

IN THE 20TH JUDICIAL CIRCUIT COURT
OF COLLIER COUNTY
STATE OF FLORIDA

21ST MORTGAGE CORORATION
NICOLE P. PLANELL FI Bar # 072325
QUINTARIROS, PRIETO, WOOD & BOYER PA.
(PLAINTIFF)

V.

Civil Action No. 2015-CA-001170

MARION GREGORY
(LIMITED GUARDIAN OF MARY JEAN ZISKA)
9202 VANDERBILT DRIVE 34108
(DEFENDANT)

DEFENDANT'S OBJECTIONS TO MAGISTRATE RECOMMENDATIONS
MOTION FOR REHEARING RECONSIDERATION

Comes Now Defendant Marion Gregory (From this time forth known to be representing Mary Jean Ziska as her Limited Guardian, who was previously represented by defending lawyer Linda Yerger Fl. Bar #645893 of Yerger/Tyler PA Attorneys at Lawfirm: Yerger Tyler PA Attorneys at Law 1570 Shadowlawn Drive Naples Florida 34104-4321) Defendant Marion Gregory Objects to the Magistrates findings and recommendations as relayed in the 15 minute notice of hearing held 10/25/16 at 10:30 AM in Court Room 3-1 heard before Magistrate David Friedman.

Pursuant to documentation as to the referral to General Magistrate: " A referral to a Magistrate for a Residential Mortgage Foreclosure matter requires the consent of all parties. You are entitled to have this matter heard before a Magistrate. If you do not want this matter heard before a Magistrate, you must file a written OBJECTION TO THE REFERRAL OF THE MAGISTRATE within 10 days of the time of service of this order, or within the time to respond to the initial pleading whichever is later. If the time set for the hearing is less than 10 days after the service of this order then objection must be made before the hearing. Failure to file a written objection within the applicable time period is deemed to be consent to the referral. "

A FORMAL "OBJECTION TO THE ORDER OF REFERRAL TO THE MAGISTRATE" was both E-Filed (# 47728472 on 10/17/16 at 9:19PM and mailed to Magistrate David Friedman (and to Judge Hugh Hayes on 10/18/16. The OBJECTION TO THE REFERRAL OF THE MAGISTRATE WAS FILED TO PREVENT THE FOLLOWING ERRORS WHICH OCCURRED ON 10/25/2016 AS PER THE HEARING BY MAGISTRATE DAVID FRIEDMAN:

- The Magistrate erred in recommending that the court deny the request for the Defendant's OBJECTION TO THE REFERRAL OF THE MAGISTRATE (#47728474 E-FILED: 10/17/16@ 9:19PM) thus not allowing the hearing to be in front of a Judge.

As per documentation: " If an objection to the ORDER OF REFERRAL TO GENERAL MAGISTRATE is filed, the Clerk shall immediately assign the matter back to the Associated General Jurisdiction Division." "All orders

stemming from the Magistrate's recommendations and all final judgements shall be forwarded by the Magistrate to the Judge of the Associated General Jurisdiction Division."

- The Magistrate erred in denying the Defendants request to have the OBJECTION TO THE FORECLOSURE SALE (FILED AT THE CLERK OF COURTS ON 09/12/16) HEARD BY A JUDGE WITH NEW LEGAL COUNSEL.

"As the Magistrate does not have the authority to enter substantive orders, all routine motions (such as motions to substitute counsel and motions to extend time) and expedited motions such as motions to cancel sale and motions for stay of execution shall be forwarded by the Magistrate to the Judge of the Associated General Jurisdiction Division.

- The Magistrate erred in allowing the Cross-Notice of hearing (#47584368 E-Filed: 10/13/16). Thereby both the withdraw of the Defendant's Attorney (Attorney Linda Yerger) and then immediately afterward hearing the OBJECTION TO THE FORECLOSURE SALE when Defendant had been only moments before relieved of the Defendants Attorney and all the duties delegated to an Attorney and was then legally left without counsel.

