

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Court Case No. 2009-CP-46-00915

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IndyMac Federal Bank, FSB, Respondent

v.

Henry A. Pol, Patricia A. Pol, Earth Mortgage, Defendants,  
of Whom Henry Abel Pol is the, Appellant.

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RECORD ON APPEAL

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SC Court of Appeals

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NO RESPONDENTS BRIEF FILED

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1                   THE COURT - ALL RIGHT, THIS IS A CONTEMPT  
2 PROCEEDING ANCILLARY TO THE CASE OF INDYMAC FEDERAL BANK,  
3 FSB AGAINST HENRY A. POL, PATRICIA POL, ALSO KNOWN AS  
4 PATRICIA A. POL, EARTH MORTGAGE, LP, DOING BUSINESS AS  
5 EARTH MORTGAGE. BY WAY OF BACKGROUND THIS COURT ISSUED AN  
6 ORDER DATED JANUARY THE 6TH, 2011 WHICH WAS SERVED BY  
7 SERGEANT BERT LILY UPON THE DEFENDANT HENRY POL. THE  
8 ORDER REQUIRED MR. POL TO APPEAR HERE ON JANUARY THE 20TH,  
9 2011 AT 9:30 A.M. ON THAT DATE THE HEARING WAS CONVENED;  
10 COUNSEL FOR THE PLAINTIFF APPEARED; MR. POL DID NOT  
11 APPEAR. SUBSEQUENTLY, THE --- I DETERMINED, TOOK JUDICIAL  
12 NOTICE OF THE FACT THAT MR. POL HAD IN VIOLATION OF A  
13 PRIOR ORDER OF THE COURT FILED WITH THE CLERK OF COURT'S  
14 OFFICE UNDER HIS OWN SIGNATURE A LOST MORTGAGE  
15 SATISFACTION TO THE MORTGAGE WHICH WAS THE SUBJECT OF THE  
16 LAWSUIT, THE FORECLOSURE ACTION THAT I JUST REFERENCED, IF  
17 I DIDN'T SAY THE FILE BOOK NUMBER OF THAT CASE IT'S 2009-  
18 CP-46-915. I AM ADVISED THAT MR. POL WAS PRESENT IN YORK  
19 IN THE COURTHOUSE AT THE TIME OF THE HEARING SET ON  
20 JANUARY THE 20TH WAS TO TAKE PLACE BUT DID NOT APPEAR.  
21 PRESENT TODAY IS MR. POL. I ISSUED A SUBSEQUENT ORDER  
22 DATED JANUARY THE 24TH, 2011 DIRECTING THE SHERIFF OF YORK  
23 COUNTY TO TAKE MR. POL INTO CUSTODY AND BRING HIM BEFORE  
24 THIS COURT TO SHOW CAUSE WHY HE SHOULDN'T BE HELD IN  
25 CONTEMPT OF COURT AND PUNISHED ACCORDINGLY. AND WITHOUT

1 Q ALL RIGHT. HOW IS THAT LOST MORTGAGE SATISFACTION  
2 EXECUTED?

3 A IT IS ACTUALLY SIGNED BY HENRY A. POL AS ATTORNEY-IN-  
4 FACT FOR INDYMAC BANK, BUT WE DO NOT HAVE A POWER OF  
5 ATTORNEY ON RECORD IN OUR ---

6 Q I WAS GOING TO ASK YOU ---

7 A --- OFFICE.

8 Q MR. POL --- SOMEONE --- MR. POL, HENRY ABEL POL  
9 SIGNED THE LOST MORTGAGE SATISFACTION AS ATTORNEY-IN-FACT  
10 FOR INDYMAC MORTGAGE SERVICES?

11 A YES, SIR.

12 Q AND DOES THAT REQUIRE THAT A POWER OF ATTORNEY IN  
13 FAVOR OF --- OR GRANTED BY INDYMAC MORTGAGE SERVICES TO  
14 MR. POL BE RECORDED?

15 A YES, SIR, IT DOES.

16 Q IS THERE ONE RECORDED ---

17 A NO, SIR.

18 Q --- IN THE CLERK OF COURT'S OFFICE?

19 A NO, SIR, THERE IS NOT.

20 THE COURT - ALL RIGHT, I WANT THE COURT REPORTER  
21 --- I'M GOING TO MARK A COPY OF THAT LOST MORTGAGE  
22 SATISFACTION AS AN EXHIBIT. IF YOU'LL MARK IT AS COURT'S  
23 EXHIBIT 1, PLEASE, MA'AM.

24 (DOCUMENT MARKED AS COURT'S EXHIBIT NUMBER 1.)

25 THE COURT - THANK YOU.

1 Q NOW, HAS THAT --- AS A RESULT OF THE FILING OF A LOST  
2 MORTGAGE SATISFACTION, WAS THE MORTGAGE SATISFIED?

3 A THE SATISFACTION WAS PUT ON RECORD, THEREFORE, IF  
4 PARALEGALS, ATTORNEYS, WHAT-HAVE-YOU WERE IN OUR OFFICE  
5 CHECKING TITLE, THEY WOULD SEE THAT THAT MORTGAGE WAS  
6 INDEED SATISFIED.

7 A AND HAS THAT BEEN CORRECTED?

8 A YES, SIR, BY YOUR ORDER.

9 Q BY MY ORDER?

10 A BY YOUR ORDER.

11 Q SO THAT THE MORTGAGE HAS BEEN REINSTATED?

12 A YES, SIR.

13 THE COURT - ALL RIGHT. MR. POL, DO YOU HAVE ANY  
14 QUESTIONS YOU WANT TO ASK MS. NORMAN?

15 MR. POL - LET ME JUST SAY THIS, I'M THE  
16 PARAMOUNT INTEREST HOLDER IN HENRY ABEL POL AND THE  
17 AUTHORIZED AGENT FOR HIM, FOR ALL OF HIS ASSETS AND THAT  
18 AND I WOULD LIKE TO ASK THE COURT IS THIS A COURT OF  
19 RECORD?

20 THE COURT - IS THIS A COURT OF RECORD?

21 MR. POL - YES.

22 THE COURT - YES, SIR.

23 MR. POL - AND ---

24 THE COURT - MY QUESTION TO YOU WAS, MR. POL, DO  
25 YOU HAVE ANY QUESTIONS OF MS. NORMAN?

1           MR. POL - YOU MAY REFER TO ME AS A DEFENDANT.  
2 I'M THE PARAMOUNT INTEREST HOLDER FOR MR. POL. I'M THE  
3 AUTHORIZED AGENT FOR HENRY ABEL POL.

4           THE COURT - WHAT IS YOUR NAME?

5           MR. POL - YOU MAY CALL ME RICK. I'M THE  
6 AUTHORIZED AGENT. I'M THE ---

7           THE COURT - I'M ACCUSTOMED TO CALLING PEOPLE WHO  
8 APPEAR IN THIS COURT BY THEIR LAST NAME AS A MATTER OF  
9 COURTESY. WHAT IS YOUR NAME?

10          MR. POL - YOU MAY CALL ME RICK.

11          THE COURT - LET THE RECORD SHOW THAT MR. POL HAS  
12 BEEN HERE ON AT LEAST THREE OTHER OCCASIONS AND IDENTIFIED  
13 HIMSELF AS HENRY POL, AND I RECOGNIZE HIM, AND I'LL REFER  
14 TO HIM AS MR. POL. MR. POL, DO YOU HAVE ANY QUESTIONS  
15 THAT YOU'D LIKE TO ASK MS. NORMAN?

16          MR. POL - MAY I SEE YOUR IDENTIFICATION, PLEASE?

17          THE COURT - NO, SIR.

18          MR. POL - SO YOU'RE REFUSING TO IDENTIFY  
19 YOURSELF?

20          THE COURT - YOU SAY MY IDENTIFICATION?

21          MR. POL - YES, YOUR IDENTIFICATION.

22          THE COURT - MR. POL, DO YOU HAVE ANY QUESTIONS  
23 THAT YOU WANT TO ASK MS. NORMAN?

24          MR. POL - YOU'RE REFUSING TO IDENTIFY YOURSELF?

25          THE COURT - MR. POL, DO YOU HAVE ANY QUESTIONS

1 AND DEMAND FOR PAYMENT, END OF QUOTE. UPON THE  
2 PLAINTIFF'S MOTION I STRUCK THOSE DOCUMENTS AS WELL FROM  
3 THE PUBLIC RECORD, AND AS A PART OF THE ORDER DOING SO,  
4 THE ORDER PROVIDED THIS, THAT THE DEFENDANTS, HENRY A. POL  
5 AND PATRICIA POL, ALSO KNOWN AS PATRICIA A. POL, ARE  
6 HEREBY ENJOINED FROM FILING OR SERVING ANYMORE DOCUMENTS  
7 SIMILAR TO THEIR FINAL, QUOTE, FINAL NOTICE OF DEFAULT AND  
8 DEMAND FOR PAYMENT, END QUOTE, OR SIMILAR TO ANY OTHER  
9 DOCUMENT PREVIOUSLY FILED IN THIS ACTION AND ADJUDGED TO  
10 BE FRIVOLOUS OR OTHERWISE IN VIOLATION OF THE FRIVOLOUS  
11 CIVIL PROCEEDINGS ACT. ANY VIOLATION OF THIS --- OF THIS  
12 PORTION OF THIS ORDER SHALL BE PUNISHABLE AS CONTEMPT OF  
13 COURT. DESPITE THAT, AS THIS MORTGAGE FORECLOSURE HAS  
14 PROGRESSED, JUST TO PICK A BEGINNING POINT, ON NOVEMBER  
15 THE 18TH, 2010 A DOCUMENT WAS FILED THAT WAS ENTITLED ---  
16 A COUPLE OF DOCUMENTS WERE FILED, ONE WAS ENTITLED, QUOTE,  
17 NOTICE OF CONDITIONAL ACCEPTANCE, END OF QUOTE. THE OTHER  
18 WAS ENTITLED AFFIDAVIT OF SPECIFIC NEGATIVE AVERMENT, END  
19 OF QUOTE, THAT PURPORTED TO ABATE OR STOP THE ON-GOING  
20 FORECLOSURE PROCESS. FORECLOSURE PROCESS CONTINUED; NO  
21 ACTION WAS TAKEN AS A RESULT OF MR. POL FILING THE  
22 DOCUMENT. THE DOCUMENTS WERE MEANINGLESS UNDER ANY  
23 CONSTRUCTION OF THE LAW OF SOUTH CAROLINA OR OF THE UNITED  
24 STATES AS I UNDERSTAND IT. ON DECEMBER THE 24TH, 2010 MR.  
25 POL CAUSED TO BE FILED, QUOTE, A NOTICE OF CONDITIONAL

1 ACCEPTANCE, END OF QUOTE, AND QUOTE, AFFIDAVIT OF SPECIFIC  
2 NEGATIVE AVERMENT PURPORTING AGAIN TO ABATE THE  
3 FORECLOSURE SALE WHICH HAD BEEN DECREED AND ORDERED AND  
4 SCHEDULED FOR JANUARY THE 3RD. THOSE DOCUMENTS WERE  
5 VIRTUALLY IDENTICAL TO THE PREVIOUS DOCUMENTS FILED IN  
6 NOVEMBER. THEN ON DECEMBER THE 29TH, 2010, A QUOTE,  
7 CERTIFICATE OF ADMINISTRATIVE JUDGMENT AND QUOTE, UCC  
8 FINANCING STATEMENT, END QUOTE, PURPORTING TO ESTABLISH A  
9 CLAIM AGAINST THE PLAINTIFF AND/OR ITS CHIEF FINANCIAL  
10 OFFICER WAS FILED WITH THE COURT. THESE DOCUMENTS ARE  
11 LIKEWISE SIMILAR TO OTHER DOCUMENTS THAT MR. POL HAS  
12 CAUSED TO BE FILED BEFORE IN THIS CASE. AND AS --- AS THE  
13 WITNESS HAS TESTIFIED, MR. POL EXECUTED AND FILED A LOST  
14 MORTGAGE SATISFACTION PURPORTING TO SATISFY THE VERY  
15 MORTGAGE THAT UNDERLIES THE FORECLOSURE CASE, AND THAT  
16 DOCUMENT IS WHOLLY FRAUDULENT. SUBSEQUENT TO MY ORDER  
17 DATED JANUARY THE 6TH, I HAVE --- THE COURT HAS CONTINUED  
18 TO RECEIVE DOCUMENTS SIMILAR IN CONTENT AND FORM TO THE  
19 DOCUMENTS I'VE ALREADY MENTIONED, INCLUDING NUMEROUS UCC-  
20 1, WHAT WE CALL UCC-1 FINANCING STATEMENTS THAT ARE  
21 OFFERED, THAT ARE SENT TO THE COURT AND FROM THE MATERIALS  
22 SENT TO THE COURT, HAVING READ IT MYSELF, I --- I TAKE  
23 JUDICIAL NOTICE OF THE FACT THAT THE DOCUMENTS WERE ALSO  
24 SERVED ON THE PLAINTIFF'S CHIEF FINANCIAL OFFICER AND THE  
25 PLAINTIFF, THUS THE PLAINTIFF, AS WELL AS ON PLAINTIFF'S

1 ATTORNEYS. ALL OF THESE DOCUMENTS ARE IN VIOLATION OF THE  
2 COURT'S PREVIOUS ORDER. I FIND --- LET ME STOP THERE.  
3 NOW, MR. POL, EXPLAIN TO ME OR OFFER ME, IF YOU CAN, ANY -  
4 -- ANY DEFENSE TO YOUR CONTINUED FILING OF THESE  
5 DOCUMENTS.

6 MR. POL - AND LET THE RECORD SHOW THAT I'M UNDER  
7 --- HERE UNDER THREAT AND DURESS AND COERCION THIS  
8 MORNING. I WAS KIDNAPPED BY TWO HEAVILY ARMED OFFICERS  
9 THAT BROUGHT ME TO THE DETENTION CENTER JUST UP THE ROAD,  
10 AND THEY FAILED TO IDENTIFY HENRY POL, AND SO THEY SAID  
11 THAT I WOULD DO, SO THEY ARRESTED ME. I TOLD THEM I WAS  
12 A PARAMOUNT INTEREST HOLDER AND AUTHORIZED REP ---

13 THE COURT - WHAT IS A PARAMOUNT INTEREST HOLDER?

14 MR. POL - I'M THE AUTHORIZED AGENT FOR HENRY  
15 ABEL POL.

16 THE COURT - I SEE.

17 MR. POL - THAT'S WHO I AM. AND SO LET THE  
18 RECORD SHOW ---

19 THE COURT - DO YOU ALSO EAT MEALS FOR HENRY ABEL  
20 POL?

21 MR. POL - I AM THE AUTHORIZED ---

22 THE COURT - YOU TRAVEL FOR MR. POL?

23 MR. POL - AND I WOULD ---

24 THE COURT - DO YOU FILE THESE DOCUMENTS FOR MR.  
25 POL?

1           MR. POL - I WOULD LIKE TO SEE YOUR  
2 IDENTIFICATION.

3           THE COURT - IF YOU WANT TO SEE MY  
4 IDENTIFICATION, YOU MAY GO TO THE JUDICIAL DEPARTMENT'S  
5 WEBSITE.

6           MR. POL - SO YOU'RE REFUSING TO IDENTIFY  
7 YOURSELF?

8           THE COURT - MR. POL, ---

9           MR. POL - SO LET THE RECORD SHOW THAT WE HAVE A  
10 MAN HERE MASQUERADING AS A JUDGE.

11           THE COURT - I SEE. IS IT YOUR --- YOU'RE SAYING  
12 THAT I AM NOT AUTHORIZED OR EMPOWERED TO HOLD THIS  
13 HEARING?

14           MR. POL - I DO NOT KNOW WHO YOU ARE, SIR. YOU  
15 HAVE NOT IDENTIFIED YOURSELF.

16           THE COURT - HAVE YOU BEEN HERE BEFORE, MR. POL?

17           MR. POL - I HAVE NOT SEEN YOUR IDENTIFICATION.  
18 I CAN'T ---

19           THE COURT - HAVE YOU BEEN HERE BEFORE, MR. POL?

20           MR. POL - I HAVE BEEN HERE BEFORE AS A  
21 AUTHORIZED REPRESENTATIVE FOR HENRY ABEL POL.

22           THE COURT - HOW MANY TIMES?

23           MR. POL - I DON'T KNOW.

24           THE COURT - AND HAVEN'T YOU SEEN ME EACH TIME?

25           MR. POL - I ---

1           THE COURT - DON'T I LOOK LIKE THE SAME PERSON?

2           MR. POL - I --- I'VE NOT SEEN YOUR

3 IDENTIFICATION. SO YOU'RE REFUSING TO IDENTIFY YOURSELF?

4           THE COURT - YES, SIR, I AM. I'M NOT REQUIRED

5 TO.

6           MR. POL - THEN YOU'RE MASQUERADING AS A JUDGE.

7           THE COURT - MR. POL, DO YOU HAVE ANY EXPLANATION

8 FOR THE FILING OF THESE PAPERS THAT I HAVE RECITED?

9           MR. POL - I CONDITIONALLY ACCEPT --- AS THE

10 PARAMOUNT SECURITY HOLDER AUTHORIZED AGENT FOR HENRY ABEL

11 POL, I CONDITIONALLY ACCEPT ALL OF YOUR JUDGMENTS ON

12 VERIFIED PROOF OF CLAIM THAT THIS COURT DOES NOT HAVE A

13 RECORD OF AGREEMENT BETWEEN THE PARTIES, THE CFO AND HENRY

14 ABEL POL. AND THIS COURT HAS THESE RECORDS FOR THEIR

15 INSPECTION, AND THE STIPULATIONS WITHIN THOSE RECORDS HAVE

16 NOT --- THAT THEY HAVE NOT AUTHORIZED AND CONVEYED THE ---

17 THE POWER OF ATTORNEY TO HENRY ABEL POL TO ACT AS

18 ATTORNEY-IN-FACT FOR THE VERY PURPOSE OF SATISFYING THE

19 MORTGAGE AND THAT THE ACCOUNT WAS BALANCED AS PER THE

20 STIPULATIONS OF THE RECORD THAT IS IN THIS COURT THAT YOU

21 HAVE JUST MENTIONED.

22           THE COURT - WELL, MR. POL, I HAVE --- ON MORE

23 THAN ONE OCCASION I HAVE ATTEMPTED TO READ THESE DOCUMENTS

24 AS THEY COME IN AND I CAN --- I FIND NO --- NO VALID BASIS

25 FOR WHAT YOU'RE TELLING ME UNDER THE LAW.

1           MR. POL - I YESTERDAY HAVE CONTACTED THE  
 2 APPEAL'S COURT IN COLUMBIA TO SEE ABOUT GETTING A JUDGE'S  
 3 OPINION ON YOUR ERRORS OF JUDGMENT IN THIS CASE, FAILING  
 4 TO RECOGNIZE THE PRIVATE ADMINISTRATIVE PROCESS, WHICH IS  
 5 A PRIVATE AGREEMENT BETWEEN TWO PARTIES OF WHICH YOU HAVE  
 6 NO JURISDICTION OVER, AND YOU HAVE CONTINUED TO INTERFERE,  
 7 WHICH IS A TORTUOUS INTERFERENCE OF WHICH THERE WILL BE  
 8 PENALTIES AND FINES AND THERE WILL BE FIFTY THOUSAND  
 9 DOLLARS PER VIOLATION FOR DISHONOR AND DEFAULT FOR  
 10 EVERYTHING THAT THIS COURT DOES, THAT THE PLAINTIFF DOES,  
 11 AND I WILL BE HAPPY TO FURNISH YOU WITH A SCHEDULE, AS  
 12 WELL AS THE KIDNAPPING OF ME THIS MORNING, WHICH IS A  
 13 VIOLATION OF MY COMMON-LAW RIGHTS AS WELL AS THOSE  
 14 AFFORDED TO ME BY THE CONSTITUTION AND THERE WILL BE ---

15           THE COURT - MR. POL, ARE YOU SAYING THAT YOU'RE  
 16 --- THAT YOU'RE IMPOSING A PENALTY ON THIS COURT FOR WHAT  
 17 WE'VE DONE HERE?

