judgment of Possession is recorded in COB 811,

C 02232232017

folio 293 of the Parish of Orleans, a certified copy of which is attached hereto and marked Exhibit "C".

## VII.

By Act dated January 15, 1987 Karen Lynn Marchiafava did transfer unto Paulette Arabie Marchiafava all of her right, title and interest in and to the above described promissory note, which said act is recorded in COB 813E, folio 462, Parish of Orleans, a certified copy of which is attached hereto and marked Exhibit "D".

## VIII.

On February 2, 1987 Lee James Marchiafava and Ross S. Marchiafava transferred all of their right, title and interest in and to all of the assets comprising the estate of Santo R. Marchiafava unto Paulette Arabie Marchiafava which said acts are recorded in COB 811, folio 341 and COB 812, folio 388, Parish of Orleans, certified copies of which are attached hereto and marked Exhibit "E" and "F" respectively.

## IX.

Paulette Arabie Marchiafava was duly qualified as the Tutrix of the minor Paul Marchiafava on January 8, 1987 as evidenced by a certified copy of the Letters of Tutorship attached hereto and marked Exhibit "G" and accordingly petitioner Paulette Arabie Marchiafava is the proper party plaintiff individually, as the owner of a 15/16 interest in and to the above referenced promissory note and in her capacity as Tutrix of the minor Paul Marchiafava, the owner of a 1/16 interest in and to the above described promissory note.

## X.

The petitioner herein, Paulette Arabie Marchiafava, individually and as Tutrix of the minor Paul Marchiafava, has been advised that the defendants herein, are currently living and residing at 4541 Vellflower, Long Beach, California and it will

therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendants.

XI.

The mortgagors having failed to make the payments required under the terms of their mortgage, are in default under the terms of said mortgage and Paulette Arabie Marchiafava, individually and as Tutrix of the minor Paul Marchiafava, as the last holder of the note, after having given due notice to mortgagors herein, has exercised the 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 December 1, 1988 to date.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants, Rosa DelSol Hernandez, wife of/and Antonio L. Hernandez 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, 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 \$47,048.04 with 12% percent interest thereon from December 1, 1988 until paid, together with 25% 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. Arceneaux  
 JAMES C. ARCENEUX, III  
 Bar Roll No. 2524  
 601 Poydras Street, Suite 2650  
 New Orleans, Louisiana 70130  
 Phone: (504) 522-8256

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STATE OF LOUISIANA  
PARISH OF ORLEANS

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

PAULETTE ARABIE MARCHIAFAVA, INDIVIDUALLY  
AND AS TUTRIX OF THE MINOR PAUL MARCHIAFAVA

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

That she is familiar with the account of Rosa DelSol, wife of/and Antonio L. Hernández, which said account has a principal balance of \$47,048.04 plus interest 12% from December 1, 1988, until paid, which said account is currently past due for the payments due December 1, 1988 until date; and moreover that defendants are not in the Armed Services of the United States. That she has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

*Paulette Arabie Marchiava*  
PAULETTE ARABIE MARCHIAFAVA

SWORN TO AND SUBSCRIBED BEFORE  
ME THIS 11th DAY OF February,  
1992.

*James L. Freeman*  
NOTARY PUBLIC

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

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ORDER

Considering the allegations of the foregoing petition and the exhibits annexed thereto let Executory Process issue herein. It is further ordered that a Notice of Demand for payment be served on defendants herein through their duly appointed attorney and thereafter that a Writ of Seizure and sale issue herein, as prayed for, according to law with appraisalment.

Let Robert A. Creely, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Rosa DelSol, wife of/and Antonio L. Hernandez.

Gretna, Louisiana  
February 20<sup>th</sup>, 1992

**CODED**  
[Signature]  
J U D G E

**ON MINUTES**  
**FEB 26 1992**

PLEASE SERVE:

- (1) NOTICE OF APPOINTMENT
- (2) NOTICE OF DEMAND AND
- (3) NOTICE OF SEIZURE ON:

\_\_\_\_\_, Esq.  
Curator-ad-Hoc to represent  
the absent defendants  
Rosa DelSol, wife of/and  
Antonio L. Hernandez  
(believed to be residing at  
4541 Vellflower  
Long Beach, Calif.)

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

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

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Nº 430027

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

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

ASSOCIATES EQUITY SERVICES CO., INC.

*Plaintiff*

vs.

ELSA M. PIREDA, WIFE OF/AND OSCAR M. MENDOZA

*Defendant*

GERALD WASSERMAN

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing FEB. 20, 1992 cs

HP Exhibit 0189 (138)

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

**JUDGE A. THOMAS PORTIER, JR.**  
DIVISION  
CO. 1

NO. **430-027**

**ASSOCIATES EQUITY SERVICES CO., INC.**

versus

**ELSA M. PINEDA, WIFE OF/AND OSCAR M. MENDOZA**

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

DEPUTY CLERK

FILED FOR RECORD  
FEB 20 2 52 PM '92  
SAXONY LANE

PETITION FOR EXECUTORY PROCESS

The petition of Associates Equity Services Co., Inc., an Alabama corporation authorized to do and doing business in the Parish and State aforesaid, through undersigned counsel, respectfully represents:

I.

Petitioner is the holder and owner in due course, for valuable consideration and before maturity, of one certain promissory note dated at Metairie, Louisiana, on July 18, 1986, made and subscribed by Elsa M. Pineda, wife of/and Oscar M. Mendoza, both of the full age of majority, to the order of Essex Mortgage Corporation and under the agreement and stipulations as set forth in the act with which the note is identified, for the sum of \$22,000.00, for value received, with interest at the rate of 12.35% per annum from date until paid and which note is paraphed "Ne Varietur" for identification with an act of mortgage before Michael M. Dorsey, Notary Public, dated July 18, 1986, wherein Essex Mortgage Corporation, for the sum of \$22,000.00 was granted a mortgage to secure the repayment of that sum on the following described property, to-wit:

*file note + mortgage in court*

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, City of Kenner, in that part thereof known as GREATER HOLLY HEIGHTS SUBDIVISION, Section 1, said portion being designated as LOT 12 of SQUARE E. According to a plan by J. J. Krebs & Sons, Inc., dated July 30, 1970, Square E is bounded by Saxony Lane, Vanderbilt Lane, Holly Heights Drive and Continental Drive. Lot 12 commences at a distance of 400 feet from the corner of Holly Heights Drive and Vanderbilt Lane, and measures thence 50 feet front on Vanderbilt Lane, the same width in the rear, by a depth between equal and parallel lines of 100 feet.

Improvements thereon bear Municipal No. 645 Vanderbilt

ISSUED: Ante De Caprio  
DATE: MAR 23 1992  
S/ MYRNA LANDIX  
Deputy Clerk

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Lane, Kenner, Louisiana, 70065.

Acquired January 22, 1971, in COB 728, folio 393.

## II.

The act of mortgage was duly recorded on July 21, 1986 in the Mortgage Office for the Parish of Jefferson, MOB 1596, folio 211, under Entry No. 8637165; petitioner annexes hereto and makes part hereof the note and certified copy of the said act of mortgage.

## III.

By Act of Assignment of Mortgage and Note dated November 27, 1989, Essex Mortgage Corporation did transfer and assign to Essex Savings Bank, Inc. f/k/a Northeastern Savings & Loan Association, Inc. all right, title and interest in and to the above-described Act of Mortgage and the Note secured thereby, recorded on May 22, 1990 in the Mortgage Office for the Parish of Jefferson, MOB 2698, folio 176, Instrument No. 9020666, a certified copy of which is annexed hereto.

## IV.

By Act of Assignment of Mortgage and Note dated November 28, 1989, Essex Savings Bank, Inc. f/k/a Northeastern Savings & Loan Association, Inc. did transfer and assign to Essex Mortgage Corporation all right, title and interest in and to the above-described Act of Mortgage and the Note secured thereby, recorded on September 27, 1990 in the Mortgage Office for the Parish of Jefferson, MOB 2748, folio 65, Instrument No. 9042417, a certified copy of which is annexed hereto.

## V.

By Act of Assignment of Mortgage and Note dated March 16, 1990, Essex Mortgage Corporation did transfer and assign to Associates Equity Services Co., Inc. all right, title and interest in and to the above-described Act of Mortgage and the Note secured thereby, the original of which is annexed hereto.

## VI.

In the said act, the said Elsa M. Pineda, wife of/and Oscar M. Mendoza granted a special mortgage under the pact "de non alienando" upon the said property to secure payment of the said note with interest, 25% attorney fees, etc., as herein set forth.

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## VII.

In the said act, the said Elsa M. Pineda, wife of/and Oscar M. Mendoza confessed judgment upon the note and consented that if payments were not made in accordance with the terms and stipulations of the act, the mortgaged property might be seized and sold by executory process for cash, without notice of demand and with benefit of appraisal.

## VIII.

Said note has become due and payable due to the failure and/or refusal of defendants herein, Elsa M. Pineda, wife of/and Oscar M. Mendoza, to make the payment called for under the note on October 23, 1991 and all subsequent payments and is therefore in default.

## IX.

The current address of the defendant herein, Oscar M. Mendoza, is 30624 S.W. 155 Court, Leisure City, Florida, 33033, and is therefore an absentee within the purview of Louisiana law. As such, it is necessary that this Court, having the jurisdiction over the property involved, appoint an attorney at law as curator ad hoc to represent the interests of the said absent defendant herein, Oscar M. Mendoza.

## X.

The defendants, Elsa M. Pineda, wife of/and Oscar M. Mendoza, have failed to pay the installments in accordance with the terms of the note, therefore there is a present balance due on the note in the sum of **NINETEEN THOUSAND THIRTY-THREE AND 21/100 (\$19,033.21) DOLLARS**, plus interest commencing January 29, 1992 at the rate of 12.35% per annum until paid, reasonable attorney's fees in the amount of 25% of the principal and interest due and owing, and all costs of these proceedings.

## XI.

Petitioner avers amicable demand without avail.

**WHEREFORE**, the premises, annexed documents and affidavit being considered, petitioner prays that an Order of Executory Process herein, without notice of demand, and directing the Sheriff for the Parish of Jefferson to seize, and after due advertisements,

0 3 2 3 9 2 0 0 9 5

delays, requisites and formalities, to sell the property at public auction, with benefit of appraisal, to the highest bidder for cash, and to pay and satisfy the claim of your petitioner as follows:

- a) Principal due on the said note in the sum of NINETEEN THOUSAND THIRTY-THREE AND 21/100 (\$19,033.21) DOLLARS;
- b) Interest commencing January 29, 1992 at the rate of 12.35% per annum until paid;
- c) Reasonable attorney's fees in the amount of 25% of the principal and interest due and owing;
- d) Any and all costs, funds and expenses advanced by petitioner pursuant to the mortgage; and
- e) All costs of these proceedings.

Petitioner further prays that out of the proceeds of the sale, its claim be paid in principal, interest, attorney's fees, etc. by preference and priority over all other persons.

Petitioner further prays that an attorney at law be appointed as curator ad hoc to represent the interests of the absent defendant herein, Oscar M. Mendoza.

RESPECTFULLY SUBMITTED:

BACH & WASSERMAN

*Gerald Wasserman*  
 \_\_\_\_\_  
 GERALD WASSERMAN (LSBA #13253)  
 Attorney for Plaintiff  
 4900 Veterans Blvd., 10th Floor  
 Metairie, Louisiana 70006  
 Telephone: (504) 888-3700

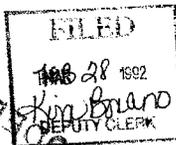
A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE.

