

8-8-2017

Douglas v. Zions Bank, N.A. Appellant's Reply Brief Dckt. 44645

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IN THE SUPREME COURT OF THE STATE OF IDAHO

DAVID DOUGLAS, TERRY KERR
PLAINTIFFS-APPELLANTS

VS.

ZIONS BANK N.A., NATIONSTAR MORTGAGE LLC, PRINCE AND YEATES, P.C.
DEFENDANTS-RESPONDANTS

APPELLANTS REPLY BRIEF

SUPREME COURT CASE NO. 44645-2016

DISTRICT COURT CASE NO. CV-2016-2713

APPEAL FROM THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
BONNEVILLE COUNTY

APPEAL FROM JOEL TINGEY, DISTRICT COURT JUDGE

DAVID DOUGLAS, TERRY KERR
PRO-SE PLAINTIFFS
2675 STARKS WAY
RENO, NEVADA 89512
pro-SE APPELLANTS

AKERMAN LLP, 170 SOUTH MAIN
STREET, SUITE 940, SALT LAKE
CITY, UTAH, 84101, QUINNEY AND
NEBEKER PC, 36 SOUTH STATE
STREET, SUITE 1400, SALT LAKE
CITY, UTAH, 84145, PRINCE AND
YEATES PC, DEFENDANTS, AND
RESPONDANTS.

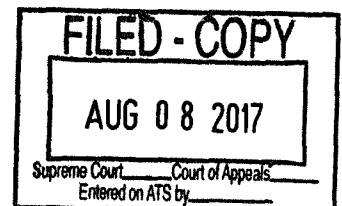


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EXHIBIT 4 EXHIBIT

EXHIBIT 4 EXHIBIT 10 AND 11 SHOW WHERE THE U.S. BANK BOUGHT THE PLAINTIFFS HOUSE ILLEGALLY IN IDAHO AT THE WOOD BRIDGE ADDRESS, AND SHOWS WHERE THE U.S. BANK BOUGHT THE ASWAN HOUSE ILLEGALLY FROM NATIONSTAR MORTGAGE COMPANY SAME AS IN NEVADA.

IN THE SUPREME COURT OF THE STATE OF IDAHO

DAVID DOUGLAS, TERRY KERR
PLAINTIFFS-APPELLANTS

VS.

ZIONS BANK N.A., NATIONSTAR MORTGAGE LLC, PRINCE AND YEATES, P.C.
DEFENDANTS-RESPONDANTS

APPELLANTS REPLY BRIEF

SUPREME COURT CASE NO. 44645-2016

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NEBEKER PC, 36 SOUTH STATE
STREET, SUITE 1400, SALT LAKE
CITY, UTAH, 84145, PRINCE AND
YEATES PC, DEFENDANTS, AND
RESPONDANTS.

STATEMENT OF THE CASE

APPELLANTS DAVID DOUGLAS AND TERRY KERR HAVE STATED THE REASONS TO REVERSE THE TRIAL COURTS JUDGEMENT IN FAVOR OF THE DEFENDANTS ZIONS BANK, NATIONSTAR MORTGAGE AND PRINCE AND YEATES! IF THE DEFENDANTS-RESPONDANTS HAD READ THE OPENING BRIEF OF THE APPELLANTS THEY WOULD HAVE KNOWN THAT, BUT INSTEAD THEY JUST CONTINUE WITH THE SAME PATTERN OF VIOLATIONS TO THE RICO ACT 18 U.S.C. 1962, THE VIOLATIONS OF THE BANK HOLDING COMPANY ACT, 12 U.S.C. 1972, AND THE TILA ACT U.S.C. 1601, AND THE CONSPIRED INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AND THE INTENTIONAL INFLICTION OF FINANCIAL DISTRESS BASICALLY USING THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT BY CONTINUING THE SAME PATTERN OF CRIME AND THE COMPLETE AFFRONT TO THE JUSTICE SYSTEM.

STATEMENT OF FACTS

THERE IS A FEDERAL LAWSUIT IN NEVADA WITH THE ZIONS BANK AND THE NATIONSTAR MORTGAGE WHERE THEY DID THE SAME CRIMES IN THE HOUSE OWNED BY THE APPELLANTS AS THEY DID IN IDAHO.

1. IN IDAHO THEY HAD A JUDICIAL FORCLOSURE SALE ON THE HOUSES WHILE THE CASE IN THE FEDERAL COURT WAS PENDING AND HAD LIEN PENDING COURT LIENS AND NOTICE OF PENDING OF ACTION FILED IN BOTH FEDERAL COURT AND STATE CLERK AND RECORDERS OFFICES.

2. exhibit 1, AND EXHIBIT 2 SHOW WHERE THE TWO HOUSES IN IDAHO WERE SOLD BY THE MORTGAGE COMPANY NATIONSTAR AND THE ZIONS BANK TO THE NEW OWNERS WITH CLEAR AND FREE DEEDS WITH NO CLOUDS OR INCUMBRANCES EVEN THOUGH THERE ARE CASES IN FEDERAL COURT, IN THE 9th CIRCUIT COURT, AND IN THE IDAHO STATE SUPREME COURT, ALL WITH COURT LIENS AND NOTICES OF PENDING OF ACTION FILED

AGAINST THE HOUSES IN ALL THREE COURTS!

3 IN EXHIBIT 3 IT SHOWS THE CASE WHERE AKERMAN LLP IS REPRESENTING BANK OF AMERICA AND NATIONSTAR, WHO IS ALSO THE MORTGAGE SERVICER FOR THE HOUSE IN RENO WITH ALSO THE SAME LAWYER FIRM AND DID THE SAME THING, THEY HAD A SALE TO THE U.S. BANK WITH NO CLOUDS OR ANY LIENS ON THE DEED. THE AKERMAN LAW FIRM MADE THE DEAL WITH THE BROOKS LAW FIRM WHO OWNED THE TITLE COMPANY TO ISSUE A CLEAR TITLE TO THE U.S. BANK WHILE THE CASE IN THE FEDERAL COURT WAS STILL ACTIVE AND PENDING. THERE WAS A LIS PENDANS COURT LIEN AND A NOTICE OF PENDANCY OF ACTION FILED AGAINST THIS HOUSE IN THE FEDERAL COURT AND THE CLERK AND THE RECORDERS OFFICE MONTHS BEFORE THE SALE TO THE U.S. BANK. IN EXHIBIT 4, exhibit 10, AND 11 IT SHOWS WHERE THE U.S. BANK DID BUY THE HOUSES FROM NATIONSTAR MORTGAGE THE SERVICER FOR BOTH OF THE HOUSES IN THE TWO DIFFERENT STATES, ALSO THE AKERMAN LAW FIRM DOES WANT THE PLAINTIFF APPELLANT TERRY KERR PLACED ON THE VEXATIOUS LIST JUST LIKE THE ZIONS LAWYER IN THE IDAHO CASE DID. SEE THE PATTERN OF THE RACKETEER INFLUENCED AND CORURT ORGANIZATION ACT VIOLATIONS AND CONSPIRACY! this opposition to the AKERMAN AND NATIONSTAR MOTION TO DISMISS IS EXACTLY LIKE THE IDAHO STATE SUPREME COURT OPENING BRIEF BY THE APPELLANTS. THE U.S. BANK NEVER DID RESPOND TO EITHER LAWSUIT AND NEVER DID RESPOND TO THE SUMMONS AND THE COMPLAINT AND STILL HAVE NOT AND THE PLAINTIFFS HAVE ASKED FOR DEFAULT JUDGEMENT AGAINST THE U.S. BANK. THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF BONNEVILLE COUNTY DID ERROR IN DISMISSING THE APPELLANTS CLAIMS FOR RELIEF IN THE ISSUES PRESENTED ON APPEAL..