18           MR. POL - THERE WILL BE CONSEQUENCES FOR ---  
 19           THE COURT - WHAT WILL THE CONSEQUENCES BE, MR.  
 20 POL?

21           MR. POL - THERE IS --- FOR KIDNAPPING ME THIS  
 22 MORNING ---

23           THE COURT - WHAT WILL THE CONSEQUENCES BE, MR.  
 24 POL?

25           MR. POL - THERE WILL BE A MILLION DOLLAR FINE

1 FOR KIDNAPPING ME THIS ---

2 THE COURT - IMPOSED AGAINST WHOM?

3 MR. POL - IMPOSED AGAINST THE OFFICES OF THIS  
4 COURT AND THE PLAINTIFF OF THE ---

5 THE COURT - ME?

6 MR. POL - THE BANK.

7 THE COURT - ME?

8 MR. POL - AGAINST ALL THE OFFICERS OF THIS COURT  
9 AND ALL THOSE ---

10 THE COURT - WELL, DO YOU RECOGNIZE ME AS AN  
11 OFFICER OF THIS COURT?

12 MR. POL - I DO NOT RECOGNIZE YOU. I DON'T KNOW  
13 WHO YOU ARE. YOU HAVE NOT --- YOU HAVE FAILED TO IDENTIFY  
14 YOURSELF.

15 THE COURT - I SEE.

16 MR. POL - SO ALL THE OFFICERS OF THIS COURT AND  
17 ALL THOSE WHO HAVE TOUCHED THIS CASE WILL BE --- WILL BE  
18 IN VIOLATION OF THE PRIVATE AGREEMENT THAT IS BETWEEN  
19 HENRY ABEL POL AND THE PLAINTIFF AND THAT IS A TORTUOUS  
20 INTERFERENCE WHICH THE APPEAL'S COURT IN COLUMBIA WILL  
21 QUITE HAPPY TO JUDICICATE (SIC) ON.

22 THE COURT - ALL RIGHT. MR. POL, CONTEMPT OF  
23 COURT IS A SERIOUS MATTER. I DO NOT TAKE THIS LIGHTLY.  
24 I HAVE THOUGHT ABOUT IT AND LABORED OVER IT, RESEARCHED  
25 IT, AND I AM IN HOPES --- I HAVE HOPED --- MY HOPES ARE

1 DEEMING, BUT I HAVE HOPED THAT I COULD CONVINCING YOU THAT  
2 WHAT YOU'RE DOING IS NOT JUST WRONG BUT HAS NO VALIDITY  
3 WHATSOEVER. ALL OF THIS FILING OF PAPERS, ALL OF THIS  
4 CLAIM OF PRIVATE AGREEMENT BETWEEN YOU AND THE BANK WHEN  
5 THE BANK CLEARLY OWNS AND HOLDS A NOTE AND MORTGAGE SIGNED  
6 BY YOU AND YOUR WIFE IS NONSENSE. WHAT CAN I DO TO  
7 PERSUADE YOU TO ABANDON THIS KIND OF BEHAVIOR?

8 MR. POL - LET THE RECORD SHOW THAT I AM HERE  
9 UNDER THREAT AND COERCION AND DURESS AND THAT I'M HAPPY  
10 HERE TO HELP THIS COURT SETTLE THIS MATTER ON BEHALF OF  
11 HENRY ABEL POL.

12 THE COURT - HOW MAY WE DO THAT?

13 MR. POL - THAT THERE IS A PRIVATE AGREEMENT  
14 BETWEEN HENRY ABEL POL AND THE CFO, AND LET THE COURT  
15 PRODUCE ANY EVIDENCE CONTRARY TO THAT. LET THIS RECORD --  
16 - LET THE RECORD SHOW THAT THIS COURT OR THE PLAINTIFF HAS  
17 FAILED TO PRODUCE ANY RECORD THAT IS CONTRARY TO THAT  
18 AGREEMENT.

19 THE COURT - MR. POL, THERE IS AN ORDER AND  
20 JUDGMENT FOR FORECLOSURE IN PLACE WHICH DECLARES THAT YOU  
21 OWE INDYMAC FEDERAL BANK A SUBSTANTIAL SUM OF MONEY. THAT  
22 ORDER'S BEEN IN PLACE --- I'M NOT SURE HOW LONG NOW.  
23 THERE'S ALSO A NOTICE OF SALE THAT'S BEING PUBLISHED IN  
24 THE PAPER WHICH WILL RESULT IN THE FORECLOSURE SALE OF  
25 YOUR PROPERTY UNLESS THE DEBT IS SATISFIED. THAT SALE

1 WILL TAKE PLACE ON FEBRUARY THE 7TH RIGHT HERE IN THIS  
2 ROOM AT 11:00 O'CLOCK. THE BANK IS NOT TRYING TO COLLECT  
3 ANY MONEY FROM YOU. THEY HAVE WAIVED THEIR RIGHT TO  
4 COLLECT A DEFICIENCY JUDGMENT, BUT THEY HAVE ALREADY BEEN  
5 GRANTED AN ORDER ON THE ONLY AGREEMENT THAT I HAVE SEEN  
6 THAT YOU HAVE WITH THE BANK. IT'S GOING TO RESULT IN THE  
7 LOSS OF YOUR HOUSE UNLESS SOMEBODY PAYS THE DEBT OR UNLESS  
8 THEY AGREE TO FORGIVE IT. NOTHING I CAN TELL YOU WILL  
9 PERSUADE YOU NOT TO DO --- TO FILE THIS --- THIS  
10 NONSENSICAL PAPERWORK OR MAKE THE CLAIM THAT YOU'VE MADE  
11 WHICH IN THEMSELVES ARE CONTEMPTUOUS?

12 MR. POL - WELL, LET THE RECORD SHOW THAT THE  
13 PRIVATE ADMINISTRATIVE PROCESS IS A TENDER FOR SET-OFF OF  
14 THE DEBT AND IT HAS SETTLED THE DEBT AND THAT THERE IS ---  
15 THAT THE CFO HAS ACCEPTED AND RETAINED PAYMENT IN FULL FOR  
16 THE DEBT. THAT IS WHAT THE PRIVATE ADMINISTRATION PROCESS  
17 --- THAT THIS --- THAT IT IS FILED --- THIS COURT HAS A  
18 RECORD OF. YOU HAVE A RECORD OF THAT WHICH DOES SETTLE  
19 AND MAKE THIS HEARING MOOT AND AS THIS --- THERE IS NO  
20 CONTROVERSY. IF THERE IS NO CONTROVERSY, THEN THIS COURT  
21 HAS NO JURISDICTION. THIS COURT HAS NO JURISDICTION  
22 BECAUSE THERE IS A PRIVATE ADMINISTRATION PROCESS WHICH  
23 HAS SETTLED THIS CASE. AND THE CFO IS IN FULL AGREEMENT.  
24 THIS COURT HAS A RECORD OF THAT AGREEMENT.

25 THE COURT - DO YOU HAVE ANYTHING SIGNED BY THE

1 CFO OF THE PLAINTIFF OR ANY OFFICER OR AGENT OF THE  
2 PLAINTIFF INDICATING THAT THE DEBT IS SATISFIED?

3 MR. POL - ALL THE ---

4 THE COURT - SIGNED BY ANY AGENT OF THE  
5 PLAINTIFF?

6 MR. POL - ALL THE PRESENTMENTS INCLUDING THE  
7 TENDER WERE PRESENTED BY NOTARY PRESENTMENT AND HE HAS NOT  
8 ANSWERED AND SO THEREFORE BY TACIT AGREEMENT HE IS IN  
9 AGREEMENT, AND YOU HAVE A RECORD OF THAT AGREEMENT. YOU  
10 HAVE NOT RECEIVED ANY EVIDENCE TO THE CONTRARY, YET YOU  
11 HAVE DECIDED TO TORTUOUSLY INTERFERE WITH A PRIVATE  
12 AGREEMENT.

13 THE COURT - ALL RIGHT, WELL, LET ME ASK YOU  
14 THIS. THIS IS ON A DIFFERENT SUBJECT. WHY DIDN'T YOU  
15 APPEAR IN RESPONSE TO THE ORDER THAT WAS SERVED ON YOU  
16 THAT REQUIRED YOU TO APPEAR HERE ON JANUARY THE 20TH?

17 MR. POL - LET THE RECORD SHOW THAT UNDER THREAT  
18 AND DURESS AND COERCION I AM HERE TO ASSIST THIS COURT ---

19 THE COURT - NO, SIR, THAT'S NOT MY QUESTION. MY  
20 QUESTION IS, YOU WERE SERVED PERSONALLY WITH AN ORDER TO  
21 APPEAR HERE ON JANUARY THE 20TH AT 9:30. YOU DID NOT  
22 APPEAR. YOU DID APPEAR, HOWEVER, IN THE CLERK OF COURT'S  
23 OFFICE AT ABOUT THE SAME TIME WHEN YOU WERE SUPPOSED TO BE  
24 HERE. YOU NEVER CAME OVER HERE.

25 MR. POL - I'LL BE HAPPY ---

1                   THE COURT - WHY DID YOU NOT APPEAR?

2                   MR. POL - I'LL BE HAPPY TO ANSWER THAT QUESTION,  
3 JUST FOR THE RECORD THAT I'M UNDER --- UNDER THREAT AND  
4 DURESS AND COERCION. THAT'S WHY I'M HERE, AND THAT I WAS  
5 KIDNAPPED THIS MORNING. AND TO ANSWER YOUR QUESTION, IS  
6 THAT AS THE RECORD SHOWS OF WHICH YOU HAVE EVIDENCED  
7 YOURSELF, THAT YOU HAVE READ AND THAT YOU HAVE ACCEPTED,  
8 THAT I HAVE PUT NOTICE TO THE PLAINTIFF TO PRODUCE  
9 VERIFIED PROOF OF CLAIM THAT THERE IS NOT A RECORD OF  
10 AGREEMENT WITH THIS COURT. THE PLAINTIFF REFUSED TO  
11 PRODUCE ANY VERIFIED PROOF OF CLAIM THAT THERE IS ANY  
12 CONTROVERSY WITH THIS CASE. AND I HAVE BY NOTARY  
13 PRESENTMENT EACH TIME SENT THAT TO THEM AND, THEREFORE,  
14 THEY ARE NOW CONSENTED TO JUDGMENT; THAT THEY ARE IN  
15 AGREEMENT, AND THAT'S WHY THE FAX WAS SENT TO YOU LAST  
16 WEEK ON THE 19TH BY MR. HENRY ABEL POL, WHICH STATED THAT  
17 THE HEARING WAS ABATED BECAUSE OF THE AGREEMENT BETWEEN  
18 THE PARTIES. THERE WAS NO CONTROVERSY, AND THEREFORE, IT  
19 MADE THE HEARING MOOT. AND THIS COURT HAS A RECORD OF  
20 THAT AND YOU HAVE RECEIVED IT BECAUSE ---

21                   THE COURT - I DO HAVE IT.

22                   MR. POL - YES. AND YOU HAVE ACKNOWLEDGED IT.  
23 AND YOU HAVE NOT RECEIVED ANY VERIFIED PROOF OF CLAIM TO  
24 THE CONTRARY TO THE AGREEMENT ---

25                   THE COURT - LET ME TELL YOU WHAT'S MISSING IN

1 THAT SCENARIO. EXCUSE ME. YOU GOT THAT?

2 COURT REPORTER - YES, SIR.

3 THE COURT - LET ME TELL YOU WHAT'S MISSING IN  
4 THAT SCENARIO. THIS COURT NEVER SIGNED AN ORDER OR  
5 ANYTHING ELSE CANCELLING THAT HEARING, AND YOU DID NOT  
6 APPEAR, DESPITE THE FACT THAT YOU WERE OVER AT THE  
7 COURTHOUSE ACROSS THE STREET FROM THIS COURTROOM. WHAT  
8 YOU SENT IN, LIKE ALL THE OTHER PAPERWORK THAT I HAVE  
9 REVIEWED IS WORTHLESS IN TERMS OF ITS LEGAL SIGNIFICANCE,  
10 WORTHLESS. AND I'M --- I GUESS I NOW HAVE TO ACCEPT THE  
11 FACT THAT YOU WILL NOT ABANDON YOUR POSITIONS ABOUT THIS,  
12 THIS THING THAT MAKE NO SENSE. I'LL ASK YOU A PERSONAL  
13 QUESTION AND YOU'RE NOT REQUIRED TO ANSWER IT, BUT I MEAN  
14 IT MAY BE HELPFUL TO ME. ARE YOU CURRENTLY UNDER ANY KIND  
15 OF TREATMENT FOR ANY KIND OF PSYCHOLOGICAL PROBLEM?

16 MR. POL - WELL, LET THE RECORD SHOW THAT I'M  
17 UNDER HERE (SIC) DURESS AND COERCION, BUT I WILL ANSWER  
18 THAT QUESTION, THAT ALL THE DOCUMENTS THAT HENRY ABEL POL  
19 HAVE FILED HAS STATED THAT HE WAS COGNANT (SIC) AND  
20 COMPLETELY AWARE AND THAT HE WAS IN HIS RIGHT MIND IN  
21 PRESENTING THOSE DOCUMENTS THAT HE FILED, SO HE FILED  
22 THOSE DOCUMENTS WITH COMPLETE KNOWLEDGE THAT HIS STANDARD  
23 CONTRACT LAW AND SO THEREFORE, WHEN THERE IS NO RESPONSE  
24 FROM A PARTY --- THERE'S NOT A RESPONDENT'S PARTY AND TO  
25 HAVE RECEIVED NOTICE VIA EVIDENTIAL NOTARY PRESENTMENTS

1 WHICH IS EVIDENCE, ACCORDING TO THE LAW, THAT --- THAT  
2 THEY ARE IN TACIT AGREEMENT BY THE VERY FACT THAT THEY DO  
3 NOT RESPOND AND NO --- THERE IS NO NEED FOR ANY RESPONSE  
4 IF THEY'RE IN AGREEMENT, AND SO IT IS ACCEPTED AND THAT'S  
5 WHY I HAD --- THE --- HENRY ABEL POL HAD FAXED YOU THAT  
6 THE AGREEMENT HAD BEEN ACCEPTED, THAT THE HEARING HAD BEEN  
7 ABATED, AND IF THERE WAS ANY QUESTIONS, HENRY ABEL POL HAD  
8 ASKED THIS COURT AND THE PLAINTIFF TO CALL FOR THE NOTARY  
9 OR THE E-MAIL OR FAX SHOULD THEY REQUIRE MORE TIME TO  
10 PROVIDE PROOF OF CLAIM TO THE CONTRARY. AND THERE WAS NO  
11 PROOF OF CLAIM TO THE CONTRARY, THEREFORE, THEY ---

12 THE COURT - LET ME STOP YOU.

13 MR. POL - --- HAD BEEN IN AGREEMENT.

14 THE COURT - YOU HAVEN'T ANSWERED MY QUESTION.  
15 IT IS BECAUSE I TAKE WHAT'S BEFORE ME SERIOUSLY, SERIOUSLY  
16 ENOUGH TO HAVE YOU BROUGHT IN HERE AND TO HAVE LAW  
17 ENFORCEMENT BRING YOU HERE, THAT I'M TRYING TO DETERMINE  
18 WHETHER YOU ARE UNDER SOME DISABILITY PSYCHOLOGICALLY THAT  
19 --- OR --- AND THAT'S WHY I ASKED ARE YOU UNDER THE  
20 TREATMENT OF ANY --- ANY PHYSICIAN FOR ANY PSYCHOLOGICAL  
21 ISSUES.

22 MR. POL - AS A PARAMOUNT INTEREST HOLDER AND  
23 AUTHORIZED AGENT FOR HENRY ABEL POL, I AM HERE UNDER  
24 THREAT AND DURESS AND COERCION AND I, YOU KNOW, CAN  
25 ACCOUNT FOR THE FACT THAT I AM IN MY RIGHT MIND.

1           THE COURT - ALL RIGHT. MAY I ASSUME FROM WHAT  
2 YOU'RE TELLING ME THAT YOU WILL NOT CEASE TO FILE THIS  
3 KIND OF PAPERWORK?

4           MR. POL - HENRY ABEL POL HAS YESTERDAY CONTACTED  
5 THE APPEAL'S COURT TO GET AN OPINION TO OVERTURN THIS  
6 COURT'S JUDGMENTS AND THE RESCINDED SATISFACTION OF  
7 MORTGAGE AS THE RECORD SHOWS AND THE PRIVATE  
8 ADMINISTRATION PROCESS WHICH IS REGISTERED WITH THE UCC-1  
9 THAT THERE IS AGREEMENT BETWEEN THE CFO AND HENRY ABEL  
10 POL. THERE'S NO CONTROVERSY. WHERE THERE IS NO  
11 CONTROVERSY, THIS COURT HAS NO JURISDICTION.