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

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STATE OF LOUISIANA

PARISH OF JEFFERSON



AFFIDAVIT

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

**GERALD WASSERMAN**

who, after being duly sworn, did depose and say:

That he is the attorney for Associates Equity Services Co., Inc.; that he has read the annexed petition; that the facts and allegations therein set forth are true and correct to the best of his knowledge, information and belief.

*Gerald Wasserman*  
 \_\_\_\_\_  
 GERALD WASSERMAN

Sworn to and subscribed before me, Notary Public, this 28th day of February, 1992.

*[Signature]*  
 \_\_\_\_\_  
 NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL  
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*[Signature]*  
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 DEPUTY CLERK  
 24TH JUDICIAL DISTRICT COURT  
 PARISH OF JEFFERSON, LA.

0 3 2 3 9 2 0 0 9 7

ORDER

The premises, annexed documents and affidavit herein being considered, let an Order of Executory Process issue as prayed for herein, and according to law; and Let Robert D. Ceely, attorney at law, be hereby appointed curator ad hoc to represent the absentee defendant, Oscar M. Mendoza, in this proceedings.

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

COPIED

[Signature]  
J U D G E

ON MINUTES  
MAR 9 1992

PLEASE SERVE:

Elsa M. Pineda Mendoza  
645 Vanderbilt Lane  
Kenner Louisiana 70065

and

\_\_\_\_\_  
Curator Ad Hoc for  
Oscar M. Mendoza

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

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

**DIV. A**  
**DIV. A** JUDGE  
**THOMAS PATRICK, Jr.**

430580

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

SECURITY NATIONAL TRUST, A LIMITED PARTNERSHIP

*Plaintiff*

vs.

S. PARISH OIL COMPANY AND DONALD J. ARNOULT

*Defendant*

JACK J. MENDHEIM

*Attorney for Plaintiff*

*Attorney for Defendant*

MAR. 13, 1992 cs

Date of Filing

HP Exhibit 0189 (139)

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SECURITY NATIONAL TRUST,  
A LIMITED PARTNERSHIP

NUMBER 430-580, DIVISION A  
24TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF JEFFERSON

S. PARISH OIL COMPANY AND  
DONALD J. ARNOULT

STATE OF LOUISIANA

MOTION TO APPOINT CURATOR

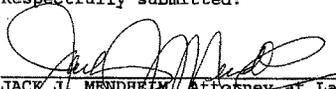
NOW INTO COURT, through its undersigned counsel comes Security National Trust, A Limited Partnership, herein represented by Security National Inc. of Alaska, its General Partner, plaintiff in the above entitled and number proceedings and respectfully represents:

I.

Plaintiff does not know the whereabouts of the defendant and has been unable to make service on the defendant, Donald J. Arnoult. Petitioner desires and is entitled to have an attorney at law practicing before this Court appointed to represent the absentee defendant under LSA-C.C.P. art. 5091, et seq.

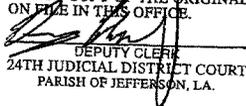
WHEREFORE, plaintiff prays that an attorney at law be appointed to represent the defendant, Donald J. Arnoult.

Respectfully submitted:

  
JACK J. MENDHEIM, Attorney at Law  
11911 Justice Ave.  
P. O. Box 86359  
Baton Rouge, LA 70879-6359  
Telephone: (504) 293-0095  
Bar Roll Number: 9431

RECEIVED  
PARISH OF JEFFERSON  
JUN 2 1992  
CODED

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ON FILE IN THIS OFFICE.

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

ISSUED not of appt  
DATE JUN 2 2 1992  
S/ MYRA LANDIK  
Deputy Clerk

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SECURITY NATIONAL TRUST,  
A LIMITED PARTNERSHIP

NUMBER 430-580, DIVISION A

24TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF JEFFERSON

S. PARISH OIL COMPANY AND  
DONALD J. ARNOULT

STATE OF LOUISIANA

O R D E R

Considering the foregoing motion, it is ordered that  
Robert D. Creeley, Attorney at Law, be  
appointed to represent the defendant, Donald J. Arnoult, in these  
proceedings and that he be served with copy of the petition herein.

Gretna, Louisiana, this 28<sup>th</sup> day of May, 1992.

CODED

[Signature]  
JUDGE, 24TH JUDICIAL DISTRICT

PLEASE SERVE:

Through Court Appointed Attorney

ON MINUTES  
MAY 29 1992

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

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



Nº 431576

DIV

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

*Plaintiff*

vs.

WILLIAM RICHARD MARINO FAND GLENDA HOWELL MARINO

*Defendant*

JOHN C. MORRIS, III

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing

APR. 6, 1992 cs

HP Exhibit 0189 (140)

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STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT

FEDERAL NATIONAL MORTGAGE ASSOCIATION

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

VERSUS NO. 431-576 DIV. "A"

WILLIAM RICHARD MARINO  
GLENDA HOWELL MARINO

DEPUTY CLERK

FILED FOR RECORD  
1992 JUL 6 AM 10:11  
DEPT. OF CLERK OF COURTS  
PARISH OF JEFFERSON  
*Kim Johnson*

*PO1*

MOTION AND ORDER TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes FEDERAL NATIONAL MORTGAGE ASSOCIATION, which respectfully represents:

1.

The above entitled and numbered cause is a foreclosure by ordinary process against certain property located in the Parish of Jefferson, State of Louisiana.

2.

One of the defendants, William Richard Marino, cannot be served despite the diligent effort of the plaintiff to locate him and the Sheriff of Jefferson Parish to serve as reflected by the Sheriff's return.

3.

The plaintiff and its attorney have made a diligent effort to locate William Richard Marino, including the following:

- Federal National Mortgage Association's attorney called directory assistance in an effort to obtain an address and/or telephone number for William Richard Marino.
- Service was attempted by the sheriff at the only address William Richard Marino ever provided to Troy & Nichols, Inc., the servicing agent for Federal National Mortgage Association.
- Troy & Nichols, Inc., servicing agent for the plaintiff, hired an investigative company, American Research Bureau, Inc. ("ARB") to locate William Richard Marino. ARB ascertained that Mr. Marino resided at 5801 Walnut Creek Road, #136, River Ridge, Louisiana, 70123, the place where Mrs. Marino had been served. ARB stated that it appeared as though Mrs. Marino was protecting her husband.
- Service was again attempted at this address. The sheriff was informed that Mr. Marino did not live there.

*24th ct & orig pet voluntary appt*

JUL 13 1992

**CODED**

S/ MAYRA LANDEX  
Deputy Clerk

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4.

Considering the foregoing William Richard Marino is absentee as defined by Louisiana Code of Civil Procedure Article 525(1) and therefore, a Curator ad Hoc must be appoint to represent William Richard Marino upon whom service of process can be made in these proceedings.

WHEREFORE, MOVER, FEDERAL NATIONAL MORTGAGE ASSOCIATION, PRAYS that the Court appoint a Curator ad Hoc to represent William Richard Marino upon whom service of process can be made in this case.

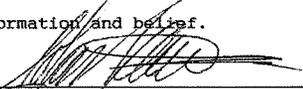
MOVER FURTHER PRAYS for leave of Court to file this motion and order.

THOMPSON, SPARKS, DEAN & MORRIS  
1401 Royal Avenue  
P. O. Box 2867  
Monroe, LA 71207-2867  
(318) 388-4440

By:   
John C. Morris, III (Bar #01987)  
Attorneys for Federal National  
Mortgage Association

VERIFICATION

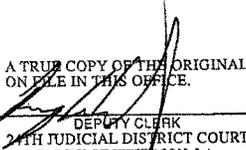
BEFORE ME, the undersigned authority, came and appeared JOHN C. MORRIS, III, attorney for Federal National Mortgage Association, who declared that the foregoing allegations are true and correct to the best of his knowledge, information and belief.

  
John C. Morris, III

Notary Public

TO CURATOR: Our sources of information indicate Mr. Marino last lived at 5801 Walnut Creek, #136, River Ridge, Louisiana, 70123, although the sheriff could not serve him there. The property address is 18 Billyday Avenue, Kenner, Louisiana, 70062. We have no other potential address for Mr. Marino.

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 JEFFERSON \* 24TH DISTRICT COURT

FEDERAL NATIONAL  
MORTGAGE ASSOCIATION

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

VERSUS NO. 431-576 DIV. "A"

WILLIAM RICHARD MARINO  
GLENDA HOWELL MARINO

\_\_\_\_\_  
DEPUTY CLERK

O R D E R

The foregoing motion considered:

IT IS HEREBY ORDERED that Robert G. Cook

Attorney at Law, be and he/she is hereby appointed as Curator ad Hoc to represent William Richard Marino.

IT IS FURTHER ORDERED that leave of court is hereby granted to allow the filing of this motion and order.

Gretna, Louisiana this 7<sup>th</sup> day of July, 1992.

*UN MINUTE*  
*JUL 9 1992*  
\_\_\_\_\_  
J U D G E

Please serve William Richard Marino all process through his court appointed attorney.

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

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

**DIV. A**  
JUSTICE  
S. THOMAS FENTRESS, JR.

**DIV**

Nº 431912

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

LEADER FEDERAL BANK FOR SAVINGS

*Plaintiff*

ALVIN J. MASON A/K/A ALVIN J. MASON, SR. JASON MASON

vs.

*Defendant*

GEORGE B. DEAN, JR.

*Attorney for Plaintiff*

*Attorney for Defendant*

APR. 13, 1992 cs

Date of Filing

HP Exhibit 0189 (141)

STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT

LEADER FEDERAL BANK FOR SAVINGS

VERSUS NO.431-912

ALVIN J. MASON et al

FILED: \_\_\_\_\_  
JUN 1 1992  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

MOTION & ORDER TO APPOINT CURATOR

201

On Motion of the Leader Federal Bank for Savings, and suggesting to the court that defendant (s) is/are "absentee" (s) defined by Louisiana Code of Civil Procedure article 521(1) because, without limitation, Plaintiff has been unable to perfect service upon defendants, Jason Mason despite the diligent efforts to plaintiff and the Sheriff of Jefferso Parish, Louisiana, as reflected by the Sheriffs return on the writ, and the whereabouts of 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 L. Cooley, attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Shelma, Louisiana, this 2<sup>nd</sup> day of June 1992.

FILED

Shelma Bell  
JUDGE

ON MINUTES  
JUN 4 1992

V E R I F I C A T I O N

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 30<sup>th</sup> day of May, 1992.

Myra Landix  
Notary Public

DATE JUN 10 1992  
S/ MYRA LANDIX

LAST KNOWN ADDRESS:  
240 Butagrave  
Avondale  
NEW ORLEANS, LA.

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

**DIV**  
JUDICIAL DISTRICT  
G. THOMAS PATTON, JR.

N<sup>o</sup>: 432904

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

\_\_\_\_\_  
NATIONAL MORTGAGE COMPANY

\_\_\_\_\_  
vs. *Plaintiff*  
SYE JOSEPH ELLIS (A/K/A SYE J. ELLIS) AND GLORIA HATCHER ELLIS (A/K/A GLORIA

\_\_\_\_\_  
ELLIS AND GLORIA VIRGINIA HATCHER ELLIS)  
*Defendant*

\_\_\_\_\_  
JANE FAIA MENTZ  
*Attorney for Plaintiff*

\_\_\_\_\_  
*Attorney for Defendant*

\_\_\_\_\_  
Date of Filing MAY 4, 1992 cs

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92-0293

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 432-904

DIVISION NAME

NATIONAL MORTGAGE COMPANY

VERSUS

SYE JOSEPH ELLIS  
(A/K/A SYE J. ELLIS)

AND

GLORIA HATCHER ELLIS  
(A/K/A GLORIA ELLIS AND GLORIA VIRGINIA HATCHER ELLIS)

JUN 19 11 24 0  
DEPT. OF CLERK  
PARISH OF JEFFERSON, LA.

