

IN THE CIRCUIT COURT OF THE
21ST JUDICIAL CIRCUIT IN AND FOR
COLLIER COUNTY, FLORIDA

21ST MORTGAGE CORPORATION

UNIFORM CASE NO. 112015 CA 11700000XX

PLAINTIFF

CLERKS CASE NUMBER: 1501170CA

VS.

MARY JEAN ZISKA

DEFENDANT

DEFENDANT MARY JEAN ZISKA OBJECTION TO FORECLOSURE SALE

Defendant Mary Jean Ziska pursuant to 45.301, Florida Statutes, hereby file this Objection to Foreclosure Sale, and as grounds therefore state as follows:

1. Defendant Mary Jean Ziska is the owner of the real property located at 5632 Whisperwood Blvd. unit #1601 Naples Florida 34110, as described as:

Unit 1601, Building 16, Phase 16, CYPRESS COVE AT PELICAN STRAND, a condominium, according to the declaration thereof as recorded in Official Records Book 2394, Page2599, of the Public Records of Collier County, Florida, as amended.

2. A foreclosure sale was held on September 1st 2016, for the above described property.
3. Mary Jean Ziska, Defendant, objects to the sale in that the foreclosing lender did not have an assignment of the mortgage based on fraudulent practices started and executed by Residential Funding David J Stern / Ocwen/ Option One Mortgage / Christina Trust /21st Mortgage Cortoration.
4. This case highlights the problems with the chain of title that are inherent in the current foreclosure system due to the following facts and circumstances.
5. Prior to the sale date, through the law practice of David J Stern, a foreclosure attempt was made and dismissed and vacated. The document presented by Mathew Kahl stated Residential Funding:
 - a. "the plaintiff is not in possession of original note and mortgage" 2/22/2008 LP 4131433 4332 777
 - b. Residential Funding did not possess the original promissory note (2008) therefore was not allowed to foreclose on the property. The lack of an original note (2008) should not have allowed Residential Funding to continue to bundle and sell such mortgage over and over when the last true mortgage was AEGIS in 1/11/2007 and Residential Funding appearing from 2006 -

2014 when he lost his law license and assigned the mortgage to Ocwen who then assigned it to Christina Trust on the same day (4/7/2014) then sold it to 21st mortgage on 10/21/2014 was all based on fraud by selling a mortgage note he never possessed nor had possession of in 2008

Wherefore, defendant Mary Jean Ziska respectfully requests that this Honorable Court sustain this objection to foreclosure sale, vacates the auction and subsequent sale of the property(5632 Whisperwood Blvd. unit 1601 Naples Florida 34110). As per investigation of the fraudulent practices of David J Stern and the manipulation of the title transfers to obtain documentation for the sheer purpose of foreclosure upon the property listed, the defendant, (Mary Jean Ziska) respectfully requests the title remain in the rightful owners name: (Mary Jean Ziska) with no title transfer to 21st Mortgage Corporation.

The manipulation perpetrated by David J Stern through subsequent companies exhibits a grievous example of fraud therefore the defendant, Mary Jean Ziska requests the foreclosure be dismissed and vacated along with the fraudulently contrived mortgages. A legal remedy is thus created for the fraud, by eliminating the subsequent fraudulently sold mortgages starting from AEGIS 1/3/2006. The remedy of reverting the mortgage back to Aegis should have been executed after the 1st foreclosure attempt(2008) by Residential Funding, however, Aegis went bankrupt in (2007).

The law recognizes that there will be situations where final judgments have been entered that would be wrong and unjust to leave as final judgements and recognizes that irregularities in the foreclosure process that make the sale void/ mistakes / fraud/ new evidence that bring to light this fraud. Therefore with no other legal remedy to this situation, the title should remain in defendant's name (Mary Jean Ziska) and the Ocwen mortgage/ the 21st Mortgage / Christina Trust /Option One/ be removed and cleared from mortgage history on the basis they were all created based on an original fraud by David J Stern and Residential Funding to foreclose upon the property listed as 5632 Whisperwood Blvd. Unit 1601 Naples Florida 34110.

Respectfully Submitted,

Mary Jean Ziska

5632 Whisperwood Blvd. Unit 1601

Naples Florida 34110