

FILE # 2736830 RCD: 10/25/2011 @ 10:50 AM, BK: 3006 PG: 4442 RECORDING:
\$19.50 RECORDING ARTICLE V: \$16.00 DEPUTY CLERK PDUNN DON W. HOWARD,
CLERK OF COURTS, OKALOOSA COUNTY FL

Alba Mendez, Notary Public
5994 Cobbler Lane,
Crestview, Florida 32539

24 October, 2011

National City Mortgage A Division Of National City Bank Of Indiana, now (PNC)
Attention: Octavia Coleman, X.O.
3232 Newmark Drive
Miamisburg, OH 45342

Re: Property Address: 111 Mohawk Trail, Crestview, Florida 32536
Loan Number: 0004333101 Property Owners: David A. Young and Johana M. Griggs

VERIFIED DECLARATION IN THE NATURE OF AN AFFIDAVIT AND CERTIFICATE OF DISHONOR DECLARATION

National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc. is additionally subject to postal statutes and the jurisdiction of the Universal Postal Union.

National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc.'s failure to respond to the HUD and RESPA Qualified Written Request, Re-Presentation, and Certificate of Non-Response (Notice of Default) WITHIN the ADMINISTRATIVE LAW REMEDY for David A. Young and/or Johana M. Griggs, CREDITOR, SECURED PARTY has put National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc. in administrative default as witnessed by the Notary Acceptor in the sequence of the following events:

David A. Young and Johana M. Griggs, are the homeowner[s], being competent to testify and having firsthand knowledge of the facts herein, declares under penalty of perjury of the laws of the United States of America, that:

1. On September 6, 2011, A HUD and RESPA Qualified Written Request for Verification of Proof of Claim and Account information with an Affidavit Of Default Provisions under this HUD and RESPA QUALIFIED WRITTEN REQUEST with an automatic UNLIMITED POWER OF ATTORNEY to sign as Agent for Lender and/or Servicer if Lender and Servicer defaulted the QWR letter was mailed, certified with return receipt, to National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc., plus copies were mailed, certified with return receipt, to other Governmental agencies through a Notary Response Address.
2. National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc., Inc. did not answer with proper Validation of Proof of Claim, point by point, as per HUD-398-H(4) and RESPA, Section 6, Cortez v. Keystone Bank, Inc., 2000 U.S. Dist. Lexis 5705, *36-37 (E.D. Pa. May 2, 2000) and did not provide Verification of Proof of Claim within the given 60 days to respond that they were the Lender, Servicer, or note holder in due course that was authorized to collect payments of this alleged Mortgage loan. Notary Acceptor, Alba D. Mendez certifies no timely response with proper proof of claim, but a letter of Dishonor to my Clients, David A. Young and Johana M. Griggs was made by Lender, National City Mortgage A Division Of National City Bank Of Indiana, Purchased by Servicer, PNC, Inc., under HUD, RESPA, and Administrative Law under Notary QWR Presentation.
3. On September 27, 2011 Notary served a Re-Presenting - OPPORTUNITY TO CURE - upon National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc., allowing three (3) days upon receipt to cure plus four (4) days for mailing. Notary Acceptor, Alba D. Mendez certifies no timely response was made by National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc..

4. National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc. was served with a Certificate of Non-Response, Dishonor, Notice of Default on receipt date of 14 October, 2011, and client(s) gave them three (3) days upon receipt, to cure, counter, dispute, or give a rebuttal of the zero balance mortgage, the Null and Void Promissory Note, and the automatic Unlimited Power Of Attorney to sign all legal documents, as AGENT, for Lender and Servicer to correct the MISTAKES of the Lender/Servicer, plus four (4) days for mailing. As of 24 October, 2011, Lender and PNC, Inc. failed to counter, cure, dispute, and remained silent by this 24 October, 2011, date and the Notary Acceptor, Alba D. Mendez certifies no timely response has been made by the respondents, National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc. after 10 days upon receipt.

5. When Loan Servicer and Lender failed to dispute my clients' Certificate of Non-Response, Notice of Default, and Dishonor, by their own admission, they granted my clients, David A. Young and/or Johana M. Griggs, the automatic, unlimited Power of Attorney to sign all documents, as their Agent, pertaining to this mortgage loan, Promissory Note, and all contracts and legal documents as per the Default Provisions under this HUD and RESPA Qualified Written Request dated 6 September, 2011, on Mortgage Account/Loan # 0004333101. Lender and Servicer's silence is Lender and Servicer's acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."

6. David A. Young and/or Johana M. Griggs appeared before me under oath and has sworn that he has not received a timely response and answer, by legal definition or settlement from the Lender and Servicer, National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc..