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, Gloria Hatcher Ellis (a/k/a Gloria Ellis and Gloria Virginia Hatcher Ellis), 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, Gloria Hatcher Ellis (a/k/a Gloria Ellis and Gloria Virginia Hatcher Ellis).

IT IS ORDERED BY THE COURT, that Robert D. Ceeley attorney at law be and he is hereby appointed curator ad hoc for defendant Gloria Hatcher Ellis (a/k/a Gloria Ellis and Gloria

ISSUED not yet  
DATE JUN 24 1992  
S/ MITRA LANDIX

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Virginia Hatcher Ellis), in these proceedings and that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

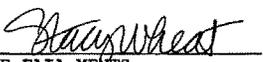
Gretna, Louisiana, this 22<sup>nd</sup> day of June, 19 92.

  
\_\_\_\_\_  
JUDGE

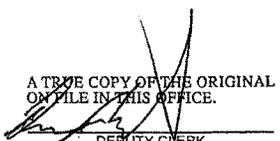
ON MINUTES   
JUN 24 1992

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.

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

No 432990

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION

TINA SIMON KIDD AND QUINTIN LEE KIDD AND DENISE COUSIN FIELDS AND DAVID P. FIELDS

*Plaintiff*

*Defendant*

RADER JACKSON  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing MAY 6, 1992 CS

HP Exhibit 0189 (143)

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LI-92-04469

901

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

NO. 432-990 DIVISION A

FEDERAL NATIONAL MORTGAGE ASSOCIATION  
vs.  
TINA SIMON KIDD and QUINTIN LEE KIDD  
and  
DENISE COUSIN FIELDS and DAVID P. FIELDS

FILED  
JUN 10 11 26  
JEFFERSON  
PARISH OF JEFFERSON, LA

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), Quintin Lee Kidd, Tina Simon Kidd, Denise Cousin Fields and David P. Fields, 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 Three Day Demand for Payment 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.

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).

*not an apt. - part of demand*  
DATE JUN 16 1992

S/ MYRA LAMBLEX  
Deputy Clerk

CODED

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LI-92-04469

ORDER

THE ABOVE and foregoing Motion is GRANTED:

Let Robert H. Ceeley, Attorney at Law  
Law, \_\_\_\_\_ (Service Address)  
be appointed Curator ad Hoc for the absent and unrepresented  
defendants, Quintin Lee Kidd, Tina Simon Kidd, Denise Cousin  
Fields and David P. Fields.

Maetna, Louisiana, this 15<sup>th</sup> day of June,  
1992.

ON MINUTES  
JUN 16 1992

Respectfully Submitted:

SHUSHAN, MEYER, JACKSON &  
McPHERSON  
ATTORNEYS FOR PLAINTIFF

BY: \_\_\_\_\_  
RADER JACKSON (atty bar code 7197)  
Suite 1500, 1010 Common Street  
New Orleans, Louisiana 70112  
(504) 581-7169

- 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 Three Day Demand for Payment on the defendants thru the above appointed Curator.

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

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

**DIV. 6**  
**PARISH OF JEFFERSON**  
**STATE OF LOUISIANA**

No 433124

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

SUCCESSION OF JAMES NORMAN GISCLAIR

*Plaintiff*

vs.

*Defendant*

VALLERIE OXNER  
*Attorney for Plaintiff*

*Attorney for Defendant*

MAY 8, 1992 CS

Date of Filing

HP Exhibit 0189 (144)

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

NO. 433-124

SUCCESSION OF JAMES NORMAN GISCLAIR

PI

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

DEPUTY CLERK

DIVISION

FILED FOR RECORD  
9th JUN 7 AM 9 45  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA.

PETITION TO BE SENT INTO POSSESSION

The Petition of Mary Faith Gisclair Heine, individually and as testamentary executrix, of Dorothy Dean Billedeau Gisclair, of Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, and Mary JoAnn Gisclair, all persons of the full age and of majority and domiciled in the Parish of Jefferson, State of Louisiana, and of Paul Bryant Gisclair, a person of the full age of majority and a resident of the Parish of St. Charles, State of Louisiana, and of Beverly Ann Gisclair Harding, a person of the full age of majority and a resident of the Parish of St. Tammany, State of Louisiana, with respect shows:

1.

A Tableau of Distribution of Mary Faith Gisclair Heine, testamentary executrix of this Succession, was homologated by this Court on November 5, 1993. The succession assets include cash sufficient to pay all of the charges and debts shown in that Tableau.

2.

The decedent, James Norman Gisclair, died testate on October 8, 1991 while domiciled in the Parish of Jefferson.

3.

The decedent, was married but three times: firstly, to Ethel Baker Gisclair from whom he was divorced on May 1, 1947 in the State of New Jersey; secondly, to Beverly Comes Gisclair who predeceased him on August 26 1970; and thirdly, to Dorothy Dean Billedeau Gisclair, with whom he was living and residing at the time of his death.

ISSUED pet Heine  
DATE JAN 2 1994  
S/ MYRA LANDIX  
Deputy Clerk

CODED

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4.

The decedent had eight (8) children: James Norman Gisclair, Jr., whose was born of his marriage to Ethel Baker Gisclair; Paul Bryant Gisclair, Mary Faith Gisclair Heine, Beverly Ann Gisclair Harding, all born of his marriage to Beverly Gomes Gisclair; and Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, and Mary JoAnn Gisclair, all of whom he adopted while he was married to Dorothy Dean Billedeau Gisclair. The decedent had no other children whatsoever.

5.

The testament of the decedent has been probated by this Court.

6.

In his testament, the decedent bequeathed one-half of his entire estate and his automobile to his wife, Dorothy Dean Billedeau Gisclair. Dorothy Dean Billedeau Gisclair has already been placed in possession of the automobile.

7.

In his testament, the decedent left one-half of his entire estate to be divided equally among his children, Paul Bryant Gisclair, Mary Faith Gisclair Heine, Beverly Ann Gisclair Harding, Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, and Mary JoAnn Gisclair.

7.

Further in his last will and testament, the decedent disinherited his son, James Norman Gisclair, Jr. on the grounds that he knew how to contact the decedent; however, he had not had contact with the decedent, without just cause, for a period in excess of two (2) years after attaining the age of majority; during said period he was able to do so and was not in the military forces of the United States.

8.

Petitioners accept the bequests and succession made to them unconditionally, and desire to be placed into possession of their interest in the estate of the decedent.

4 1 1 3 0 0 4 1 1

9.

There is no necessity for a further administration of this succession, and the Petitioners desire that Mary Faith Gisclair Heine be discharged as executrix, and they further waive the requirement of any further accounting by the executrix.

10.

The Petitioners further desire that this Court execute the last will and testament of the decedent and recognize that James Norman Gisclair, Jr. has been disinherited by the decedent, and therefore, not entitled to a share as a forced heir of the estate of his father.

11.

James Norman Gisclair, Jr. is a non-resident of the State of Louisiana, and is therefore an absentee within the meaning of Louisiana law.

12.

It is therefore necessary that an attorney at law be appointed to represent the absentee.

WHEREFORE, Petitioners pray that:

1. An attorney at law be appointed to represent James Norman Gisclair, Jr.
2. He be ordered to show cause at a date and hour to be fixed by this Court why the Petitioners should not be sent into possession of the residue of this succession remaining in the hands of the executrix after payment of all of charge and debts listed on the Tableau of Distribution;
3. Why the last will and testament of James Norman Gisclair should not be enforced as it is written, and why judgment should not be rendered recognizing that James Norman Gisclair, Jr. was disinherited and therefore not entitled to inherit from the succession of James Norman Gisclair; and
4. In due course why Judgment should not be rendered

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recognizing Petitioner, Dorothy Dean Billedeau Gisclair, as a legatee of the decedent, as owner and sent into possession of one-half of the immoveable property belonging to the estate of decedent; and why Petitioners, Paul Bryant Gisclair, Mary Faith Gisclair Heine, Beverly Ann Gisclair Harding, Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, and Mary JoAnn Gisclair, should not be recognized as legatees and as owners sending them into possession, in equal shares, of one-half of the succession remaining in the hands of the executrix after payment of charges and debts.

Respectfully submitted,

*Vallerie Oxner*  
VALLERIE OXNER  
526 Rue St. Louis, Suite 302  
New Orleans, Louisiana 70130  
Telephone: (504) 561-8129  
La. Bar No. 7545

VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

FILED  
JAN 7 1994  
DEPUTY CLERK

BEFORE ME, the undersigned Notary, personally appeared:

Paul Bryant Gisclair, Mary Faith Gisclair Heine, Beverly Ann Gisclair Harding, Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, Mary JoAnn Gisclair, and Dorothy Dean Billedeau Gisclair,

each of whom were first duly sworn by me and each of whom did depose that:

They have read the above Petition and all of the allegations of facts contained therein are true and correct.

*Paul B. Gisclair, Sr.*  
Paul Bryant Gisclair

*Mary Faith Gisclair Heine*  
Mary Faith Gisclair Heine  
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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Beverly Ann Gisclair Harding  
Beverly Ann Gisclair Harding

Angela Gisclair Camardelle  
Angela Gisclair Camardelle

Paula Gisclair Bradberry  
Paula Gisclair Bradberry

Daryn James Gisclair  
Daryn James Gisclair

Mary JoAnn Gisclair  
Mary JoAnn Gisclair

Dorothy Dean Billedeau Gisclair  
Dorothy Dean Billedeau Gisclair

SWORN TO AND  
SUBSCRIBED BEFORE  
ME, THIS 4th  
DAY OF January,  
1994

Valleri Osner  
NOTARY PUBLIC

ORDER

Considering the above Petition of Possession:

IT IS ORDERED:

Robert H. Creely, an attorney at law,  
qualified to practice in this state is appointed attorney to  
represent James Norman Gisclair, Jr.

IT IS FURTHER ORDERED:

That James Norman Gisclair, Jr. show cause on the 25th  
day of February, 1994 at 9:30 o'clock a.m. why the  
Petitioners should not be sent into possession of the estate of  
James Norman Gisclair as prayed for and further why a Judgment

1130004

should not be rendered in this matter recognizing that James Norman Gisclair, Jr. was disinherited by the testator and therefore is not entitled to inherit from the estate.

1994. Gretna, Louisiana, this 10<sup>th</sup> day of January.

CODED

ON MINUTES  
JAN 12 1994

J U D G E

PLEASE SERVE:

Attorney appointed to represent James Norman Gisclair, Jr.

1-7-94  
CLERK OF COURT  
200.00  
[Signature]

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

**DIV A**  
**DIV**

N<sup>o</sup> 433440

**24th JUDICIAL DISTRICT COURT**

PARISH OF JEFFERSON  
STATE OF LOUISIANA

\_\_\_\_\_  
\_\_\_\_\_  
SUCCESSION OF MURIEL JEFFERS WILLIS

\_\_\_\_\_  
\_\_\_\_\_  
*Plaintiff*

vs.

\_\_\_\_\_  
\_\_\_\_\_  
*Defendant*

\_\_\_\_\_  
\_\_\_\_\_  
ALAN P. DUSSOUY  
*Attorney for Plaintiff*

\_\_\_\_\_  
\_\_\_\_\_  
*Attorney for Defendant*

\_\_\_\_\_  
\_\_\_\_\_  
Date of Filing MAY 14, 1992 CS

HP Exhibit 0189 (145)

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A

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

NO. 433-440

DIVISION "A"

SUCCESSION  
OF  
MURIEL JEFFERS WILLIS

FILED  
OCT 21 1992  
11 31  
DEPT. CLERK

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

PETITION FOR APPOINTMENT OF  
ATTORNEY FOR ABSENT HEIR

The petition of Marsha C. Maestri, who is domiciled in Jefferson Parish and is appearing as executrix of this succession, respectfully represents that:

1.