"If an attorney withdraws other than under subdivision B., dies, is suspended from the practice of law, is disbarred or is removed from the case by the court, the opposing party shall serve a notice to appear or appoint counsel on the unrepresented party, informing the party of the responsibility to appear personally or appoint counsel. A copy of the notice to appear or appoint counsel must be filed with the court. No further proceedings shall be held in the case until 21 days after filing the notice to appear or appoint counsel unless the unrepresented party waves the time requirement or unless otherwise ordered by the court"

As per scheduling, hearings, motion practices, submissions to the Court, for the Collier County Courthouse: (www.ca.cjs20.org/pdf/ao_2_20.pdf) "once a motion is scheduled through JACS, subsequent motions may not be "piggybacked" using the time reserved for the first motion absent prior approval of the Court."

1. As per the NOTICE OF HEARING set for October 25th 2016 at 10:30 AM for the Defendant's Objection to the Foreclosure Sale a 15 minute slot was allotted.
2. As per the CROSS-NOTICE OF HEARING E-filed by Attorney Linda Yerger (#47584368 10/13/16) for Defendant set also for October 25th 2016 at 10:00 AM for the Motion To Withdraw As Counsel for Defendant a 15 minute slot was allotted.

We believe the subsequent combining of the CROSS- NOTICE OF HEARING and the NOTICE OF HEARING was a violation of Florida Rules of Civil Procedure that ensures timely notice is served to all pro se parties and counsel of record in advance of the hearing. The original notice must be timely filed with the Clerk of Court. A hearing notice for all hearings that will be evidentiary in nature and involving presentation of evidence (affidavits, testimony, exhibits, etc.) should clearly indicate it is an evidentiary hearing on its face. It was an error of Magistrate Friedman to not acknowledge the absence of legal counsel for the Defendant in this cross hearing. Magistrate Freidman did not give adequate time for substitution and replacement counsel for defendant. After accepting Linda Yergers withdraw Magistrate Friedman, immediately went forward with his decision to include the OBJECTION OF THE FORECLOSRE SALE that was not listed under "MATTER:: Motion to Withdraw as Counsel for Defendant " as listed on the CROSS NOTICE OF HEARING. This was a fatal error as it violated the explicit procedural guidelines of the Fla Rules of Civil Procedures

- The Magistrate erred in not acknowledging or referring to the MOTION FOR EXTENSION OF HEARING (#47606521 E-FILED: 10/14/16 @12:14AM) to a Judge.

Defendant was without the assistance of a new attorney or time for substitution of a new attorney to address each point contained in the contents of the MOTION FOR THE EXTENSION OF THE HEARING. Magistrate Friedman's dismissal of counsel for the defendant without adequate ability for substitution of counsel to adequately address each point listed in the motion, or accomplish any of these listed actions contained within the motion could not be addressed.

1. The defendant has not been given the opportunity to adequately consult with an alternate attorney, let alone hire one for representation. For this reason, a request for the Motion for An Extension Of Hearing (#47606521 E-FILED on 10/14/16 @ 12:14AM) to be heard before a Judge.
2. Paperwork and all information of the past proceedings need to be collected by execution of the DEFENDANTS REQUEST FOR PRODUCTION OF DOCUMENTS (FILED AT THE CLERK OF COURTS 09/12/16 AND MAILED TO ALL PARTIES INVOLVED). Information we haven't received, for example paying Linda Yerger for a transcript (Sept 23rd 2015) and never receiving a copy of the transcript as per email: (Sept. 14 2015). To contradict another Attorney's (Nicole Plannel) information, that there was no transcript for the last hearing concerning the foreclosure sale.
3. New and additional defense materials and information not presented previously that needed to be addressed, researched, prepared, and executed for defense.
4. Expert witnesses.
5. Forensic audit.

The court in a (Right to Counsel Case) concluded:

“The obvious truth that the average Defendant does not have the professional legal skill to protect.”

