

AT \_\_\_\_\_ OF THE SUPREME COURT OF THE STATE OF NEW YORK, HELD IN AND FOR THE COUNTY OF WESTCHESTER AT THE COURTHOUSE THEREOF, SUPREME COURT BUILDING, 111 Dr Martin Luther King Jr, Blvd, WHITE PLAINS, NEW YORK ON THE \_\_\_\_\_ DAY, OF \_\_\_\_\_ 2018.

PRESENT:

HONORABLE HON. TERRY JANE RUDERMAN  
JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER \_\_\_\_\_ X  
U.S.BANK NATIONAL ASSOCIATION AS TRUSTEE FOR MASTR,  
ADJUSTABLE RATE MORTGAGES TRUST 2007-3  
MORTGAGE PASS-THROUGH CERTIFICATES,SERIES 2007-3

INDEX NO-69515/15

PLAINTIFF

ORDER TO SHOW  
CAUSE

-against-

BRENDA BERNADETTE MAYFIELD,  
MICHAEL CROKER, LAVON CROKER,  
MARIANNE T.O'TOOL, AS CHAPTER 7 TRUSTEE

DEFENDANTS

\_\_\_\_\_ X  
UPON READING AND FILING THE AFFIDAVIT OF BRENDA MAYFIELD AND MICHAEL CROKER SWORN TO ON JULY 18 2018 AND UPON THE EXHIBITS ATTACHED TO THE AFFIDAVIT AND THE FORECLOSURE AND SALE ORDER ENTERED ON APRIL 10 2018. LET THE PLAINTIFF SHOW CAUSE BEFORE \_\_\_\_\_ TO BE HELD AT THE COURTHOUSE LOCATED AT 111 Dr Martin Luther King Jr Blvd, WHITE PLAINS NEW YORK ROOM \_\_\_\_\_ ON \_\_\_\_\_ 2018 AT \_\_\_\_\_ OR AS SOON AS THE PARTIES TO THIS PROCEEDINGS MAY BE HEARD WHY AN ORDER SHOULD NOT BE MADE, PROVIDING THE FOLLOWING RELIEF.

1).VACATING THE DEFAULT JUDGMENT OF FORECLOSURE AND SALE ENTERED ON APRIL 10 2018 PURSUANT TO CPLR 5015(A), AS THIS PLAINTIFF FAILURE TO PROPERLY SERVE THE MOTION FOR FORECLOSURE AND SALE TO DEFENDANT BRENDA MAYFIELD



2). THIS COURT LACKS SUBJECT MATTER JURISDICTION, AS LACK OF JURISDICTION CAN BE RAISED AT ANYTIME, THIS PLAINTIFF LACK STANDING AND THE COMPLAINT SHOULD BE DISMISS AND/OR THE COURT SHOULD RECONSIDERED ITS PREVIOUS ORDERS ENTERED HEREIN, THAT IN A LIGHT OF THIS NEW INFORMATION BASED ON PUBLIC RECORD, THIS PLAINTIFF U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR MASTR ADJUSTABLE RATE MORTGAGES TRUST 2007-3 MORTGAGE PASS-THROUGH CERTIFICATES, IS NOT A LEGAL ENTITY OR A PERSON IN LAW, UNDER NEW YORK LAW, AND SUBSEQUENTLY LACK STANDING TO COMPLAINT. THE NAME PLAINTIFF IS A MERE DESCRIPTION OF OF A (SPV) SPECIAL PURPOSE VEHICULE CREATED FOR ONLY ONE PURPOSE TO BUNDLES THOUSANDS OF ALLEGE LOANS INTO SO-CALLED SECURITIZATION TURNING THOSE NOTES INTO MORTGAGES PASS-THROUGH CERTIFICATES AND SOLD TO INVESTORS, AND UNDER FEDERAL RULES AND SEC REGULATIONS A NOTE AND A CERTIFICATE CANNOT CO-EXIST TO PREVENT DOUBLE-DIPPING, AFTER TURNING DEFENDANT NOTE INTO SECURITY THE ALLEGE BANK FORFEITED THEIR RIGHT TO FORECLOSE AND /OR DEMAND PAYMENT UPON THIS DEFENDANT BRENDA MAYFIELD. THIS PLAINTIFF CANNOT MAINTAIN THIS MATTER BECAUSE AN ASSUMED BUSINESS OR FICTITIOUS NAME DOES NOT HAVE A LEGAL EXISTANCE, PURSUANT TO NEW YORK, LLC- LIMITED LIABILITY COMPANY LAW, ARTICLE 8-(801-809) FOREIGN LIMITED LIABILITY COMPANIES, 808- DOING BUSINESS WITHOUT CERTIFICATE OF AUTHORITY MAY NOT MAINTAIN ANY ACTION, SUIT, OR SPECIAL PROCEEDING IN ANY COURT OF THIS STATE UNLESS A CERTIFICATE OF AUTHORITY IS RECEIVED FROM THIS NEW YORK, AND UPON CHECKING WITH THE NEW YORK SECRETARY OF STATE, THE PLAINTIFF AS STATED IN THE CAPTION IS NOT REGISTERED TO CONDUCT BUSINESS IN THIS NEW YORK STATE, ADDITIONALLY U.S. BANK NATIONAL ASSOCIATION, AS WELL, IS NOT AUTHORIZED OR REGISTERED TO CONDUCT BUSINESS. AND WHY THE DEFENDANT, SHOULD NOT HAVE SUCH AND FURTHER RELIEF AS MAY BE JUST, EQUITABLE AND PROPER BY THIS COURT.

A PRIOR RELIEF WAS SOUGHT, BUT WAS DENIED BASED ON THE COURT LACK OF JURISDICTION, HERETO ATTACHED

**ORDERED**, THAT SUFFICIENT REASON APPEARING THEREFORE, LET SERVICE OF THIS ORDER, AND THE PAPERS UPON WHICH THIS ORSER IS GRANTED, UPON PLAINTIFF COUNSEL BY \_\_\_\_\_ ON OR BEFORE \_\_\_\_\_ 2018 BE DEEMED GOOD AND SUFFICIENT SERVICE THEREOF, THAT ALL AFFIDAVITS AND OTHERS PAPERS IN OPPOSITION SHALL BE SERVED SO AS TO BE RECEIVED IN HAND BY DEFENDANT AT THE PROPER ADDRESS AT LEAST THREE(3) BUSINESS DAYS PRIOR TO THE RETURN OF THIS ORDER TO SHOW CAUSE.



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

(Describe the relief being sought)

AND WHY, \_\_\_\_\_ the \_\_\_\_\_  
(Insert your name) (Insert plaintiff(s) or defendant(s))

should not have such other and further relief as may be just, proper and equitable.

Pending the hearing of this motion it is ORDERED that \_\_\_\_\_

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

Sufficient cause appearing therefor, let personal service of a copy of this order, and the other papers upon which this order is granted, upon the \_\_\_\_\_ by \_\_\_\_\_ (Insert plaintiff(s) or defendant(s)) on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in the second paragraph of this order,

\_\_\_\_\_  
Hon.  
JUSTICE OF SUPREME COURT

7/20/18

The Court declines to sign this proposed Order to Show Cause or to grant a stay, in light of its previous determinations (see decision and orders dated 6/29/18 and 6/12/17) that defendants failed to establish the existence of a meritorious

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