

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (For Court Use Only)	
<b>PLAINTIFFS</b> Ulysses Jackson Annie D. Jackson 4113 Massachusetts Avenue, SE, #6 Washington, DC 20019		<b>DEFENDANTS</b> Chase Manhattan Mortgage c/o Jamie Dimon, President 3415 Vision Dr. Columbus, Ohio 43219	
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.) Harris S. Ammerman 187450 Ammerman & Goldberg 1115 Massachusetts Avenue N.W. Washington, DC 20005 (202) 638-0606 Fax: (202) 638-5858		<b>ATTORNEYS</b> (If Known)	
<b>PARTY</b> (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Mortgage Lien Avoidance			
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)			
<b>FRBP 7001(1) - Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other		<b>FRBP 7001(6) - Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other	
<b>FRBP 7001(2) - Validity, Priority or Extent of Lien</b> <input checked="" type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property		<b>FRBP 7001(7) - Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief - imposition of stay <input type="checkbox"/> 72-Injunctive relief - other	
<b>FRBP 7001(3) - Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)		<b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest	
<b>FRBP 7001(4) - Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)		<b>FRBP 7001(9) Declaratory Judgment</b> <input type="checkbox"/> 91-Declaratory judgment	
<b>FRBP 7001(5) - Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation		<b>FRBP 7001(10) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause	
<b>FRBP 7001(6) - Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)		<b>Other</b> <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$	
Other Relief Sought			

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Ulysses Jackson Annie D. Jackson		BANKRUPTCY CASE NO. 13-00073
DISTRICT IN WHICH CASE IS PENDING District of Columbia	DIVISION OFFICE	NAME OF JUDGE Teel
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
/s/ Harris S. Ammerman		
Harris S. Ammerman 187450		
DATE February 13, 2013	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Harris S. Ammerman 187450	

## INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.



Ulysses Jackson and Annie D. Jackson, plaintiffs/debtors, by attorney Harris S. Ammerman, pursuant to 11 U.S.C. §506(a) and Rule 3012 of the Federal Rules of Bankruptcy Procedure hereby institutes this action against Chase Manhattan Mortgage (“Chase”) for a determination of the extent of the lien held by the defendant and the status of its debt as unsecured against the debtors' real property and improvements known as 4113 Massachusetts Ave. SE unit #6, Washington, D.C. 20019, and as grounds therefore respectfully represents that:

1. On February 12, 2013 Ulysses Jackson and Annie D. Jackson (“the debtors”) filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code.

2. This Court has jurisdiction for this complaint to determine the extent of secured lien and status of debt under Section 506 pursuant to 28 U.S.C. §§ 1334(b), 157(b)(2)(A), (B), (K),(O), 11 U.S.C. §§506(a) and (d), 1322(b)(2), and Federal Rule of Bankruptcy Procedure 3012. This is a core proceeding under 28 U.S. Code §157(b).

3. Defendant, is in the business of lending money to individuals and does business within the District of Columbia.

4. At the time of the filing of the bankruptcy case, the debtors Ulysses Jackson and Annie D. Jackson owned and still own the real property and improvements known as 4113 Massachusetts Ave. SE unit #6, Washington, D.C. 20019 (“the subject property”), pursuant to a Deed recorded March 22, 1978 among the Land Records of the District of Columbia at Lot 2069 Square 5369N as Instrument #7800009208. (See copy of Deed, District of Columbia record attached hereto as **Exhibit A**)

5. Plaintiffs/debtors submits that the market value of the subject property is \$173,000.00, as determined by an inspection and an appraisal including a comparative market analysis conducted by Old Line Appraisals, LLC per licensed appraiser Jack Sheffrin dated December 18, 2012. (Copy of appraisal letter is attached hereto and incorporated herein by reference as **Exhibit B**).

6. Mortgagor J.P Morgan Chase Bank, N.A. (hereafter “J.P. Morgan”) is a secured creditor of the debtor and is a successor lienholder against the subject property pursuant to a deed of trust recorded in favor of Washington Mutual Bank, F.A. on August 17, 2007 among the Land Records of the District of Columbia as instrument #2007108746 with an outstanding secured balance in the amount of \$254,535.00. Said mortgage indebtedness was subject to a Home Affordable Modification Agreement effective on February 1, 2013. (See copy of deed of trust and the loan balance is recited in Consumer Liability Report attached hereto as **Exhibit C**)

7. Defendant Chase Manhattan Mortgage (“Chase”) is a secured creditor of the debtor and is a successor lienholder against the subject property pursuant to a subordinate deed of trust recorded in favor of Washington Mutual Bank, F.A. on August 17, 2007 among the land records of the District of Columbia as Instrument #2007108747 with an outstanding balance in the amount of \$48,280. (See copy of deed of trust and the loan balance is recited in Consumer Liability Report attached hereto as **Exhibit D**)

8. The consensual mortgage lien held by JP Morgan Chase as described in



paragraph 6 above fully encumbers the market value of the subject property rendering the mortgage lien held by the defendant as described in paragraph 7 above as wholly unsecured and voidable in its entirety pursuant to Johnson v. Asset Management Group, LLC, 226 B.R. 364 (D. Md. 1998).

9. Plaintiffs maintain that defendant's mortgage loan is wholly unsecured, pursuant to 11 U.S. Code §506, and that any claim on said loan is unsecured. Plaintiffs further maintain that since the defendant's trust loan is fully unsecured, pursuant to 11 U.S. Code §506, the lien must be avoided and removed from the Land Records, provided that the Chapter 13 plan is confirmed by the Court and the plaintiffs/debtors obtain a discharge.