- The Magistrate erred in determining without analysis of the ORDER APPOINTING SUCCESSOR INTERIM GUARDIAN the scope and boundaries for the Limited Guardianship hereby allowing Marion Gregory to “assist in the defense and prosecution of lawsuits.”

As per the Order Appointing Successor Interim Limited Guardian (Case # 06-117-GA) In Subsection: “2. On or about March 16, 2014 the Collier County Public Guardian was appointed to exercise the following rights on behalf of the ward:

A. **To assist in the defense and prosecution of lawsuits.**

B. **To contract**

These two statements of fact were not acknowledged by Magistrate Friedman as he claimed Marion Gregory was not allowed to act as a lawyer on behalf of Mary Jean Ziska. Magistrate Friedman assumed that Mary Jean Ziska was incompetent and he wasn't aware that it was a Limited Guardianship. He did not know the scope and boundaries which would have allowed Mary Jean Ziska to assist Marion Gregory in the defense and prosecution of lawsuits and that would include assisting in filing an OBJECTION TO THE FORECLOSURE SALE.

- The Magistrate erred in dismissing the Defendant's claim for “Fraud On The Court” when Defendant Marion Gregory requested additional evidence from former attorney and an evidentiary hearing on the proper standing of the note and the Assignment Of Mortgage.

“In Florida the prosecution of a Residential Mortgage Foreclosure Action must be brought by the owner and holder of the mortgage and note. Plaintiff is not entitled to maintain an action if it does not own and hold the note which is purportedly secured by the subject mortgage. The plaintiff (21st Mortgage) and subsequent listed land records documents by Ocwen/Christina Trust/Residential Funding lack of ownership of the mortgage and promissory note in this case goes to the heart of its claim of standing, permeates the entire proceeding and subverts the integrity of the action. By previously dismissing any plausible evidence or new disclosures, (new request for forensic audits, or

implementation of additional foreclosure defense tactics not employed by Attorney Linda Yerger, the disclosure of the existence or nonexistence of the records provided not an adequate defense of the foreclosure case and subsequently the premature foreclosure sale of the condominium owned by Mary Jean Ziska. This was an error in justice and one of the reasons for retaining new counsel and having the objection heard by a Judge.

- The Magistrate erred when not addressing, assisting or acknowledging the additional resources needed by Marion Gregory (age 79) in her inability to clearly hear Magistrate David Friedman, Defendant Attorney Linda Yerger, or Plaintiff's Attorney Nicole Planell's statements or arguments.

As per the NOTICE OF HEARING (# 47046914 E-FILED 09/28/16 @11:36PM) "If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you to the provision of certain assistance." Marion Gregory is not classified as disabled. On 10/25/16 she was unable to hear the proceedings and when during the court proceedings she asked her daughter to repeat what was being said, Magistrate Friedman did not acknowledge her need for additional assistance and ignored her requests to repeat what was being said. Although she was not visibly or physically disabled, she does have hearing issues and nothing was done on her behalf during the brief court hearing to remedy the situation.

- The Magistrate erred by dismissing the requests for additional evidence. This included continual requests made by Marion Gregory for answers to 5 specific inquiries made to Attorney Linda Yerger. These 5 points that were not addressed in the defense strategy by Attorney Linda Yerger were critical.
 1. The Bartram Case was never presented in court.
 2. A large file marked "Residential Funding" and set on the Defendants court room table was never referred to or consulted by Attorney Linda Yerger. This included information of the fraudulent practices and paperwork by David J. Stern.
 3. A complete explanation of what Linda Yerger was referring to when she stated to the Plaintiff that 21st mortgage did not reply in the required time (30 day period). Defendant, Marion Gregory believed this technicality would have affected the foreclosure case and Linda Yerger neglected to follow through on this issue.
 4. During the course of the foreclosure case, U.S.P.S. mail arrived at Marion Gregory's address, with Mary Jean Ziska's name, requiring a signature. Attorney Linda Yerger did not advise Marion Gregory properly as per the legal ramifications, duty of the Limited Guardian's responsibilities or the contents involved for the Limited Guardian's signature for this foreclosure case. It was not proper for her to sign for the mail.
 5. At one point during the hearing a comment was made by Attorney Linda Yerger to Attorney Nicole Planell concerning a last page of a contract that did not have a signature. When asked about the unsigned contract no response was given.
- The Magistrate erred in the hearing of 10/25/16 in not allowing testimony concerning the existence of aggrievous errors and major violations of Due Process Of Law. These violations occurred over the entire course of the foreclosure Civil Action Case # 15-CA-01170.