STANDARD OF REVIEW

SUMMARY JUDGEMENT IS APPROPRIATE IF THEIR ARE NO PLEADINGS DEPOSITIONS AFFIDAVITS, AND EXHIBITS OF PROOF ON FILE TO SHOW THE GENUINE ISSUES OF MATERIAL FACT AND THE EVIDENSE SHOWS NO DISPUTED ISSUES OF MATERIAL FACT, THEN ALL DISPUTED FACTS ARE TO BE CONSTRUED LIBERALLY IN FAVOR OF THE NON-MOVING PARTY, AND ALL REASONABLE INFERENCES THAT CAN BE EASILY SEEN FROM THE FACTS, THE EVIDENSE, AND THE EXHIBITS OF PROOF THAT DO PROVE BEYOND ANY SHADOW OF DOUBT LIKE SHOWN IN THE APPELLANTS EXHIBITS OF PROOF AND FACTS, AND EVIDENSE THAT CANNOT BE DISPUTED CAUSE IT IS TRUE AS IN THE APPELLANTS EXHIBITS OF PROOF THEN THE COURT MUST FAVOR THE NON-MOVING PARTY, THE (APPELLANTS). AS IN PURDY V. FARMERS INS. CO. OF IDAHO, 138 IDAHO 443,445, 65 P.3d 184 186 (2003).

SO THE SUMMARY JUDGEMENT AND DISMISSAL ARE ONLY APPROPRIATE WHEN THE PLEADINGS,DEPOSITIONS,EXHIBITS OF PROOF AND FACTS SHOW NO GENUINE ISSUE OF MATERIAL FACTS, HOWEVER WHEN THE PLEADINGS, THE DEPOSITIONS, THE EXHIBITS OF PROOF AND TRUE FACTS DO SHOW THERE IS A GENUINE ISSUE OF MATERIAL FACTS AND DISPUTES THE LIES TOLD BY THE DEFENDANTS THERE CANNOT BE A SUMMARY JUDGEMENT OR DISMISSAL OF THE CASE. THERE WAS AN ABUSE OF DISCRETION BY THE JUDGE IN THE SEVENTH DISTRICT COURT IN BONNEVILLE COUNTY! COME ON THE JUDGE TINGEY HAD 3 JUDICIAL COMPLAINTS AGAINST HIM FILED BY THE APPELLANTS AND STILL WOULD NOT RECUSE HIMSELF FROM THE CASE CAUSE HE ENJOYED THE ABUSES OF DISCRETION. THE COURT DID ERROR JUST READ THE OPENING BRIEF AND THE EXHIBITS OF PROOF IN APPELLANTS REPLY BRIEF.THIS ACTION BY THE JUDGE WAS INTENTIONAL AND RECKLESS AND EXTREME AND OUTREAGEOUS!

CONCLUSION

THE DISTRICT COURT DID ERROR WHEN IT DISMISSED THE APPELLANTS CLAIMS CAUSE THE CASE DID PROVE 100 PERCENT THAT IT SHOULD NOT HAVE BEEN DISMISSED BECAUSE THE SUBSTANCE AND THE MERITS OF THE CASE WERE PROVED ON ALL CAUSES OF ACTION! THE DISTRICT COURTS DECISION SHOULD NOT BE AFFIRMED AND THE EVIDENSE OF THE VIOLATION OF THE RACKETEER INFLUENENCED AND CORUPT ORGANIZATION ACT VIOLA-TIONS SHOULD BE SENT TO THE UNITED STATES DEPARTMENT OF JUSTICE FOR THE PROSECUTING OF THE CRIMES BY THE UNITED STAES ATTORNEYS OFFICE OF THE VILIANs!

DONE AND DATED THIS 3rd DAY OF AUGUST, 2107

BY PLAINTIFFS-APPELLANTS PRO-SE DAVID DOUGLAS

David Douglas

BY PLAINTIFFS-APPELLANTS PRO-SE TERRY KERR

Terry Kerr

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT A COPY OF THE APPELLANTS REPLY BRIEF WAS SENT TO THE DEFENDANTS AT THE FOLLOEING ADDRESSES BY U.S. MAIL AT THESE ADDRESSES: AKERMAN LLP, 170 SOUTH MAIN STREET, SUITE 950, SALT LAKE CITY, UTAH, 84101, QUINNEY AND NEBEKER PC, 36 SOUTH STATE STREET, SUITE 1400, SALT LAKE CITY, UTAH, 84145, and PRINCE AND YEATES 15 WEST SOUTH TEMPLE, SUITE 1700, SALT LAKE CITY, UTAH 84101, ON THIS 3rd DAY OF AUGUST, 2017.

DONE AND DATED THIS 3rd DAY OF AUGUST, 2017

BY PLAINTIFFS- APPELLANTS PRO-SE DAVID DOUGLAS, TERRY KERR

David Douglas Terry Kerr

LIST OF EXHIBITS OF PROOF

1. EXHIBIT 1 IS ILLEGAL SALE OF HOME BY NATIONSTAR, 1 PAGE
2. EXHIBIT 2 IS ILLEGAL SALE OF HOME BY ZIONS BANK. 1 PAGE.
3. EXHIBIT 3 SHOWS U.S. BANK IN FEDERAL COURT BEING REPRESENTED BY AKERMAN, U.S. BANK BOUGHT BOTH HOUSES FROM NATIONSTAR WHILE HAVING LIS COURT PENDANS LIENS FILED AGAINST THEM.
4. EXHIBIT 4 IS THE OPPOSITION TO THE MOTION TO DISMISS AND BE PLACED ON THE VEXATIOUS LIST SAME AS IN THE OPENING BRIEF TO THE IDAHO STATE SUPREME COURT, THE CONTINUING PATTERN OF THE VIOLATIONS OF THE RACKETEER INFLUENCED AND CORUPT ORGANIZATIONS ACT BEING DONE BY THE DEFENDANTS ZIONS BANK AND NATIONSTAR AND THECRIMINAL LAWYERS FOR THE BANK AND THE MORTGAGE COMPANY, 27 PAGES

BONNEVILLE COUNTY TAX STATEMENT

Exhibit 1

MARK HANSEN
BONNEVILLE COUNTY TAX COLLECTOR
 605 N. CAPITAL AVE.
 IDAHO FALLS, ID 83402
 208-529-1380

Tax Year: 2016 Bill Number: 125023
 AIN: R-2 Billing Date: 07/05/2017
 PIN: RPA51200060390 Balance good until: 07/05/2017
 Code-Area: 001-0003 Last Payment: 05/24/2017

Legal Desc: LOT 39, BLOCK 6, WOODBRIDGE AT IVAN'S ACRES SW1/4, SEC 15, T 2N, R 38

AUTO


FOSTER GARRETT
 3454 E 200 N
 RIGBY ID 83442

*M/S, Bank sold to
 same as in Nevada*

Location: 2895 WOODBRIDGE DR IDAHO FALLS

Acres: 0.0000

Mortgage:

TWO COURT LIENS!

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT TAX YEAR. TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.