10. The debtors' plan of reorganization will propose that the lien held by the defendant be avoided and canceled and that the defendant shall be treated as holding a non-priority unsecured debt in the amount of the former lien and entitled to receive a distribution thereon under the plan.

WHEREFORE, Ulysses Jackson and Annie D. Jackson, plaintiffs/debtors, respectfully request that this Honorable Court:

1. Determine that the mortgage lien and secured claim held by Defendant Chase Manhattan Mortgage, defendant against the debtors' real property and improvements known as 4113 Massachusetts Ave. SE unit #6, Washington, D.C. 20019 to be \$0.00;
2. Determine the debt owed to mortgage lienholder Chase Manhattan Mortgage, defendant, to be unsecured in its entirety;
3. Upon entry of a discharge pursuant to 11 U.S.C. §1328, avoid and cancel the lien of record held by Chase Manhattan Mortgage, defendant, against the debtors' real property and improvements known as 4113 Massachusetts Ave. SE unit #6, Washington, D.C. 20019 and appoint a trustee to act on behalf of Defendant Chase Manhattan Mortgage to execute any document necessary to release such lien; and
4. Award to the plaintiffs/debtors such other and further relief as is just and proper.

/s/ Ulysses Jackson

/s/ Annie D. Jackson

Plaintiffs/debtors

Respectfully submitted,

/s/Harris S. Ammerman #187450

Harris S. Ammerman, Esq.

1115 Massachusetts Ave. NW

Washington, D.C. 20005

(202) 638 0606

Email: hsaaba@aol.com

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA

IN RE: : Case No. 13-00073

Ulysses Jackson

Annie D. Jackson

Chapter 13

Debtors

.....  
Ulysses Jackson and Annie D. Jackson

4113 Massachusetts Ave. SE unit #6

Washington, D.C. 20019

Plaintiff s

Adversary Proceeding No. 13-10004

v.

Chase Manhattan Mortgage ("Chase")

c/o Jamie Dimon, President

3415 Vision Dr.

Columbus, OH 43219

Defendant

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**REQUEST FOR ENTRY OF ORDER BY DEFAULT AND PROPOSED ORDER**

COMES NOW Harris S. Ammerman, attorney for debtor/plaintiff, who declares and says under penalty of perjury this 20th day of March, 2013 that the following statements are true and correct:

1. On February 21, 2013, the undersigned counsel caused a Summons and Complaint to Avoid Lien on Real Estate to be served on defendant Chase Manhattan Mortgage ("Chase") c/o Jamie Dimon, President. Proof of Service by certified mail has been filed as docket #3 in these proceedings. The U.S. Postal Service receipt shows that the aforementioned summons and complaint were received by the defendant's duly authorized agent.

2. The Plaintiff/Debtor has received no response from the served party as of the date of this request, more than 30 days after the service of the Complaint and Summons.

WHEREFORE, Plaintiff/Debtor respectfully requests that the court enter by default the attached Order to Avoid Lien on Real Estate.

/s/Harris S. Ammerman #187450

Harris S. Ammerman, Esq.  
1115 Massachusetts Ave. NW  
Washington, D.C. 20005  
(202) 638 0606

### CERTIFICATE OF SERVICE

I hereby certify that the above Motion and Order were served on this 20th day of March, 2013 electronically to those recipients authorized to receive a Notice of Electronic Filing by the Court, and first class mail, postage prepaid to

Chase Manhattan Mortgage ("Chase")  
c/o Jamie Dimon, President  
3415 Vision Dr.  
Columbus, OH 43219

JP Morgan Chase Bank N.A.  
c/o Mark D. Meyer, Esq.  
7910 Woodmont Ave., Suite 750  
Bethesda, Md. 20814

/s/Harris S. Ammerman

Harris S. Ammerman

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA

IN RE: : Case No. 13-00073

Ulysses Jackson

Annie D. Jackson

Chapter 13

Debtors

.....  
Ulysses Jackson and Annie D. Jackson

4113 Massachusetts Ave. SE unit #6

Washington, D.C. 20019

Plaintiff s

Adversary Proceeding No. 13-10004

v.

**SERVE: BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO**

Chase Manhattan Mortgage ("Chase")

c/o Jamie Dimon, President

3415 Vision Dr.

Columbus, OH 43219

Also J.P. Morgan Chase Bank

The parent company

c/o Jamie Dimon, President

270 Park Ave. 35<sup>th</sup> floor

New York, NY 10017

Also d/b/a Chase Home Finance

PO Box 24696

Columbus, OH 43224-0696

Defendant

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**PROOF OF SERVICE BY CERTIFIED MAIL**

COMES NOW Harris S. Ammerman, attorney for debtor/plaintiff, and certifies that I am, and at all times during the service of process, was not less than 18 years of age and not a part to the matter concerning which service of process was made. I further certify that the service of the summons and a copy of the complaint was made by certified mail on January 21, 2013 as evidenced by the attached return receipts for Jamie Dimon, President of Chase Manhattan.



Under penalty of perjury, I declare that the foregoing is true and correct.

/s/Harris S. Ammerman #187450

Harris S. Ammerman, Esq.

1115 Massachusetts Ave. NW

Washington, D.C. 20005

(202) 638 0606