

**COMMERCIAL AFFIDAVIT**

**Respondent:** Tom Jackson  
c/o BAA&C Home Finance LLC  
1101 Yorktown Drive  
Columbus, OH 43200

**From:** John Henry Smith  
in care of Sally Jones, Notary Public  
202 Trident Lane  
Beach City, CA 92600

**Service:** Presented Under Notary Seal;  
USPS Registered Mail Article No. RR 829 830 000 US;  
Notary's Certificate of Service.

**RE:** **BARNEY F. RUBBLE; Account No. 3330001111.**

The undersigned Affiant, John Henry Smith, hereinafter "Affiant", does solemnly swear, declare and state as follows:

- 1. Affiant is competent to state the matters set forth herein.
- 2. Affiant has knowledge of the facts stated herein.
- 3. All the facts herein are true, correct and complete, admissible as evidence and if called upon as a witness, Affiant will testify to their veracity.

**Plain Statement of Facts**

- 4. There is no evidence of a defect in the negotiable instrument tendered for payment, hereinafter "TENDER", of BAA&C Home Finance Account No. 3330001111, hereinafter "ACCOUNT", on or about September 8, 2008 to Tom Jackson, BAA&C Home Finance LLC, hereinafter "RECIPIENT", and Affiant believes that no such evidence exists.
- 5. There is no evidence that the TENDER does not satisfy the obligations associated with ACCOUNT and Affiant believes that no such evidence exists.
- 6. There is no evidence that TENDER does not satisfy the obligations set forth in the Deed of Trust recorded June 15, 2006 with the County of Riverside as Instrument No. 2006-0434285, hereinafter "TRUST DEED", and Affiant believes that no such evidence exists.
- 7. There is no evidence that RECIPIENT's failure to respond to TENDER does not comprise RECIPIENT's acceptance of TENDER and agreement with the terms set forth therein and Affiant believes that no such evidence exists.
- 8. There is no evidence that RECIPIENT's interest, set forth in TRUST DEED, in the real property commonly known as 29104 Tradewinds Cir, Lake Elsinore, CA 92530 (County of Riverside Assessor's Parcel No. 389-492-011-1), hereinafter "PROPERTY", is not released by RECIPIENT's acceptance of TENDER and Affiant believes that no such evidence exists.
- 9. There is no evidence that RECIPIENT's acceptance of TENDER does not obligate RECIPIENT to issue a Statement of Account showing a Zero (\$0.00) Dollars balance for ACCOUNT and Affiant believes that no such evidence exists.
- 10. There is no evidence that RECIPIENT's acceptance of TENDER does not obligate RECIPIENT to take such steps necessary as to cause the full reconveyance of the deed of PROPERTY, and Affiant believes that no such evidence exists.

You have ten (10) days in which you can respond to or rebut this Commercial Affidavit, from receipt, unless you request in writing an extension of time. Failure to respond or rebut shall convey your assent to and agreement with all the facts herein.

IN WITNESS WHEREOF I hereunto set my hand and seal on this 14<sup>th</sup> day of October, 2008 and hereby certify all the statements made above are true, correct and complete.

By: \_\_\_\_\_ (Seal)  
*Signature*

**JURAT**

Subscribed and sworn to (or affirmed) before me on this 14th day of October, 2008, by John Henry Smith, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

(seal)

\_\_\_\_\_  
Signature