Values	Amount	Values Continued	Amount	Exemptions and Credits	Amount
Land Value	39,185			Homeowners Exemption	94,745
Improvement Value	214,790				
				Total Taxable	159,230

Taxing District	Phone	Rate	Total	Spec. Assessments	Phone	Rate	Total
Bonneville County	208-529-1350	0.0040934350	\$651.82	Landfill		0	42.00
Idaho Falls	208-612-8230	0.0096250270	\$1,532.59				
School 93	208-557-6803	0	\$0.00				
School 93 Bond	208-557-6803	0	\$0.00				
School 93 Supplemental	208-557-6803	0.0011179880	\$178.02				
School 93 Bond HB470	208-557-6803	0.0029950260	\$476.90				
School 93 Plant Fac HB470	208-557-6803	0.0010849860	\$172.76				
School 93 Emergency HB470	208-557-6803	0.0006000000	\$95.54				
Lincoln Cemetery	208-522-2440	0.0000072620	\$1.16				
Ambulance	208-529-1350	0.0003999990	\$63.69				
Flood	208-390-2013	0.0000078030	\$1.24	Urban Renewal			
					Phone	Rate	Total
	Current	Prior Year(s)	Interest	Late Fee	Fees	Paid	Total Due
Bill Summary	\$3,215.72	\$0.00	\$0.00	\$0.00	\$0.00	\$3,215.72	\$0.00

Make Check Payable to: BONNEVILLE COUNTY TAX COLLECTOR

Keep top portion for your records

FOR PROPER CREDIT RETURN THIS STUB WITH PAYMENT
 PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

FOR PROPER CREDIT RETURN THIS STUB WITH PAYMENT
 PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

FOSTER GARRETT
 3454 E 200 N
 RIGBY ID 83442

FOSTER GARRETT
 3454 E 200 N
 RIGBY ID 83442

Bill Number 2016 - 125023
 PIN: RPA51200060390
 AIN: R-2
 BONNEVILLE COUNTY

1ST HALF
\$0.00
 FULL AMOUNT
\$0.00

Bill Number 2016 - 125023
 PIN: RPA51200060390
 AIN: R-2
 BONNEVILLE COUNTY

2ND HALF
\$0.00

December 20, 2016

June 20, 2017


 0312320000000005


 0312320000000005

EXHIBIT 1

EXHIBIT 1

EXHIBIT 2

EXHIBIT 2

BONNEVILLE COUNTY TAX STATEMENT

Exhibit 2

MARK HANSEN
BONNEVILLE COUNTY TAX COLLECTOR
 605 N. CAPITAL AVE.
 IDAHO FALLS, ID 83402
 208-529-1380

Tax Year: 2016 Bill Number: 122893
 AIN: R-2 Billing Date: 07/05/2017
 PIN: RPA24310030330 Balance good until: 07/05/2017
 Code-Area: 001-0020 Last Payment: 11/15/2016

Legal Desc: LOT 33, BLOCK 3, SUMMERFIELD # 2 N1/2, SEC 32, T 2N, R 38

AUTO


RICHARDSON MIKE
 900 WHEATSTONE DR
 IDAHO FALLS ID 83404

Line Bank Sold to

Location: 900 WHEATSTONE DR IDAHO FALLS

Acres: 0.0000

Mortgage: NATIONWIDE REAL ESTATE TAX SERVICE

2 Court Liens!

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT TAX YEAR. TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.

Values	Amount	Values Continued	Amount	Exemptions and Credits	Amount
Land Value	36,029				
Improvement Value	200,460				
Total Taxable					236,489

Taxing District	Phone	Rate	Total	Spec. Assessments	Phone	Rate	Total
Bonneville County	208-529-1350	0.0040934350	\$968.06	Landfill		0	42.00
Idaho Falls	208-612-8230	0.0096250270	\$2,276.21				
School 91	208-525-7500	0	\$0.00				
School 91 Supplemental	208-525-7500	0.0020882760	\$493.85				
School 91 Bond HB470	208-525-7500	0.0014047330	\$332.20				
School 91 Plant Fac HB470	208-525-7500	0.0007501840	\$177.41				
Lincoln Cemetery	208-522-2440	0.0000072620	\$1.72				
Ambulance	208-529-1350	0.0003999990	\$94.60				
Flood	208-390-2013	0.0000078030	\$1.85				
					Urban Renewal	Phone	Rate
	Current	Prior Year (s)	Interest	Late Fee	Fees	Paid	Total Due
Bill Summary	\$4,387.90	\$0.00	\$0.00	\$0.00	\$0.00	\$4,387.90	\$0.00

Make Check Payable to: BONNEVILLE COUNTY TAX COLLECTOR

Keep top portion for your records

FOR PROPER CREDIT RETURN THIS STUB WITH PAYMENT
 PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

FOR PROPER CREDIT RETURN THIS STUB WITH PAYMENT
 PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

RICHARDSON MIKE
 900 WHEATSTONE DR
 IDAHO FALLS ID 83404

RICHARDSON MIKE
 900 WHEATSTONE DR
 IDAHO FALLS ID 83404

Bill Number 2016 - 122893
 PIN: RPA24310030330
 AIN: R-2
 BONNEVILLE COUNTY

1ST HALF	\$0.00
FULL AMOUNT	\$0.00

Bill Number 2016 - 122893
 PIN: RPA24310030330
 AIN: R-2
 BONNEVILLE COUNTY

2ND HALF	\$0.00
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December 20, 2016

June 20, 2017

Sent to Mortgage Company

Sent to Mortgage Company


 0285280000000004


 0285280000000004

EXHIBIT 3

EXHIBIT 3

Exhibit 3

CLOSED, APPEAL

**United States District Court
District of Nevada (Reno)
CIVIL DOCKET FOR CASE #: 3:17-cv-00012-RCJ-VPC**

Kerr et al v. U.S. Bank N.A.
Assigned to: Judge Robert C. Jones
Referred to: Magistrate Judge Valerie P. Cooke
Demand: \$60,000,000
Cause: 28:1983 Civil Rights

Date Filed: 01/09/2017
Date Terminated: 04/13/2017
Jury Demand: Plaintiff
Nature of Suit: 443 Civil Rights:
Accommodations
Jurisdiction: Federal Question

Plaintiff

Terry Kerr

represented by **Terry Kerr**
580 Aswan St
Sparks, NV 89441
208-520-7266
PRO SE

Plaintiff

Dennis Kerr

represented by **Dennis Kerr**
580 Aswan St
Sparks, NV 89441
(208) 520-7266
PRO SE

V.

Defendant

U.S. Bank N.A.

Defendant

U.S. Bank, N.A.

as Trustee of SW Reo Trust 2014-1

Defendant

Bank of America N.A.

[28] Dismissed

TERMINATED: 04/13/2017

*NO REPRESENTATIVE
DEFAULT JUDGEMENT
FILED FOR FAILURE
TO RESPOND TO SUMMONES
AND COMPLAINT*

represented by **Melanie D Morgan**
Akerman LLP

*as of
Duly
1/9/2017
Reverent HS, Bank*
1160 Town Center Drive, Suite 330
Las Vegas, NV 89144
(702)634-5005
Fax: (702) 380-8572

EXHIBIT 4

EXHIBIT 4

exhibit 4

FILED
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2017-07-20 11:21:22 AM
Jacqueline Bryant
Clerk of the Court
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TERRY KERR, DENNIS KERR
580 ASWAN STREET
SPARKS, NEVADA 89441
208-520-7266
PRO-PER PLAINTIFFS

ORIGINAL

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA, IN AND FOR THE COUNTY OF WASHOE

TERRY AND DENNIS KERR,)
PLAINTIFFS,)
-VS-)
MICHEAL BROOKS ESQ., RAMIR)
HERNANDEZ ESQ., U.S. BANK)
N.A. AND JESSICA LONGLEY,)
DEFENDANTS.)

CASE NO. CV-17-00763
DEPT. NO. 1

OPPOSITION TO THE MOTION TO
DISMISS AND PLACE THE PLAINTIFF
ON A VEXATIOUS LITIGANT LIST

COMES NOW PLAINTIFFS PRO-PER TERRY KERR AND DENNIS KERR
WITH THIER OPPOSITION TO THE DEFENDANTS MOTION TO DISMISS AND
PLACE THE LITIGANTS ON A VEXATIOUS LITIGANT LIST.

