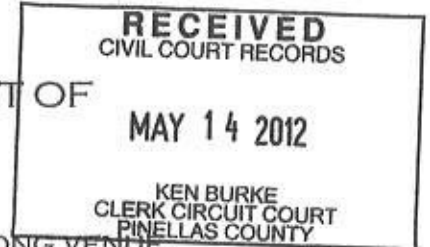


CASE No. 11006246CO-41

UNITED STATES SECRETARY OF HOUSING AND URBAN DEVELOPMENT  
PLAINTIFF,  
V.  
FRANCES R. MANN AND THE UNKNOWN TENANTS OF FRANCES MANN  
DEFENDANTS

ADDITIONAL MATERIALS IN SUPPORT OF  
MOTION TO DISMISS &  
JURISDICTION



PLAINTIFF KNOWINGLY PLACED THIS ACTION IN THE WRONG VENUE.

POSNER, IS A TRIAL BOARD CERTIFIED ATTORNEY. I, PETER STACK, DEFENDANT AM PRO SE... I HAVE A STANDING. I HAVE MONEY IN THE COURT REGISTRY. PLAINTIFF, HARDLY MENTIONED, IF AT ALL, THAT THIS IS A NON-JUDICIAL FORECLOSURE ON A REVERSE MORTGAGE.

**BECAUSE OF THE TERMS OF A REVERSE MORTGAGE, PLAINTIFF CANNOT LOSE IN THIS CASE IF THE DEFENDANT'S MOTIONS ARE GRANTED WITH PREJUDICE BECAUSE: (1.) PLAINTIFF WILL OBTAIN TITLE AT FRANCES MANN'S DEATH (2.) IN THE CURRENT ECONOMY, THE NEED TO SELL PROPERTY AT BELOW MARKET VALUE WILL NOT BE REQUIRED.**

THE VERACITY OF PLAINTIFF'S FORECLOSURE ON THIS REVERSE MORTGAGE HAS TO BE QUESTIONED BECAUSE THEIR ACTIONS WERE INSTIGATED WHEN THE DEFENDANT WOULD NOT AGREE TO AN UNSPECIFIED, UNCONSCIONABLE REPAYMENT PLAN THAT NO ONE WOULD SIGN PRODUCED BY THE PLAINTIFF, C&L, HUD, POSNER, AT THE TIME, TO A 96 YEAR OLD ILL WOMAN. THIS IS BY DEFINITION ABUSE OF THE ELDERLY. THESE ARE INTENTIONAL ACTS AND PART OF A SCHEME OF FRAUD ON THE COURT AND FRANCES MANN, BY PLAINTIFFS, WHICH CONSTITUTES "UNCLEAN HANDS".

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PLAINTIFF FAILED TO PROVE THAT THIS IS A LANDLORD-TENANT RELATIONSHIP WITH A "RENTAL AGREEMENT" AS REQUIRED BY FL STATUTES 83.41, 83.43(B) & 83.43 (7) 2004 AND IS UNABLE TO SUSTAIN A CASE FOR EVICTION UNDER THE LANDLORD & TENANT ACT. (FL STATUTE 83.40)

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ONCE DEFENDANT RAISED THE ISSUE OF A COMPETING CLAIM TO TITLE AS AN AFFIRMATIVE DEFENSE, IT COULD NO LONGER BE ASSUMED THAT THE CASE WAS A LANDLORD / TENANT MATTER WITHIN THE JURISDICTION OF COUNTY COURT. (ALI V. MATOS, 11 FLA. L. WEEKLY SUPP. 846A (FLA. BROWARD CTY. CT. APR. 21, 2004)

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CAUSE OF ACTION IS EJECTMENT AS A "REMEDY FOR POSSESSORY CLAIMS, WHERE THERE IS NO LANDLORD / TENANT RELATIONSHIP" AND THAT COUNTY COURT DOES NOT HAVE JURISDICTION TO HEAR EJECTMENT ACTIONS." (ALI V. MATOS)

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CIRCUIT COURT HAS "EXCLUSIVE ORIGINAL JURISDICTION OVER EJECTMENT ACTIONS." FLA. STATUTE § 26.012(2)(F), PRO-ART DENTAL LAB, INC. V. V-STRATEGIC GROUP, LLC, 32 FLA. L. WEEKLY D1079 (FLA. 4TH DCA 2007)

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PLAINTIFF'S ATTORNEY POSNER, WHO IS BOARD CERTIFIED, WITH INTENT  
CHOSE THE WRONG VENUE ALREADY KNOWING THAT THERE WAS NEVER A  
LANDLORD / TENANT RELATIONSHIP.