The testament of the deceased, Muriel Jeffers Willis, dated June 29, 1978 and codicil dated December 29, 1980, have been probated by this Court and ordered executed.

2.

Petitioner has filed a Petition for Declaratory Judgment herein for the purpose of having this Court interpret the testament and codicil.

3.

All the legatees affected by a declaratory judgment have been contacted and have executed an Acceptance of Service and Waiver of Citation and All Delays thereby agreeing to the interpretation of the testament and codicil as set forth in the petition, except Flora Jane Jeffers.

4.

Despite diligent effort, petitioner has been unable to locate Flora Jane Jeffers. She is therefore an absentee within the meaning of Louisiana Law.

5.

It is therefore necessary that an attorney at law be appointed to represent the absentee.

ISSUED OCT 21 1992  
CODED DATE S/ MYRA LANDIX  
Deputy Clerk

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(2)

WHEREFORE, petitioner prays that an attorney at law be appointed to represent the absentee, Flora Jane Jeffers.

Alan Dussoy  
ALAN P. DUSSOY (05235)  
1465 North Broad Avenue  
New Orleans, Louisiana 70119  
Telephone: 947-1124  
Attorney for Succession

ORDER

Considering the above petition, Robert S. Cooley, attorney at law, qualified to practice in this State is appointed attorney to represent Flora Jane Jeffers. Gretna, Louisiana, this 20<sup>th</sup> day of October, 1992.

**CODED**

Shirley Kelly  
J U D G E

PLEASE SERVE:

The Appointed Attorney:

ON MINUTES  
OCT 21 1992

(With copies of Petition for Appointment of Attorney for Absent Heir, Petition for Declaratory Judgment, Last Will and Testament and Codicil)

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

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

37-49-87



24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

FILED  
JUDGE  
JOSEPH F. GREER

1/11/87

IN RE: ESTATE OF JAMES EARL RAY, JR.

Plaintiff

VS. THE UNITED STATES OF AMERICA

Defendant

Attorney for Plaintiff

JOHN W. BRYANT

Attorney for Defendant

1/11/87

Date of Filing

HP Exhibit 0189 (146)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 374-987

DIVISION "C"

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VERSUS

RUTH HIMELFARD, WIFE OF/AND MICHAEL GEORGE SEMBER

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

DEPUTY CLERK

MOTION AND ORDER TO APPOINT CURATOR

NOW INTO COURT, comes Pelican Homestead and Savings Association, through undersigned counsel, which respectfully represents that:

I.

That, the said Ruth Himelfard, wife of/and Michael George Sember are absentees under Louisiana Code of Civil Procedure Article 5251 since they are non-residents of this State. Their last known address is 1500 Lorene Street, Harvey, Louisiana 70058. Therefore, it will be necessary to appoint an attorney at law to represent the absentees under Louisiana Code of Civil Procedure Article 5091.

WHEREFORE, petitioner prays that an attorney at law be appointed to represent the absentees, Ruth Himelfard, wife of/and Michael George Sember in accordance with Louisiana Code of Civil Procedure Article 5091.

BALDWIN & HASPEL:

JEANNIE M. RANDAZZO (Bar #11101)  
JANET D. DILZELL (Bar #14217)  
LANCE J. ARNOLD (Bar #18768)

BY: Lance Arnold  
Attorneys for Petitioner  
2121 Airline Highway, 5th Floor  
Metairie, LA 70001  
(504) 835-8480

WORK\MOSEMBER.01J

ISSUED Not of Appoint & Cit of Pet  
DATE MAR 23 1990 & Motion  
RAB  
Deputy Clerk

**CODED 19**

**FILMED**  
MAR 19 1990

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. 374-987

DIVISION "C"

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VERSUS

RUTH HIMELFARD, WIFE OF/AND MICHAEL GEORGE SEMBER

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

DEPUTY CLERK

**FILED**  
 MAR 16 1990  
*C. Coenen*  
 DEPUTY CLERK

ORDER

Considering the above and foregoing petition, let *Richard Cooley* be appointed to represent the absentees, Ruth Himelfard, wife of/and Michael George Sember, in accordance with Louisiana Code of Civil Procedure Article 5091.

Gretna, Louisiana, this 16<sup>th</sup> day of March, 1990.

*[Signature]*  
 JUDGE

PLEASE SERVE  
 CITATION AND PETITION  
 AS WELL AS THIS MOTION AND ORDER  
 ON ATTORNEY AT LAW APPOINTED  
 TO REPRESENT THE ABSENTEES  
 RUTH HIMELFARD SEMBER  
 MICHAEL GEORGE SEMBER

WORK\MOSEMBER.01J

CODEDAG

3-16-90  
 I, HEREBY CERTIFY THAT ~~ALL~~ \$200.00  
 STS INCURRED IN THIS MATTER *curator*  
 HAVE BEEN PAID. *Fee*  
*[Signature]*  
 Deputy Clerk

**FILMED**  
 MAR 19 90

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

37-37-82



24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON  
STATE OF LOUISIANA

DIV. A

JUDGE  
G. THOMAS BOGGS, JR.

LEADER HOSPITAL CENTER AND LOCAL ASSOCIATION

VS.

*Plaintiff*

MARGIE VERDON, WIFE OF/AND LAWMAN A. SARGIS, AND FAMELA ALLEMAN WIFE OF/AND

MARTY WAINWY WAINOT, AND MARILYN WASHINGTON WIFE OF/AND ALBERT BARTOSEN

*Defendant*

JAMES G. ARGUMENT, III

*Attorney for Plaintiff*

*Attorney for Defendant*

DATE FILED: 10/10/82

Date of Filing: \_\_\_\_\_

HP Exhibit 0189 (147)

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DIV. A

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

NO: 373-782

DIVISION "

LEADER FEDERAL SAVINGS AND LOAN ASSOCIATION

VERSUS

MARGIE VERDON, WIFE OF/AND LAYMAN A. SAVOIE  
AND PAMELA ALLEMAN, WIFE OF/AND MARTY ANTHONY SAVOIE  
AND MARILYN WASHINGTON, WIFE OF/AND ALFRED BAPTISTE

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

DEPUTY CLERK

FILED  
JAN 5 1989  
PARISH OF JEFFERSON  
LA

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 Leader Federal Savings and Loan Association,  
a federally chartered savings and loan, created by acts of  
Congress, having its principal place of business in Memphis,  
Tennessee, mailing address P. O. Box 1860, Memphis, Tennessee  
38101-1860, with respect, represents:

I.

Petitioner is the holder and owner, for valuable  
consideration before maturity, of a promissory note executed by  
Margie Verdon, wife of/and Layman A. Savoie 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 \$47,500.00  
dated June 20, 1983 payable at Leader Federal Savings and Loan  
Association, Memphis, Tennessee, or at such other place as the  
holder may designate in writing, in fixed monthly installments,  
including principal and interest of \$488.59 commencing on the  
first day of August, 1983 and payable in full on or before the  
first day of July, 2013. The said note bears interest at the  
rate of 12.0% 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 dated June 20, 1983 and  
passed before Deryle A. Bourgeois, Notary Public in and for the

*filed  
note  
in vault  
12/22/88  
TK*

ISSUED

JAN 5 1989

DATE

*[Signature]*

DEPUTY CLERK

*[Handwritten notes and signatures]*

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Parish of Jefferson and two witnesses, and duly recorded MOB 884, folio 614, 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 Leader Federal 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 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, Leader Federal 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

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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, prescriptions, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in AMES GARDENS SUBDIVISION, being a resubdivision of Original Lots Nos. H-321-D, H-321-E, and H-321-F of Lower Estelle Plantation, delineated on survey made by J.J. Krebs & Sons, Inc., April 14, 1967, approved by the Jefferson Parish Council on June 29, 1967, Ordinance No. 8328, copy of which is annexed to Act of Dedication and Acceptance of Streets in Ames Gardens Subdivision, passed before Neville M. Landry, N.P., dated July 18, 1967, and registered under Court Document Entry No. 504, 515, COB 663, folio 760 of Jefferson Parish, on September 7, 1967, said lot being designated and located as follows: LOT 4 of SQUARE "H", which said square is bounded by Geranium Drive, Joy Ann Drive (side), east boundary of subdivision and Dolores Drive, and said Lot 4, Square "H" measures 50 feet front on Geranium Drive, by a depth of and front on Dolores Drive of 103 feet, between equal and parallel lines. And according to survey by Wilton J. Dufrene, Land Surveyor, dated October 22, 1982, said lot has the same designation and measurements as above set forth and Square "H" is bounded by Geranium Drive, Joy Ann Drive (side), east boundary of subdivision, and Dolores Drive.

Improvements thereon bear Municipal No. 4781 Geranium Drive.

Being the same property acquired by Margie Verdon, wife of/and Layman A. Savoie on June 20, 1983, and further acquired by Pamela Alleman, wife of/and Marty Anthony Savoie on August 30, 1983, and further acquired by Marilyn Washington, wife of/and Alfred Baptiste, Sr. on July 1, 1986, registered in COB 1516, folio 274.

VI.

By Act of Cash Sale and Assumption of Mortgage executed August 30, 1983, before Deryle A. Bourgeois, Notary Public, the above described property was transferred by Margie Verdon wife of/and Layman A. Savoie to Pamela Alleman, wife of/and Marty Anthony Savoie, which said act is duly recorded in MOB 892, folio 374, 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

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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 July 1, 1986, before Deryle A. Bourgeois, Notary Public, the above described property was transferred by Pamela Alleman, wife of/and Marty Anthony Savoie to Marilyn Washington, wife of/and Alfred Baptiste, Sr., which said act is duly recorded in MOB 1579, folio 320, 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 "D".

VIII.

The reverse of the above described note bears an endorsement in blank with an accompanying paraph identifying the endorsement with an assignment dated September 20, 1983. In truth and in fact, the assignment was never completed and the said note was paraphed in error inasmuch as the note was never transferred by Leader Federal Savings and Loan Association and has remained in their possession from the date it was executed. Accordingly, the incomplete endorsement and accompanying paraph should be disregarded and should be treated as of no effect whatsoever.

IX.

The petitioner herein, Leader Federal Savings and Loan Association, has been advised that the current whereabouts of

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Margie Verdon, wife of/and Layman A. Savoie, two of the defendants herein, are unknown, and the current whereabouts of Marilyn Washington, wife of/and Alfred Baptiste, Sr., two of the defendants herein, are also unknown and it will therefore be necessary for this Honorable Court to appoint a Curator ad Hoc to represent the absent defendants.

X.

The assumptors having failed to make the payments required under the terms of their mortgage, are in default under the terms of said mortgage and Leader Federal Savings and Loan Association as the last holder of the note, after having given due notice to assumptors 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, 1988 to date.

WHEREFORE, petitioner prays that the Court appoint a Curator-ad-Hoc to represent the absent defendants Margie Verdon, wife of/and Layman A. Savoie and Marilyn Washington, wife of/and Alfred Baptiste 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 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 \$46,486.42 with 12.0% percent interest thereon from March 1, 1988 until paid, together with \$168.83 advanced in June, 1988 for flood insurance, 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

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paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEUX

BY:

*James C. Arceneaux*

James C. Arceneaux, III  
Bar Roll No. 2524  
Attorney for Petitioner  
1210 First N.B.C. Bldg.  
New Orleans, LA 70112  
(504) 522-8256

-6-

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

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



FILED  
CLERK OF DISTRICT COURT

Nº 433676

DIV \_\_\_\_\_

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

FORD CONSUMER FINANCE COMPANY, INC.

vs.