1. FIRST THE DEFENDANTS ARE TRYING TO DO THE SAME THING THAT
THEY DID IN THE IDAHO CASE WHERE THE SAME MORTGAGE SERVICER
(NATIONSTAR) DID DO THE ILEGAL AND CORUPT STEALING OF THE
PLAIMTIFFS HOUSE THERE AS THEY DID HERE. THE DEFENDANTS HAVE
PRESENTED THE COURT WITH THE ADMINISTRATIVE ORDER DECLARING
TERRY KERR A VEXATIOUS LITIGANT. THIS IS EXHIBIT F IN THE
DEFENDNATS MOTION AND THEY SAY THE CASE WAS DISMISSED BY THE
SAME JUDGE IN THE IDAHO COURT CASE. EXHIBT 1 IS THE DEFENDANTS
MOTION TO DISMISS AND PLACE TERRY KERR ON THE VEXATIOUS LIST.

1 EXHIBIT 2 IS THE ORDER DENYING THE MOTION TO DISMISS THE
2 COURPT NATIONSTAR MORTGAGE AND THIER CORUPT LAWYERS AKERMAN.
3 LIKE PAUL HARVEY WOULD SAY IN HIS RADIO NEWS (QUOTE AND NOW
4 FOR THE REST OF THE STORY). THE ZIONS BANK BROUGHT FORTH THE
5 VEXATIOUS LITIGANT THING AND NOW THE IDAHO STATE SUPREME
6 COURT HAS DENIED THIER MOTION AND HAS ORDERED THEM TO DO A
7 RESPONDENTS BRIEF IN 14 DAYS.

8
9 3. THE NATIONSTAR WAS FOUND GUILTY OF MORAL TURPITUDE IN THE
10 FALSIFING OF THE WARRANTY DEED ISSUED BY THE NATIONSTAR MORT-
11 GAGE COMPANY, THE EXACT SAME THING THAT BROOKS DID WHEN HE
12 AS THE LAWYER FOR THE NATIONSTAR, THE TRUSTEE COMPANY AND THE
13 LAWYER FOR THE HARMONY TITLE COMPANY OWNED BY THE TRUSTEEE CO.
14 THIS FALSIFING OF THE DEED WAS EXACTLY THE SAME AS IN THE
15 FEDERAL CASE IN RENO WHICH IS NOW ON APPEAL TO THE NINTH CIR-
16 CUIT COURT OF APPEALS IN CALIFORNIA. THIS DID ESTABLISH A
17 VIOLATION OF THE MORAL TURPITUDE AND THERE HAS BEEN A JUDICIAL
18 COMPLAINT FILED AGAINST THE IDAHO JUDGE THERE IN THE STATE
19 COURT CASE. SO THE LAWYERS HAVE NOW TRYED TO SUPRESS THE FACTS
20 AND THE EVIDENSE TO THE NEVADA STATE COURT TO GET THE NEVADA
21 STATE COURT TO DO WHAT THEY DID IN IDAHO. (SEE EXHIBIT 2).

22 3. EXHIBIT 3 SHOWS WHERE THE BROOKS LAWYERS AND U.S. BANK ARE
23 IN THE CASE ON APPEAL TO THE 9th CIRCUIT COURT. ONCE AGAIN THE
24 U.S. BANK DID NOT ANSWER THE COMPLAINT AND THE SUMMONS AND THE
25 PLAINTIFFS DID FILE A DEFAULT JUDGEMENT AGAINST THEM JUST LIKE
26 IN THE STATE COURT. HOWEVER THE FEDERAL COURT DISMISSED THE
27 BEFORE THE HEARING SO AS NOT TO HAVE TO SIGN THE DEFAULT JUDGE
28 MENT JUST LIKE NOW IN THE STATE COURT CASE. THE U.S. BANK DID

1 NOT ANSWER THE SUMMONS AND COMPLIANT IN THE STATE COURT CASE
2 AND THE DEFAULT JUDGEMENT IS ON THE STATE COURT JUDGES DESK
3 AND HE HAS ORDERED THE PARTIES TO DO A HEARING. HOWEVER THE
4 U.S. BANK STILL AFTER MONTHS HAS NEVER RESPONDED AND THE
5 OTHER PLAINTIFFS THE LAWYERS BROOKS AND HERNANDEZ HAVE DONE
6 THE MOTION TO DISMISS RATHER THAN DO WHAT THE JUDGE MAUPIN
7 ORDERED TO DO. THE TELLING OF LIES TO THE COURT AND THE
8 OBSTUCTION OF JUSTICE BY THE DEFENDANTS IS AN EGREGIOUS
9 VIOLATION AS IN TITLE 18 OF THE U.S. CODE SECTION 1503,
10 WHERE THEY ARE DOING LIES TO THE COURT TO INFLUENCE OR IMPEDE
11 THE DUE ADMINISTRATION OF JUSTICE. THEY KNOW THAT THE CASE
12 USED IN THIER EXHIBITS IS IN THE IDAHO STATE SUPREME COURT
13 AND THE COURT DID RULE AGAINST THEM AND THAT THE OTHER EXHIBIT
14 USING THE FEDERAL COURT IS IN APPEAL BUT FAIL TO SAY THAT THE
15 HIGHER COURTS HAVE RULED AGAINST THEM.
16

17 4. THE DEFENDANTS HAVE BEEN DOING A COMPLETE AFFRONT TO THE
18 JUSTICE SYSTEM. THE PALINTIFFS HAVE AND DID PROVE THE FRAUD,
19 THE MORAL TURPITUDE, AND THE CRIMES THAT DID VIOLATE THE
20 THE RACKETEER INFLUENCED AND CORUPT ORGANIZATION ACT LAWS,
21 (18 U.S.C 1962, (A) (B) (C) AND (D), PLUS THE U.S.C. LAWS
22 1331 aND 1343. THIS COMPLETE AFFRONT TO THE JUSTICE SYSTEM
23 USING FALSIFIED FRAUDULENT DOCUMENTS AND GETTING THE JUDGES
24 TO RULE ON THEM IS DESCRIBED IN (CELOTEX CORP. V. CATRETT,
25 477 U.S. 317, 322, 323, (1986). THE PLAINTIFFS CAN PROVE
26 THE FACTS AND HAVE STATED THE EVIDENSE THAT ESTABLISHES THE
27 GENUINE ISSUES OF FACT THAT ALL THE ELEMENTS AND THE BURDENS
28 OF PROOF HAVE BEEN SATISFIED. THIS NEVADA STATE CASE IS JUST
FUTHER PROOF OF THE PATTERN OF RACKETEERING ACTIVITY.

