John Stuart Webinar Class | Aug. 7, 2011 | Webinar Notes

*Blue italics = Angela’s notes.*

I just got back from a long discussion on the Trustee issue. I believe we are on to something big here.

'Tomorrow may be the last class since they are so small and I have to start preparing for court.

***WE NEED AS MAY PEOPLE AS POSSIBLE TO ARGUE THESE POINTS AND START EVERYONE MOVING IN THIS DRECTION WITH THE CORRECT KNOWLEDGE.***

Here are the points for discussion:

1. What is the cause of action? Breach of Fiduciary Duty; *Trustee has a fiduciary duty to all*

*parties; Anyone can bring suit*

2. How to make sure the process server does not serve the wrong party. If Trustee doesn’t exist, then no one will get served. *Have the process server attest to by a sworn- to affidavit and any other evidence/documentation.*

3. Sometimes it’s the original Trustee and sometimes it’s the first or second assignment that

goes to a none existent Trustee. FIND THE TRUSTEE THAT DOES NOT EXIST; *you believe he doesn’t exist and so you are suing to prove it.*

4. What if a law firm shows up at the hearing claiming to be representing the Trustee; can we

demand proof? Who are they representing? The Bank cannot be the Beneficiary and the Trustee at the same time. Have him/her removed from the court. Demand finding of facts and conclusions of law. And move for Rule 17(a) ratification of commencement

5. Rule 17(a) ratification of commencement

6. Nihil dicit judgment / summary / default? The best and easiest is the summary judgment but default is good too.

7. What must the rep present to the court to validate they represent the Trustee? Notice of appearance; *just because attorney is there, doesn’t mean the trustee is known to the court. Supply the court with evidence/process server testimony/affidavit/any docs and anything else. If attorney shows up, that’s fraud on the court (rule 11) The atty cant represent the invalid trustee. Move for summary judgement. Atty must show up because all trustees must be represented by an atty.( Rule 11 = attorney held for lying)*

8. State or fed court? In state court; use *only state codes otherwise they will move it to the fed.*

9. State or fed law? The law that pertains to the court you are in. *See 8 above.*

10. Fiduciary responsibility to whom? To all parties

11. How is the title insured with a none-existent Trustee?

12. How does a non-existent Trustee have an employee to sign and/or notarize? They don’t.

13. Can we get an order for alternative service? Yes. Request alternative service.

14. Will the win relegate us to a Quiet title action, or can the QT be part of the remedy? Yes. Put in for quiet title as part of your remedy plus a monetary amount for damages you have incurred.

15. Does res judicata apply to the title? Yes! It applies to everything!

*We need to go after the Trustee*

*They are held accountable/responsible for all wrongs*

*However they are almost always fake and never held accountable.*

*Cannot have a Trust without a Trustee*

*Trust Pertaining to the chain of Title leading up to the foreclosure.*

*Trustor= Me*

*Res Judicata = usable court decision*

*Find the Trustee that doesn’t exist.*

*There are probably 6 to 12 trustees that don’t exist, so find one that is the fake (doesn’t exist)*

*Rebut the presumptions that there is a trustee because you believe the trustee is invalid, because you cannot find any evidence of the trustee and your process server cant find the trustee, therefore there is no trustee and one wont show up and thus no trustee represented. You couldn’t find any evidence to prove the trustee exists. You had to sue to prove it.*

*The Real trustees must be documented somewhere. Also try F.O.I.A Find the one that doesn’t exist.*

*To verify try sec.Info.gov and get the EIN, Business License, and any registrations.*

*If trustee doesn’t exist move for quiet title with damages*

*The state can give you quiet title (remedy)*

*Res judicata the Trustee doesn’t exist*

--

John C. Stuart

aka Mobius Nemesis

"Now remember, when things look bad and it looks like you’re not gonna make it, then you gotta get mean. I mean plumb, mad-dog mean. ‘Cause if you lose your head and you give up then you neither live nor win. That’s just the way it is.”   
" Outlaw"  Josey Wales