12           THE COURT - ALL RIGHT, SIR. I'VE DONE ALL I  
13 CAN. ALL RIGHT, BASED ON THE RECORD BEFORE ME I FIND THAT  
14 MR. POL IS IN CIVIL AND CRIMINAL CONTEMPT OF COURT FOR THE  
15 FOLLOWING REASONS: ONE, HIS BEHAVIOR HERE TODAY IN  
16 QUESTIONING AND CHALLENGING THE AUTHORITY OF THE COURT,  
17 TWO, IN FAILING TO APPEAR AS ORDERED FOR A HEARING ON  
18 JANUARY THE 20TH AT 9:30, THREE, FOR THE CONTINUED FILING  
19 OF DOCUMENTS IN VIOLATION OF THE COURT'S PRIOR ORDER WHICH  
20 CLEARLY WARNED MR. POL THAT IF HE CONTINUED TO FILE SUCH  
21 DOCUMENTS, HE WOULD BE HELD IN CONTEMPT OF COURT AND SHALL  
22 BE --- AND WOULD BE PUNISHED FOR CONTEMPT OF COURT,  
23 THIRDLY, OR FOURTHLY, I GUESS, AS A FOURTH BASIS IS THE  
24 FILING OF THIS PATENTLY FRAUDULENT LOST MORTGAGE  
25 SATISFACTION WITH THE CLERK OF COURT BY WHICH MR. POL

1 ATTEMPTED TO SATISFY THE MORTGAGE THAT IS THE SUBJECT OF  
2 THIS FORECLOSURE ACTION AND CONCERNING WHICH THERE'S  
3 ALREADY A DECREE OF FORECLOSURE AND NOTICE OF SALE. FOR  
4 ALL THOSE REASONS I FIND HIM TO BE IN CONTEMPT OF COURT.  
5 IT'S THE ORDER OF THE COURT THAT MR. POL BE INCARCERATED  
6 AT THE YORK COUNTY DETENTION CENTER FOR A PERIOD OF THIRTY  
7 DAYS. MR. POL, YOU MAY PURGE YOURSELF OF THAT CONTEMPT,  
8 OF THAT SENTENCE BY PAYMENT OF A FINE TO THIS COURT OF TWO  
9 THOUSAND DOLLARS. ANY QUESTION?

10 MR. POL - (NO RESPONSE)

11 THE COURT - THE SENTENCE BEGINS IMMEDIATELY.

12 MR. POL - AS --- AS A PARAMOUNT INTEREST HOLDER  
13 IN HENRY ABEL POL I WOULD ASK THIS COURT AND TO ASSIST  
14 THIS COURT WITH THIS PRIVATE ADMINISTRATIVE PROCESS THAT  
15 THEY CAN SHOW ANY EVIDENCE THAT I HAD FILED WITH THE CLERK  
16 OF COURT ANY SUCH PRIVILEGED DOCUMENTS THAT YOU ARE  
17 SUGGESTING ---

18 THE COURT - NO, YOU FILED THEM WITH THIS COURT.

19 MR. POL - --- THAT HENRY ABEL POL HAD FILED.

20 THE COURT - YOU FILED THEM WITH ME.

21 MR. POL - WHATEVER ---

22 THE COURT - I AM THE COURT.

23 MR. POL - WHATEVER THE NOTARY HAS NOTICED THIS  
24 COURT ON WAS ON A --- MARKED PRIVATE AND CONFIDENTIAL AND  
25 ON THE PRIVATE SIDE --- ON THE PUBLIC SIDE OF THIS COURT.

1           THE COURT - THIS COURT IS A MATTER OF PUBLIC  
2 RECORD, MR. POL.

3           MR. POL - YES, AND ---

4           THE COURT - DO YOU HAVE ANY QUESTION ABOUT THE  
5 SENTENCE OR WHAT YOU MAY DO TO PURGE YOURSELF OF THE  
6 CONTEMPT?

7           MR. POL - UNDER THREAT AND DURESS AND COERCION  
8 I WILL SEE THAT I CAN PAY WHATEVER IS REQUIRED TO AVOID  
9 ANY INCARCERATION.

10          THE COURT - WELL, YOU'RE NOT GOING TO AVOID  
11 INCARCERATION. THESE OFFICERS ARE GOING TO TAKE YOU TO  
12 THE DETENTION CENTER RIGHT NOW. YOU'LL BE PERMITTED TO  
13 MAKE ANY ARRANGEMENTS THAT YOU WANT TO --- WITHIN THEIR  
14 RULES --- TO PROVIDE FOR PAYMENT OF THE --- OF THE FINE.  
15 ANY OTHER QUESTION?

16          MR. POL - (NO RESPONSE)

17          THE COURT - I'M SORRY IT COMES TO THIS, BUT I  
18 CANNOT PERMIT YOU TO CHALLENGE OUR SYSTEM OF COURTS IN  
19 ORDERLY --- THE PROCESS OF ORDERLY JUSTICE IN THE MANNER  
20 IN WHICH YOU ARE, NOR CAN I PERMIT YOU TO --- TO CHALLENGE  
21 THE AUTHORITY OF THE COURT, YOU OR ANYBODY ELSE.

22          MR. POL - I RESPECTFULLY AM NOT CHALLENGING THIS  
23 COURT'S AUTHORITY. I AM --- THAT'S WHY MR. HENRY ABEL POL  
24 YESTERDAY CONTACTED THE APPEAL'S COURT FOR THE VERY  
25 PURPOSE TO SEE THE VALIDITY OF THIS COURT'S RULINGS IN

28

1 JUDGMENTS AND TORTUOUS INFERENCE IN THIS CASE.

2           THE COURT - THANK YOU, SIR. THIS CONCLUDES THE  
3 RECORD. GENTLEMEN, IF YOU'LL TAKE HIM BACK TO THE  
4 DETENTION CENTER AND LET HIM CALL SOMEBODY TO SEE IF HE  
5 CAN RAISE THE MONEY. I'M GOING TO DO AN ORDER.

6           (END OF TRANSCRIPT)

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

DOCKET NO. 09-CP-46-0915

IndyMac Federal Bank, FSB,

Plaintiff,

RULE TO SHOW CAUSE

v.

Henry A. Pol; Patricia Pol a/k/a Patricia A. Pol;  
Earth Mortgage, LP d/b/a Earth Mortgage;

Defendant(s).

DAVID HAMILTON  
C.C.P. & GS.  
YORK COUNTY, SC

2011 FEB 16 AM 11:28

708517-00479

**TO THE OCCUPANTS OF THE PROPERTY MORE FULLY DESCRIBED IN  
PARAGRAPH ONE (1) OF THE MOTION:**

UPON reading and filing of the within Motion of Samuel C. Waters, attorney for the Plaintiff,  
YOU ARE ORDERED to show cause, if any you can, before the undersigned:

Master's Office, 1 North Congress Street  
York, SC 29745

on the 9<sup>th</sup> day of March, 2011, at 9:30 o'clock A.M.,

as to why a Writ of Assistance should not be issued to the Sheriff of York County, South Carolina ordering and directing him to remove you peaceably or by force, together with any and all persons claiming under you and all personal property located within or on the subject property described in the Motion.

Furthermore, YOU ARE ORDERED to show cause, if any you can, as to why the Federal Protecting Tenants at Foreclosure Act should apply. You are instructed to bring to the hearing a copy (or other evidence) of any lease agreement. Failure to appear at the hearing may result in an Order of immediate ejection.

Service of this Rule and Motion to Show Cause shall be perfected by posting the Motion and Rule to Show Cause upon the door of the house or mobile home upon the property.

**S/S JACKSON KIMBALL**

S. Jackson Kimball, III  
Master in Equity for York County  
York, South Carolina

Dated: 2/16/2011

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

DOCKET NO. 09-CP-46-0915

IndyMac Federal Bank, FSB,

Plaintiff,

v.

Henry A. Pol; Patricia Pol a/k/a. Patricia A. Pol;  
Earth Mortgage, LP d/b/a Earth Mortgage;

Defendant(s).

MOTION FOR RULE TO SHOW CAUSE

DAVID HAMILTON  
C.C.P. & GS  
YORK COUNTY, SC

2011 FEB 16 AM 11:28

708517-00479

The Plaintiff would respectfully show unto this Honorable Court:

1. The Plaintiff successfully completed a mortgage foreclosure against the Defendant(s) affecting the following property:

All that certain piece, parcel or lot of land, lying and being situate in the State of South Carolina, County of York, Fort Mill Township and being designated as Lot 22 of The Overlook at Regent Park according to a survey recorded in Plat Book C289 at Page 5 in the Office of the Clerk of Court for York County, South Carolina.

Property Address: 3222 Bannock Dr  
Fort Mill, SC 29715

TMS# 726-00-00-138

2. A Judgment of Foreclosure and Sale was issued by this Court on April 28, 2010, and the subject property was sold at public auction in accordance therewith on February 7, 2011. The successful bidder at the sale was the Plaintiff.

3. The proceedings in regard to the foreclosure action are preserved in the Office of the RMC/ROD for York County.

4. The Defendant(s) or others claiming through the Defendant(s) still occupy and have within the property certain items of personal property which they have failed and refused to remove from the property although they have been given notice that the property is now owned by the Plaintiff herein.

5. The Plaintiff is entitled to possession of the property as the successful bidder at the said sale in accordance with the Judgment of Foreclosure and Sale:

It is further ordered, adjudged and decreed that in the event the successful bidder is other than the defendant(s) in possession herein, the Sheriff of York County is ordered and directed to eject and remove from the premises the occupant(s) of the property sold, together with all personal property located thereon, and to put the successful bidder or his

assigns in full, quiet and peaceable possession of said premises without delay, and, to keep said successful bidder or his assigns in such peaceable possession.

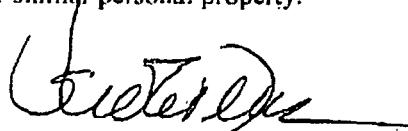
In the event the successful bidder is other than the Defendants in possession herein and the occupants have voluntarily vacated the premises or have been ejected from the premises leaving furnishings, fixtures and items not subject to the Plaintiff's Mortgage in said premises, the Plaintiff is authorized to remove therefrom all furnishings, fixtures and items not subject to the lien of the Plaintiff's Mortgage, which personal property, being deemed abandoned, shall be removed by the Plaintiff or its agents from the subject property by placing said personal property on the public street or highway or by any other means.

6. The Plaintiff is entitled to a Writ of Assistance to remove the said Defendant(s), together with any and all persons claiming under them, and all the personal property from the subject property, and to put the Plaintiff in possession thereof.

7. The undersigned has supervised and participated in the examination of the information provided by the client or its agent regarding the circumstances of the occupancy of the subject property pursuant to the "Protecting Tenants at Foreclosure Act" (Title VII). Such examination included but is not limited to review of notes and records from client; reports from agents' inspections; review of process server attempts at personal service on the defendant; testimony from defendant at the foreclosure hearing in this matter; and eligibility of the Homeowners' Affordability Modification Program and the undersigned has concluded from this research as follow:

8. Where the terms "premises" or "property" are used herein, they shall mean the subject real estate and the improvements thereon, including fixtures. Personal property shall mean personal effects such as furniture or clothing.

WHEREFORE, the Plaintiff prays that this Court do issue its Rule To Show Cause, requiring the Defendant(s) and/or occupants together with any and all persons claiming under them, to show cause why a Writ of Assistance should not be issued to the Sheriff of York County for the removal of said Defendant(s) and/or occupants or any persons claiming under them, and all personal property on the subject property, including manufactured housing or similar personal property.



---

Rogers Townsend & Thomas, PC  
ATTORNEYS FOR PLAINTIFF  
Samuel C. Waters (SC Bar #3958),

Columbia, South Carolina  
February 15, 2011

Complaint Withdrawal

Case 11-00741-hb Doc 40 Filed 04/04/11 Entered 04/04/11 12:39:08 Desc Main Document Page 1 of 3

UNITED STATES BANKRUPTCY COURT FOR THE  
DISTRICT OF SOUTH CAROLINA

IN RE:

Henry Abel Pol and Patricia Ann Pol,  
Debtor(s).

CHAPTER 13  
CASE NO.: 11-00741-B

WITHDRAWAL OF §362 MOTION

311174-00818

OneWest Bank, FSB, servicer for Citibank, N.A. as Trustee for Bear Stearns ALT-A Trust 2006-4, as successor in interest to IndyMac Federal Bank, FSB ("Movant"), hereby withdraws its §362 Motion to annul the stay and for relief *in rem* (Doc No. 23) filed on February 25, 2011 and scheduled to be heard again on April 6, 2011 in Columbia, on the grounds that the relief sought would no longer serve a useful purpose. Specifically, by the time the hearing is held and an order entered granting the relief sought, the Creditor could have begun advertising the property for a new sale. Proceeding with the motion at this late date would only serve to delay matters and possibly give the Debtors grounds for an appeal, all to no useful purpose.

This withdrawal is based on Bankruptcy Rule 1001; Rule 4001(a); and Chamber Guidelines (which state that withdrawals of a pleading upon which a hearing was set should be in writing and filed before 10:00 a.m. on the day prior to the hearing, and that the withdrawal must state the reason for the withdrawal).

The Debtors have consented to this motion.

/s/ Robert P. Wood

Robert P. Wood (District Ct. Id #4798)  
Attorneys for Movant  
Rogers Townsend & Thomas, PC  
220 Executive Center Drive, Suite 109 (29210)  
Post Office Box 100200  
Columbia, South Carolina 29202  
(803) 771-7900

Columbia, South Carolina  
April 4, 2011

**REGISTERED RECORD**  
CALIFORNIA SECRETARY OF STATE  
UCC DOCUMENT No.: 27417510003  
UCC FILING No.: 10-7255884939  
FILING DATE: 12/29/2010 09:08

Dated: January 18, 2011

USPS Certified Mail # 70090960000026852648/55/62

## NOTICE ABATEMENT OF HEARING

Notice to the Agent is Notice to the Principal  
Notice to the Principal is Notice to the Agent  
Applicable to all Successors and Assigns

**PRINCIPAL:**

Henry Abel Pol,  
c/o: JAMES G. KELLETT, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina 28277  
Phone: (704) 644 3561 Email: [kellett.jim@gmail.com](mailto:kellett.jim@gmail.com)

**RESPONDENTS:**

C/O: [RDAVIS@rtt-law.com](mailto:RDAVIS@rtt-law.com);

To: Rogers Townsend & Thomas, PC  
Robert P. Davis  
P.O. Box 100200(29202)  
220 Executive Center Drive, Suite 109  
Columbia, South Carolina 29210

C/O: [blair.abemathy@imb.com](mailto:blair.abemathy@imb.com);

CC: Steve Thomson, Chief Financial Officer  
IndyMac Mortgage Services  
888 East Walnut Street  
Pasadena California 91101 U.S.A.

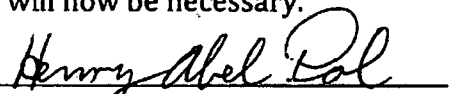
CC: [jack.kimball@yorkcountygov.com](mailto:jack.kimball@yorkcountygov.com)

S. Jackson Kimball, III  
Master in Equity  
1 North Congress Street  
York, South Carolina

**Re: Constructive Notice of Conditional Acceptance and the enclosed Affidavit of Specific Negative Averment Dated: January 10, 2011.**

Dear: Rogers Townsend & Thomas, PC,

Having not heard from Respondents on the Principle's **Constructive Notice of CONDITIONAL ACCEPTANCE** pursuant to the stipulations contained therein and evidenced by the registered record part of which is attached hereto and incorporated herein as **EXHIBIT 2** and reoffer, principle will accept the agreement between the parties of the abatement of the current hearing to be held in abeyance pending the outcome of the administrative procedure as to whether a hearing will now be necessary.

  
Authorized Representative  
Henry Abel Pol, Secured Party Creditor,  
Executive Trustee for the trust known as  
HENRY ABEL POL

**From:** Jim Kellett [kellett.jim@gmail.com]  
**Sent:** Monday, January 10, 2011 9:46 PM  
**To:** RDAVIS@rtt-law.com  
**Cc:** jack.kimball@yorkcountygov.com; blair.abernathy@imb.com; Rick Pol  
**Subject:** Re Private and Confidential  
**Attachments:** UCC NOTICE OF POA.pdf; Conditional acceptance Jan 10-11002.pdf; UCC Filing Cert of Judgement 12292010.pdf; UCC NOTICE OF POA Certifide Copy.pdf

**Private and Confidential**

Henry Abel Pol,  
c/o James G. Kellett, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina [28277]  
Phone: (704) 544 9837 Email: [kellett.jim@gmail.com](mailto:kellett.jim@gmail.com)

It is hereby certified, that on the date noted below, James G. Kellett, Notary Public  
emailed;

USPS Certified Mail # 70090960000026852631

**Constructive Notice of Conditional Acceptance and the enclosed  
Affidavit of Specific Negative Averment**

Notice to the Agent is Notice to the Principal  
Notice to the Principal is Notice to the Agent  
Applicable to all Successors and Assigns

Dated: January 10, 2011.

**PRINCIPAL:**

Henry Abel Pol,  
c/o J. KELLETT, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina 28277

Phone:

(704) 544 9837 Email: [kellejt.jim@gmail.com](mailto:kellejt.jim@gmail.com)

RESPONDENTS: Rogers Townsend & Thomas, PC  
ROBERT DAVIS P.O. Box 100200(29202)  
220 Executive Center Drive, Suite 109  
Columbia, South Carolina 29210

CC: Steve Thomson, Chief Financial Officer  
IndyMac Mortgage Services  
888 East Walnut Street  
Pasadena California 91101 U.S.A.

CC: S. Jackson Kimball, III Master in Equity,  
..... 1 North Congress Street York, South Carolina 29745

RE: CONDITIONAL ACCEPTANCE of the emails from ROBERT DAVIS [[RDAVIS@rtt-law.com](mailto:RDAVIS@rtt-law.com)]; dated: Thu 12/30/2010 3:07 PM, Re: frivolous documents, dated: Mon 1/3/2011 12:19 PM, Re: mail the court a new Notice of Sale and the email dated: Mon 1/3/2011 12:36 PM, Re: Judge Kimball another hearing is not necessary in Foreclosure Case No. 09-CP-46-0915 UPON PROOF OF CLAIM that there is no evidence that RESPONDENTS have filed any proof of claims contrary to the RECORD of the PRINCIPAL's Private Administrative Process which is attached hereto as EXHIBIT 1 (73 leaves) to Setoff, Settle, and close this matter therefore is hereto deemed res judicata and stare decisis, making these issues moot and does not show that the Undersigned has produced a RECORD through tacit assent between the Parties showing fulfillment of all obligation of the Undersigned Trustor in the Mortgage Trust Deed contract making any request by IndyMac Mortgage Services, and any submission of evidence in support of the request by IndyMac Mortgage Services and or their Agents, incomplete, false, and misleading, creating a tortious interference with contractual relations and a tortious interference with prospective advantage, and therefore moot and a prejudice upon the Undersigned.

and Request for Abatement of the hearing scheduled for January 20, 2011, Re: ORDER AND RULE TO SHOW CAUSE Case No. 2009CP4600915, for the abatement of the hearing to be held in abeyanc pending the outcome of the private administrative process as to whether a hearing will be necessary wit agreement between the parties eminent.