These errors of due process began in the fall of 2015. Linda Yerger, on multiple occasions advised Marion Gregory (Defendant) against attending various hearings or allowed her to participate at the hearings. Marion Gregory (Defendant), was told specifically NOT to notify Mary Jean Ziska of the foreclosure case. Linda Yerger advised Marion Gregory (Defendant) to NOT involve the home owner of the foreclosure case. Attorney, Linda Yerger legally advised Marion Gregory (Defendant) against notifying the condominium/property owner, Mary Jean Ziska of any or the legal proceedings. Linda Yerger, did not allow Mary Jean Ziska to be involved by not notifying Mary Jean Ziska of any hearings, by not allowing Mary Jean Ziska to attend any of the hearings, or by not allowing Mary Jean Ziska to assist, in any defense of any hearings, or in any aspect and throughout the entire foreclosure

case. The Due Process Rights of the condominium owner were violated throughout the entire process of the foreclosure case.

Linda Yerger violated the due process rights of the condominium/property owner (Mary Jean Ziska). Mary Jean Ziska the owner of the property was not given any notice of the proceedings by Attorney Linda Yerger. Though Marion Gregory (Defendant) was the Limited Guardian at the time of the foreclosure, upon advice of counsel, she was not allowed to give notice to Mary Jean Ziska or allowed to have Mary Jean Ziska participate in the assistance or defense of this lawsuit that included the deprivation of her personal residence which was her primary residence and Homestead. These violations were allowed, encouraged and executed by the attorney on record Linda Yerger as an Attorney who is obligated to personally and professionally comply with the highest standards of conduct imposed on members of the Florida Bar. She was entrusted and legally obligated to inform, Defendant Marion Gregory, to follow the law and adhere to her oath in executing the law as an Attorney. This error of DUE PROCESS was mentioned in the OBJECTION TO THE FORECLOSURE SALE submitted and filed with the Clerk of Courts on 9/12/16.

The Due Process Of Law is a fundamental constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceedings and an opportunity to be heard before the government acts to take away one's life, liberty, or property. Due Process of law is also a constitutional guarantee that a law shall not be unreasonable. The constitutional guarantee of due process of law, found in the 5th and 14th Amendments to the U.S. Constitution prohibits all levels of government from arbitrarily or unfairly depriving individuals of their basic constitutional rights to life, liberty and property.

- Magistrate Friedman erred in enforcing any sanctions or in creating any remedy to the violations throughout the entire course of the foreclosure case. He did not allow the proceedings to be heard before a Judge as per the Defendants OBJECTION TO THE REFERRAL OF THE MAGISTRATE (# 47728472 E-FILED: 10/17/16 @ 9:19PM). Therefore, the Referral To A Magistrate heard on 10/25/16 @ 10:30AM:
 1. Limited the time frame allotted for the hearing to 15 minutes.
 2. Limited the scope of information allowed.
 3. Did not provide any sanctions or remedy to any violations of "DUE PROCESS" in adhering to: The Florida Civil Court Procedures/ Rules and Regulations of the Court/ Rules and Regulations involved in the Practice of Law in the County of Naples, Florida the 20th Judicial Circuit Court of Collier County.

IN CONCLUSION:

DEFENDANT MARION GREGORY, OBJECTS TO THE MAGISTRATE'S RECOMMENDATIONS.