1 THE AKERMAN LAW FIRM CONSPIRED WITH THE BROOKS LAW FIRM TO DO
2 THE FALSIFIED FRAUDULENT DOCUMENTS WHICH IS THE CRUZ OF THE
3 STATE CASE. SEE EXHIBIT 4 WHERE THE AKERMAN LAW FIRM DID TELL
4 LIES TO THE STAE COURT JUDGE THEN IN THE NOTICE OF CLARIFICATION
5 THEY SAY THAT THEY DID NOT TELL LIES TO THE JUDGE, THEY JUST
6 MISSPOKE. THAT THE IDAHO COURT OF APPEALS RULED IN FAVOR OF THE
7 NATIONSTAR AGAINST TERRY KERR. THEN IN EXHIBIT 5 AND 5-1 had
8 THE JUDGE SELL TERRY KERRS HOUSE AT A PUBLIC AUCTION AND IT
9 SHOWS THE WOODBRIDGE ADDRESS. THEN IN EXHIBIT 5-1 THE JUDGE SAYS
10 THE MOTION TO STAY IS DENIED AND THAT IT IS A DIFFERENT PIECE
11 OF PROPERTY. IT WAS THE SAME PIECE OF PROPERTY AND THE JUDGE
12 IS TELLING LIES. IN EXHIBIT 6 IT SHOWS THE WOODBRIDGE HOUSE IN
13 THE FEDERAL COURT AND THE PENDANCY OF ACTION IN THE FEDERAL
14 COURT IS THE SAME PIECE OF PROPERTY. EXHIBIT 7 IS THE ORDER
15 FROM THE FEDERAL JUDGE SAYING HE IS CONDUCTING THE PROCEEDINGS
16 AND FOR THE AKERMAN BOYS TO FILE AN OBJECTION TO HIS ORDER,
17 BUT NONE DID. THEY JUST GOT THE STATE COURT JUDGE TO OVERRULE
18 THE FEDERAL JUSGE AND DO A SALE ON THE HOUSE THAT WAS STILL IN
19 THE FEDERAL COURT. THEN IN EXHIBIT 8 THEY GOT THE JUDGE TO
20 OVER RULE THE RECONVEYED DEED TO TERRY KERR. THAT WAS LIKE
21 TELLING A WOMAN WITH A 9 YEAR OLD CHILD SHE HAS TO HAVE AN
22 OBORTION. EXHIBIT 9 IS THE NOTICE OF PENDANCY OF ACTION FILED
23 IN THE NEVADA FEDERAL COURT FOR TERRY KERR'S HOUSE IN NEVADA.
24 BOTH HOUSES ARE THE NATIONSTAR MORTGAGE SERVICER AND BOTH DO
25 THE SAME THING IN BOTH STATES. IN EXHIBIT 10 YOU CAN SEE THAT
26 IT IS THE U.S. BANK THAT STOLE TERRY KERR'S HOUSE IN IDAHO, AND
27 EXHIBIT 11 IS THE U.S. BANK STEALING TERRY KERR'S HOUSE IN
28

1 NEVADA BOTH USING FALSIFIED FRAUDULENT DEEDS AND THEY DO NOT
2 EVAN RESPOND TO THE SUMMONS AND THE COMPLAINTS AND JUST HAVE
3 JUDGES RULE AGAINST TERRY KERR AND DISMISS THE CASE. THEIR
4 PATTERN OF CORPUTION IS CLEARLY SHOWN AND THE HIGHER COURTS
5 WILL RULE AGAINST THEM. THE JUDGES HAVE JUDICIAL COMPLAINTS
6 FILED AGAINST THEM AND ARE IN THE IDAHO SUPREME COURT AND THE
7 9th CIRCUIT COURT CASES. THIS VIOLATION OF MORAL TURPITUDE AND
8 THE VIOLATIONS OF THE RACKETEER INFLUENCED CORUPT ORGANIZATION
9 ACT IS CLEARLY SHOWN IN THE PATTERN OF THE CRIMES AND THE
10 WRONGDOINGS. THE U.S. BANK IS BEHIND THE ACTIONS SEE WHERE
11 BOTH HOUSES ARE NOW OWNED BY THE U.S. BANK AND THE HOUSE IN
12 NEVADA HAD A 30 MILLION DOLLARS LIS PENDANS COURT LIEN ON IT
13 AND A FILED WITH THE COURT AND WITH THE CLERK AND RECORDERS
14 OFFICE WHEN IT WAS SOLD TO THE BUYER U.S. ABNK. WHAT BANKER
15 WOULD STILL HAVE HIS JOB WHEN THEY BOUGHT A 200.000 DOLLARS
16 HOUSE WITH A 30 MILLION DOLLARS LIEN ON IT? A BANKER WHOSE IS
17 GUILTY OF MORAL TURPITUDE AND RACKETEER INFLUENED CORUPT ORGAN-
18 IZATION VIOLATIONS, THATS WHO. HOWEVER THE U.S. BANK STILL
19 DOES NOT HAVE A JUDGE WHO WILL FILE A DEFAULT JUDGEMENT AGAINST
20 AGAINST THEM NO MATTER WHAT LAWS OR RULES ARE REPEATED VIOLATED
21 SO THERE IS THE COMPLETE AFFRONT TO THE JUSTICE SYSTEM AND THE
22 CIIZENS OF THE UNITED STATES OF AMERICA HAVE NO RECOURSE TO
23 RIGHT THE MANY WRONGS DONE AGAINST THEM. RULES AND LAWS MEAN
24 NOTHING THE CORPORATIONS JUST HAVE THE JUDGES IN THEIR POCKETS
25 AND THE GET PAID BY THE CORPORATIONS TO SCREW THE PEOPLE, THERE
26 IS NO RESRESS OF GRIEVEANCES POSSIBLE, THE CULTURE OF CORUPTION
27 PREVAILS AND AMERICA IS NOT MORE.
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DONE AND DATED THIS 18th DAY OF JULY, 2017
BY PLAINTIFFS PRO-PER TERRY KERR AND DENNIS KERR

Terry Kerr Dennis Kerr

AFFIRMATION PURSUANT TO NRS 239.030

THE UNDERSIGNED HEREBY AFFIRMS THIS DOCUMENT DOES NOT CONTAIN
ANY SOCIAL SECURITY NUMBERS OF ANY PERSON PURSUANT TO NRS
239.030.

DONE AND DATED THIS 18th DAY OF JULY, 2017
BY PLAINTIFFS PRO-PER TERRY KERR AND DENNIS KERR

Terry Kerr Dennis Kerr

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT A COPY OF THE OPPOSITION TO THE
DEFENDANTS MOTION TO DISMISS WERE SENT TO THE DEFENDANTS AT
U.S. BANK 301 VASSAR STREET, RENO, NEVADA 89502 and to the
OTHER DEFENDANTS BY ELECTRONIC FILING, DONE THIS 18th DAY
OF JULY, 2017.

DONE AND DATED THIS 18th DAY OF JULY, 2017.
BY PLAINTIFFS PRO-PER TERRY KERR AND DENNIS KERR

Terry Kerr Dennis Kerr

LIST OF EXHIBITS

1. EXHIBIT 1 IS THE MOTION TO DISMISS BY THE DEFENDANTS
2. EXHIBIT 2 IS THE ORDER FROM THE IDAHO STATE SUPREME COURT DENYING THE DEFENDANTS MOTION TO DISMISS
3. exhibit 3 IS THE NOTICE OF APPEAL IN THE NINTH CIRCUIT COURT
4. EXHIBIT 4 IS THE CLARIFICATION OF LIES TOLD TO THE JUDGE
5. exhibit 5 IS THE ORDER TO SELL TERRY KERRS HOUSE BY THE STATE COURT JUDGE EVEN THOUGH IT IS IN THE FEDERAL COURT
- 5-1 IS THE EXHIBIT SHOWING THE JUDGE TELLING LIES
6. EXHIBIT 6 IS THE NOTICE OF PENDANCY OF ACTION IN THE FEDERAL COURT CASE WHEN THE STATE COURT JUDGE OVERRULES THE FEDERAL JUDGE ON THE SAME PIECE OF PROPERTY
7. EXHIBIT 7 IS THE ORDER FROM THE FEDERAL JUDGE SAYING THE STATE COURT CANNOT DO ANYTHING TILL THE FEDERAL JUDGE RULES
8. EXHIBIT 8 IS THE COURT RULING THAT THE U.S. BANK CAN BUY THE HOUSE EVEN THOUGH IT HAS A LEGAL RECONVEYANCE FOR 9 YEARS.
9. EXHIBIT 9 IS THE FEDERAL NOTICE OF PENDANCY OF ACTION THAT WAS FILED IN THE FEDERAL COURT IN RENO, NEVADA BUT THE U.S. BANK BOUGHT IT ANYWAY CAUSE RULES ARE MADE TO BE VIOLATED
10. THE TAX STATEMENT SHOWING THE U.S. BANK ILLEGALLY BOUGHT THE HOUSE OF TERRY KERR WHILE IT WAS IN FEDERAL COURT
- 11, EXHIBIT 11 SHOWS THE NEVADA HOUSE OWNED BY TERRY KERR THAT WAS ILLEGALLY BOUGHT BY THE U.S. BANK USING FRAUDULENT FALSIFIED DOCUMENTS, THE SAME AS TERRY KERRS HOUSE IN IDAHO.