THIS IS A PATTERN BY THE PLAINTIFF OF PUSHING THROUGH ACTIONS  
WHICH HE, POSNER, KNOWS ARE NOT VALID (MORTGAGE FORECLOSURES) AND  
IGNORING STATE & FEDERAL LAWS, HUD GUIDELINES IN DEALING WITH THE  
COURT AND DEFENDANT FRANCES MANN.

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SINCE EJECTMENT NOT EVICTION WAS THE PROPER REMEDY, THE MATTER  
OF REMOVAL SHOULD HAVE BEEN PLACED IN CIRCUIT COURT BY THE PLAINTIFF  
AND IF HE WISHES, PLAINTIFF CAN TRANSFER TO CIRCUIT COURT.

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PLAINTIFF VOLUNTARILY WISHES TO WITHDRAW HIS EVICTION ACTION.

SINCE PLAINTIFF PLACED THIS ACTION IN COUNTY COURT AND DEFENDANT  
ANSWERED THE COMPLAINT WITH AFFIRMATIVE DEFENSES / COUNTER-CLAIMS  
QUESTIONING THE VALIDITY OF TITLE, THE DEFENDANT'S COUNTER-CLAIMS CAN  
REMAIN AND STAND ALONE IN THIS COURT FOR INDEPENDENT ADJUDICATION  
PURSUANT TO F.R.C.P. 1.420(A)(2)

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THE COUNTY AND CIRCUIT COURT HAVE CONCURRENT JURISDICTION TO  
HEAR FORECLOSURE ACTIONS.

COUNTY COURTS ARE NOT PRECLUDED FROM HEARING MATTERS OF  
EQUITY. (ALEXDEX CORP. V. NACHON ENTERPRISES, INC. 641 So. 2D 858 (FLA.  
1994)

FORECLOSURE ACTIONS ARE EQUITABLE IN NATURE AND CAN BE FILED IN EITHER COUNTY OR CIRCUIT COURT DEPENDING ON MONETARY JURISDICTION. FLA. STATUTE 34.01(4) AND FLA. STATUTE 702.01

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THIS IS A REVERSE MORTGAGE. THE FORECLOSURE WAS FOR ALLEGED REFUSAL TO PAY REAL ESTATE TAXES.

IT DOES NOT INVOLVE QUESTIONS OF TITLE AND BOUNDARIES OF REAL PROPERTY SINCE IT IS ALREADY ACKNOWLEDGED HUD WILL OBTAIN TITLE ON FRANCES MANN'S DEATH AND SHE HAS TITLE AS LONG AS SHE FOLLOWS THE TERMS OF THE REVERSE MORTGAGE.

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BECAUSE OF THE TERMS OF A REVERSE MORTGAGE, PLAINTIFF CANNOT LOSE IN THIS CASE IF THE DEFENDANTS MOTIONS ARE GRANTED WITH PREJUDICE BECAUSE: (1.) PLAINTIFF WILL OBTAIN TITLE AT FRANCES MANN'S DEATH (2.) IN THE CURRENT ECONOMY, THE NEED TO SELL PROPERTY AT BELOW MARKET VALUE WILL NOT BE REQUIRED.

THE VERACITY OF PLAINTIFF'S FORECLOSURE ON THIS REVERSE MORTGAGE HAS TO BE QUESTIONED BECAUSE THEIR ACTIONS WERE INSTIGATED WHEN THE DEFENDANT WOULD NOT AGREE TO **AN UNSPECIFIED, UNCONSCIONABLE REPAYMENT PLAN THAT NO ONE WOULD SIGN PRODUCED BY THE PLAINTIFF, C&L, HUD, POSNER, AT THE TIME, 96 YEAR OLD ILL WOMAN.** THIS IS BY DEFINITION ABUSE OF THE ELDERLY.