7. David A. Young and Johana M. Griggs are HOLDER IN DUE COURSE of this account and the Matter contained therein by operation of law and the debt will be recorded on a UCC 1 Financing Statement with the Secretary of State of Lender State of Ohio and Servicer State of Pennsylvania and Servicer foreign corporation State of Ohio and we want your permission within 10 days of postmark of this CERTIFICATE OF DISHONOR DECLARATION. Non response, silence, and dishonor has been accepted and considered as a "YES" with your permission to correct everything.

8. National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc. have Dishonored the HUD and RESPA Qualified Written Request for Verification of Proof of Claim and Account information and the Affidavit Of Default Provisions under this HUD and RESPA QUALIFIED WRITTEN REQUEST that gave the homeowner(s), David A. Young and/or Johana M. Griggs, an automatic, UNLIMITED POWER OF ATTORNEY to sign, as Agent, for National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc. within the Commercial Administrative Remedy Law and Lender and Servicer in silence with passive permission without valid proof of claim of debt presented. This NOTARIAL AFFIDAVIT is NON-NEGOTIABLE and NOTICE OF ADMINISTRATIVE JUDGMENT and CERTIFICATE OF DISHONOR to which National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc., have admitted the statement, claims, and answers to the inquiries by *tacit procuration*. This ADMINISTRATIVE JUDGMENT is *stare decisis*, *res judicata* and *collateral estoppel*.

In light of the dishonors noted above, I hereby request your services as a notary public for the State of Florida, to evidence the dishonor outlined above for the process already completed by a Florida Notary to National City Mortgage A Division Of National City Bank Of Indiana, Purchased by PNC, Inc.. Attached herewith is a copy of receipts for my Qualified Written Request for Verification of Proof of Claim, Re-Presentment, and Notice of Non-Response, Default, and Dishonor.

Further, Affiant sayeth naught.

Date: 24 October, 2011Your Signature: Alba D Mendez

Alba D. Mendez, Notary Public, 5994 Cobbler Lane, Crestview, Florida 32539

Notice:

Use of a Notary on this document does not constitute an adhesion, nor does it alter my status in any manner. The purpose of the notary is verification and identification only and not for entrance into any foreign jurisdiction.

AFFIDAVIT OF NEGATIVE AVERMENT

As of this date October 24, 2011, the undersigned Notary Acceptor has not received an acceptable timely response to the requested documents or answers requested by a HUD and RESPA Qualified Written Request from the Lender or Servicer, National City Mortgage A Division Of National City Bank Of Indiana, Purchased by Servicer, PNC, Inc. or any other agents pertaining to this alleged mortgage loan with account # 0004333101.

NOTARIAL AFFIDAVIT CERTIFICATE

1. The **HOLDER IN DUE COURSE**, David A. Young and/or Johana M. Griggs with unlimited Power of Attorney has recruited this Notary Public, authorized to certify dishonor of the Notice of Commercial Qualified Written Request Claim within the Administrative Remedy Agreement/Contract, and to present this **ADMINISTRATIVE JUDGMENT BY ESTOPPEL** in accordance with UCC 3-509.

2. This Notarized Document is the official **CERTIFICATE OF DISHONOR** of the HUD and RESPA Qualified Written Request Notice of Commercial Claim within the Administrative Remedy Mortgage Loan/Account #: 0004333101 for the property at Property address of 111 Mohawk Trail, Crestview, Florida 32536 with legal description: LOT 8, BLOCK A, INDIAN TRAILS, PHASE II, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 78, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, OKALOOSA COUNTY FLORIDA.

Alba D Mendez
Alba D. Mendez, Florida Notary

10/24/11
Date

NOTARY**STATE OF FLORIDA****COUNTY OF OKALOOSA**

The above Affidavit is certified true, correct, complete, and certain, under the penalty of Perjury.

By: Alba D. Mendez, Notary Public under court seal in her capacity as Florida Notary, the foregoing instrument was acknowledged before me this 24 day of October, 2011, by Alba D. Mendez, the above named affiant, personally known to me, or who has produced a Florida Driver License appeared before me a Notary, Sworn, and Under Oath.

Brenda McClendon
Name Typed, Printed, or Stamped

Brenda McClendon
Notary (SEAL)

My Commission Expires: July 15 2015



BK: 3006 PG: 4445

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
1. Article Addressed to: National City Mortgage A Division of National City Bank of Indiana, now (PNC) Attn: Customer Service Requests 3232 NewMARK Drive MIAMISBURG, OH 45342		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number <u>6WR</u> (Transfer from service label)		7011 0470 0002 7619 7183	
PS Form 3811, August 2001		Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
1. Article Addressed to: National City Mortgage (PNC) Attn: OCTAVIA Coleman, XO 3232 NewMARK Drive MIAMISBURG, OH 45342		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number <u>Reflex</u> (Transfer from service label)		7011 0470 0002 7617 5013	
PS Form 3811, August 2001		Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
1. Article Addressed to: PNC (National City Mortgage) Attn: OCTAVIA Coleman, XO Resident 3232 NewMARK Drive MIAMISBURG, OH 45342		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number <u>DeSaut</u>			