Dated: December 24, 2010

To: Rogers Townsend & Thomas, PC - To: [RDAVIS@rtt-law.com](mailto:RDAVIS@rtt-law.com); [nfo@rtt-law.com](mailto:nfo@rtt-law.com)  
[CORLEY@rtt-law.com](mailto:CORLEY@rtt-law.com)> [contact@rtt-law.com](mailto:contact@rtt-law.com)

Robert P. Davis  
P.O. Box 100200(29202)  
220 Executive Center Drive, Suite 109  
Columbia, South Carolina 29210

**Hard copys mailed to the above via USPS Certified Mail No.: 70090960000026852877**

CC: Steve Thomson, Chief Financial Officer - CC: [blair.abernathy@imb.com](mailto:blair.abernathy@imb.com)  
IndyMac Mortgage Services  
888 East Walnut Street  
Pasadena California 91101 U.S.A.

**Hard copys mailed to the above via USPS Certified Mail No.: 70090960000026852884**

CC: S. Jackson Kimball, III Master in Equity, - CC: [jack.kimball@yorkcountygov.com](mailto:jack.kimball@yorkcountygov.com)>  
..... 1 North Congress Street York, South Carolina 29745

**Hard copys mailed to the above via USPS Certified Mail**

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF YORK

CASE NO: 2009CP4600915

IN THE COURT OF COMMON PLEAS

**IndyMac Federal Bank FSB vs. Henry A Pol**

**CHECK ONE:**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other:
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other:

**IT IS ORDERED AND ADJUDGED:**

- Sec attached order;
- Statement of Judgment by the Court

**Order For Contempt of Court**

Dated at York, South Carolina, this 2nd day of February, 2011.

Court Reporter:

*s/S. Jackson Kimball*

**PRESIDING JUDGE - S. JACKSON KIMBALL**

This judgment was entered on the 2nd day of February, 2011, and a copy mailed first class this 2nd day of February, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

John P Fetner Rogers, Townsend & Thomas, Pc P.  
O. Box 100200 Columbia, SC 29210

Henry A. Pol & Patricia A. Pol 206 Ballard Court  
Fort Mill, SC 29715 or  
816 Regent Parkway, Suite 102 Fort Mill, SC  
29715

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

**David Hamilton**

SCRPC APP-24/FORM 4

David Hamilton - Clerk of Court

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

Henry Abel Pol, )  
 )  
Respondent, )

IN RE: )

**ORDER FOR  
CONTEMPT OF COURT**

IndyMac Federal Bank, FSB, )  
 )  
Plaintiff, )

Case No. 2009CP4600915

vs. )

Henry A. Pol, Patricia Pol a/k/a Patricia )  
A. Pol, Earth Mortgage, LP, d/b/a Earth )  
Mortgage, )

Defendants. )

2011 FEB -2 AM 11:36  
DAVID HAMILTON  
C.C. C.P. & F.S.  
YORK COUNTY, SC

This matter came before me on January 28, 2011, upon the Court's Order And Rule To Show Cause dated January 24, 2011, directing the Sheriff of York County to bring Respondent, Henry Abel Pol, before the Court to show cause why he should not be held in contempt of court for violation of the Court's prior orders and for failing to appear, as required by the Court's Order dated January 6, 2011. Respondent was brought before the Court at 9:30 a.m., on January 28, 2011, and a hearing was conducted concerning Respondent's contempt of court. The Court took the testimony of the Deputy Clerk of Court for real estate records, took judicial notice of documents contained in the Court's own file, and received in evidence a Lost Mortgage Satisfaction signed by Respondent dated December 29, 2011, and recorded December 29, 2011, in the real estate records.

**FINDINGS OF FACT**

From the evidence and testimony, I make the following findings of fact, which have been proved beyond a reasonable doubt.

On two prior occasions, this court has issued orders pertaining to documents filed by or on behalf of Respondent. By Order dated September 18, 2009, this court dismissed frivolous counterclaims filed by Respondent in this action, and also struck from his responsive pleading allegations pertaining to admiralty jurisdiction as patently groundless.

Ultimately, a judgment of foreclosure was rendered against Respondent and his wife. Subsequent to filing of the judgment, Respondent filed and served additional frivolous documents, namely a "Challenge to Subject Matter Jurisdiction Fraudulent Misrepresentation of Facts Violation of Due Process", and a "Final Notice of Default and Demand for Payment." On motion of Plaintiff pursuant to Rule 12(f), SCRPC, and S.C. Code Ann. § 15-36-10 *et seq.* (1976, as amended), and by order dated May 5, 2010, these documents were also stricken from the record, and Plaintiff was awarded attorneys' fees and costs as a sanction against Mr. and Mrs. Pol. The Order also enjoined Respondent from filing any further frivolous documents. The order provided in part:

The Defendants Henry A. Pol and Patricia Pol a/k/a Patricia A. Pol are hereby enjoined from filing or serving any more documents similar to their "Final Notice of Default and Demand for Payment", or similar to any other document previously filed in this action and adjudged to be frivolous or otherwise in violation of the FCPSA [Frivolous Civil Proceedings Sanctions Act]. **Any violation of this portion of this order shall be punishable as contempt of court.** (Emphasis added.)

Subsequent to the order of May 5, and notwithstanding this court's prior rulings and admonitions, Respondent, served, or caused to be served on Plaintiff, Plaintiff's chief financial officer, Plaintiff's counsel and this court, and filed, or caused to be filed with this court or the Clerk of Court the following:

- a. On or about November 18, 2010, a "Notice of Conditional Acceptance" and "Affidavit of Specific Negative Averment" purporting to abate the ongoing foreclosure process;
- b. On or about December 24, 2010, a "Notice of Conditional Acceptance" and "Affidavit of Specific Negative Averment" purporting to abate the foreclosure sale scheduled for January 3, 2011, and a supplemental hearing scheduled for January 10, 2011, along with numerous exhibits, including documents purporting to extinguish the note and mortgage obligation; and,
- c. On or about December 29, 2010, a "Certificate of Administrative Judgment" and "UCC Financing Statement", purporting to establish a claim or lien against Plaintiff and/or its chief financial officer.

These documents were of the same character and import as documents previously stricken, and their filing and service were clearly enjoined by the Court's prior Order.

In addition to the foregoing documents served in connection with this ongoing case, on December 29, 2010, Respondent executed and filed in the office of the Clerk of Court for York County a "Lost Mortgage Satisfaction" to satisfy Plaintiff's mortgage on the public record. Respondent signed the Lost Mortgage Satisfaction himself as attorney-in-fact for Plaintiff. There is no such power of attorney granted by Plaintiff and filed in the office of the Clerk of Court, as

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required by law. Further, Respondent is clearly not in any way an authorized agent of Plaintiff, as evidenced by an affidavit of Gregory Michael Warner, Plaintiff's Assistant Secretary.

Regarding the hearing set for January 20, 2011, Respondent was personally served with the Order and Rule to Show Cause to appear. He offered no excuse for failing to attend. The Deputy Clerk of Court testified that at the time of the hearing in this court, Respondent was actually in the real estate records section of the Clerk's office seeking recordation of a deed from him and his wife to a third party of the property being foreclosed. He was in and out of the Clerk's office from around 9:30 a.m., the time of the hearing in this court, to after 10:00 a.m., when he left and did not return. He never appeared at this court, which is across the street from the Clerk's office.

At the hearing on January 28, Respondent's behavior was contemptuous of this court and its proceedings. He maintained that the court had no authority to hold the hearing or pursue the foreclosure process any further, asserting that the actions taken by him "settled" the foreclosure case. There has been no such settlement, and Respondent's assertion is based on the very frivolous documents that he has been ordered not to file and serve.

In questioning by the court, he would not acknowledge his identity, even though he had appeared before the court on at least three prior occasions. He instructed the court to address him as "Rick", insisting that he was the only agent authorized to use the name Henry Abel Pol. In addition, he insisted that I show him identification, and asserted that since I did not comply with his demand, the court lacked authority to preside, and that the proceedings were, in essence, a nullity. Further, he threatened the court with legal action and other unspecified actions because of the court's handling of this case, his detention for transport to the hearing, and the contempt hearing itself.

Throughout the hearing, Respondent refused to respond to specific questions by the court. Instead, he repeatedly parroted references to the controlling authority and supremacy of the process and procedures contained in, and represented by, the documents he has continued to file. Such responses were nonsensical, and not based on any legal authority with which I am familiar.

In the course of questioning Respondent, and in order to give him the benefit of any doubt about his actions or intentions, I asked him if there was any way to persuade him to cease this proscribed conduct. Respondent's response was to repeat his response that his own process and procedures rendered the hearing and the foreclosure action meaningless. Respondent's responses and recalcitrance were such that I asked him if he was suffering from, or being treated for, any psychological problem. He repeated a version of his standard response and added that he was of sound mind.

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After a lengthy hearing, it is clear from Respondent's responses and attitude that his actions in violation of the court's prior orders were willful and intentional. Further, it is clear that Respondent evidences no intention to cease the conduct that has put him in this position.

### CONCLUSIONS OF LAW


Based on the findings of fact and the record presented, I conclude that Respondent is guilty of contempt of court beyond a reasonable doubt.

"The power to punish for contempt is inherent in all courts. Its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice." *Miller v. Miller*, 375 S.C. 443, 453, 652 S.E.2d 754, 759 (Ct.App. 2007), quoting *In re Terry*, 128 U.S. 289, 303, 9 S.Ct. 77, 32 L.Ed. 405 (1888); *Floyd v. Floyd*, 365 S.C. 56, 73, 615 S.E.2d 465, 474 (Ct.App.2005). A finding of contempt may be made where there is a willful disobedience of an order of the court. *Miller, supra*; *Cheap-O's Truck Stop, Inc. v. Cloyd*, 350 S.C. 596, 567 S.E.2d 514 (Ct.App. 2002).

"A willful act is one which is 'done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say, with bad purpose either to disobey or disregard the law.'" *Miller, supra*, 375 S.C. at 454, 652 S.E.2d at 759-760, quoting *Widman v. Widman*, 348 S.C. 97, 119, 557 S.E.2d 693, 705 (Ct.App.2001); *Cheap-O's Truck Stop, Inc., supra*, 350 S.C. 607-608, S.E.2d at 520. "Intent for purposes of criminal contempt is subjective, not objective, and must necessarily be ascertained from all the acts, words, and circumstances surrounding the occurrence." *Miller, supra*, 375 S.C. at 457, 652 S.E.2d at 761, citing *State v. Passmore*, 363 S.C. 568, 572, 611 S.E.2d 273, 275 (Ct.App.2005).

In the present case, Respondent has willfully and repeatedly continued to file with the court and serve on other parties documents of the same kind and character as those declared to be frivolous by this court. Such filings generally follow any notice of proceedings or actions taken by this court. I conclude that Respondent's actions in regard to the filing of these documents are a willful disobedience of this court's prior order, and constitute contempt of court. I further conclude that Respondent's willful execution and filing of the Lost Mortgage Satisfaction is likewise in violation of the court's order, and constitutes contempt of court.

I further conclude that failure to appear at the hearing set for January 20, 2011, constitutes contempt of court. Proper service and sufficient notice are unquestioned. Respondent's voluntary and intentional disobedience of the order by failing to appear is without doubt. Respondent was

  
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actually in the main courthouse across the street from this court at the time he was supposed to appear here. He was, in fact, transacting business pertaining to this case, as testified by the Deputy Clerk of Court, and neither appeared here, nor gave any excuse for his failure to do so.

Finally, I conclude that Respondent's behavior before the court at the hearing on January 28, as recited in the findings of fact, constitutes "direct" contempt. His behavior occurred in the presence of the court, and witnesses, and evidenced a clear lack of respect for the court and the judicial process. *See State v. Goff*, 228 S.C. 17, 88 S.E.2d 788 (1955).

Respondent's intent regarding his actions before the court is made more apparent when one considers his behavior in prior appearances before this court. In his exchanges with the court and Plaintiff's counsel in prior hearings, he has evidenced the same disregard for the dignity and process of the court described in the findings of fact herein. All of this is likewise evident in the plethora of documents filed with the court. It is a pattern of behavior wherein Respondent places himself above, and in opposition to, our law and the judicial process that administers and enforces it. It is in the nature of a contempt for the law itself.

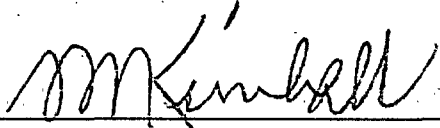
The power to punish for such contempt is an "... implied and necessary power, without which contumacious conduct could well destroy the authority of any court." *State v. Goff*, 228 S.C. at 21-22, 88 S.E.2d at 790. As already stated, such inherent power "... is essential to the preservation of order in judicial proceedings, ... and consequently to the due administration of justice." *Miller, supra*, 375 S.C. at 453, 652 S.E.2d at 759. Punish by contempt sanctions for such conduct by Respondent is warranted in this case.

#### ORDER OF THE COURT

Based on the findings of fact and conclusions of law herein, Respondent, Henry A. Pol, is judged to be in contempt of this Court. Therefore, it is ordered that Henry Abel Pol be sentenced to thirty days in the York County Detention Center for contempt of court. He may purge this contempt by payment of two thousand dollars to this court, and be released.

**AND IT IS SO ORDERED.**

February 2, 2011

  
S. Jackson Kimball, Master In Equity  
York County

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

Henry Abel Pol )

IN RE: )

IndyMac Federal Bank, FSB, )

Plaintiff, )

vs. )

Henry A. Pol, Patricia Pol a/k/a Patricia  
A. Pol, Earth Mortgage, LP, d/b/a Earth  
Mortgage, )

Defendants. )

**ORDER FOR  
CONTEMPT OF COURT**

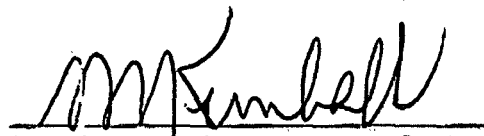
Case No. 2009CP4600915

This matter came before me on January 28, 2011, upon the Court's Order And Rule To Show Cause dated January 24, 2011, directing the Sheriff of York County to bring Henry Abel Pol before the Court to show cause why he should not be held in contempt of court. Based upon the matters before the Court, I find Henry Abel Pol to be in criminal and civil contempt of court. A detailed order with the Court's findings and conclusions will follow.

Based on the Court's ruling, Henry Abel Pol is sentenced to thirty days in the York County Detention Center for contempt of court. He may purge this contempt by payment of two thousand dollars to this court, and be released.

AND IT IS SO ORDERED.

January 28, 2011



S. Jackson Kimball, Master In Equity  
York County

Re: REGISTERED RECORD  
CALIFORNIA SECRETARY OF STATE  
UCC DOCUMENT No.: 27417510003  
UCC FILING No.: 10-7255884939  
FILING DATE: 12/29/2010 09:08



USPS Certified Mail # 70090960000026852624

**Constructive Notice of Conditional Acceptance and the enclosed Affidavit of Specific Negative Averment**

Notice to the Agent is Notice to the Principal  
Notice to the Principal is Notice to the Agent  
Applicable to all Successors and Assigns

Dated: January 10, 2011,

PRINCIPAL:

Henry Abel Pol,  
c/o J. KELLETT, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina 28277  
Phone: (704) 544 9837 Email: [kellett.jim@gmail.com](mailto:kellett.jim@gmail.com)

RESPONDENTS: Rogers Townsend & Thomas, PC  
ROBERT DAVIS P.O. Box 100200(29202)  
220 Executive Center Drive, Suite 109  
Columbia, South Carolina 29210

CC: Steve Thomson, Chief Financial Officer  
IndyMac Mortgage Services  
888 East Walnut Street  
Pasadena California 91101 U.S.A.

CC: S. Jackson Kimball, III Master in Equity,  
1 North Congress Street York, South Carolina 29745

RE: **CONDITIONAL ACCEPTANCE** of the emails from ROBERT DAVIS [RDAVIS@rtt-law.com]; dated: Thu 12/30/2010 3:07 PM, Re: frivolous documents, dated: Mon 1/3/2011 12:19 PM, Re: mail the court a new Notice of Sale and the email dated: Mon 1/3/2011 12:36 PM, Re: Judge Kimball another hearing is not necessary in Foreclosure Case No. 09-CP-46-0915 UPON PROOF OF CLAIM that there is no evidence that RESPONDENTS have filed any proof of claims contrary to the RECORD of the PRINCIPAL's Private Administrative Process which is attached hereto as EXHIBIT 1 (73 leaves) to Setoff, Settle, and close this matter therefore is hereto deemed res judicata and stare decisis, making these issues moot and does not show that the Undersigned has produced a RECORD through tacit assent between the Parties showing fulfillment of all obligation of the Undersigned Trustor in the Mortgage Trust Deed contract making any request by IndyMac Mortgage Services, and any submission of evidence in support of the request by IndyMac Mortgage Services and or their Agents, incomplete, false, and misleading, creating a tortious interference with contractual relations and a tortious interference with prospective advantage, and therefore moot and a prejudice upon the Undersigned.

and Request for Abatement of the hearing scheduled for January 20, 2011, Re: ORDER AND

**HAD**

**RULE TO SHOW CAUSE Case No. 2009CP4600915**, for the abatement of the hearing to be held in abeyance pending the outcome of the private administrative process as to whether a hearing will be necessary with agreement between the parties eminent.

Dear Sir

Thank you **ROBERT DAVIS** for your email dated: Thu 12/30/2010 3:07 PM, Re: frivolous documents; **PRINCIPAL CONDITIONALLY ACCEPTS** that the Private Administrative Documents are frivolous **UPON PROOF OF CLAIM** that there is no evidence that **RESPONDENTS** have filed any proof of claims contrary to the **RECORD** of the **PRINCIPAL's** Private Administrative Process.

For your email dated: Mon 1/3/2011 12:19 PM, Re: mail the court a new Notice of Sale. **PRINCIPAL CONDITIONALLY ACCEPTS** the new Notice Of Sale in the matter of IndyMac Federal Bank, FSB, Plaintiff, v. Henry A. Pol; Patricia Pol a/k/a Patricia A. Pol; Earth Mortgage, LP d/b/a Earth Mortgage; Defendant(s); Docket No. 09-CP-46-0915 **UPON PROOF OF CLAIM** that there is no evidence that **RESPONDENTS** have filed any proof of claims contrary to the **RECORD** of the **PRINCIPAL's** Private Administrative Process which has Setoff, Settled, and closed this matter making a new Notice Of Sale moot..