EXHIBIT 1

EXHIBIT 1

Exhibit 1

1 Natasha M. Gebrael, Esq.
Nevada Bar No.: 14367
2 BROOKS HUBLEY, LLP
1645 Village Center Circle, Suite 60
3 Las Vegas, Nevada 89134
Tel: (702) 851-1191
4 Fax: (702) 851-1198
efile@brookshubley.com
5 *Attorneys for Defendant Michael Brooks, Esq.
And Ramir Hernandez, Esq.*

6
7 **SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA**

8 TERRY KERR and DENNIS KERR,
9
Plaintiff,
10
v.
11 MICHAEL BROOKS, ESQ. and RAMIR
HERNANDEZ, ESQ.,
12
Defendants.
13

Case No.: CV17-00763
Dept. No.: 1

**MOTION TO DISMISS COMPLAINT
AND MOTION TO PLACE
PLAINTIFFS' ON VEXATIOUS
LITIGANT LIST**

BROOKS HUBLEY, LLP
1645 VILLAGE CENTER CIRCLE, SUITE 60, LAS VEGAS, NV 89134
TELEPHONE: (702) 851-1191 FAX: (702) 851-1198

14 Defendants, MICHAEL BROOKS, ESQ. and RAMIR HERNANDEZ, ESQ.
15 (collectively, "Defendants"), by and through the undersigned counsel of record, hereby
16 submits this Motion to Dismiss Plaintiff's Complaint and Motion to Place Plaintiffs on
17 Vexatious Litigant List.

18 Defendants' Motion is based upon the attached Memorandum of Points and Authorities,
19 any documents subject to judicial notice, the papers and pleadings on file with this Court, and
20 any oral argument that this Court wishes to hear.

21 Dated this 22nd day of June, 2017. **BROOKS HUBLEY, LLP**


22 
Natasha M. Gebrael, Esq.
Nevada Bar No.: 14367

EXHIBIT 2

EXHIBIT 2

Exhibit 2

In the Supreme Court of the State of Idaho

DAVID DOUGLAS, TERRY KERR,)	
)	
Plaintiffs-Appellants,)	ORDER DENYING MOTION
)	
v.)	Supreme Court Docket No. 44645-2016
)	Bonneville County No. CV-2016-2713
ZIONS BANK, N.A., NATIONSTAR)	
MORTGAGE LLC, PRINCE AND YEATES,)	Ref. No. 17-202
P.C.,)	
)	
Defendants-Respondents)	

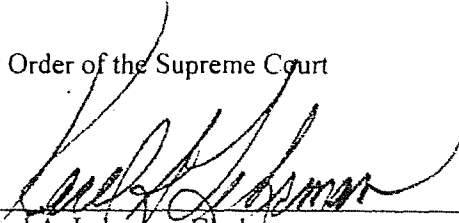
NATIONSTAR MORTGAGE, LLC'S MOTION FOR RULING NATIONSTAR IS NOT PARTY TO APPEAL OR, IN THE ALTERNATIVE, TO DISMISS APPEAL AGAINST NATIONSTAR with attachments was filed by counsel for Respondent Nationstar Mortgage LLC on June 2, 2017. Thereafter, an OPPOSITION TO NATIONSTAR MORTGAGE LLC'S MOTION FOR RULING NATIONSTAR IS NOT PARTY TO APPEAL OR IN THE ALTERNATE TO DISMISS APPEAL AGAINST NATIONSTAR MORTGAGE was filed by Appellants on June 19, 2017. The Court is fully advised, therefore; after due consideration,

IT HEREBY IS ORDERED that NATIONSTAR MORTGAGE, LLC'S MOTION FOR RULING NATIONSTAR IS NOT PARTY TO APPEAL OR, IN THE ALTERNATIVE, TO DISMISS APPEAL AGAINST NATIONSTAR be, and hereby is, DENIED.

IT FURTHER IS ORDERED that Nationstar Mortgage, LLC's Respondent's Brief is due on or before fourteen (14) days of the date of this Order.

DATED this 6th day of July, 2017.

By Order of the Supreme Court



Karel A. Lehrman, Clerk

cc: David Douglas, Pro Se Appellant
 Terry Kerr, Pro Se Appellant
 Counsel of Record

EXHIBIT 3

EXHIBIT 3

Appeal Documents

3:17-cv-00012-RCJ-VPC Kerr et al v. U.S. Bank N.A. CASE CLOSED on 04/13/2017

Exhibit 3

CLOSED

**United States District Court
District of Nevada**

Notice of Electronic Filing

The following transaction was entered on 6/23/2017 at 1:30 PM PDT and filed on 6/23/2017

Case Name: Kerr et al v. U.S. Bank N.A.
Case Number: 3:17-cv-00012-RCJ-VPC
Filer: Dennis Kerr
 Terry Kerr

WARNING: CASE CLOSED on 04/13/2017

Document Number: 36

Docket Text:

NOTICE OF APPEAL as to ECF Nos. [28], [35] Orders, by Plaintiffs Dennis Kerr, Terry Kerr. Filing fee \$ 505 **PAID** ; Receipt No. NVRNO-3734. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (Notice of Appeal NEF and PACER docket sheet mailed to Ps.)

~~(DRM)~~

3:17-cv-00012-RCJ-VPC Notice has been electronically mailed to:

Michael R Brooks efile@brookshubley.com, jshaffer@brookshubley.com, mbrooks@brookshubley.com, nlane@brookshubley.com, rhernandez@brookshubley.com, sllanos@brookshubley.com, rose@brookshubley.com

Melanie D Morgan melanie.morgan@akerman.com, akermanlas@akerman.com, allen.stephens@akerman.com, erin.abugow@akerman.com, jennifer.richardson@akerman.com, tracey.wayne@akerman.com

Richard J. Reynolds rreynolds@bwslaw.com, fcabzas@bwslaw.com, psoeffner@bwslaw.com, rjr-nef@bwslaw.com, tmims@bwslaw.com

Jesse A. Ransom jesse.ransom@akerman.com, akermanLAS@akerman.com, allen.stephens@akerman.com, erin.abugow@akerman.com, jennifer.richardson@akerman.com, tracey.wayne@akerman.com

3:17-cv-00012-RCJ-VPC Notice has been delivered by other means to:

EXHIBIT 4

EXHIBIT 4

EXHIBIT 4

BONNEVILLE COUNTY, IDAHO

2016 SEP 21 AM 10:21

Robert H. Scott (ISB No. 9735)
AKERMAN LLP
170 South Main Street, Suite 950
Salt Lake City, UT 84101
Telephone: (801) 907-6900
Email: robert.scott@akerman.com

Attorneys for Defendant Nationstar Mortgage LLC

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

DAVID DOUGLAS, TERRY KERR,

Plaintiffs,

vs.

ZIONS BANK, N.A., AND NATIONSTAR
MORTGAGE LLC, AND PRINCE AND
YEATES, P.C.,

Defendants.

NATIONSTAR MORTGAGE LLC'S
NOTICE OF CLARIFICATION

Case No.: CV-2016-0002713-OC

Judge Joel E. Tingey

Defendant Nationstar Mortgage LLC (Nationstar), through counsel, submits this notice to clarify and correct a comment made by counsel during oral argument on September 20, 2016.