DEFENDANT MARION GREGORY, OBJECTS TO THE TRANSFER OF TITLE/DEED TO 21ST MORTGAGE.

DEFENDANT MARION GREGORY, OBJECTS TO THIS FORECLOSURE CASE BEING CONSIDERED FINANLIZED OR CLOSED.

Numerous errors occurred during the Magistrate's hearing of Civil Action Case # 2015-CA-001170. The accumulations of all these errors contribute to the grave injustice that occurred on 10/25/16 @10:30AM, where the hearing before Magistrate David Friedman occurred in court room 3-1. Due to these obvious errors, and infractions, Defendant Marion Gregory submits this DEFENDANTS OBJECTION TO MAGISTRATE RECOMMENDATIONS and MOTION FOR REHEARING RECONSIDERATION. Defendant Marion Gregory requests Magistrate Freidman's recommendations be Vacated and Dismissed. Marion Gregory (Defendant) requests an Appeal be granted to remedy any injustice done, any errors committed for the purpose of obtaining this case to be reopened and reheard before a Judge with new counsel.

Respectively submitted by MARION GREGORY Marion Gregory (9202 Vanderbilt Drive, Naples Florida 34108, Tel. (239) 598-1515. In the city of Naples, State of Florida, Collier County. I, Marion Gregory (Defendant), hereby certify that I served the "DEFENDANT'S OBJECTION TO THE MAGISTRATE RECOMMENDATIONS". This 26th day of October 26, 2016. Respectfully submitted By:

Marion Gregory Marion Gregory.

To:

1. COLLIER CIRCUIT JUDGE HUGH D. HAYES,
COLLIER COUNTY GOVERNMENT COMPLEX
3315 TAMIAMI TRAIL EAST, SUITE 403
NAPLES, FLORIDA 34112

2. MAGISTRATE DAVID FRIEDMAN
COLLIER COUNTY GOVERNMENT COMPLEX
3315 TAMIAMI TRAIL EAST, SUITE 509
NAPLES, FLORIDA 34112

3. (NICOLE P. PLANELL): ATTORNEY OF PLAINTIFF, FLORIDA BAR (#072325) via E-FILING TO:
QUINTAROS, PRIETO, WOOD & BOYER PA., 9300 SOUTH DADELAND BLVD. 4TH FLOOR,
MIAMI, FLORIDA 33156, THE ATTORNEY ON RECORD FOR 21ST MORTGAGE.,



Dwight E. Brock Collier County Clerk of Courts E-Filing Portal

- My Cases
- My Submissions
- Sign Out
- Pleading on Existing Case
- Case Initiation
- Workbench
- My Alerts
- E-Filing Map

[My Account](#) [Filing Options](#)

Welcome - Marion Jean Gregory
Last signed in on - 10/26/2016 07:59:49 PM

News & Information

- **07/15/2015** Please Note: The maximum number of Pages is 200 per docket entry
- **03/07/2014** Please use the Domestic Violence Division when filing any pleadings for DV cases.
- **01/28/2014** Effective March 1, 2014, attorneys will be required to record their own Notices of Lis Pendens in the Official Records of

Filing Received Confirmation

Help

1 document is successfully submitted for filing to Trial Court for Collier County, Florida Circuit Civil Division
Uniform Case # you have provided is 112015CA0011700001XX
Court Case # you have provided is 11-2015-CA-001170-0001-XX
Reference # for this filing is 48150057

Important: If you should contact the court about any document in this filing, please provide this Submission # to help us locate this filing.