And for your email dated: Mon 1/3/2011 12:36 PM, Re: Judge Kimball another hearing is not necessary. **PRINCIPAL CONDITIONALLY ACCEPTS** that; "Judge Kimball does not feel another hearing is necessary the was the case stands now." **UPON PROOF OF CLAIM** that there is no evidence that **RESPONDENTS** have filed any proof of claims contrary to the **RECORD** of the **PRINCIPAL's** Private Administrative Process which has Setoff, Settled, and closed this matter making a new Notice Of Sale moot..

The **PRINCIPAL** Conditionally Accepts your offer of; "ORDER AND RULE TO SHOW CAUSE" **UPON PROOF OF CLAIM** that; The **PRINCIPAL**; "served or caused to be filed with this court or the Clerk of Court" the said documents of the Private Administrative Process and **UPON PROOF OF CLAIM** that;

- a) there is no evidence that **RESPONDENTS** have filed any proof of claims contrary to the "Notice of Condition Acceptance" thereby creating a **RECORD** of the **PRINCIPAL's** Private Administrative Process which has Setoff, Settled, and closed this matter therefore is hereto deemed res judicata and stare decisis, making a new Notice Of Sale moot;
- b) there is no evidence that **RESPONDENTS** have filed any proof of claims contrary to the "Notice of Condition Acceptance" and "Affidavit of Specific Negative Averment" thereby creating a **RECORD** of the **PRINCIPAL's** Private Administrative Process which has Setoff, Settled, and closed this matter making a new Notice Of Sale moot;
- c) there is no evidence that **RESPONDENTS** have filed any proof of claims contrary to the "Certificate of Administrative Judgment" and "UCC Financing Statement," thereby creating a **RECORD** of the **PRINCIPAL'S** Private Administrative Process which has Setoff, Settled, and closed this matter therefore is hereto deemed res judicata and stare decisis, making a new Notice Of Sale moot;

In addition the **PRINCIPAL** Conditionally Accepts your offer that the **PRINCIPAL**; "filed in the office of the Clerk of Court for York County a "Lost Mortgage Satisfaction", " **UPON PROOF OF CLAIM** that; The **PRINCIPAL** filed the said document in the office of the Clerk of Court;

and that the PRINCIPAL; signed the Lost Mortgage Satisfaction himself as the attorney-in-fact for the Plaintiff, an authorization and power not supported by any valid power of attorney granted by Plaintiff and filed in the office of the Clerk of Court, as required by law, UPON PROOF OF CLAIM that; The PRINCIPAL: filed in the office of the Clerk of Court the said document and UPON PROOF OF CLAIM that the UCC documents, (certified copies attached hereto);

**DOCUMENT No.:** 27417510003, **FILING No.:** 10-7255884939 **FILING DATE:** 12/29/2010 09:08 and UCC **DOCUMENT No.:** 27537750002, **FILING No.:** 11-7257047105, **FILING DATE:** 01/09/2011 21:25

is not public notice of the authorization and power granting and conveying a Specific Power of Attorney upon Henry Abel Pol

The PRINCIPAL Conditionally Accepts S. Jackson Kimball findings that; "Based on the foregoing recitation of facts S. Jackson Kimball finds and concludes, *prima facie*, that the PRINCIPAL may be in violation of this court's prior orders, and in violation of S.C. Code Ann. § 15-36-10 et seq. (1976, as amended), UPON PROOF OF CLAIM that there is no evidence that RESPONDENTS have filed any proof of claims contrary to the RECORD of the PRINCIPAL's Private Administrative Process which has Setoff, Settled, and closed this matter making the ORDER AND RULE TO SHOW CAUSE and a new Notice Of Sale moot..

Respondents have Seventy Two (72) hours from receipt of this **Constructive Notice of Conditional Acceptance** and the enclosed **Affidavit of Specific Negative Averment**, hereinafter "AFFIDAVIT", to respond on a point-by-point basis, via sworn affidavit, under RESPONDENTS' full commercial liability, signing under penalty of perjury that the facts contained therein are true, correct, complete and not misleading. Mere declarations are an insufficient response. If an extension of time is needed to properly answer, please request it in writing. Failure to respond will be deemed agreement with the facts stated in the enclosed AFFIDAVIT and an inability to prove RESPONDENTS' claim(s).

You may reach the Undersigned at the phone number above. Please advise the Undersigned of your acceptance of the Undersigned's request for abatement of this hearing pending the outcome of the Private Administrative Process. If the Undersigned does not hear from you, it is agreed that these matters are abated pursuant to the terms and conditions of this letter.

The Undersigned has included for you a copy of the completed Private Administrative Process, subject to a valid response not forthcoming within the next Seventy Two (72) hours, does hereby appoint Rogers Townsend & Thomas, PC, for any appellate proceeding that might be necessary in the review of the Private Administrative Process if it becomes necessary. Thank you for your assistance in this matter.



*Henry Abel Pol*

Authorized Representative Henry Abel Pol,  
Secured Party Creditor, Executive Trustee  
for the trust known as HENRY ABEL POL  
ALL RIGHTS RESERVED AT UCC 1-308

Please direct responses to both third party public witness:

JAMES G. KELLETT, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina 28277

# AFFIDAVIT OF SPECIFIC NEGATIVE AVERMENT

The undersigned PRINCIPAL, Henry Abel Pol, hereinafter "PRINCIPAL", does solemnly affirm, declare and state as follows:

1. PRINCIPAL is competent to state the matters set forth herein;
2. PRINCIPAL has knowledge of the facts stated herein;
3. All the facts herein stated are true, correct and complete, admissible as evidence. If called upon as a witness, PRINCIPAL will testify to their veracity;
4. There is no evidence that PRINCIPAL'S Private Administrative Process contract between the Undersigned and Steve Thomson or the acting Chief Financial Officer of the bank has not resolve this matter making any request by IndyMac Mortgage Services, and any submission of evidence in support of the request by IndyMac Mortgage Services and or their Agents, incomplete, false, and misleading, creating a tortious interference with contractual relations and a tortious interference with prospective advantage, and therefore moot and a prejudice upon the PRINCIPAL.
5. There is no evidence that failure to respond will not be constituted, as an operation of law, the FINAL admission of the facts set forth in the Presentment by Respondents through tacit assent to the Presentment and the whole matter shall be deemed res judicata and stare decisis.
6. There is no evidence that the presentment of this affidavit, and the Notice of Conditional Acceptance enclosed herewith, collectively hereinafter "COUNTER-OFFER", does not constitute honorable performance for the PRINCIPAL and the PRINCIPAL believes that no such evidence exists;
7. There is no evidence that the RESPONDENT'S failure to respond, on a point-by-point basis to the COUNTER-OFFER does not comprise RESPONDENT'S agreement with the facts and all the terms and conditions of the COUNTER-OFFER, and the PRINCIPAL believes that no such evidence exists.

North Carolina Republic ) Commercial Affidavit Oath and Verification  
 ) affirmed and subscribed:  
 Mecklenburg County )

I, Henry Abel Pol, Secured Party Creditor, under my unlimited liability and Commercial Oath, proceeding in good faith, being of sound mind, having first-hand knowledge, affirm, state, and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Creditor



*Henry Abel Pol*

Henry Abel Pol, Secured Party Creditor, Executive Trustee for the trust known as HENRY ABEL POL ALL RIGHTS RESERVED AT UCC 1-308

157  
DATE: 01/10/2011

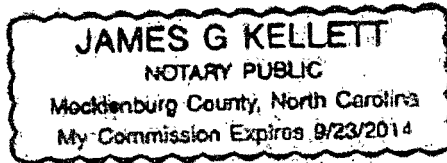
State of North Carolina )  
 )  
Mecklenburg County )

ss:

JURAT

ON THIS Tenth DAY of January, 2011, before me, the undersigned Notary Public, personally appeared Henry Abel Pol and provided satisfactory evidence that she was that individual. In my presence she did execute the foregoing instrument for the purposes stated therein and acknowledged that said execution was by her free act and deed.

JAMES G. KELLETT, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina 28277



**LEGAL NOTICE** The Certifying Notary is an independent contractor and not a party to this claim. In fact the Certifying Notary is a Federal Witness Pursuant to TITLE 18, PART I, CHAPTER 73, SEC. 1512. *Tampering with a witness, victim, or an informant.* The Certifying Notary also performs the functions of a quasi-Postal Inspector under the Homeland Security Act by being compelled to report any violations of the U.S. Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under Color of Law is a violation of Title 18, U.S. Code, Section 242, titled "Deprivation of Rights Under Color of Law," which primarily governs police misconduct investigations. This Statute makes it a crime for any person acting under the Color of Law to willfully deprive any individual residing in the United States and/or United States of America those rights protected by the Constitution and U.S. laws.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

IndyMac Federal Bank, FSB, )  
 )  
Plaintiff, )

vs. )

Henry A. Pol, Patricia Pol a/k/a Patricia )  
A. Pol, Earth Mortgage, LP, d/b/a Earth )  
Mortgage, )

Defendants. )  
 )  
 )

**ORDER AND  
RULE TO SHOW CAUSE**

Case No. 2009CP4600915

2011 JAN - 7 AM 10:46  
DAVID HAMILTON  
C.C.P. & G.S.  
YORK COUNTY, SC

**TO THE DEFENDANT HENRY A. POL:**

On two prior occasions, this court has issued orders pertaining to documents filed by or on behalf of Defendant Henry A. Pol in this action ("Defendant Pol").

By Order dated September 18, 2009, filed September 23, 2009, the court dismissed frivolous counterclaims filed by Defendant Pol in this action, and further, struck from his responsive pleading allegations pertaining to admiralty jurisdiction as patently groundless.

Subsequently, after judgment was rendered against Defendant Pol in this action, he filed and served additional frivolous documents, namely a "Challenge to Subject Matter Jurisdiction Fraudulent Misrepresentation of Facts Violation of Due Process", and a "Final Notice of Default and Demand for Payment." On motion of Plaintiff pursuant to Rule 12(f), SCRCP, and S.C. Code Ann. § 15-36-10 *et seq.* (1976, as amended), and by order dated May 5, 2010, filed June 10, 2010, these documents were stricken from the record, and Defendant Pol was enjoined from filing any further frivolous documents. The order provided:

The Defendants Henry A. Pol and Patricia Pol a/k/a Patricia A. Pol are hereby enjoined from filing or serving any more documents similar to their "Final Notice of Default and Demand for Payment", or similar to any other document previously filed in this action and adjudged to be frivolous or otherwise in violation of the FCPSA [Frivolous Civil Proceedings Sanctions Act]. **Any violation of this portion of this order shall be punishable as contempt of court.** (Emphasis added.)

Notwithstanding the court's prior rulings and admonitions, Defendant Pol, served, or caused to be served on Plaintiff, Plaintiff's chief financial officer, Plaintiff's counsel and this court, and

*mmc*

filed, or caused to be filed with this court or the Clerk of Court the following:

- a. On or about November 18, 2010, a "Notice of Conditional Acceptance" and "Affidavit of Specific Negative Averment" purporting to abate the ongoing foreclosure process;
- b. On or about December 24, 2010, a "Notice of Conditional Acceptance" and "Affidavit of Specific Negative Averment" purporting to abate the foreclosure sale scheduled for January 3, 2011, and a supplemental hearing scheduled for January 10, 2011, along with numerous exhibits, including documents purporting to extinguish the note and mortgage obligation; and,
- c. On or about December 29, 2010, a "Certificate of Administrative Judgment" and "UCC Financing Statement", purporting to establish a claim or lien against Plaintiff and/or its chief financial officer.

In addition to the foregoing documents served in connection with this ongoing case, on December 29, 2010, Defendant Pol executed and filed in the office of the Clerk of Court for York County a "Lost Mortgage Satisfaction" to satisfy Plaintiff's mortgage on the public record. Defendant Pol signed the Lost Mortgage Satisfaction himself as attorney-in-fact for Plaintiff, an authorization and power not supported by any valid power of attorney granted by Plaintiff and filed in the office of the Clerk of Court, as required by law.

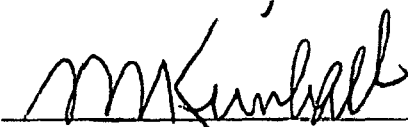
Based on the foregoing recitation of facts, I find and conclude, *prima facie*, that Defendant Pol may be in violation of this court's prior orders, and in violation of S.C. Code Ann. § 15-36-10 *et seq.* (1976, as amended).

Therefore, upon considering the record, You, **Henry A. Pol**, are ordered to appear before the undersigned, at 1 North Congress Street, York, S.C., on **January 20, 2011 at 9:30 a.m.**, and to show cause, and to present any testimony and evidence you may have, on the specified date and time set forth above, as to why you should not be held in contempt of court for violation of the court's prior orders and of S.C. Code Ann. § 15-36-10 *et seq.* (1976, as amended).

If you fail to appear and answer on the date and time specified, you may be found in contempt of court, and may be subject to fine or imprisonment in the discretion of the court.

**AND IT IS SO ORDERED.**

January 6, 2011

  
\_\_\_\_\_  
S. Jackson Kimball  
Master in Equity for York County

STATE OF SOUTH CAROLINA

COUNTY OF YORK

IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NO: 2009CP4600915

FILED-RECEIVED  
2011 JAN 25 AM 10:25  
DAVID HAMILTON  
C.C.P. & GS  
YORK COUNTY, SC

IndyMac Federal Bank FSB vs. Henry A Pol

CHECK ONE:

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other:
- ACTION STRICKEN (CHECK REASON):
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other:

IT IS ORDERED AND ADJUDGED:

- See attached order;
- Statement of Judgment by the Court:

This matter is before me in connection with proceedings against the Defendant Henry A. Pol ("Pol") pertaining to the filing of frivolous and fraudulent documents in connection with this foreclosure action.

I have been advised by the Clerk of Court of, and take judicial notice of, the filing of a "Lost Mortgage Satisfaction" ("Satisfaction"), purporting to satisfy Plaintiff's mortgage being foreclosed in this action. The Satisfaction is executed by Pol as "Attorney in Fact" for "INDYMAC MORTGAGE SERVICES" ("Servicer"), the apparent servicer of the subject loan. I take judicial notice that there is no recorded power of attorney appointing Pol as attorney-in-fact for Plaintiff or the Servicer, and Pol is an obligor and mortgagor under the note and mortgage at issue. I find and conclude that Pol lacks any authority to act on behalf of Plaintiff or the Servicer in any capacity.

Based on the record in this case, I find and conclude that the Satisfaction is fraudulent and frivolous. I further find and conclude that Pol's attempt to satisfy the mortgage is in violation of S.C. Code Ann. § 15-36-10 et seq., § 16-17-735, and § 30-9-30. Thus, I find and conclude that the Satisfaction should be stricken from the public record and all applicable indices, and that Plaintiff's mortgage should be reinstated on the record and all applicable indices.

Therefore, it is ordered that the Clerk of Court for York County be authorized and directed to cancel and strike from the public record the Lost Mortgage Satisfaction recorded December 29, 2010, in Volume 11787, Page 157, and further to reinstate Plaintiff's mortgage on the public record and all applicable indices.

AND IT IS SO ORDERED.

Dated at York, South Carolina, this January 25, 2011.

Court Reporter: N/A

S. JACKSON KIMBALL, MASTER-IN-EQUITY

This judgment was entered on the 1-25-11, and a copy mailed first class this 1-25-11, to attorneys of record or to parties (when appearing pro se) as follows:

Robert Davis, Rogers, Townsend & Thomas, Pc P. O. Box 100200 Columbia, SC 29210

Henry A. Pol 3222 Bannock Dr., Fort Mill, SC 29715

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

SCRPC APP-24/FORM 4

David Hamilton - Clerk of Court

Certified True Copy

*[Signature]*  
DEC 29 2010

201000122872  
Filed for Record in  
YORK COUNTY, SC  
DAVID HAMILTON, CLERK OF COU  
12-29-2010 At 03:07 pm.  
SATISFACTIO 5.00  
OR Vol 11787 Page 157 - 1!

Clerk of Court  
York County

STATE OF NORTH CAROLINA  
COUNTY OF YORK  
HENRY A. POL and PATRICIA A.  
POL

Mortgagor.

to

IndyMac Mortgage Services,  
A Division of OneWest Bank, F.S.C

Mortgagee.

LOST MORTGAGE SATISFACTION

MORTGAGE

Date: 12 29 2010  
Amount: \$ 288,000.00  
Recorded Date: 05/02/2006  
Book: 07996 Page: 00208  
Present Owner/Holder:

SATISFIE

The undersigned, being the owner and holder of the above described mortgage, acknowledges that the debt which was secured thereby has been paid in full and the lien of the mortgage is satisfied and cancelled

WITNESSES

James D. Garlock  
Yuzhi Lee

Date: 12 29 2010

*[Signature]*  
*[Signature]*

INDYMAC MORTGAGE SERVICES,  
A Division of OneWest Bank, F.S.B. (Seal)

*[Signature]*  
Henry Abel Pol  
Henry Abel Pol Attorney in Fact

STATE OF NORTH CAROLINA

COUNTY OF ~~YORK~~ mecklenburg *JGK*

PROBATE

Personally appeared before me the undersigned witness, who being duly sworn, says that (s)he saw the within named Owner/Holder sign, seal and deliver the within Lost Mortgage Satisfaction; and that (s)he, with the other witness whose signature appears above, witnessed the execution thereof.

SWORN to before me Date: 12 29 2010

*[Signature]*  
Notary Public for South Carolina  
(Seal)

James D. Garlock *[Signature]*  
(Witness)

**JAMES G KELLETT**  
NOTARY PUBLIC  
Mecklenburg County, North Carolina  
My Commission Expires 9/23/2014

STATE OF NORTH CAROLINA

COUNTY OF ~~YORK~~ mecklenburg *JGK*

AFFIDAVIT OF LOST MORTGAGE

Personally appeared before me the undersigned, who, being duly sworn, says that the above designated owner holder is the bona fide owner and holder of the described mortgage; that the original mortgage has been lost and cannot be found; that the mortgage has not been assigned, hypothecated or disposed of otherwise.