CHARLES L. BILLIOT AND HELEN DILLARD BILLIOT

*Plaintiff*

*Defendant*

CHARLES K. WATTS

*Attorney for Plaintiff*

*Attorney for Defendant*

MAY 20, 1992 c s

Date of Filing

HP Exhibit 0189 (148)

PI 2091009105

FORD CONSUMER FINANCE COMPANY, INC.

SUIT: 433-676 DIV: A 24TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF JEFFERSON STATE OF LOUISIANA

CHARLES L. BILLIOT AND HELEN DILLARD BILLIOT

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes Ford Consumer Finance Company, Inc., plaintiff in the above titled and numbered proceeding, who respectfully represents that:

1.

Plaintiff filed a Petition for Mortgage Foreclosure by Executory Process on May 20, 1992.

2.

The defendants, Charles L. Billiot and Helen Dillard Billiot, are absent and are not represented by an attorney or agent willing to accept service or process in this state, and cannot be found in Louisiana, and served with said pleadings, although a diligent effort has been made by the Sheriff.

3.

Therefore, plaintiff requests that an attorney at law be appointed to represent the defendants, Charles L. Billiot and Helen Dillard Billiot, under the provisions of Articles 5091 of the Louisiana Code of Civil Procedure, upon whom service of all notices required for suit shall be made.

WHEREFORE, plaintiff, Ford Consumer Finance Company, Inc., respectfully moves this Honorable Court to appoint an attorney at law to represent Charles L. Billiot and Helen Dillard Billiot under the provisions of Articles 5091 of the Louisiana Code of Civil Procedure, upon which said attorney all notices shall be given in the manner prescribed by law, and contradictorily with whom this suit shall be prosecuted, and that he be served with a copy of the Petition for Executory Process and that after due proceedings are had herein, that there be judgment in favor of petitioner, Ford Consumer Finance Company, Inc., and against the defendants as prayed for in the original petition filed herein.

ISSUED list of apt  
DATE AUG 07 1992  
S/ MYRA LANDRY

LAW OFFICES  
SEALE, SMITH ZUBER & BARNETTE  
TWO UNITED PLAZA, SUITE 200  
8850 UNITED PLAZA BOULEVARD  
BATON ROUGE, LOUISIANA 70809  
(504) 924-4400

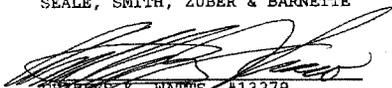
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Respectfully Submitted,

SEALE, SMITH, ZUBER & BARNETTE

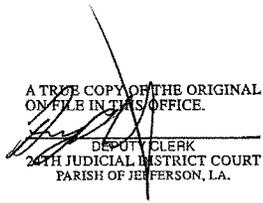


CHARLES K. WATTS, #13279  
ANTHONY J. RUSSO, JR., #19138  
Two United Plaza, Suite 200  
8550 United Plaza Boulevard  
Baton Rouge, Louisiana 70809  
(504) 922-4400

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LAW OFFICES  
SEALE, SMITH, ZUBER & BARNETTE  
TWO UNITED PLAZA, SUITE 200  
8550 UNITED PLAZA BOULEVARD  
BATON ROUGE, LOUISIANA 70809  
(504) 922-4400

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

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FORD CONSUMER FINANCE  
COMPANY, INC.

SUIT: 433-676 DIV: A

24TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF JEFFERSON

CHARLES L. BILLIOT AND  
HELEN DILLARD BILLIOT

STATE OF LOUISIANA

AFFIDAVIT

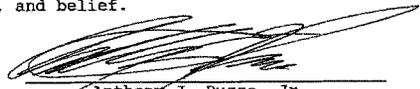
STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE

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

Anthony J. Russo, Jr.,

who being by me first duly sworn, did depose and say that:

I am the attorney for the plaintiff herein. I have read the  
above and foregoing Motion and that all of the facts stated  
therein are true and correct to the best of my knowledge,  
information, and belief.



Anthony J. Russo, Jr.

SWORN TO AND SUBSCRIBED before me at Baton Rouge, Louisiana,  
this 29<sup>th</sup> day of July, 1992.



Notary Public

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 JONES & BARNETTE  
TWO UNITED PLAZA, SUITE 200  
8880 UNITED PLAZA BOULEVARD  
BATON ROUGE, LOUISIANA 70809  
(504) 921-4400

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FORD CONSUMER FINANCE  
COMPANY, INC.

SUIT: 433-676 DIV: A  
24TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF JEFFERSON

CHARLES L. BILLIOT AND  
HELEN DILLARD BILLIOT

STATE OF LOUISIANA

ORDER

Considering the foregoing:

IT IS HEREBY ORDERED that Robert P. Reedy, an attorney at law admitted to practice before this Court, be and he or she is hereby appointed to represent Charles L. Billiot and Helen Dillard Billiot under the provisions of Article 5091 of the Louisiana Code of Civil Procedure of the State of Louisiana, and let the said attorney of law be served with all notices required by law for prosecution of this suit, and let said suit be prosecuted contradictorily with said attorney.

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

[Signature]  
Judge, 24th Judicial District Court

LAST KNOWN ADDRESS  
OF DEFENDANT

Charles L. Billiot  
Helen Dillard Billiot  
1940 Green Oak Drive  
Gretna, Louisiana 70056

ON MINUTES  
AUG 5 1992  
CODED

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

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

LAW OFFICES  
SEALE, SMITH, ZUBER & BARNETTE  
TWO UNITED PLAZA, SUITE 200  
8850 UNITED PLAZA BOULEVARD  
BATON ROUGE, LOUISIANA 70809  
(504) 981-3420

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

NO. 434713

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION

vs.

VANDA GREENWOOD COLLINS (A/K/A VANDA GREENWOOD, VANDA GREENWOOD FORRES AND

*Plaintiff*

VANDA G. FORRES) AND JESSICA ELIZABETH FORRES AND BERYL ANN FORRES STEILBERG

*Defendant*

(A/K/A BERYL A. STEILBERG) AND ROBERT W. STEILBERG (A/K/A ROBERT WAYNE STEILBERG)

JANE FAJA MENYZ

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing JUNE 11, 1992 cs

CHANDLER 8004

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CODED

91-0978

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 434-713

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

DIVISION

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

VANDA GREENWOOD COLLINS  
(A/K/A VANDA GREENWOOD, VANDA GREENWOOD FORRES AND  
VANDA G. FORRES)

AND

JESSICA ELIZABETH FORRES

AND

BERYL ANN FORRES STEILBERG  
(A/K/A BERYL A. STEILBERG)

AND

ROBERT W. STEILBERG  
(A/K/A ROBERT WAYNE STEILBERG)

*John F. Hayes*  
PARISH OF JEFFERSON, LA.

FILED IN RECORD  
JUN 11 PM 4:42

CODED

*JUN 11 1992 file note & mortgage in result*

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

PETITION FOR EXECUTORY PROCESS  
WITHOUT BENEFIT OF APPRAISAL  
REQUESTING ISSUANCE OF THREE (3) DAY NOTICE OF DEMAND

The petition of Federal National Mortgage Association, 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 "Security Homestead Association", made, subscribed and executed by, Albert B. Forres, III and Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres), which said note is dated March 6, 1979 in the original principal sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars with principal and interest payable at the rate of Eight Hundred Sixty-Nine and 15/100 (\$869.15) Dollars per month, on or before the close of the last business day of each month, commencing

ISSUED 2001 on demand  
not of demand / not of appra  
DATE 57 MYRAEANLIX JUN 11 1992

CODED

Deputy Clerk

with the month of April, 1979 and bearing Nine and Three-Fourths (9.75%) 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" for identification with an Act of Mortgage passed before Edmond G. Miranne, Jr., Notary Public, dated March 6, 1979 and which mortgage is recorded in Mortgage Office Book 761, folio 649, Entry Number 865455, Parish of Jefferson, State of Louisiana. Said note is secured by an Act of Mortgage in favor of "Security Homestead Association", on the following described property, to-wit:

ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in any wise appertaining situated in the PARISH OF JEFFERSON, State of Louisiana, in SQUARE NO. 4 of CHATEAU ESTATES LAKEFRONT, bounded by CARMENERE DRIVE, SYLVANER DRIVE, SUNSET BOULEVARD, CABERNET DRIVE, TRAMINER DRIVE, EASTERN & WESTERN BOUNDARIES OF SUBD. and LAKE PONTCHARTRAIN, designated as LOT NO. 34, on a survey made by R.P. Pontcuberta, Jr., Surveyor, dated March 5, 1979, a copy of which is annexed to the vendor's act of purchase, passed before Edmond G. Miranne, Jr., Notary Public, March 6, 1979 and according thereto, said LOT commences at a distance of 619.10 feet from the point which is the WESTERN BOUNDARY OF CHATEAU ESTATES LAKEFRONT SUBD., measures thence 60 feet front on CARMENERE DRIVE along a curved line having a radius of 50 feet, a width in the rear of 160 feet, by a depth on the sideline nearer to the EASTERN BOUNDARY OF SUBD. of 154.77 feet and a depth on the opposite sideline of 123.71 feet.

## II.

Said note is endorsed "Pay to the Order of Federal Home Loan Bank of Little Rock, Security Homestead Association", however, as appears by the annexed affidavit by Resolution Trust Corporation as Receiver for Security Homestead Federal Savings Association, Successor to Security Homestead Association, said endorsement was not consummated and the endorsement has been duly cancelled on the rear of said note. Said note is further endorsed "Pay to the Order of Security Homestead Association, without recourse or warranty, Federal Home Loan Bank of Dallas", however, said endorsement was affixed in error and the endorsement has been duly cancelled on the rear of said note. Said note is further endorsed "Pay to the Order of The First National Bank of Commerce in New Orleans, without recourse, Security Homestead Association" and paraphed "Ne Varietur" to identify with an Act of Endorsement and Assignment

passed before Sidney M. Bach, Notary Public, dated March 29, 1984, which transferred said note from Security Homestead Association to The First National Bank of Commerce in New Orleans. Security Homestead Federal Savings Association is the successor to the assets of Security Homestead Association. In accordance with Order No. 89-1451, the Federal Savings and Loan Insurance Corporation was appointed as conservator for Security Homestead Association, and upon application by the Federal Savings and Loan Insurance Corporation and by Order No. 89-2256, dated August 7, 1986, the incorporation of and issuance of a federal charter for Security Homestead Federal Savings Association, was authorized and organized to take over the assets and liabilities of Security Homestead Association. Furthermore, the Acquisition Agreement between the Federal Savings and Loan Insurance Corporation as Receiver for Security Homestead Association and Security Homestead Federal Savings Association is recorded in the records of Jefferson Parish in Conveyance Office Book 832, folio 296, Instrument No. 812772. Accordingly, Security Homestead Federal Savings Association is the successor to the assets of Security Homestead Association. The Resolution Trust Corporation is successor in interest to Federal Savings and Loan Insurance Corporation as Conservator for Security Homestead Association pursuant to 12 USC Section 1421 A (b) (6). On May 23, 1991 Security Homestead Federal Savings Association was placed into receivership by the Office of Thrift Supervision by Order No. 91-302 and the Resolution Trust Corporation was appointed as Receiver for Security Homestead Federal Savings Association. Said note is further endorsed "Pay to the Order of Federal National Mortgage Association, without recourse, First National Bank of Commerce in New Orleans", which, together with an Act of Assignment passed before Louise A. Ferrand, Notary Public, dated August 17, 1990, transferred said note from the First National Bank of Commerce in New Orleans to Federal National Mortgage Association. Accordingly, Federal National Mortgage Association, your petitioner herein is the last holder and owner of said note.

