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8 August 2014

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Re: Cause #41159, David McCrae et. al. v. PHH Mortgage

In the 424th Judicial District, Burnet County, Texas

Mr. Smith,

I received today your Original Answer and Affirmative Defense of this Cause I filed on 21 February 2013. I had heard from Miss Cindy (telecom 2/22/2013) the next day that this cause was improperly presented and lacked a page for the Judge to sign and make a dispositive motion, and would therefore not be accepted by the Court. I naturally put the case out of my mind. This case was never called, never argued, and never satisfactorily resolved. In fact, after I went bankrupt later on, I went back to the Court and asked for my filing fee to be returned, but I was told it was not available.

Since my house was at that time scheduled for Public Sale on the First Tuesday of March, in 2013, I was forced to choose another more timely and effective path of resolution to protect myself and filed for Federal bankruptcy protection under Chapter 13, #10386, and had my Federal Trustee Ms. Deborah Langehennig unwind my assets and dispose of them among my creditors. The only creditor filing a POC turned out to be PHH, and Deborah was successful in managing an equitable payoff of the mortgage by December 2013. This was about three years before maturity, as some may have noted. I naturally paid some additional costs due to the adventurous attempt at wrongful foreclosure action by PHH, and BBDFTE. I now own the property free and clear, and title is recorded here in Burnet County.

I am preparing another cause of action for restitution of damages I’ve sustained during this process. I have come to realize that I may be representative of a Class, and have accordingly made my report as First Relator to the local Department of Justice. They have a Task Force for such issues. My complaint, CFPB 140626-00030, is now before the Consumer Finance Protection Bureau, and PHH has made an initial response to that complaint. This avenue was established by 2012 Dodd Frank FIRREA, and has just come into existence in January of this year, 2014. It seems to be working out. Everyone would prefer to avoid litigation, which we all know is generally time consuming and expensive in itself, before even considering the interests of the parties. As statute of limitations is not of immediate concern, and my property is now secured, that cause is not quite ready to file, but I maintain a preview of issues on my site at [www.phhmortgagemustbedestroyed.weebly.com](http://www.phhmortgagemustbedestroyed.weebly.com)

It’s at the open discussion stage now, and comment is welcome from all. Some study might give you a leg up if we eventually become counterparties. I continue to incur costs of collection at one bitcoin per day, and the issues are fairly complex. The jury will no doubt have some challenging work to do.

At any rate, I concur with the Notice of Notice of Removal of this cause from the 424th District Court. The timeliness was certainly completely unconscionable, and other than allegation and denial, the evidence and issues have never been argued before a jury. I hope and pray that one day we will be able to meet and resolve the issue.

With Warmest Regards,

Dave McCrae, pro se

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