SWORN to before me Date: 12 29 2010

*[Signature]*  
Notary Public for South Carolina  
(Seal)

INDYMAC MORTGAGE SERVICES,  
A Division of OneWest Bank, F.S.B. (Seal)

*[Signature]*  
Henry Abel Pol  
Henry Abel Pol Attorney in Fact

**JAMES G KELLETT**  
NOTARY PUBLIC  
Mecklenburg County, North Carolina  
My Commission Expires 9/23/2014

# UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

<b>A. NAME &amp; PHONE OF CONTACT AT FILER [optional]</b> 7045449837				
<b>B. SEND ACKNOWLEDGMENT TO: (Name and Address)</b> HENRY ABEL POL c/o JAMES G. KELLETT NOTARY PUBLIC 6420 Rea Road, Suite 202, CHARLOTTE, NC 28277 USA			DOCUMENT NUMBER: 27537750002 FILING NUMBER: 11-7257047105 FILING DATE: 01/09/2011 21:25 IMAGE GENERATED ELECTRONICALLY FOR WEB FILING THE ABOVE SPACE IS FOR CA FILING OFFICE USE ONLY	
<b>1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names</b>				
OR				
<b>1a. ORGANIZATION'S NAME</b> HENRY ABEL POL				
<b>1b. INDIVIDUAL'S LAST NAME</b>				
<b>1c. MAILING ADDRESS</b> 3222 BANNOCK DRIVE		<b>CITY</b> FORT MILL		<b>STATE</b> SC
<b>1d. SEE INSTRUCTIONS</b>		<b>ADD'L DEBTOR INFO</b>		<b>1e. TYPE OF ORGANIZATION</b> LEGAL ENTITY
<b>1f. JURISDICTION OF ORGANIZATION</b> USA		<b>1g. ORGANIZATIONAL ID#, if any</b> *** ** 4771		<input type="checkbox"/> NONE
<b>2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names</b>				
OR				
<b>2a. ORGANIZATION'S NAME</b>				
<b>2b. INDIVIDUAL'S LAST NAME</b>				
<b>2c. MAILING ADDRESS</b>		<b>CITY</b>		<b>STATE</b>
<b>2d. SEE INSTRUCTIONS</b>		<b>ADD'L DEBTOR INFO</b>		<b>2e. TYPE OF ORGANIZATION</b>
<b>2f. JURISDICTION OF ORGANIZATION</b>		<b>2g. ORGANIZATIONAL ID#, if any</b>		<input type="checkbox"/> NONE
<b>3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)</b>				
OR				
<b>3a. ORGANIZATION'S NAME</b>				
<b>3b. INDIVIDUAL'S LAST NAME</b> Pol				
<b>3c. MAILING ADDRESS</b> 3222 Bannock Drive Fort Mill, South Carolina 29715		<b>CITY</b>		<b>STATE</b>
<b>3d. SEE INSTRUCTIONS</b>		<b>3e. TYPE OF ORGANIZATION</b>		<b>3f. JURISDICTION OF ORGANIZATION</b> ZZZ
<b>4. This FINANCING STATEMENT covers the following collateral:</b> Notice of granting and conveying a Specific Power of Attorney upon Henry Abel Pol  The submitted RECORD with stipulations in the PRIVATE ADMINISTRATIVE PROCESS between STEVE THOMSON, CFO, IndyMac Mortgage Services A Division Of OneWest Bank, and/or its Agents and Henry Abel Pol therein has constituted the granting and conveying of a Specific Power of Attorney to Henry Abel Pol to execute said instruments on behalf of STEVE THOMSON, CFO, IndyMac Mortgage Services A Division Of OneWest Bank, and/or its Agents.				
<b>5. ALT DESIGNATION:</b> <input type="checkbox"/> LESSEE/LESSOR <input type="checkbox"/> CONSIGNEE/CONSIGNOR <input type="checkbox"/> BAILEE/BAILOR <input type="checkbox"/> SELLER/BUYER <input type="checkbox"/> AG. LIEN <input type="checkbox"/> NON-UCC FILING				
<input type="checkbox"/> 6. This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS Attach Addendum [if applicable]			<b>7. Check to REQUEST SEARCH REPORT(S) on Debtor(s)</b> [ADDITIONAL FEE] [optional] <input type="checkbox"/> All Debtors <input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2	
<b>8. OPTIONAL FILER REFERENCE DATA</b>				

# State of California

Secretary of State

I, **Debra Bowen**, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.



**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of

January 10, 2011

---

*Debra Bowen*

Secretary of State

FILE # 117257047105

Document Number: 27540820004

**UCC FINANCING STATEMENT ADDENDUM**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

<b>9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT</b>					
9a. ORGANIZATION'S NAME HENRY ABEL POL					
OR	9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX		
10. MISCELLANEOUS:					
DOCUMENT NUMBER: 27537750002 IMAGE GENERATED ELECTRONICALLY FOR WEB FILING THE ABOVE SPACE IS FOR CA FILING OFFICE USE ONLY					
<b>11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names</b>					
11a. ORGANIZATION'S NAME					
OR	11b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
11c. MAILING ADDRESS			CITY	STATE	POSTAL CODE COUNTRY
11d. SEE INSTRUCTIONS	ADD'L DEBTOR INFO	11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION	11g. ORGANIZATIONAL ID#, if any <input type="checkbox"/> NONE	
<b>12. <input type="checkbox"/> ADDITIONAL SECURED PARTY'S or <input checked="" type="checkbox"/> ASSIGNOR S/P'S NAME - insert only one name (12a or 12b)</b>					
12a. ORGANIZATION'S NAME IndyMac Mortgage Services					
OR	12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
12c. MAILING ADDRESS 888 East Walnut Street			CITY Pasadena	STATE CA	POSTAL CODE 91101 COUNTRY USA
13. This FINANCING STATEMENT covers <input type="checkbox"/> timber to be cut or <input type="checkbox"/> as-extracted collateral, or is filed as a <input type="checkbox"/> fixture filing.			16. Additional collateral description:		
14. Description of real estate:					
15. Name and address of RECORD OWNER of above-described real estate (if Debtor does not have a record interest):			17. Check <u>only</u> if applicable and check <u>only</u> one box. Debtor is a <input checked="" type="checkbox"/> Trust or <input type="checkbox"/> Trustee acting with respect to property held in trust or <input type="checkbox"/> Decedent's Estate		
			18. Check <u>only</u> if applicable and check <u>only</u> one box. <input type="checkbox"/> Debtor is a TRANSMITTING UTILITY <input type="checkbox"/> Filed in connection with a Manufactured-Home Transaction - effective 30 years <input type="checkbox"/> Filed in connection with a Public-Finance Transaction - effective 30 years		

CERTIFICATE OF ADMINISTRATIVE JUDGMENT

STATE OF ~~CALIFORNIA~~ <sup>North Carolina</sup>  
COUNTY OF ~~LOS ANGELES~~ <sup>Mecklenburg</sup> SS

PRESENTMENT Be it known, that, the person signing below, a duly empowered Notary Public, at the request

of Henry Abel Pol In care of 6420 Rea Road, Suite 202, Charlotte, North Carolina 28277  
Claimant Address

did duly present on December 16, 2010 the attached NOTICE OF DEFAULT IN DISHONOR, CONSENT TO JUDGMENT dated December 16, 2010

to STEVE THOMSON, CFO, IndyMac Mortgage Services A Division Of OneWest Bank, F.S.B, 6900 Beatrice Drive Kalamazoo, MI 49009  
Respondent(s)

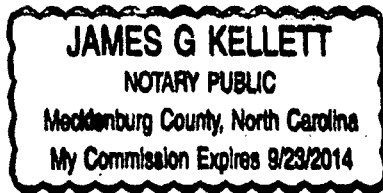
signed by Henry Abel Pol requesting Consent to Administrative Judgment  
a reasonable time having elapsed for a seasonable response thereto.

JUDGMENT Whereupon, the Notary Public signing below, for the reason consent by non-response, does publicly and solemnly certify the consent of all parties it may concern by reason of non-response thereof and stipulations therein.

NOTICE The undersigned Notary Public, certifies that on December 29, 2010 Notice(s) of Administrative Judgment were sent to the parties noted below by depositing in a depository of the United States Postal Service within the State indicated herein a sealed envelope containing said Notices(s) directed to the respective person(s) or entity(ies) at the last known corresponding address noted below:

NAME	ADDRESS
<u>STEVE THOMSON, CFO, IndyMac Mortgage Services,</u>	<u>6900 Beatrice Drive Kalamazoo, MI 49009</u>
<u>Rogers Townsend &amp; Thomas, PC</u>	<u>P.O. Box 100200, Columbia, South Carolina 29202</u>
<u>S. Jackson Kimball, III Master in Equity,</u>	<u>1 North Congress Street York, South Carolina 29745</u>

TESTIMONY In testimony of the above, I have signed my name and attached my official seal



James G. Kellett December 29, 2010  
JAMES G. KELLETT, Notary Public Date  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina 28277

Exhibit 7

**From:** ROBERT DAVIS [RDAVIS@rtt-law.com]  
**Sent:** Thursday, December 30, 2010 3:07 PM  
**To:** Bill Sloan  
**Cc:** info@merchantaccountetc.com  
**Subject:** Re: IndyMac vs. Pol

**Categories:** Purple Category, Red Category

Bill, the purpose of the January 10 hearing is primarily to ask Judge Kimball to sign a new Notice of Sale for the February, 2011, sale date. However, I also plan to draw Judge Kimball's attention to the frivolous documents which Mr. Sloan has continued to serve on me since the court's order of 6/10/10. What Judge Kimball chooses to do about those documents is, of course, entirely in his discretion.

Best wishes,  
Rob

Robert P. Davis  
Attorney at Law  
Rogers Townsend & Thomas, PC  
P. O. Box 100200 (ZIP 29202)  
220 Executive Center Drive, Suite 109  
Columbia, South Carolina 29210  
email: [rdavis@rtt-law.com](mailto:rdavis@rtt-law.com)

This firm collects debts for mortgage lenders and other creditors. Any information obtained will be used for that purpose. However, if you have previously received a discharge in bankruptcy this message is not and should not be construed as an attempt to collect a debt, but only an enforcement of the lien against the property.

>>> Bill Sloan <[sloanlawfirm@yahoo.com](mailto:sloanlawfirm@yahoo.com)> 12/30/2010 2:26 PM >>>

Rob: Thanks for advising me that there is no sale on this case on Monday. Thanks also for advising me that you do not object to Mr. POL's and my Motion to be relieved as his and Mrs. POL's attorney. In speaking with Mr. Pol, he simply wants to represent himself again. I am assuming that the purpose of the January 10 hearing is to recalculate numbers and set a sales date. Please advise if this is incorrect. Thanks again, Bill Sloan

William H. Sloan  
Sloan Law Firm  
1055-F North Main St.  
Summerville, SC 29483  
Phone 843-873-7531  
FAX 843-873-7527

This e-mail is subject to attorney-client privilege. If you received this message in error, you are ordered

to destroy this e-mail.

CERTIFICATE OF NON-RESPONSE

STATE OF NORTH CAROLINA )
) ss
COUNTY OF MECKLENBURG )

PRESENTMENT Be it known, that, the person signing below, a duly empowered Notary Public, at the request

of Henry Abel Pol In care of 3222 BANNOCK DR, FORT MILL SC 29715
Claimant Address

did duly present on November 22, 2010 the attached NOTICE OF TENDER FOR SETOFF; and REQUEST REGARDING A STATEMENT OF ACCOUNT
dated November 22, 2010

to JOSEPH OTTING, CHIEF EXECUTIVE OFFICER INDYMAC MORTGAGE SERVICES A DIVISION OF ONEWEST BANK, FSB 6900 BEATRICE DRIVE KALAMAZOO, MI 49009
Respondent(s)

signed by Henry Abel Pol requesting Correction or approval of Statement of Account
the time limit having elapsed for a timely response thereto.

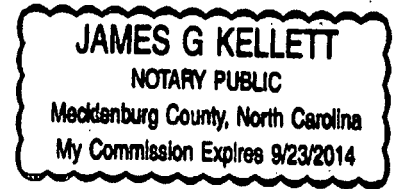
DEFAULT Whereupon, the Notary Public signing below, for the reason dishonor by non-response, does publicly and solemnly certify
the dishonor as against all parties it may concern by reason of non-response thereof and stipulations therein.

TESTIMONY In testimony of the above, I have signed my name and attached my official seal

James G. Kellett, Notary Public

My commission expires: 9/23/14

Date December 10, 2010



CERTIFICATE OF NON-RESPONSE/NON-PERFORMANCE

signed by JAMES KELLETT requesting Correction or approval of Statement of Account the time limit having elapsed for a timely response thereto.

Sate of North Carolina ) Mecklenburg County ) affirm and subscribed:

PRESENTMENT Be it known, that, the person signing below, a duly empowered Notary Public, at the request

of Henry Abel Pol In care of 3222 BANNOCK DR, FORT MILL SC 29715 Claimant Address

did duly present on November 22, 2010 the attached NOTICE OF TENDER FOR SETOFF; and REQUEST REGARDING A STATEMENT OF ACCOUNT dated November 22, 2010

to JOSEPH OTTING, CHIEF EXECUTIVE OFFICER INDYMAC MORTGAGE SERVICES A DIVISION OF ONEWEST BANK, PSB 6900 BEATRICE DRIVE KALAMAZOO, MI 49009 Respondent(s)

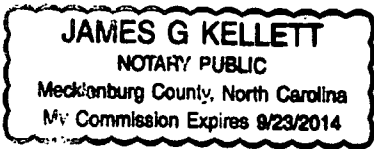
signed by Henry Abel Pol requesting Setoff and/or discharge of any and all alleged obligations, etc. attributed to GORDON L. HALL, the time limit having elapsed for a timely response thereto.

DEFAULT: Whereupon, the Notary signing below, for the reason dishonor by non-response/non-performance, does publicly and solemnly certify the dishonor as against all parties it may concern by reason of non-response/non-performance thereof and stipulations therein.

NOTICE: The undersigned Notary, certifies that as of December, 2010 CONSTRUCTIVE NOTICE OF CONDITIONAL ACCEPTANCE were sent to the parties noted below by depositing in an official depository under the exclusive face and custody of the United States Post Office a sealed envelope containing said Notices(s) directed to the respective person(s) or entity(ies) at the last known corresponding address noted below:

Table with 2 columns: NAME, ADDRESS. Row 1: JOSEPH OTTING, CHIEF EXECUTIVE OFFICER | INDYMAC MORTGAGE SERVICES A DIVISION OF ONEWEST BANK, PSB 6900 BEATRICE DRIVE KALAMAZOO, MI 49009

TESTIMONY I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Signature of James G. Kellett, Notary

Executed on: December 10, 2010

James G. Kellett,

Non-domestic without the United States

CERTIFICATION OF DUE PRESENTMENT OF NOTICE UNDER NOTARY SEAL

Date of Presentment: August 20, 2010

Notice Presented Under Seal: CONSTRUCTIVE NOTICE OF CONDITIONAL ACCEPTANCE

Notary's Certification: The above-noted parties were presented notice under notary seal that certification of non-response/non-performance within ten (10) days of postmark would comprise their acceptance of the terms and conditions contained therein, the time having elapsed for response or performance thereof, which was dishonored.

**UCC FINANCING STATEMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]	
7046443561	
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
HENRY ABEL POL c/o 6420 Rea Road, Suite 202, CHARLOTTE, NC 28277 USA	

DOCUMENT NUMBER: 27417510003  
 FILING NUMBER: 10-7255884939  
 FILING DATE: 12/29/2010 09:08  
 IMAGE GENERATED ELECTRONICALLY FOR WEB FILING  
 THE ABOVE SPACE IS FOR CA FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names				
1a. ORGANIZATION'S NAME				
HENRY ABEL POL				
OR				
1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
1c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
6420 Rea Road, Suite 202,		Charlotte	NC	28277
1d. SEE ADD'L DEBTOR INFO		1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL ID#, if any
INSTRUCTIONS		LEGAL ENTITY	USA	<input type="checkbox"/> NONE
				*** ** 4771

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names				
2a. ORGANIZATION'S NAME				
OR				
2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
2c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
2d. SEE ADD'L DEBTOR INFO		2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID#, if any
INSTRUCTIONS				<input type="checkbox"/> NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)				
3a. ORGANIZATION'S NAME				
OR				
3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
Pol		Henry	A	
3c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
c/o 6420 Rea Road, Suite 202, North Carolina				ZZZ

4. This FINANCING STATEMENT covers the following collateral:  
 Notice of CERTIFICATE OF ADMINISTRATIVE JUDGMENT upon STEVE THOMSON, CFO, IndyMac Mortgage Services A Division Of OneWest Bank,  
 F.S.B, Notary Public has for the reason consent by non-response, does publicly and solemnly certify the consent of all parties it may concern by reason of non-response thereof and stipulations therein of the PRIVATE ADMINISTRATIVE PROCESS submitted RECORD has setoff,  
 settled, and closed the Account(s). IndyMac Mortgage Services, hereby agrees the Trust Mortgage Deed is hereby annulled or vacated.