### III.

In the above described act of mortgage, the said mortgagors,

Albert B. Forres, III and Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres), 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 Ten (10%) percent 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 in the event any payment of principal or interest on said note or any charge due by the maker under the terms of this act are delinquent and not paid on or before the last business day of each month, the rate of interest due hereon shall be increased by the addition of interest, constituting a late charge, of one-half of one per cent ( $\frac{1}{2}$  of 1%) on the unpaid principal, to continue during the period of the said delinquency. The assessment of said late charge is not to be construed as an increase in the rate of interest herein contracted for, and shall in no way affect the exercise of any other right granted to, or retained by, the Association.

## VI.

Petitioner avers that the said note and mortgage are past due and exigible and that the monthly installment due on June 30, 1991 and all subsequent installments are due and unpaid, and that because of said default the entire unpaid principal balance in the sum of \$85,249.60 together with interest at the rate of Nine and Three-Fourths (9.75%) percent per annum from May 31, 1991, together with a late charge in accordance with the terms of the mortgage since the June 30, 1991 payment became due, 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 due under said note and mortgage is now due, owing and unpaid.

## VII.

Petitioner avers that the said Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) did, by an Act of Sale and Assumption of Mortgage passed before Pam Adams, Notary Public, dated January 15, 1987 and before S. Guy deLaup, Notary Public, dated January 23, 1987, recorded in Conveyance Office Book 1649, Page 0173, Mortgage Office Book 1810, Page 0304, Entry No. 8704024, Jefferson Parish, Louisiana, grant, bargain, sell and convey said property to Albert B. Forres, III. That in said Act of Sale and Assumption of Mortgage the said Albert B. Forres, III did assume and obligate himself to all of the original terms and conditions of the note and mortgage sued upon herein. Petitioner further avers that the said Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Albert B. Forres, III, did, by an Act of Community Property Settlement passed before Pam Adams, Notary Public, dated June 24, 1987 and before S. Guy deLaup, Notary Public, dated July 17, 1987, settle the community of acquets and gains existing between them and the said Vanda Greenwood Collins (a/k/a Vanda Greenwood Forres and Vanda G. Forres) did further transfer her undivided one-half interest in the property sued upon herein to

Albert B. Forres, III.

## VIII.

Petitioner avers that the said Albert B. Forres, III died on or about April 21, 1989, that his succession was opened in Proceedings No. 380-900, Division "A", whereas a Judgment of Possession is recorded in Conveyance Office Book 2421, Page 037, Instrument No. 91-01585, Jefferson Parish, Louisiana. Whereas in said Judgment of Possession, rendered in said proceeding on August 29, 1990, Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg) and Jessica Elizabeth Forres, a minor, were recognized as the decedent's sole heirs and placed into possession of an undivided three-quarter (3/4) and one-quarter (1/4) interests respectively of the property sued upon herein.

## IX.

Petitioner avers that the said Jessica Elizabeth Forres, through her legal guardian, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) did, by an Act of Sale passed before a Notary Public and Kenneth J. Beck, Notary Public, dated January 10, 1991, recorded in Conveyance Office Book 2421, Page 039, Instrument No. 91-01586, Jefferson Parish, Louisiana, grant, bargain, sell and convey her undivided one-quarter (1/4) interest in said property to Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg). That in said Act of Sale the said Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg) did assume and obligate herself to all of the original terms and conditions of the note and mortgage sued upon herein.

## X.

Petitioner annexes hereto and makes a part hereof the following documents (1) The original promissory note in the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars and Allonge to original promissory note, marked as Plaintiff's Exhibit "A", (2) A certified true copy of the Act of Mortgage, marked as Plaintiff's Exhibit "B", (3) An affidavit by Resolution Trust Corporation as Receiver for Security Homestead Federal Savings Association Successor to Security Homestead Association of non-consummation and cancellation of endorsement to Federal Home Loan Bank of Little

Rock, marked as Plaintiff's Exhibit "C", (4) A certified true copy of Power of Attorney by Resolution Trust Corporation to Donald L. Fitzwater, marked as Plaintiff's Exhibit "D", (5) A certified true copy of the Act of Endorsement of Notes and Assignment of Mortgages by Security Homestead Association to First National Bank of Commerce, marked as Plaintiff's Exhibit "E", (6) A copy of Order No. 89-1451 appointing the Federal Savings and Loan Insurance Corporation as Conservator for Security Homestead Association, marked as Plaintiff's Exhibit "F", (7) A copy of Order No. 89-2256 the issuance of a federal charter for Security Homestead Federal Savings Association, authorized and organized to take over the assets and liabilities of Security Homestead Association, marked as Plaintiff's Exhibit "G", (8) A copy of the Acquisition Agreement between The Federal Savings and Loan Insurance Corporation as Receiver for Security Homestead Association and Security Homestead Federal Savings Association, marked as Plaintiff's Exhibit "H", (9) A copy of Order No. 91-0302 appointing the Resolution Trust Corporation as Receiver for Security Homestead Federal Savings Association, marked as Plaintiff's Exhibit "I", (10) A certified true copy of the Assignment by First National Bank of Commerce to Federal National Mortgage Association, marked as Plaintiff's Exhibit "J", (11) A certified true copy of the Act of Sale and Assumption of Mortgage by Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) to Albert B. Forres, III, marked as Plaintiff's Exhibit "K", (12) A certified true copy of the Community Property Settlement between Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Albert B. Forres, III, marked as Plaintiff's Exhibit "L", (13) A certified true copy of the Judgment of Possession of Parts of Legacies of the Succession of Albert B. Forres, III, marked as Plaintiff's Exhibit "M", and (14) A certified true copy of the Act of Sale by Jessica Elizabeth Forres to Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg), marked as Plaintiff's Exhibit "N", and makes all a part hereof as though copied at length herein.

## XI.

On information and belief petitioner alleges that the defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg), 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, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor, are currently residing in Palm Beach County, Florida and accordingly are absentee defendants. Petitioner alleges that it is entitled to the appointment of an attorney to represent defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor, all in accordance with Civil Code of Procedure Article 5091.

## XII.

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, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor in these proceedings and further to represent the interest of the minor child, and that a Writ of Executory Process issue herein, that the Three (3) Day Notice of Demand be served upon said attorney at law appointed to represent the defendants, that after the necessary and proper delays be had, 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 without benefit of appraisal, to pay and satisfy the claim of your petitioner in the full sum of \$85,249.60 Dollars, with interest thereon at the rate of Nine and Three-Fourths (9.75%) percent per annum from May 31, 1991, together with a late charge of In the event any payment

of principal or interest on said note or any charge due by the maker under the terms of this act are delinquent and not paid on or before the last business day of each month, the rate of interest due hereon shall be increased by the addition of interest, constituting a late charge, of one-half of one per cent ( $\frac{1}{2}$  of 1%) on the unpaid principal, to continue during the period of the said delinquency. The assessment of said late charge is not to be construed as an increase in the rate of interest herein contracted for, and shall in no way affect the exercise of any other right granted to, or retained by, the Association. Said late charge is due on each delinquent monthly installment of principal and interest since the June 30, 1991 payment became due, 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, 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: Stacy C. Wheat  
 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.

[Signature]  
 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 W. Steilberg attorney at law be and is hereby appointed to represent the absentee defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor, and further to represent the interest of the minor child, 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 all defendants and upon the attorney at law appointed to represent the absentee defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor, and further to represent the interest of the minor child.

Gretna, Louisiana, this 15<sup>th</sup> day of June, 19 92

ON MINUTES

JUDGE

JUN 16 1992

PLEASE SERVE DEFENDANTS

\_\_\_\_\_  
Attorney-at-Law appointed to represent Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and The attorney at law appointed to represent the interest of the minor child, Jessica Elizabeth Forres

AND

Beryl Ann Forres Steilberg  
(a/k/a Beryl A. Steilberg)  
716 Carmener Drive  
Kenner, Louisiana 70065

AND

Robert W. Steilberg  
(a/k/a Robert Wayne Steilberg)  
716 Carmener Drive  
Kenner, Louisiana 70065

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

\_\_\_\_\_  
DEPUTY CLERK  
24<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

U S S 7 2 9 4 7 5

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

49 434781

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

\_\_\_\_\_  
\_\_\_\_\_  
HIBERNIA NATIONAL BANK

\_\_\_\_\_  
\_\_\_\_\_  
vs.  
JULIE MCKEEHAN AND HOMER L. MCKEEHAN

*Plaintiff*

\_\_\_\_\_  
\_\_\_\_\_  
*Defendant*

\_\_\_\_\_  
\_\_\_\_\_  
PETER S. THRIFFLEY  
*Attorney for Plaintiff*

\_\_\_\_\_  
\_\_\_\_\_  
*Attorney for Defendant*

\_\_\_\_\_  
\_\_\_\_\_  
Date of Filing  
JUNE 12, 1992 cs

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209080234

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

CASE NO. 434-781

DIVISION "A"

HIBERNIA NATIONAL BANK

VERSUS

JULIE MCKEEHAN AND HOMER L. MCKEEHAN

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

MOTION FOR APPOINTMENT OF CURATOR

On Motion of Plaintiff HIBERNIA NATIONAL BANK, through its undersigned counsel, and upon suggesting to the Court that defendants, JULIE MCKEEHAN AND HOMER L. MCKEEHAN are subject to the jurisdiction of this court, however, the Sheriff has made a return "moved, unable to locate after due and diligent search" and plaintiff is informed and believes that the defendants have moved from the address of 213 West Louisiana State Drive, Kenner, Louisiana, and are currently residing at 2335 Atkinson Road, Apt. G-7, Biloxi, MS 39531 and have 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, and that it is therefore necessary that the Court appoint an attorney at law to represent the absentee defendants, JULIE MCKEEHAN AND HOMER L. MCKEEHAN and upon whom service of all process may be made.

IT IS ORDERED, that Robert D. Creely be appointed as attorney at law to represent the absentee defendants, JULIE MCKEEHAN AND HOMER L. MCKEEHAN in these proceedings and upon whom service of all process may be made.

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

Shane Russo  
 J U D G E

FAVRET, DEMAREST, RUSSO & LUTKEWITTE  
 A Professional Law Corporation

Peter S. Thriffley  
 PETER S. THRIFFLEY #12780  
 Attorney for Plaintiff  
 1515 Poydras Street, Suite 1400  
 New Orleans, LA 70112  
 (504) 561-1006

ON MINUTES  
 SEP 1 1992  
 A TRUE COPY OF THE ORIGINAL  
 ON FILE IN THIS OFFICE.

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

PLEASE SERVE:  
 CURATOR APPOINTED TO REPRESENT DEFENDANT

ISSUED 1st of Sept / 1st of 1992

DATE SEP 04 1992  
 S/ MYRA LANDIX

**DIV. A**  
JUDGE  
**DIV. A** THOMAS PARTIENOS JR.

Nº 435168

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

COLONIAL MORTGAGE COMPANY

*Plaintiff*

JOHN THOMAS BLANCHETTE, JACQUELINE JOHNSTON BLANCHETTE, THOMAS CASEY, CHERYL

vs.

