

350 Cee Run

Bertram, TX 78605

9/16/13

Ray Fisher

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Cc:

Deborah B. Langehennig, Chapter 13 Trustee

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Re: Chapter 13 Case#13-10386 - Motion to Dismiss and Notice of Opportunity of Hearing

Ray-

I have received service and I desire to attend a hearing on the motion as scheduled on 8 October 2013 at 1300 Hrs at US Bankruptcy Courtroom 1, 903 San Jacinto, Third Floor, Austin, Texas 78701. I will be videotaping discussion.

I am in agreement with all of the claims 1 through 9 as listed on the schedule of claims, with the exception of Account #2, PHH Mortgage Corporation, who is claiming \$9,465 in default of their secured mortgage. My records, based on the last information received from PHH, show an amount due on principal of \$7,758.96. I am in agreement with that amount due on 1 January 2013. I have made no payments since then directly to PHH. PHH, to my knowledge, has applied \$521 in prorated insurance refund to that account, and is still holding ~\$500 in an escrow account, which amount I have asked every month to be applied to reduction of principal. They have never made response to me.

To recap, PHH acted improperly and illegally to accelerate their mortgage claim in January of 2013, and acting in concert with Barrett, Burke, Daffin, Frappier and Turner, attempted forcible seizure and sale of

my residence. I sought protection under Chapter 13, which was confirmed on 23 April 2013, and have turned over my assets to a Trustee for disbursal. I have paid all legal fees and trustee fees involved, and have reserved the right to collect such fees from PHH in future for defense of action. This action is not a part of the bankruptcy process.

The Trustee claims I have not made payments according to schedule. I agreed to payments of \$1200/month, and tax refund proceeds from Federal and State authorities as available. The Federal refund proceeds were spent prior to the bankruptcy start date in legal fees. The State refunds were received in July and applied to the Trustee in whole. The amount of \$152 was about \$3,000 less than the filed claim, returned by Mississippi without explanation. So it goes. I have made all agreed payments, \$8,552 through today, and I believe with the application of the escrow funds currently held by PHH, completely satisfied the debt of \$7,558.96. This fifteen year mortgage, originally due on 1 November 2016, is now satisfied. I believe we should close this bankruptcy as satisfied, PHH should supply clear title to my property, and we should all part ways.

I am surmising that the claim of PHH for \$9,465 is based on some unknown expenses they have incurred to their legal team at Barrett, Daffin, Frappier, and Turner, et al. BDFTE has received proper notice and has made no claim to the Trustee, but PHH appears to have added funding to their own claim. This should not be allowed. BDFTE has refused to discuss this matter with myself or my counsel at that time, Anne Little, and has consistently acted improperly and illegally throughout this process. I am refusing to pay BDFTE in any manner, directly or indirectly. Resolution of this matter may benefit from open discussion.

Respectfully,

Dave McCrae

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Attachments: PHH Response 021212020.jpg