5. ALT DESIGNATION: <input type="checkbox"/> LESSEE/LESSOR <input type="checkbox"/> CONSIGNEE/CONSIGNOR <input type="checkbox"/> BAILEE/BAILOR <input type="checkbox"/> SELLER/BUYER <input type="checkbox"/> JAG. LIEN <input type="checkbox"/> NON-UCC FILING	
<input type="checkbox"/> 6. This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS Attach Addendum [if applicable]	7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) [ADDITIONAL FEE] [optional] <input type="checkbox"/> All Debtors <input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2

8. OPTIONAL FILER REFERENCE DATA  
 CERTIFICATE OF ADMINISTRATIVE JUDGMENT

**UCC FINANCING STATEMENT ADDENDUM**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

<b>9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT</b>					
9a. ORGANIZATION'S NAME HENRY ABEL POL					
OR	9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX		
10. MISCELLANEOUS:					
DOCUMENT NUMBER: 27417510003 IMAGE GENERATED ELECTRONICALLY FOR WEB FILING THE ABOVE SPACE IS FOR CA FILING OFFICE USE ONLY					
<b>11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names</b>					
11a. ORGANIZATION'S NAME					
OR	11b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
11c. MAILING ADDRESS		CITY	STATE	POSTAL CODE	COUNTRY
11d. SEE INSTRUCTIONS	ADD'L DEBTOR INFO	11e. TYPE OF ORGANIZATION	11f. JURISDICTION OF ORGANIZATION	11g. ORGANIZATIONAL ID#, if any <input type="checkbox"/> NONE	
<b>12. <input type="checkbox"/> ADDITIONAL SECURED PARTY'S or <input checked="" type="checkbox"/> ASSIGNOR S/P'S NAME - insert only one name (12a or 12b)</b>					
12a. ORGANIZATION'S NAME IndyMac Mortgage Services					
OR	12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
12c. MAILING ADDRESS 888 East Walnut Street		CITY Pasadena	STATE CA	POSTAL CODE 91101	COUNTRY USA
13. This FINANCING STATEMENT covers <input type="checkbox"/> timber to be cut or <input type="checkbox"/> as-extracted collateral, or is filed as a <input type="checkbox"/> fixture filing.			16. Additional collateral description:		
14. Description of real estate:					
15. Name and address of RECORD OWNER of above-described real estate (if Debtor does not have a record interest):			17. Check <u>only</u> if applicable and check <u>only</u> one box. Debtor is a <input type="checkbox"/> Trust or <input type="checkbox"/> Trustee acting with respect to property held in trust or <input type="checkbox"/> Decedent's Estate		
			18. Check <u>only</u> if applicable and check <u>only</u> one box. <input type="checkbox"/> Debtor is a TRANSMITTING UTILITY <input type="checkbox"/> Filed in connection with a Manufactured-Home Transaction - effective 30 years <input type="checkbox"/> Filed in connection with a Public-Finance Transaction - effective 30 years		

FILING OFFICE COPY

**UCC FINANCING STATEMENT AMENDMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

<b>A. NAME &amp; PHONE OF CONTACT AT FILER [optional]</b> 7046443561				
<b>B. SEND ACKNOWLEDGMENT TO: (Name and Address)</b> HENRY ABEL POL 3222 BANNOCK DRIVE FORT MILL, SC 29715 USA			DOCUMENT NUMBER: 26993640002 FILING NUMBER: 10-72517709 FILING DATE: 11/17/2010 10:06 IMAGE GENERATED ELECTRONICALLY FOR WEB FILING THE ABOVE SPACE IS FOR CA FILING OFFICE USE ONLY	
<b>1a. INITIAL FINANCING STATEMENT FILE #</b> 10-7251760584		<b>1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.</b>		
<b>2. TERMINATION:</b> Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination.				
<b>3. CONTINUATION:</b> Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.				
<b>4. ASSIGNMENT (full or partial):</b> Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.				
<b>5. AMENDMENT (PARTY INFORMATION):</b> This Amendment affects <input type="checkbox"/> Debtor or <input type="checkbox"/> Secured Party of record. Check only <u>one</u> of these. Also check <u>one</u> of the following three boxes and provide appropriate information in items 6 and/or 7. <input type="checkbox"/> CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party. <input type="checkbox"/> DELETE name: Give record name to be deleted in item 6a or 6b. <input type="checkbox"/> ADD name: Complete item 7a or 7b, and also item 7c				
<b>6. CURRENT RECORD INFORMATION:</b>				
6a. ORGANIZATION'S NAME				
OR				
6b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
<b>7. CHANGED (NEW) OR ADDED INFORMATION:</b>				
7a. ORGANIZATION'S NAME				
UNITED STATES TREASURY				
OR				
7b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
<b>7c. MAILING ADDRESS</b> 1503 PENNSYLVANIA AVENUE, N.W.		<b>CITY</b> WASHINGTON	<b>STATE</b> DC	<b>POSTAL CODE</b> 20220-
<b>COUNTRY</b> USA				
<b>7d. SEE INSTRUCTIONS</b>	<b>ADD'L DEBTOR INFO</b>	<b>7e. TYPE OF ORGANIZATION</b>	<b>7f. JURISDICTION OF ORGANIZATION</b>	<b>7g. ORGANIZATIONAL ID#, if any</b> <input type="checkbox"/> NONE
<b>8. AMENDMENT (COLLATERAL CHANGE):</b> check only <u>one</u> box. Describe collateral <input type="checkbox"/> deleted or <input type="checkbox"/> added, or give entire <input type="checkbox"/> restated collateral description, or describe collateral <input checked="" type="checkbox"/> assigned.  PRIVATE REGISTERED SETOFF BOND No. 2010111701  Two-Million-00/100 Dollars -- USD \$2,500,000.00				
<b>9. NAME of SECURED PARTY of RECORD AUTHORIZING THIS AMENDMENT</b> (name of assignor, if this is an Assignment). If this is an Amendment authorized by Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here <input type="checkbox"/> and enter name of DEBTOR authorizing this amendment.				
a. ORGANIZATION'S NAME				
OR				
b. INDIVIDUAL'S LAST NAME Pol		FIRST NAME Henry	MIDDLE NAME Abel	SUFFIX
<b>10. OPTIONAL FILER REFERENCE DATA</b> PRIVATE REGISTERED SETOFF BOND No. 2010111701				

**UCC FINANCING STATEMENT AMENDMENT ADDITIONAL PARTY**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

12. INITIAL FINANCING STATEMENT FILE # (same as item 1a on Amendment form)				
10-7251760584				
13. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)				
13a. ORGANIZATION'S NAME				
OR	13b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX	
	Pol	Henry	Abel	
14 MISCELLANEOUS				
DOCUMENT NUMBER: 26993640002 IMAGE GENERATED ELECTRONICALLY FOR WEB FILING THE ABOVE SPACE IS FOR CA FILING OFFICE USE ONLY				
14. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (14a or 14b) - do not abbreviate or combine names				
14a. ORGANIZATION'S NAME				
OR	14b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
14c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
14d. SEE INSTRUCTIONS	ADD'L DEBTOR INFO	14e. TYPE OF ORGANIZATION	14f. JURISDICTION OF ORGANIZATION	14g. ORGANIZATIONAL ID#, if any <input type="checkbox"/> NONE
15. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (15a or 15b) - do not abbreviate or combine names				
15a. ORGANIZATION'S NAME				
OR	15b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
15c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
15d. SEE INSTRUCTIONS	ADD'L DEBTOR INFO	15e. TYPE OF ORGANIZATION	15f. JURISDICTION OF ORGANIZATION	15g. ORGANIZATIONAL ID#, if any <input type="checkbox"/> NONE
16. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (16a or 16b) - do not abbreviate or combine names				
16a. ORGANIZATION'S NAME				
OR	16b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
16c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
16d. SEE INSTRUCTIONS	ADD'L DEBTOR INFO	16e. TYPE OF ORGANIZATION	16f. JURISDICTION OF ORGANIZATION	16g. ORGANIZATIONAL ID#, if any <input type="checkbox"/> NONE
17. ADDITIONAL SECURED PARTY'S NAME (or Name of TOTAL ASSIGNEE) - insert only one name (17a or 17b)				
17a. ORGANIZATION'S NAME				
OR	17b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
	GETTNER	TIMOTHY	F	
17c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY
1500 PENNSYLVANIA AVENUE, N.W.		WASHINGTON	DC	20220- USA
18. ADDITIONAL SECURED PARTY'S NAME (or Name of TOTAL ASSIGNEE) - insert only one name (18a or 18b)				
18a. ORGANIZATION'S NAME				
OR	18b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
18c. MAILING ADDRESS		CITY	STATE	POSTAL CODE COUNTRY

FILING OFFICE COPY

CERTIFICATE OF NON-RESPONSE/NON-PERFORMANCE

North Carolina Republic )
Mecklenburg county ) affirmed and subscribed:

PRESENTMENT Be it known, that, the person signing below, a duly empowered Notary, at the request

of Henry Abel Pol In care of 3222 BANNOCK DR, FORT MILL SC 29715, Non-domestic without the United States
Claimant Address

did duly present on December 10, 2010 the attached NOTICE OF FAULT IN DISHONOR, OPPORTUNITY TO CURE dated December 6, 2010

regarding PETITION TO ENFORCE Setoff, Settlement, and Closure of IndyMac Mortgage Services ACCOUNT NO(S)

1007507427 and 8800649728 of HENRY ABEL POL

to Steve Thomson, CHIEF EXECUTIVE OFFICER INDYMAC MORTGAGE SERVICES A DIVISION OF ONEWEST BANK, FSB 6900 BEATRICE DRIVE KALAMAZOO, MI 49009

Respondent(s)

signed by Henry Abel Pol requesting Curing fault by stipulated performance
the time limit having elapsed for any timely response thereto.

JUDGMENT: Whereupon, the Notary signing below, for the reason default and dishonor by non-response/non-performance, does publicly and solemnly certify the default and dishonor as against all parties it may concern by reason of non-response/non-performance thereof and stipulations therein.

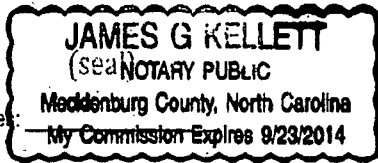
NOTICE: The undersigned Notary Public, certifies that on December 16, 2010 Notice(s) of Administrative Judgment were sent to the parties noted below by depositing in an official depository under the exclusive care and custody of the United States Post Office a sealed envelope containing said Notices(s) directed to the respective person(s) or entity(ies) at the last known corresponding address noted below:

NAME

ADDRESS

Steve Thomson, CHIEF EXECUTIVE OFFICER c/o INDYMAC MORTGAGE SERVICES A DIVISION OF ONEWEST BANK, FSB 6900 BEATRICE DRIVE KALAMAZOO, MI 49009

TESTIMONY I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



My commission expires:

Date December 16, 2010

Handwritten signature of James G. Kellett

J. KELLETT Notary Public
6420 Rea Road, Suite 202,
Charlotte, North Carolina 28277

CERTIFICATION OF DUE PRESENTMENT OF NOTICE UNDER NOTARY SEAL

Date of Presentment: December 16, 2010

Notice Presented Under Seal: NOTICE OF DEFAULT IN DISHONOR - CONSENT TO JUDGMENT

Notary's Certification: The above-noted parties were presented notice under notary seal that certification of non-response/non-performance within ten (10) days of postmark would comprise their acceptance of the terms and conditions contained therein, the time having elapsed for response or performance thereof, which was dishonored.

## NOTARY'S CERTIFICATE OF SERVICE

It is hereby certified that on the date noted below, the undersigned Notary Public mailed on December 17, 2010 to:

**Steve Thomson, Chief Financial Officer**  
**IndyMac Mortgage Services**  
**888 East Walnut Street**  
**Pasadena California 91101 U.S.A.**

hereinafter, "Recipients," the documents and sundry papers pertaining to a certain INDYMAC MORTGAGE SERVICES ACCOUNT NO(S). 1007507427, 8800649728; And Case No. 09-CP-46-0915 regarding HENRY ABEL POL as follows:

- A) NOTICE OF DEFAULT IN DISHONOR CONSENT TO JUDGMENT December 16, 2010 (3 Leaves);
- B) CERTIFICATE OF NON-RESPONSE/NON-PERFORMANCE December 6, 2010 (1 Leaf);
- C) RECORD OF PRESENTMENT AND FAULT NOTICE (1 Leaf);  
Exhibit A Attachment "A", includes: (1 Leaf);
  - (1) Notice of Tender for Setoff dated November 22, 2010 (2 Leaves);
  - (2) Request Regarding a Statement of Account dated November 22, 2010 (1 Leaf);
  - (3) Notice to Setoff Accounts dated November 22, 2010 (2 Leaves);
  - (4) AFFIDAVIT OF SPECIFIC NEGATIVE AVERMENT (3 Leaves);
  - (5) Notary's Certificate of Service, dated November 18, 2010 (1 Leaf).
  - (6) Notary's Certificate of Service, dated November 22, 2010 (1 Leaf).
  - (7) Notary's Certificate of Service, dated November 22, 2010 (1 Leaf).
  - (8) Certificate of Non-Response dated November 18, 2010 (1 Leaf);
  - (9) Certificate of Non-Response dated November 22, 2010 (1 Leaf);
  - (10) Notice of Fault in Dishonor, Opportunity to Cure, December 10, dated 2010 (2 Leaves); ~~Corrected~~ December 16, 2010
  - (11) USPS Form 3811, Receipt for Certified Mail dated November 23, 2010 (1 Leaf);
  - (12) USPS Form 3811, Receipt for Certified Mail dated November 28, 2010 (1 Leaf);
  - (13) NOTICE CONDITIONAL ACCEPTANCE first and second notice for the Abatement of Hearing 11/24/2010 (2 leaves);
- Exhibit B - IRS - NOTES - UCC ETC... (1 Leaf);
  - (14) I.R.S. FORM 1040-V, PAYMENT VOUCHER, with banker's acceptance endorsement on reverse page of leaf, dated November 17, 2010 and issued for account HENRY ABEL POL 618-28-4771 (1 leaf);
  - (15) Certified Copy of Steve Thomson, IndyMac Mortgage Services Private Registered Set Off Bond No. 2010111702, 03/10/2009 (1 leaf);
  - (16) Certified Copy Timothy F. Geithner Secretary of the Treasury Private Registered Set Off Bond No. 2010120901, 12/9/2010 (1 leaf);
  - (17) Copy of UCC-1 Financing Statement, Document No. 27213390002, Filing No. 10-72538655 12/9/2010 (3 leaves);
  - (18) UCC-1 Financing Statement, Document No. 26992040002, Filing No. 10-7251760584 dated 11/7/2010 (3 leaves);
  - (19) UCC-3 Financing Statement, Document No. 26993640002, Filing No. 10-72517709, dated 11/17/2010 (3 leaves);
  - (20) UCC-1 Financing Statement, Document No. 27022930002, Filing No. 10-7252073603 dated 11/19/2010 (3 leaves);
  - (21) UCC-3 Financing Statement, Document No. 27022930003, Filing No. 10-72520766, November 19, 2010 (3 leaves);
- Exhibit C - ABATEMENT - IRS A4V ETC.. (1 Leaf);
  - (22) NOTICE CONDITIONAL ACCEPTANCE to Abate the Jan 3, 2011 Sale (2 leaves);
  - (23) NOTICE CONDITIONAL ACCEPTANCE to Abate the hearing Nov 24, 2010 (1 leaf);
  - (24) Payoff Statement, issued by INDYMAC MORTGAGE SERVICES and dated December 2, 2009, and November 18, 2010 with banker's acceptance endorsement on front page and reverse - A4V (4 leaves);
  - (25) Judgment of Foreclosure and Sale Dated October 13, 2009 banker's acceptance endorsement on front page and reverse - A4V (1 leaf);
  - (26) AFFIDAVIT OF SPECIFIC NEGATIVE AVERMENT (2 leaves);
  - (27) NOTICE CONDITIONAL ACCEPTANCE of the HAMP notices (2 leaves) + originals;
  - (28) Payoff Statement, issued by David Hamilton York County SC and dated November 24, 2010, with banker's acceptance endorsement on front page and reverse - A4V (2 leaves);
  - (29) Reference copy of this Notary's Certificate of Service (2 leaves) (signed original on file),

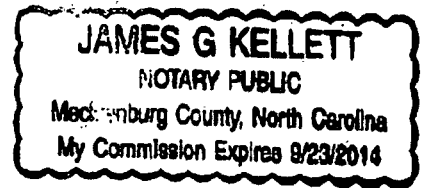
a total of 60 pages, by USPS Certified Mail #. 70090960000026853027 Return Receipt attached by placing same in a postpaid envelope properly addressed to Recipient at the said address and depositing same at an official depository under the exclusive care and custody of the U.S. Postal Service within the State of North Carolina.

James G. Kellett  
NOTARY PUBLIC

December 16, 2010

My commission expires: 9/23/14

JAMES g. KELLETT, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina 28277



**LEGAL NOTICE** The Certifying Notary is an independent contractor and not a party to this claim. In fact the Certifying Notary is a Federal Witness Pursuant to TITLE 18, PART I, CHAPTER 73, SEC. 1512. *Tampering with a witness, victim, or an informant.* The Certifying Notary also performs the functions of a quasi-Postal Inspector under the Homeland Security Act by being compelled to report any violations of the U.S. Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under Color of Law is a violation of Title 18, U.S. Code, Section 242, titled "Deprivation of Rights Under Color of Law," which primarily governs police misconduct investigations. This Statute makes it a crime for any person acting under the Color of Law to willfully deprive any Individual residing in the United States and/or United States of America those rights protected by

**THIS IS A PRIVATE COMMUNICATION BETWEEN THE PARTIES  
NOTICE TO AGENT IS NOTICE TO PRINCIPAL --- NOTICE TO PRINCIPAL IS NOTICE TO AGENT**

**NOTICE OF DEFAULT IN DISHONOR  
CONSENT TO JUDGMENT**

December 16, 2010.

**PRINCIPAL:**

Henry Abel Pol,  
c/o J. KELLETT Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina 28277

**RESPONDENT:**

STEVE THOMSON, Chief Executive Officer  
IndyMac Mortgage Services  
A Division Of Onewest Bank, FSB  
6900 Beatrice Drive Kalamazoo, MI 49009

Re: INDYMAC MORTGAGE SERVICES ACCOUNT NO(S). 1007507427 and 8800649728; HENRY ABEL POL

**STATEMENT OF FACTS:**

1. On November 22, 2010, Henry Abel Pol, hereinafter "Trustor", made presentment of a NOTICE TO SETOFF ACCOUNTS and I.R.S.FORM 1040-V, hereinafter "Tender", a record of which is attached hereto and incorporated herein in its entirety as Attachment "A", to IRS Technical Support Division, hereinafter "Tender Agent", for the settlement of IndyMac Mortgage Services account No(s). 1007507427, 8800649728, hereinafter "Account", sent via USPS Registered Mail, Article No. RR062949135US, by J. Kellett, Notary Public, hereinafter "Notary", as evidenced by the "NOTARY'S CERTIFICATE OF SERVICE" dated On November 22, 2010, a record of which is attached hereto and incorporated herein in its entirety as Attachment "A".
2. On November 28, 2010, United States Postal Service, hereinafter "Carrier", delivered the Tender to the Tender Agent.
3. On November 22, 2010 the Tender Agent accepted the Tender for the settlement of the Account, as evidenced by the "CERTIFICATE OF NON-RESPONSE" dated On December 10, 2010, a record of which is attached hereto as Attachment "A".
4. On November 22, 2010, Henry Abel Pol, hereinafter "Principal", made presentment of a NOTICE OF TENDER FOR SETOFF and a REQUEST REGARDING A STATEMENT OF ACCOUNT, hereinafter "Presentment", to STEVE THOMSON, CHIEF EXECUTIVE OFFICER, INDYMAC MORTGAGE SERVICES, hereinafter "Respondent", sent via USPS Registered Mail, Article No. RR062949135US, by the Notary, as evidenced by the "NOTARY'S CERTIFICATE OF SERVICE" dated November 22, 2010, a record of which is attached hereto as Attachment "A".
5. On November 28, 2010, the Carrier, attempted delivery and left a notice of the Presentment with the Respondent.
6. As of December 16, 2010 Respondent has not sufficiently responded to the Presentment.