TAYLOR CASEY, SANDRA RICHESON REY AND MATTHEW REY

*Defendant*

JACKSON B. DAVIS  
*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing JUNE 22, 1992 c. s. **HP Exhibit 0189 (152)**

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COLONIAL MORTGAGE COMPANY : NO. 435-168 D.V.  
 VS : 24TH JUDICIAL DISTRICT COURT  
 JOHN THOMAS BLANCHETTE : JEFFERSON PARISH, LOUISIANA  
 JACQUELINE JOHNSTON BLANCHETTE  
 THOMAS CASEY  
 CHERYL TAYLOR CASEY  
 SANDRA RICHERSON REY  
 MATTHEW REY

*Handwritten signature*  
 CODED

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, John Thomas Blanchette, Jacqueline Johnston Blanchette, Thomas Casey, Cheryl Taylor Casey, Sandra Richerson Rey and Matthew Rey, to no avail, the Sheriff's return in the record indicating that they had attempted to make service on the said defendant, whose last known address was 411 Orion Avenue, Metairie, Louisiana, 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, John Thomas Blanchette, Jacqueline Johnston Blanchette, Thomas Casey, Cheryl Taylor Casey, Sandra Richerson Rey and Matthew Rey, 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, John Thomas Blanchette, Jacqueline Johnston Blanchette, Thomas Casey, Cheryl Taylor Casey, Sandra Richerson Rey and Matthew Rey.

*Handwritten signature*  
 JACKSON B. DAVIS Bar #44726  
 DAVIS & FLANAGAN  
 Attorneys for Petitioner  
 1400 Slattery Building  
 Shreveport, Louisiana 71101

ISSUED not a part  
 DATE OCT 05 1992  
 S7 MYRA LINDIX  
 Deputy Clerk

CODED

2010601/30

COLONIAL MORTGAGE COMPANY : NO. 435-168 Div. A  
 VS : 24TH JUDICIAL DISTRICT COURT  
 JOHN THOMAS BLANCHETTE : JEFFERSON PARISH, LOUISIANA  
 JACQUELINE JOHNSTON BLANCHETTE  
 THOMAS CASEY  
 CHERYL TAYLOR CASEY  
 SANDRA RICHEYSON REY  
 MATTHEW REY

ORDER

The above and foregoing petition considered:

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

IT IS ORDERED that Robert Stuebel  
 Attorney at Law, be appointed to represent the absent defendants,  
 John Thomas Blanchette, Jacqueline Johnston Blanchette, Thomas  
 Casey, Cheryl Taylor Casey, Sandra Richerson Rey and Matthew Rey.  
<sup>Gustina</sup>  
~~Shreveport~~, Louisiana this 29<sup>th</sup> of September, 1992.

CODED ON MINUTES  
 OCT 2 1992

[Signature]  
 JUDGE

Please Send:  
 Mike Almerico  
 24th J.D.C.  
 Div. "O"  
 3rd Floor Annex Bldg.  
 Gretna, Louisiana

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**  
**THOMAS PORTERUS, JR.**

N<sup>o</sup> 435714

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

COUNTRYWIDE FUNDING CORPORATION

*Plaintiff*

vs.

TAMMY MELIET ROY, SEPARATED WIFE OF/AND GERARD R. ROY

*Defendant*

IRA J. MIDDLEBERG

*Attorney for Plaintiff*

*Attorney for Defendant*

Date of Filing        JULY 2, 1992        c.s

HP Exhibit 0189 (153)

2071301621

*Doc*  
**FILED**

CFC 1884-0034/ LOAN NO. 1099400

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

*FILED FOR RECORD*  
JUL 2 2 21 PM '92  
BY CLERK OF COURT  
PARISH OF JEFFERSON, LA.  
DIVISION

NO. *435-714*

COUNTRYWIDE FUNDING CORPORATION

VERSUS

TAMMY MELIET ROY, SEPARATED WIFE OF/AND GERARD R. ROY

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

*file note + mortgage in vault  
10 1992*

The petition of COUNTRYWIDE FUNDING CORPORATION, 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.

a) Defendant, Tammy Meliet Roy, is a person of the full age of majority and resident of and domiciled in the Parish of Jefferson, State of Louisiana.

b) Defendant, Gerard R. Roy, is a person 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:

3.

Petitioner is the holder and owner in due course for

ISSUED *2 not by demand*  
*not a rat*  
DATE *JUL 10 1992*  
BY *MIRRO LANDIX*  
Deputy Clerk

**COPIED**

2071301622

valuable consideration and before maturity of a certain promissory note executed by Tammy Meliet Roy wife of/and Gerard R. Roy, payable to the order of "COUNTRYWIDE FUNDING CORPORATION", in the principal sum of FORTY FIVE THOUSAND AND NO/100 (\$45,000.00) DOLLARS, dated February 14, 1986, payable in monthly installments, including principal and interest, beginning April 1, 1986 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 March 1, 2016, and which note bears interest at the rate of 10.50% per annum on the unpaid balance from date, and which note was paraphrased "Ne Varietur" for identification with and secured by an Act of Mortgage dated February 14, 1986, passed before Eric Oliver Person, Notary Public and two witnesses and recorded in Registry No. 8607187, and MOB 1425, folio 207, acquired at COB 1418, folio 149, 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 Mortgage is attached hereto and made a part hereof and marked "P-2" for identification.

4.

Further, plaintiff avers that it is the current holder of the aforesaid note, regardless of the endorsement mistakenly placed on the reverse of said note by Countrywide Funding Corporation.

5.

Tammy Meliet Roy did acquire the property described hereinbelow from Gerard R. Roy, by Settlement of Community dated September 13, 1988, and passed before Steven P. Rooney, Notary Public, and two witnesses and which Settlement of Community was duly recorded in COB 2043, folio 141, Registry No. 88-43188, of

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the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Settlement of Community is attached hereto and made a part hereof and marked "P-3" for identification.

6.

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:

ONE 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 CITY OF HARRAHAN, PARISH OF JEFFERSON, STATE OF LOUISIANA, in that part thereof known as ROYLAND and designated as LOT 5 of SQUARE NO. 5. Said SQUARE NO. 5 is bounded by HARRIS AVENUE, POSEY AVENUE, FORTIER AVENUE, COLONIAL AVENUE and 12 foot reservation. LOT 5 commences at a distance of 281.7 feet from the corner of HARRIS AVENUE and POSEY AVENUE and measures thence 70 feet front on POSEY AVENUE, same width in the rear, by a depth of 174.98 feet 173± feet title on the sideline nearer HARRIS AVENUE and a depth on the opposite sideline of 174.57 feet (173 ± feet earlier title, 174.58 feet later title), all in accordance with a survey by Gilbert, Kelly & Couturie, Inc., Surveying & Engineering, dated July 23, 1976, found as shown on January 29, 1986.

which has the address of 537 POSEY AVENUE, HARRAHAN, LOUISIANA 70123.

7.

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.

8.

The defendants have failed to pay the installment due

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January 1, 1992 and all subsequent installments due under said note.

9.

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

10.

Therefore, COUNTRYWIDE FUNDING CORPORATION, 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 \$43,315.89, interest at the rate of 10.50% per annum from December 1, 1991, until paid, together with 25% per cent 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 prosecution of this matter.

11.

By virtue of the terms of the aforementioned note and act(s) defendants agreed to pay the attorney's fees equal to 25% 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.

12.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendant, Gerard R. Roy, is an absentee who cannot be served personally with process, an attorney at law should be appointed to represent him.

13.

By virtue of paragraph 19 of said Act of Mortgage, a notice of breach was sent to defendants. Copies of breach

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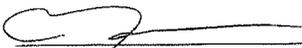
letters are attached hereto and marked "P-4" for identification.

WHEREFORE, the premises and annexed documents considered, petitioner prays for an order of executory process herein, that after notice of demand for payment, 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 without appraisalment, to pay and satisfy the claim of your petitioner in the principal sum of \$43,315.89, with interest at the rate of 10.50% per annum from December 1, 1991 until paid, together with 25% per cent 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 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 defendant in this proceeding.

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

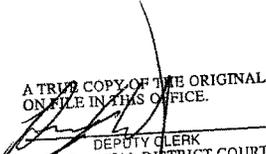
  
\_\_\_\_\_  
IRA J. MIDDLEBERG  
BAR NO. 9640

PLEASE SERVE NOTICE OF DEMAND FOR PAYMENT ON:

TAMMY MELIET ROY  
537 POSEY AVENUE  
HARAHAN, LOUISIANA

AND

GERARD R. ROY  
THROUGH COURT APPOINTED COUNSEL

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

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



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**DIV. A**  
**JUDGE**  
**DIV. 2**  
**TRIBUNAL DE LA JUSTICE**

Nº 435939

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

\_\_\_\_\_  
VANDERBILT MORTGAGE & FINANCE, INC.

*Plaintiff*

vs.

\_\_\_\_\_  
J. W. NETTLES AND PAMELA R. NETTLES

*Defendant*

\_\_\_\_\_  
LAWRENCE ROE DODD

*Attorney for Plaintiff*

\_\_\_\_\_  
*Attorney for Defendant*

Date of Filing \_\_\_\_\_ JULY 8, 1992 c s

HP Exhibit 0189 (154)

2090807332

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24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 435939

VANDERBILT MORTGAGE AND FINANCE, INC

VERSUS

J.W. NETTLES AND PAMELA R. NETTLES

FILED FOR RECORD  
SEP 28 AM 7 45  
CLERK OF COURSE  
JUDICIAL DISTRICT  
DIVISION: A

CODED

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 J.W. NETTLES AND PAMELA R. NETTLES, 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  
provisions of La. C.C.P. art. 5091 and art. 2674, as both have

~~SUB~~ not a asset  
DATE SEP 04 1992  
S/ MYRA LANDIX  
Deputy Clerk

CODED

2020802037

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 LEGAL DOCUMENTS IN THE ABOVE 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  
Attorney for Plaintiff

LAWRENCE ROE DODD  
#801 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.

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24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO: 435939

DIVISION: A

VANDERBILT MORTGAGE AND FINANCE, INC.

VERSUS

J.W. NETTLES AND PAMELA R. NETTLES

\*\*\*\*\*

ORDER

The foregoing motion, the law and the evidence considered:

IT IS ORDERED that Robert J. Cooley attorney at law, admitted to practice before this Court be and he is hereby appointed to represent the defendant(s) herein, J.W. NETTLES AND PAMELA R. NETTLES, 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 LEGAL DOCUMENTS IN THE ABOVE MATTER.

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

ON MINUTES  
SEP 1 1992  
CODED

[Signature]  
JUDGE 24TH JUDICIAL DISTRICT COURT

LAST KNOWN ADDRESS OF ABSENTEE(S):  
219 FARRAR AVENUE, KENNER, LA.

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  
& THOMAS PEREIRA, JR.

DIV \_\_\_\_\_

No 436054

24th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

UNION PLANTERS NATIONAL BANK

TONY VIVIAN HUGGINS, EMORY E VANCIL, JR, MARCENE BAILEY VANCIL, RICHARD ALLEN  
WIGGINS, JUNE JAHNKE WIGGINS, EDISON J AYMOND, ANNA MAE ORTEGO AYMOND,

EDWIN J MCLAUGHLIN, MRS CHRISTINE CHISHOLM MCLAUGHLIN, JOHN S FOSTER &

MRS CLAUDENE BURKHALTER FOSTER

GEORGE B. DEAN, JR

Attorney for Plaintiff

Attorney for Defendant

JULY 10, 1992 jff

Date of Filing

HP Exhibit 0189 (155)

2072001554

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CODED

STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT

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UNION PLANTERS NATIONAL BANK

FILED

CODED

VS. NO. 436-054

DIV. A  
JUDGE  
G. THOMAS PORTEOUS, JR.

JUL 19 11 24 AM '92  
CLERK OF COURT  
PARISH OF JEFFERSON, LA.