Nationstar's counsel mistakenly stated that the Idaho Court of Appeals had decided Mr. Douglas's appeal of Nationstar's foreclosure, affirming the trial court judgment in favor of

Nationstar. Counsel was mistaken. The Idaho Supreme Court has not yet rendered a decision in the appeal of Mr. Douglas's foreclosure. See *Nationstar Mortgage LLC v. David A. Douglas et*

al, In the Court of Appeals of the State of Idaho, Supreme Court Docket No. 43540-2015, Bonneville County No. CV-2015-239. On August 10, 2016 it issued an order submitting the appeal for decision on the briefs, stating the parties waived oral argument.

EXHIBIT 5

EXHIBIT 5

Exhibit 5

fees and costs in the amount of \$6,871.00 for a total of \$390,140.96 which sum shall bear interest from September 1, 2015 at the rate allowed by law on judgments.

2. That the following described mortgage premises be sold at public auction in the County of Bonneville, State of Idaho, by and under the direction of the sheriff of Bonneville County, Idaho, subject to the statutory right of said Defendants to redeem the same in accordance with the laws of the State of Idaho, to-wit:

Lot 39, Block 6, Woodbridge at Ivan's Acres, Division No. 1, to the City of Idaho Falls, Bonneville County, Idaho, according to the official plat recorded September 17, 2001 as Instrument No. 1057898.

Which may commonly be known as: 2895 Woodbridge Circle, Idaho Falls, ID 83401.

DATED This 14 day of September 2015.

/s/ Darren B. Simpson

HONORABLE DARREN B. SIMPSON
DISTRICT COURT JUDGE

EXHIBIT 5-1

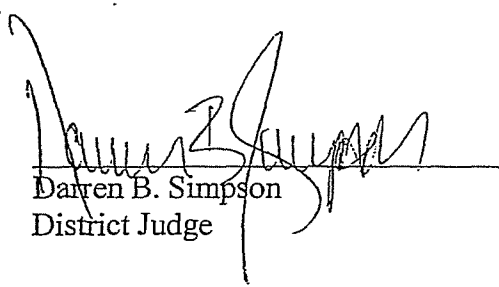
WXHIBIT 5-1

Exhibit 5-1

and defamatory. For example, Kerr refers to the undersigned as a "lap dog judge,"¹⁷ and a "judge in the pocket of the criminal racketeers."¹⁸ He labels opposing counsel as "the criminal racketeering lawyer Lewis Stoddard."¹⁹ He repeatedly refers to a federal court case which involves a different piece of property, which case has no bearing upon the suit at bar.²⁰ Based upon the lack of relevant argument as to the need for or benefit of a stay on appeal, as well as tenor of the arguments forwarded by Kerr, it appears to this Court that Kerr and Douglas seek only to delay the inevitable foreclosure of the Property.

For these reasons, **IT IS ORDERED** that Douglas's Motion to Stay Pending Appeal and Kerr's Motion for Stay Pending Appeal are hereby **denied**.

DATED this 3rd day of November 2015.


Darren B. Simpson
District Judge

¹⁷ Kerr's Memorandum, at p. 2.

¹⁸ Id.

¹⁹ Kerr's Memorandum, at p. 3.

²⁰ Kerr's Memorandum, at pp. 1, 3. See also: Douglas's Amended Notice of Appeal, at Exhibit E.

EXHIBIT 6

EXHIBIT 6

Exhibit B6

TERRY KERR
580 ASWAN STREET
SPARKS, NEVADA 89441
208-520-7266
PRO-SE PLAINTIFF

Instrument # 1516618
IDAHO FALLS, BONNEVILLE, IDAHO
1-27-2016 01:06:17 PM No. of Pages: 2
Recorded for : TERRY KERR
RONALD LONGMORE Fee: 13.00
Ex-Officio Recorder Deputy
Index to: NOTICE



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

TERRY KERR,)
)
 PLAINTIFF,)
) CASE NO.3:15-CV-00306-MMD-WGC
 -V-)
)
 BANK OF AMERICA N.A.) NOTICE OF PENDANCY OF THE ACTION
 AND TRUSTEE CORPS, ETAL.)
)
 DEFENDANTS.)
 _____)

NOTICE IS HEREBY GIVEN, PURSUANT TO IDAHO CODE, THAT A
LAWSUIT HAS BEEN FILED IN THE ABOVE REFERENCED COURT THAT
DOES AFFECT THE TITLE TO THE REAL PROPERTY SUBJECT TO THIS
ACTION. SAID REAL PROPERTY IS DESCRIBED AS FOLLOWS:

AKA, 2895 WOODBRIDGE CIRCLE, IDAHO FALLS, IDAHO 83401.

LEGAL DESCRIPTION AS FOLLOWS:

LOT 39 BLOCK 6, WOODBRIDGE AT IVANS ACRES SW $\frac{1}{4}$, SEC 15, T2N, R38
APN # IS RPA51200060390.

AND NOTICE IS HEREBY GIVEN, THAT THE PREMISES DESCRIBED ABOVE
ARE SUBJECT TO LITIGATION IN THIS ACTION, AND AT THE TIME OF
FILING THIS NOTICE, IS SITUATED IN THE COUNTY OF BONNEVILLE
STATE OF IDAHO.

DONE AND DATED THIS 25th DAY OF JANUARY, 2016.

by pro-SE PLAINTIFF TERRY KERR *Terry Kerr*

EXHIBIT 7

EXHIBIT 7

Ex. 1001 *U* *B* /

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

DAVID DOUGLAS,

Plaintiff,

v.

ZIONS BANK, N.A.,

Defendant.

Case No. 4:15-CV-0055-EJL-REB

ORDER OF REFERENCE

IT IS HEREBY ORDERED that ALL MATTERS in the above case are referred to United States Magistrate Judge Ronald E. Bush. Judge Bush is directed to conduct all necessary and proper proceedings pertaining thereto.

If the matter is a non-dispositive motion, Judge Bush is directed to enter an appropriate order as to disposition. A party contending the order is clearly erroneous or contrary to law shall file written objections with the court within fourteen (14) days. 28 U.S.C §636(b)(1)(A); Local Rule 72.1.

If the matter is a dispositive motion, Judge Bush may conduct any hearings, including evidentiary hearings and submit to the United States District Court proposed findings of fact and recommendations as to disposition.

ORDER OF REFERENCE - 1

EXHIBIT 8

EXHIBIT 8

Handwritten scribbles at the top of the page.

2. David A. Douglas (hereinafter collectively referred to as "Douglas") may claim an interest in the property located in Bonneville County, Idaho.

3. Terry Kerr may claim an interest in the property under a Quit Claim Deed recorded July 2, 2012.

4. Bank of America, N.A. may claim an interest in the property pursuant to a judgment recorded on January 27, 2012 as Instrument No. 1408238.

5. Does 1-10 are individuals with an interest in the property legally described above and commonly known as: 2895 Woodbridge Circle, Idaho Falls, ID 83401.

6. The amount involved in this controversy exceeds the jurisdictional requirements
of this Court.

Handwritten star symbol

COUNT I

FORECLOSURE

7. On or about January 5, 2006, David A. Douglas executed a promissory note to secure a potential total indebtedness of \$273,000.00. The deed of trust recorded on January 10, 2006 as Instrument No. 1211646, mortgage records of Bonneville County, Idaho and secured the property located in Bonneville County, Idaho and more particularly described as follows:

Lot 39, Block 6, Woodbridge at Ivan's Acres, Division No. 1, to the City of Idaho Falls, Bonneville County, Idaho, according to the official plat recorded September 17, 2001 as Instrument No. 1057898.

Which may commonly be known as: 2895 Woodbridge Circle, Idaho Falls, ID 83401.