You may want to print this page for your records. [Print](#)

Recent Filings

Refresh

Pleading	Proposed Order	Submission/NEF	Case Style/Docket	Court Case #	Status	Court	Submission Date	Comple
Submit		48150057	21St Mortgage Corporation - Ziska, Mary Jean	11-2015-CA-001170-0001-XX	Received	Collier	10/27/2016 04:08:35 AM	

1

1 - 1 of 1 items

Notice of Service of Court Documents

Filing Information

Filing #: 48148642
 Filing Time: 10/26/2016 08:37:11 PM ET
 Filer: Marion Jean Gregory 239-598-1515
 Court: Twentieth Judicial Circuit in and for Collier County, Florida
 Case #: 112015CA0011700001XX
 Court Case #: 11-2015-CA-001170-0001-XX
 Case Style: 21St Mortgage Corporation - Ziska, Mary Jean

Documents

Title	File
Correspondence	letter to nichole P to keep docs 10 26 16.pdf
Correspondence	letter to linda yerger to keep documents.pdf

E-service recipients selected for service:

Name	Email Address
Linda Kay Yerger	documents@yergertyler.com linda@yergertyler.com
Marion Jean Gregory	naplesmarion@aol.com emailtomarionfrommaryjeanziska@gmail.com
Nicole P Planell	nicole.planell@qpwbaw.com servicecopies@qpwbaw.com
Nicole P. Planell	nicole.planell@qpwbaw.com
Linda K. Yerger	lkyerger@embarqmail.com

E-service recipients deselected for service:

Name	Email Address
Jason Hamilton Mikes	jason@hamiltonmikes.com annadanielle@hamiltonmikes.com cristina@hamiltonmikes.com
Mark W Hernandez	efiling@qpwbaw.com servicecopies@qpwbaw.com mark.hernandez@qpwbaw.com
Sonya K Daws	sdaws@qpwbaw.com servicecopies@qpwbaw.com CourtXpress@firmsolutions.us

This is an automatic email message generated by the Florida Courts E-Filing Portal. This email address does not receive email.

Thank you,
 The Florida Courts E-Filing Portal

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

PROBATE DIVISION

IN RE: GUARDIANSHIP OF,

MARY JEAN ZISKA,
_____ /

CASE NO. 06-117-GA

ORDER APPOINTING SUCCESSOR INTERIM GUARDIAN

On the petition for the appointment of a successor guardian of MARY JEAN ZISKA, (the Ward), the Court makes the following findings:

1. The ward was found to be incapacitated and an order determining limited incapacity was entered by this court on January 3, 2006. The court, having considered alternatives to guardianship, found that no alternative to guardianship will sufficiently address the problems of the Ward, and that the restrictions imposed upon the Ward's right and liberties are consistent with the Ward's welfare and safety, and are the least restrictive appropriate alternatives, reserving to the Ward the right to make decisions in all matters commensurate with the Ward's ability to do so.

2. On or about March 16, 2014 the Collier County Public Guardian was appointed to exercise the following rights on behalf of the ward:

- a. To assist in the defense and prosecution of lawsuits.
- b. To contract.

3. On or about October 6, 2014 Marion Gregory, the mother of the ward, petitioned court for appointment as successor guardian.

4. The Public Guardian has filed a notice of non-eligibility and petition for discharge as guardian pursuant to F.S. 744.702 and F.S. 744.704.

5. Counsel for the ward filed an objection to the Public Guardian's discharge and

FILED 09
COLLIER COUNTY, FLORIDA
2015 JAN 21 PM 3:19
CLERK OF COURTS
D.C.

requested a continuance of the proceedings.

6. The ward, after notice, did not appear at the hearing held on January 5, 2015.

7. The parties now acknowledge that because of the prior ruling of incapacity a Temporary Emergency Guardianship is not appropriate at this time and that instead an "Interim" guardian should be appointed to protect the interest and welfare of the ward and her property until such time as either party brings this back before the court for further review.

IT IS THEREUPON AND ACCORDINGLY ORDERED AND ADJUDGED THAT:

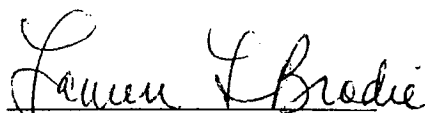
8. The motion for continuance is denied.