7. Respondent's failure to sufficiently respond or timely honor the Presentment, by the terms of the Presentment, constitutes Respondent's acceptance and approval of the REQUEST REGARDING A STATEMENT OF ACCOUNT contained therein.
8. Respondent's acceptance and approval of the REQUEST REGARDING A STATEMENT OF ACCOUNT constitutes Respondent's agreement to the stipulated aggregate amount of unpaid obligations being Zero (\$0.00) and 00/100 dollars.
9. As of December 16, 2010 neither the Principal nor the Notary, have received sufficient response to the Presentment, thereby placing the Respondent at fault, as evidenced by the "CERTIFICATE OF NON-RESPONSE" dated December 10, 2010, a record of which is attached hereto as Attachment "A".
10. On December 10, 2010 Principal made presentment of a "NOTICE OF FAULT IN DISHONOR, OPPORTUNITY TO CURE" to the Respondent, dated December 6, 2010, hereinafter "Fault Notice", a record of which is attached hereto as Attachment "A", sent via USPS Registered Mail, Article No. RR062949135US, by the Notary, as evidenced by the "NOTARY'S CERTIFICATE OF SERVICE" dated November 22, 2010, a record of which is attached hereto as Attachment "A".
11. As of December 16, 2010 neither the Principal nor the Notary, received sufficient response to the Presentment or the Fault Notice, from the Respondents, as evidenced by the "CERTIFICATE OF NON-RESPONSE" dated December 10, 2010 a record of which is attached hereto as Attachment "A".
12. Respondent's failure to perform by the terms of the Presentment, constitutes Respondent's acceptance and approval of the granting and conveying of a Specific Power of Attorney to the Principal to perform the duties of the Respondent stipulated therein.
13. Respondent's failure to perform by the terms of the Fault Notice, constitutes Respondent's acceptance and approval of the granting and conveying of a Specific Power of Attorney to the Principal to perform the duties of the Respondent stipulated therein.
14. Respondent has defaulted.
15. As an operation of law, Respondent by dishonor of the Presentment and the Fault Notice has created a default.

**DEFAULT:**

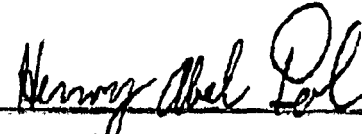
For the Respondent's failure to honor the Presentment and Fault Notice places the Respondents in default. For the course of dealing, set forth herein, with the Respondents failure, refusal, or neglect in the presentment of a verified response to the Presentment and Fault Notice, constitutes the Respondent's failure to perform in good faith and the Respondent's acquiescence and tacit agreement with all terms, conditions and stipulations set forth within this Notice of Default in Dishonor (Consent to Judgment), Presentment, and Fault Notice. Therefore this matter is deemed res judicata and stare decisis.

Of this presentment take due Notice and heed, and govern yourself accordingly. This **FINAL EXPRESSION IN A RECORD** is intended as a complete and exclusive statement of the terms of the agreement between the parties.

North Carolina Republic )  
 ) sworn and subscribed:  
Mecklenburg County )

**Commercial Affidavit Oath and Verification**

I, Henry Abel Pol, Secured Party Creditor, under my unlimited liability and Commercial Oath, proceeding in good faith, being of sound mind, having first-hand knowledge, affirm, state, and declare that the facts contained herein are true, correct, complete and not misleading, under penalty of International Commercial Law, so help me, God, this Sixteenth day of the Twelfth month, in the year of our Lord, Two-thousand Ten. Witness my hand and seal.



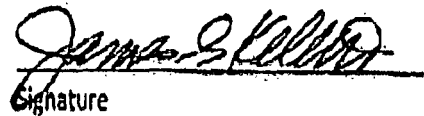
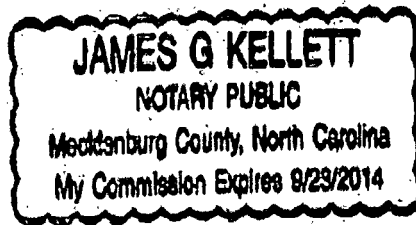
Henry Abel Pol, Secured Party Creditor, Executive  
Trustee for the trust known as  
**HENRY ABEL POL**  
ALL RIGHTS RESERVED AT UCC 1-308

State of North Carolina )  
 ) ss:  
County of Mecklenburg )

**JURAT**

Subscribed and sworn to (or affirmed) before me on this 16<sup>th</sup> day of December 16, 2010, by  
Henry Abel Pol, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

(seal)

  
Signature

JAMES g. KELLETT, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina 28277

**NOTICE OF DEFAULT IN DISHONOR (CONSENT TO JUDGMENT)**

**Page 3 of 3**

Charlotte, North Carolina [28277]

## NOTICE OF TENDER FOR SETOFF

November 22, 2009

**PRINCIPAL:**

Henry Abel Pol,  
c/o James G. Kellett, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina [28277]

**RESPONDENT:**

Steve Thomson, Chief Financial Officer  
IndyMac Mortgage Services  
888 East Walnut Street  
Pasadena California 91101 U.S.A.

Re: **ENCLOSED NOTICE OF TENDER FOR SETOFF FOR INDYMAC MORTGAGE SERVICES ACCOUNT NO(S)  
1007507427, 8800649728; HENRY ABEL POL.**

Dear IndyMac Mortgage Services:

WHEREAS, on November 17, 2010, instruments of tender for setoff, hereinafter "TENDER", for the setoff of 1007507427 and 8800649728, hereinafter "ACCOUNT", were presented for setoff to:

INTERNAL REVENUE SERVICE  
Stop 4440  
P.O. Box 9036  
Ogden, Utah 84201

WHEREAS, on November 20, 2010, the TENDER is deemed accepted for the setoff of the ACCOUNT, pursuant to and evidenced by the records attached hereto and incorporated herein as EXHIBIT A (Twenty Three (23) leaves).

THEREFORE, Henry Abel Pol, hereinafter "PRINCIPAL", requests that the balance of the ACCOUNT be adjusted to Zero dollars (\$0.00) to reflect the ledgering of said TENDER.

Enclosed herewith is a Request Regarding a Statement of Account, pursuant to Commercial Code 47- 9210, as a record authenticated by the debtor requesting that the recipient approve or correct the statement. Recipient has fourteen (14) days to comply with this request and provide an authenticated record.

If the Request Regarding a Statement of Account is not corrected by the RESPONDENT within Fourteen (14) days, then it shall be deemed accepted and/or approved. RESPONDENT's failure to respond within Fourteen (14) days of the postmark of the presentment of this Notice of Tender for Setoff shall cause the PRINCIPAL to have executed a Certificate of Non-Response by the Notary Public listed below. Said Certificate of Non-Response shall serve as evidence of the RESPONDENT's acceptance and/or approval of this Notice of Tender for Setoff and the enclosed Request Regarding a Statement of Account.

Upon the RESPONDENT'S acceptance of the Request Regarding a Statement of Account the RESPONDENT shall rescind any Notice of Default, Notice of Trustee's Sale, and/or Trustee's Deed Upon Sale by executing or causing to be executed a Notice of Rescission regarding the real property commonly known as: A PARCEL OF LAND LOCATED IN THE STATE OF SC, COUNTY OF YORK, WITH A SITUS ADDRESS OF 3222 BANNOCK DR, FORT MILL SC 29715 WITH RGT OF SURVSHIP HAVING A TAX ASSESSOR NUMBER OF 726-00-00-138 AND BEING THE SAME PROPERTY MORE FULLY DESCRIBED AS LT# 22 THE OVERLOOK AT REGENT PARK

according to a survey recorded in Plat Book C289 at Page 5 in the Office of the Clerk of Court for York County, South Carolina hereinafter "COLLATERAL", and file said Notice of Rescission in the Office of the York County Recorder.

RESPONDENT's failure to execute or cause to be executed the Notice of Rescission and/or Deed of Full Reconveyance within Seventy-two (72) hours of the RESPONDENT's acceptance of the Request Regarding a Statement of Account shall constitute the granting and conveying of a Specific Power of Attorney by the RESPONDENT to the PRINCIPAL for the PRINCIPAL to execute said instruments on behalf of the RESPONDENT. In addition the RESPONDENT shall also grant and convey a Specific Power of Attorney to the PRINCIPAL to execute a Substitution of Trustee and any and all instruments, communications, or correspondences the PRINCIPAL deems necessary for the perfection of the PRINCIPAL's paramount security interest in the COLLATERAL.

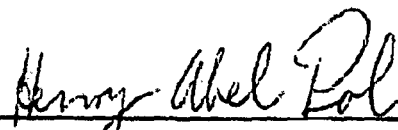
RESPONDENT shall give notice to the PRINCIPAL of the filing of the Notice of Rescission and/or the Deed of Full Reconveyance by mailing certified copies of said instruments to the PRINCIPAL through the Notary Public listed below. RESPONDENT's failure to give notice to the PRINCIPAL within Seventy-two (72) hours of the filing of said instruments shall be deemed a failure to perform and shall cause the PRINCIPAL to have executed a Certificate of Non-Performance by the Notary Public listed below. Said Certificate of Non-Performance shall serve as evidence of the RESPONDENT's acceptance and/or approval of the granting and conveying of the Specific Power of Attorney mentioned above.

Any and all responses shall be directed to the PRINCIPAL, by U.S.P.S. Certified or Registered Mail, at the following address:

Henry Abel Pol,  
c/o J. Kellett, Notary Public  
6420 Rea Road, Suite 202,  
Charlotte, North Carolina [28277]

Service in any other manner will be deemed defective on its face.

Executed in Mecklenburg County, North Carolina Republic, this Twenty Second day of the Eleventh month in the year of our Lord, two-thousand and ten. Witness my hand and seal.



---

Henry Abel Pol, Secured Party Creditor, Executive Trustee for  
the trust known as  
HENRY ABEL POL  
ALL RIGHTS RESERVED AT UCC 1-308

CC: Rogers Townsend & Thomas, PC Robert P. Davis  
P.O. Box 100200(29202)  
220 Executive Center Drive, Suite 109  
Columbia, South Carolina 29210

**To:** Steve Thomson, Chief Financial Officer  
IndyMac Mortgage Services  
888 East Walnut Street  
Pasadena California 91101 U.S.A.

**From:** Henry Abel Pol, Executive Trustee for the trust known as HENRY ABEL POL

**Re:** **REQUEST REGARDING A STATEMENT OF ACCOUNT** on behalf of HENRY ABEL POL  
ACCOUNT NO(S). 1007507427 and 8800649728

---

**REQUEST REGARDING A STATEMENT OF ACCOUNT**

Pursuant to the Uniform Commercial Code § 9-210 this is a record authenticated by the debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request. Recipient has fourteen (14) days to comply with this request and provide an authenticated record.

**STATEMENT OF ACCOUNT**

Date: November 22, 2010

Creditor: INDYMAC MORTGAGE SERVICES

Debtor: HENRY ABEL POL

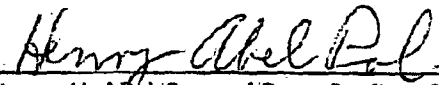
Account No.: 1007507427 and 8800649728

Collateral: The real property commonly known as: A PARCEL OF LAND LOCATED IN THE STATE OF SC, COUNTY OF YORK, WITH A SITUS ADDRESS OF 3222 BANNOCK DR, FORT MILL SC 29715 WITH RGT OF SURVSHIP HAVING A TAX ASSESSOR NUMBER OF 726-00-00-138 AND BEING THE SAME PROPERTY MORE FULLY DESCRIBED AS LOT# 22 THE OVERLOOK AT REGENT PARK according to a survey recorded in Plat Book C289 at Page 5 in the Office of the Clerk of Court for York County, South Carolina HENRY ABEL POL 618 28 4771.

Balance Due: \$0.00

I declare under penalty of perjury that the information above is true and correct.

HENRY ABEL POL

By:   
Henry Abel Pol, Secured Party Creditor, Executive Trustee for the trust known as HENRY ABEL POL ALL RIGHTS RESERVED AT UCC 1-308

CC: Rogers Townsend & Thomas, PC Robert P. Davis  
P.O. Box 100200 (29202) 220 Executive Center Drive, Suite 109  
Columbia, South Carolina 29210

THIS IS A PRIVATE COMMUNICATION BETWEEN THE PARTIES  
NOTICE TO AGENT IS NOTICE TO PRINCIPAL --- NOTICE TO PRINCIPAL IS NOTICE TO AGENT

## NOTICE TO SETOFF ACCOUNTS

November 18, 2010 *nunc pro tunc*

**PRINCIPAL:** Henry Abel Pol,  
c/o J. Kellett, Notary Public,  
6420 Rey Road, Suite 202,  
Charlotte, North Carolina [28277]  
Non-Domestic without the US

**Notice for:** INTERNAL REVENUE SERVICE  
Stop 4440  
P.O. Box 9036  
Ogden, Utah 84201

**Service by:** USPS Certified Mail # 70101670000129517737, with return receipt

**In the matter of:** Enclosed tender for setoff by Offset Bond No. 2010111701 dated November 17, 2010; copy attached;  
USPS Certified Mail # 70070220000396764641

Please find enclosed, the following instruments:

1. **original** Mortgage Statement of Account, issued by ABC BANK, N.A. and dated March 25, 2010, duly indorsed as follows:  
"ACCEPTED FOR VALUE - RETURNED FOR VALUE"  
"EXEMPT FROM LEVY - PREPAID COMMON STOCK"  
"DISCHARGE ALL PRESENTMENTS AND RELATED FEES"  
"ADJUST THE BALANCE TO ZERO"  
"PRIVATE PREPAID TREASURY EXEMPTION # 618284771"  
"CHARGE THE SAME TO: HENRY ABEL POL 618-28-4771"  
"(signature) (date)"; and
2. **original** I.R.S. Form 1040-V, Payment Voucher, duly indorsed as follows:  
"ACCEPTED FOR VALUE - RETURNED FOR VALUE"  
"EXEMPT FROM LEVY - PREPAID COMMON STOCK"  
"DISCHARGE ALL PRESENTMENTS AND RELATED FEES"  
"ADJUST THE BALANCE TO ZERO"  
"PRIVATE PREPAID TREASURY EXEMPTION # 618284771"  
"CHARGE THE SAME TO: HENRY ABEL POL 618-28-4771"  
"(signature) (date)"; and

These instruments are being tendered by Henry Abel Pol, hereinafter "Principal", for the set off of IndyMac Mortgage Services Account No(s): 1007507427 and 8800649728, and are to be used to affect debit and credit accounting transactions for the settlement and closure of said account. If any of the enclosed instruments contain any defects or are incorrect, incomplete, or inaccurate, please return the same to the Principal via the Notary Public at the address shown above within 10 days from the date of receipt.

Please exercise ordinary care, as the party entitled to enforce these instruments, to ensure that all debit or credit transactions ledgered to accounts 1007507427 and 8800649728, and HENRY ABEL POL 618-28-4771 are done so in the best interest of the United States Treasury.

By:   
Henry Abel Pol, Principal



NOTICE TO SETOFF ACCOUNTS

Page 1 of 1

## **AFFIDAVIT OF SPECIFIC NEGATIVE AVERMENT**

The undersigned Affiant, Henry Abel Pol, hereinafter "Affiant", does solemnly affirm, declare and state as follows:

3. Affiant is competent to state the matters set forth herein;
4. Affiant has knowledge of the facts stated herein;
5. All the facts herein stated are true, correct and complete, admissible as evidence. If called upon as a witness, Affiant will testify to their veracity;
6. There is no evidence of a defect in the instrument tendered and enclosed herewith, Private Registered Setoff Bond No. 2010111701 and Private Registered Setoff Bond No. 2010111702 hereinafter "TENDER", and the Affiant believes that no such evidence exists;
7. There is no evidence that the TENDER is not sufficient to setoff, settle, and discharge any and all alleged outstanding obligations, duties, and/or liabilities for HENRY ABEL POL, hereinafter "PRINCIPAL", making the offer of Trustee Sale Case No. 09-CP-46-0915 moot (see attached Exhibit A) and Affiant believes that no such evidence exists;
8. There is no evidence that the UNDERSIGNED is not already accepting for value the process in this case and returning it to the Internal Revenue Service, Ogden, Utah, to setoff, settle and close any and all outstanding balances in said account No(S). 1007507427, 8800649728; making the offer of Foreclosure Sale moot (see attached Exhibit A) and Affiant believes that no such evidence exists;
9. There is no evidence that the presentment of the TENDERS, this affidavit, and the Notice of Conditional Acceptance enclosed herewith, collectively hereinafter "COUNTER-OFFER", does not constitute honorable performance for the PRINCIPAL and the Affiant believes that no such evidence exists;
10. There is no evidence that the RESPONDENT'S failure to respond, on a point-by-point basis to the COUNTER-OFFER does not comprise RESPONDENT'S agreement with the facts and all the

terms and conditions of the COUNTER-OFFER, and the Affiant believes that no such evidence exists.

North Carolina Republic ) Commercial Affidavit Oath and Verification  
Mecklenburg County ) affirmed and subscribed:

I, Henry Abel Pol, Secured Party Creditor, under my unlimited liability and Commercial Oath, proceeding in good faith, being of sound mind, having first-hand knowledge, affirm, state, and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Creditor



Henry Abel Pol  
Henry Abel Pol, Secured Party Creditor,  
Executive Trustee for the trust known as  
HENRY ABEL POL  
ALL RIGHTS RESERVED AT UCC 1-308

State of North Carolina )  
Mecklenburg County )

SS:

JURAT

ON THIS Twentieth DAY of November 18, 2010, before me, the undersigned Notary Public, personally appeared Henry Abel Pol and provided satisfactory evidence that she was that individual. In my presence she did execute the foregoing instrument for the purposes stated therein and acknowledged that said execution was by her free act and deed.

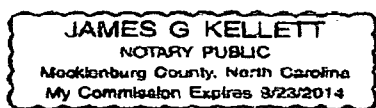
James G. Kellett  
NOTARY PUBLIC

November 18, 2010  
DATE

(Seal)

My commission expires: 9/23/14

James G. Kellett, Notary Public  
6420 Ren Road, Suite 202,  
Charlotte, North Carolina 28277



[Signature]  
WITNESS

11-20-2010  
DATE

[Signature]  
WITNESS

11-20-2010  
DATE

**LEGAL NOTICE** The Certifying Notary is an independent contractor and not a party to this claim. In fact the Certifying Notary is a Federal Witness Pursuant to TITLE 18, PART 1, CHAPTER 73, SEC. 1512 *Tampering with a witness, victim, or an informant*. The Certifying Notary also performs the functions of a quasi-Postal Inspector under the Homeland Security Act by being compelled to report any violations of the U.S Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under Color of Law is a violation of Title 18, U.S. Code, Section 242, titled "Deprivation of Rights Under Color of Law," which primarily governs police misconduct investigations. This Statute makes it a crime for any person acting under the Color of Law to willfully deprive any individual residing in the United States and/or United States of America those rights protected by the Constitution and U.S. laws.

Certificate of Counsel

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The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

August 17, 2012



Henry Abel Pol, Appellant

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