FILED FOR RECORD

TONY VIVIAN HUGGINS  
EMORY E. VANCIL, JR.  
MARVENE BAILEY VANCIL  
RICHARD ALLEN WIGGINS  
JUNE JAHNKE WIGGINS  
EDISON J. AYMOND  
ANNA MAE ORTEGO AYMOND  
EDWIN J. MCLAUGHLIN  
MRS. CHRISTINE CHISHOLM MCLAUGHLIN  
JOHN S. FOSTER  
MRS. CLAUDENE BURKHALTER FOSTER

DEPUTY CLERK OF COURT

PETITION FOR EXECUTORY PROCESS

The petition of UNION PLANTERS NATIONAL BANK, a banking organization authorized to do business in Jefferson Parish, Louisiana, respectfully represents:

1.

The defendants are TONY VIVIAN HUGGINS, owner of the property described in Paragraph 7 (Exhibit I), resident of Metairie, Jefferson Parish, Louisiana, JOHN S. FOSTER and MRS. CLAUDENE BURKHALTER FOSTER, assumptors of the property (Exhibit H), residents of Metairie, Jefferson Parish, Louisiana, EDWIN J. MCLAUGHLIN and MRS. CHRISTINE CHISHOLM MCLAUGHLIN, assumptors of the property (Exhibit G), residents of New Orleans, Orleans Parish, Louisiana, EDISON J. AYMOND and ANNA MAE ORTEGO AYMOND, assumptors of the property (Exhibit F), residents of Metairie, Jefferson Parish, Louisiana, RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS, assumptors of the property (Exhibit E), non-residents of the State of Louisiana (Exhibit J), and EMORY E. VANCIL, JR. and MARVENE BAILEY VANCIL, makers of the promissory note attached as Exhibit A, residents of Metairie, Jefferson Parish, Louisiana.

2.

Defendants owe plaintiff principal of \$3,567.70, interest thereon at 5.25% per annum from August 1, 1989, amounts due for taxes and insurance premiums at the rate of \$29.74 per month

JUL 16 1992  
bill note + mortgage in vault

ISSUED not a app't

DATE JUL 16 1992

S/ MYRA LANDIX

CODED

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from September 1, 1989, any additional amounts which plaintiff hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of a reasonable amount of all amounts due, and all costs.

3.

The indebtedness due plaintiff is represented and secured by the following authentic evidence:

- (a) Original promissory note paraphed for identification with the act of mortgage and/or privilege (Exhibit A);
- (b) Certified copy of act of mortgage and/or privilege importing a confession of judgment (Exhibit B);
- (c) Certified copy of Notarial Act of Endorsement and Assignment of Mortgage Note (Exhibit C);
- (d) Certified copy of Assignment of Mortgage (Exhibit D).

4.

Plaintiff enjoys the benefit of the following:

- (a) Confession of judgment;
- (b) Pact de non alienando;
- (c) Waiver of appraisement;
- (d) Waiver of demand for payment;
- (e) Waiver of homestead exemption;
- (f) Right to accelerate for nonpayment.

5.

The defendants defaulted on (breached) the note and mortgage by failing to pay, when due, the monthly installment for September 1, 1989, and defendants remained in default by thereafter failing to pay, in full, such installment and all successive monthly installments and other amounts due on the note and mortgage before plaintiff accelerated the entire indebtedness represented by the note and mortgage which entire indebtedness remains unpaid.

6.

Defendants are not entitled to the benefit of the Soldiers & Sailors Civil Relief Act of 1940.

7.

Plaintiff is entitled to enforce its mortgage and/or privilege on the following described property in an executory proceeding, to-wit:

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ONE CERTAIN LOT OR PARCEL 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, according to a revised plan of H. E. Landry, Sr., C.E., dated May 5, 1955, approved by the Police Jury of the Parish of Jefferson, Louisiana, under Ordinance No. 2749, adopted May 11, 1955, situated in the Parish of Jefferson, State of Louisiana, in Unit Number One, Airline Park North Subdivision, in Square 223, bounded by Lair and Peggy Avenues, Nora and Loraine Streets, designated as Lot Four (4), of said Square and begins 190 feet from the corner of Lair Avenue and Loraine Street, and measures 60 feet front on Lair Avenue, same width in the rear by a depth of 98.45 feet on the side line next to Lot 3 and 98.55 feet on the other side line.

Being the same property acquired by James C. Spiers from Earnest Homes, Inc., by act before Henry P. Pate dated August 24, 1955, Registered in COB 386, folio 165.

The above-described property bears Municipal Number 1201 Lair Avenue, subject to restrictions, servitudes, rights-of-way and outstanding mineral rights of record affecting the property.

8.

The defendants, RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS, are "absentees" as defined by Louisiana Code of Civil Procedure Article 5251(1) because, without limitation, they are non-residents of the State of Louisiana and/or if dead their heirs are unknown. Their last known address is: 7900 Cambridge, Houston, TX 77054-5500. Therefore, an attorney at law should be appointed to represent said defendants upon whom service of seizure and any other required services might be made.

WHEREFORE, PLAINTIFF PRAYS that:

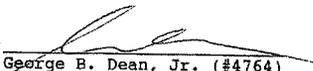
I. A writ of seizure and sale issue to sell the property described in Paragraph 7 above WITH appraisal and from the proceeds thereof to pay the amount owed plaintiff, to-wit: \$3,567.70, interest thereon at 5.25% per annum from August 1, 1989, amounts due for taxes and insurance premiums at the rate of \$29.74 per month from September 1, 1989, any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of a reasonable amount of all amounts due, and all costs hereof and

II. The Clerk issue the writ of seizure and sale immediately.

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III. An attorney at law be appointed as Curator ad Hoc for RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS, upon whom service of seizure and any other required services might be made.

THOMPSON, SPARKS, DEAN & MORRIS  
1401 Royal Avenue  
P. O. Box 2867  
Monroe, Louisiana 71207-2867  
(318)388-1440

BY:   
George B. Dean, Jr. (#4764)

ATTORNEYS FOR PLAINTIFF

PLEASE SERVE DEFENDANTS AT:

TONY VIVIAN HUGGINS  
1201 Lair Ave.  
Metairie, LA 70003

JOHN S. FOSTER AND MRS. CLAUDENE BURKHALTER FOSTER  
1201 Lair Ave.  
Metairie, LA 70003

EDWIN J. MCLAUGHLIN and MRS. CHRISTINE CHISHOLM MCLAUGHLIN  
1703 Jackson Ave.  
New Orleans, LA

EDISON J. AYMOND and ANNA MAE ORTEGO AYMOND  
801 Grand Drive  
Metairie, LA 70003

RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS through the court appointed attorney; they are non-residents of the State of Louisiana. Their last known address is: 7900 Cambridge, Houston, TX 77054-5500.

EMORY E. VANCIL, JR. and MARVENE BAILEY VANCIL  
1201 Lair Ave.  
Metairie, LA 70003

This is the property address: 1201 Lair Ave.  
Metairie, LA 70003

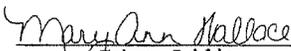
STATE OF LOUISIANA

PARISH OF OUACHITA

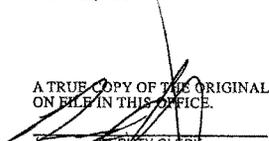
BEFORE ME, the undersigned authority, personally came and appeared GEORGE B. DEAN, JR., who, being by me first duly sworn, deposed and said that he is the attorney for petitioner herein and that the allegations of fact contained herein are true and correct to the best of his knowledge, information and belief.

  
George B. Dean, Jr.

SWORN TO AND SUBSCRIBED  
before me this 6th day  
of July, 1992.

  
Mary Ann Wallace  
Notary Public

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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ORDER

Considering plaintiff's petition and the exhibits and finding that plaintiff is entitled hereto,

IT IS ORDERED that a writ of seizure and sale issue commanding the Sheriff to seize and sell the property described in Paragraph 7 of the petition affected by the mortgage and/or privilege as prayed for and according to the law.

IT IS ORDERED that Richard S. Cusley, Attorney at Law, be appointed as Curator ad Hoc for RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS upon whom service of notice and any other required services might be made.

Gretna, Louisiana, this 14<sup>th</sup> day of July, 1992.

CODED

ON MINUTES  
JUL 15 1992

Richard S. Cusley  
Judge, 24th Judicial District

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

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

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P1

STATE OF LOUISIANA \* PARISH OF JEFFERSON \* 24TH DISTRICT COURT  
UNION PLANTERS NATIONAL BANK  
VERSUS NO.436-054  
TONY VIVIAN HUGGINS et al

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

MOTION & ORDER TO APPOINT CURATOR

On Motion of the Union Planters National Bank, and on suggesting to the court that defendant (s) is/are "absentee(s)" defined by Louisiana Code of Civil Procedure article 525(1), because, without limitation, Plaintiff has been unable to perfect service upon defendants, Tony Vivina Huggins, Edison J. Aymond, Anna Mae Ortego Aymond, Edwin J. McLaughlin and Mrs Christine Chisholm McLaughlin despite the diligent efforts to plaintiff and the Sheriff of Jefferson Parish, Louisiana, as reflected by the Sheriffs return on the writ, and the whereabouts of 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 H. Cooley, attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

[Signature] Louisiana, this 20<sup>th</sup> day of August, 1992.

CODED

[Signature]

JUDGE

ON MINUTES  
AUG 21 1992

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.

[Signature]  
George B. Dean, Jr.

SWORN TO AND SUBSCRIBED before me this 13th day of August, 1992.

DATE AUG 28 1992 ISSUED not a copy CODED

Mary Ann Hallac  
Notary Public

S/ MYRA LANDEX  
Deputy Clerk Metairie, La. 70003

LAST KNOWN ADDRESS:  
1201 Lair Ave.  
Metairie, La. 70003

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

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92-0068

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

*PI*

NO:431-491

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

FRED ALTON LORD, JR.

AND

MOLLY STURDIVANT LORD

AND

KATHERINE STRITZINGER WEITZNER

AND

CAROL STRITZINGER BAUGNON

AND

TRUDY STRITZINGER KERTH

AND

PATSY CERIGNY ALI  
(A/K/A PATSY C. ALI AND PATSY A. CERIGNY LANDRY)

FILED  
 92 JUN 10 11 12 AM  
 DIVISION A  
 FEDERAL JUDICIAL CENTER  
 JEFFERSON, LA.  
 7-988D  
 CODED

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(s), Katherine Stritzinger Weitzner, Carol Stritzinger Baugnon and Trudy Stritzinger Kerth, is unknown as appears from the Sheriff's return of the citation of 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

DATE JUL 15 1992 HP Exhibit 0189 (156)  
 S/ MYRA LANDIX

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curator ad hoc for the defendant(s) Katherine Stritzinger Weitzner, Carol Stritzinger Baugnon and Trudy Stritzinger Kerth.

IT IS ORDERED BY THE COURT, that Robert D. Crosby attorney at law be and he is hereby appointed curator ad hoc for defendant(s), Katherine Stritzinger Weitzner, Carol Stritzinger Baugnon and Trudy Stritzinger Kerth, 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.

Gretna, Louisiana, this 14<sup>th</sup> day of July, 1992

CODED  
MINUTES  
JUL 15 1992  
Sheldon Porter  
JUDGE

Respectfully submitted,  
SHAPIRO AND KREISMAN  
BY: Jane Pala Mentz  
JANE PALA MENTZ  
Louisiana Bar Roll #17501  
STACY C. WHEAT  
Louisiana Bar Roll #19826  
Attorney's for Plaintiff  
3850 North Causeway Boulevard  
Suite 710  
Metairie, Louisiana 70002  
(504)831-7726

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.  
[Signature]  
DEPUTY CLERK  
244<sup>th</sup> JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

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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 for Federal National Mortgage 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  
24 DAY OF April, 1992.  
*Stacy West*  
NOTARY PUBLIC

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

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