THESE ARE INTENTIONAL ACTS AND PART OF A SCHEME OF FRAUD ON THE COURT AND FRANCES MANN, BY PLAINTIFFS, WHICH CONSTITUTES "UNCLEAN HANDS".

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THE CENTRAL FOCUS OF THE FORECLOSURE OF A REVERSE MORTGAGE IS ON THE ACTUAL DEBT OWED AND NOT THE UNDERLYING SECURING OF PROPERTY.

THEREFORE, THE MONETARY DEBT WHICH IS REAL ESTATE TAXES IS LESS THAN \$15,000.00 AND CAN BE HEARD IN COUNTY COURT.

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FORECLOSURE ACTION IS EQUITABLE PROCEEDING WHICH MAY BE DENIED IF HOLDER OF MORTGAGE COMES TO COURT WITH UNCLEAN HANDS AND FORECLOSURE COULD BE UNCONSCIONABLE. KNIGHT ENERGY SERVICES, INC. V. AMOCO OIL Co., 660 So. 2d 786 (FLA. APP. 4 DIST. 1995)

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DEFENDANT'S AFFIRMATIVE DEFENSES OF UNCLEAN HANDS & TORTIOUS INTERFERENCE IN PREVENTING FRANCES MANN FROM RESOLVING ANY DEBT ARE LEGALLY SUFFICIENT TO PRECLUDE A NON-JUDICIAL FORECLOSURE FROM STANDING.

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FRANCES MANN, HAS DOCUMENTED IN HER PLEADINGS **TEN CERTIFIED LETTERS STATING HER WISH TO CORRECT ANY VALIDATED DEBT** AND HER TWO PRIOR ATTORNEYS HAVE ALSO STATED THIS TO THE PLAINTIFF.

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PLAINTIFF IS PLAYING A SHELL GAME WITH THE COURT AND HAS COMMITTED PERJURY & FRAUD ON THE COURT BY STATING FRANCES MANN REFUSED TO CORRECT ANY DEBT.

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PLAINTIFF / POSNER, REPEATEDLY IS HIDING FROM THE COURT,  
FRANCES MANN'S CONTINUED WILLINGNESS TO CORRECT ANY DEBT &  
PLAINTIFF'S FAILURE TO PROVIDE DOCUMENTATION OF A DEBT & SPECIFY THE  
TERMS OF A REPAYMENT PLAN (STATE AND FEDERAL LAW) WHICH FRANCES  
MANN, COULD TAKE ADVANTAGE OF.

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JUDICIAL NOTICE OF THE ENTIRE RECORD IN THIS FORECLOSURE OF A  
REVERSE MORTGAGE IS NEEDED AND WILL SHOW THE LACK OF LEGAL  
SUFFICIENCY OF THE CLAIM OF TITLE ON WHICH PLAINTIFF IS RELYING.

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TO ALLOW TO STAND THE FORECLOSURE ON THIS REVERSE MORTGAGE  
IS UNCONSCIONABLE SINCE PLAINTIFF VIOLATED STATE & FEDERAL LAWS,  
COMMITTED ELDERLY ABUSE, MADE PERJURIOUS STATEMENTS ON  
FEDERAL DOCUMENTS IN STATE COURT.

DATED: 5.13.2012

BY:   
PETER G. STACK  
3017 LANDMARK BLVD. (501)  
PALM HARBOR, FL 34684  
727.698.7383

**CERTIFICATE OF SERVICE**

I, PETER G. STACK, CERTIFY THAT A COPY HEREOF HAS BEEN FURNISHED TO MICHAEL J. POSNER, ESQ., 4420 BEACON CIRCLE, SUITE 100, WEST PALM BEACH, FLORIDA 33407, BY TELECOPIER (FAX MACHINE NO. 561-842-3626) & U.S. MAIL, UNITED STATES ATTORNEY, ROBERT O'NEILL, 400 NORTH TAMPA STREET, TAMPA, FLORIDA 33602 BY TELECOPIER (FAX MACHINE NO. 813.274-6358) & U.S. MAIL AND ATTORNEY GENERAL FOR THE UNITED STATES, ERIC HOLDER, U.S. DEPARTMENT OF JUSTICE, 950 PENNSYLVANIA AVENUE NW, WASHINGTON, D.C. 20530. BY U.S. MAIL THIS 13 DAY OF MAY 2012.

BY:   
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