A true and correct copy of the note and deed of trust are attached hereto as Exhibit A. The Deed of Trust was erroneously reconveyed on January 10, 2006. A Notice of Rescission of

Handwritten scribbles and lines below the circled text.

EXHIBIT 9

EXHIBIT 9

Exhibit (H) 7

original

DENNIS KERR
TERRY KERR
580 ASWAN STREET
SPARKS, NEVADA 89441
208-520-7266
PRO-SE PLAINTIFFS

~~TERRY KERR~~

JANUARY
2016

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

DENNIS KERR AND TERRY KERR,
PLAINTIFFS,

-v-

BANK OF AMERICA N.A., ZION BANK
N.A., NATIONSTAR MORTGAGE LLC,
TRUSTEE CORPS, SENECA MORTGAGE
SERVICING LLC, ROBINSON TAIT PS
AKERMAN LLP NEVADA, AKERMAN LLP
UTAH, QUINNEY NEBEKER PC, POOR,
ROTH, ROBINSON, PC, RCO LEGAL PC.

DEFENDANTS.

CASE NO. 3:15-CV-00306-MMD-WGC

NOTICE OF PENDANCY OF THE ACTION

NOTICE IS HEREBY GIVEN, PURSUANT TO NRS 14.010, THAT A
LAWSUIT HAS BEEN FILED IN THE ABOVE REFERENCED COURT THAT
DO AFFECT THE TITLE TO THE REAL PROPERTY SUBJECT TO THIS
ACTION. SAID REAL PROPERTY IS DESCRIBED AS FOLLOWS:

ASSESSORS PARCEL NUMBER: APN 089-344-02
legal description of the property is, to wit;
PYRMID RANCH ESTATES, UNIT 4C, LOT 30, BLOCK C.

NOTICE IS HEREBY GIVEN, THAT THE PREMISES DESCRIBED ABOVE
ARE SUBJECT TO LITIGATION IN THIS ACTION, AND IN THE COUNTY
OF WASHOE, STATE OF NEVADA.

DONE AND DATED THIS 21 DAY OF JANUARY, 2016

BY PRO-SE PLAINTIFF TERRY KERR

Terry Kerr

EXHIBIT 10

EXHIBIT 10

MARK HANSEN
 BONNEVILLE COUNTY TAX COLLECTOR
 305 N. CAPITAL AVE.
 DAHO FALLS, ID 83402
 208-529-1380

Tax Year: 2015 Bill Number: 124900
 AIN: R-2 Billing Date: 10/06/2016
 PIN: RPA51200060390 Balance good until: 10/06/2016
 Code-Area: 001-0003 Last Payment: 06/15/2016

Legal Desc: LOT 39, BLOCK 6, WOODBRIDGE AT IVAN'S ACRES SW1/4, SEC 1S, T 2N, R 38

AUTO
 C/O VITNO U.S. BANK NATIONAL ASSOC TRUSTEE
 TRUST MORTGAGE
 8950 CYPRESS WATERS BLVD
 COPELL TX 79019

Location: 2895 WOODBRIDGE DR IDAHO FALLS
 Acres: 0.0000
 Mortgage:
 PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT TAX YEAR. TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.

Item	Amount	Values Continued	Amount	Exemptions and Credits	Amount
Land Value	39,185			Homeowners Exemption	89,580
Improvement Value	217,080				
				Total Taxable	166,685

Assessing District	Phone	Rate	Total	Spec. Assessments	Phone	Rate	Total
Bonneville County	208-529-1350	0.0040934350	\$682.31	Landfill		0	42.00
Idaho Falls	208-529-1350	0	\$0.00				
Idaho Falls	208-612-8230	0.0095618590	\$1,593.82				
Idaho Falls 93	208-525-4400	0	\$0.00				
Idaho Falls 93 Bond	208-525-4400	0	\$0.00				
Idaho Falls 93 Supplemental	208-525-4400	0.0011778420	\$196.33				
Idaho Falls 93 Bond HB470	208-525-4400	0.0028721460	\$478.74				
Idaho Falls 93 Plant Fac HB470	208-525-4400	0.0011494290	\$191.59	Urban Renewal			
Idaho Falls 93 Emergency HB470	208-525-4400	0.0002485820	\$41.43				
Idaho Falls Cemetery	208-522-2440	0.0000086720	\$1.45				
Idaho Falls Balance	208-529-1350	0.0003999990	\$66.67				
Idaho Falls Bond	208-529-1350	0.0000077930	\$1.30				

Current	Prior Year(s)	Interest	Date Fee	Fees	Paid	Total Due
\$3,295.64	\$0.00	\$0.00	\$0.00	\$0.00	\$3,295.64	\$0.00

Check Payable to: BONNEVILLE COUNTY TAX COLLECTOR Keep top portion for your records

PROPER CREDIT RETURN THIS STUB WITH PAYMENT
 PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

VITNO U.S. BANK NATIONAL ASSOC TRUSTEE
 LEHMAN XS TRUST MORTGAGE
 8950 CYPRESS WATERS BLVD
 COPELL TX 79019

Number 2015 - 124900
 RPA51200060390
 R-2

BONNEVILLE COUNTY

FOR PROPER CREDIT RETURN THIS STUB WITH PAYMENT
 PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

C/O VITNO U.S. BANK NATIONAL ASSOC TRUSTEE
 LEHMAN XS TRUST MORTGAGE
 8950 CYPRESS WATERS BLVD
 COPELL TX 79019

Bill Number 2015 - 124900
 RPA51200060390
 R-2

BONNEVILLE COUNTY

1ST HALF \$0.00
 FULL AMOUNT \$0.00

2ND HALF \$0.00

December 21, 2015

June 20, 2016

12320000000005

0312320000000005

EXHIBIT 11

EXHIBIT 11

Exhibit 11



Information Notes Refresh New Search List Close

PIN: 08934402 TAG: 4000
 AJN: TIF:
 Status: Active County: -
 Code: Case:
 Account: 0001403648 Pmt plan:
 Sale: ACH plan:

Current owner: US BANK NA
 Ownership type: Fee Simple Ownership
 Site address: 580 ASWAN ST
 Description: Block C SubdivisionName P(...
 Class: Single Family Residence
 Roll type: Real

2015-269852-A		*NV On-Demand*	Print Bill Detail	Total Due	10/20/2016
Bill type:	Original	Actual		Bill 2016-2016093999-A	\$0.00
Bill dates:	<u>July 01, 2015</u>			Inst 1-August 15	\$0.00
Amount:	\$495.46			Bill 2016-2016093999-A	\$0.00
Faied date:	Wednesday, February 17, 2016			Inst 2-October 03	\$496.50
Receipt:	<u>B15.208372</u>			Bill 2016-2016093999-A	\$496.49
Sequence no:	1			Inst 3-January 02	\$992.99
Paid by:	KERR, TERRY			Inst 4-March 06	\$0.00
Decal no:				Total Current	\$992.99
	Block C SubdivisionName PYRAMID RANCH ESTATES 4C Lot 30 Range 20 To...			Delinquent	\$0.00
				Adv/Surplus	\$0.00
				Discount	\$0.00
				Total Due	\$992.99

Owner of record:
 TERRY KERR
 2895 WOOD BRIDGE CIR
 IDAHO FALLS ID 83401

Summary					Details	Values/Exemptions	
Gross Tax	Credits	Net Tax	Tax Savings	Total Credits/Savings			
2,081.31	-16.55	2,064.76	0.00	16.55	Land Assessed	9275.0000	None
					Imp Assessed	52400.0000	None
					CAPFLAG	1.0000	None
					SECURED	61675.0000	None
					LIMITED	61675.0000	None
					FINALCAPPERCENT	0.6520	None
					PYBASETAX	1.920	USD