9. Marion Gregory, is qualified to serve and is hereby appointed successor interim guardian of MARY JEAN ZISKA.

10. The guardian shall exercise only the rights the Court has found the Ward is incapacitated to exercise as indicated above, which rights are hereby removed from the Ward and specifically delegated to the guardian.

ADJUDGED FURTHER that upon taking the prescribed oath, filing designation of resident agent and entering into a bond of \$0.00 amount payable to the Governor of the State of Florida and to his successor in office, conditioned on the faithful performance of all duties by the guardian, letters of interim guardianship shall be issued.


ORDERED this 21 day of January, 2015.


LAUREN L. BRODIE
Circuit Judge

CC:

Patrick C. Weber, Esquire
Larry Pivacek, Esquire

I, Dwight E. Brock, Clerk of Courts in and for Collier County, do hereby certify that the above instrument is a true and correct copy of the original which is on file in my office in the Courthouse in Naples, Collier County, Florida.

Witness under my hand and seal this
26 Day of January 2015
DWIGHT E. BROCK, CLERK
By: 
Deputy Clerk

File In Court File

Fro Marion Gregory
m: <naplesmarion@aol.com>
To: naplesmarion <naplesmarion@aol.com>
Date: Tue, Oct 25, 2016 9:36 am

October 25, 2016

REF:
CASE # 15-CA-1170

Dear Honorable Magistrate David Friedman:

The fact that Attorney Yerger is resigning after the repeated emails that I sent her asking her for explanations on the 5 very important points and subjects she never brought up at the hearing before Judge Hugh Hayes is perfectly acceptable with my daughter, Mary Jean Ziska, and myself, Marion Gregory, her limited Guardian.

If absolutely necessary, I am planning on hiring other representation or else being our own representatives.

Our funds are very limited and Mary Jean is on SSI and cannot afford to hire an attorney. I am working on getting one Pro Bon, however, I will definitely hire a Forensic Audit. Mary Jean is very intelligent and I believe she can submit all the information she has gathered and with all the information that we've requested the lawyers to produce, we will be in good shape. We are working on hiring a Forensic Auditor to inspect the various signatures on notes that were never available at one time (with Residential Funding) and then became available through the offices of David Stern (Foreclosure Attorney no longer

At

Tender Loving Care
Service

File In Court File
FAX TRANSMISSION

TO: ATTORNEY LINDA YERGER FROM: MARION GREGORY
FAX NUMBER: 774-5416 SENDER'S PHONE#: 598-1515
DATE: 9-27-16 # OF PAGES: 4

NOTES:

I AM FAXING MY EMAIL DATED 9-18-16 WITH
A FOLLOW UP EMAIL TODAY, SEPT. 27TH.

I WOULD SINCERELY APPRECIATE YOUR REPLY.

THANK YOU *Marion Gregory*

Marion Gregory, Director/Owner
A TENDER LOVING CARE SERVICE
9202 Vanderbilt Drive
Naples, FL 34108-2305
Tel: 1-239-598-1515
Fax: 1-239-594-1515
Cell: 1-239-821-5515
Website: atlcservice.com
Email: naplesmarion@aol.com

From: Marion Gregory <naplesmarion@aol.com>
To: linda <linda@yergertyler.com>
Cc: naplesmarion <naplesmarion@aol.com>; ejziska <ejziska@gmail.com>
Subject: Fwd: Mary Jean Ziska (My email dated Sept. 18, 2016)
Date: Tue, Sep 27, 2016 9:39 am

Hi Linda,

The following email was sent to you on 9-18-16 and it came back undeliverable. I then put a copy of this same email in the U. S. P. O. mail to you the next day. I am forwarding another copy to you via your new email address. I am also facing a copy to you today.

I would appreciate a response to my email dated September 18th.

Thank you for your kind attention and cooperation.

Sincerely,

Marion Gregory

-----Original Message-----

From: Marion Gregory <naplesmarion@aol.com>
To: lkyerger <lkyerger@embarqmail.com>
Cc: naplesmarion <naplesmarion@aol.com>
Sent: Sun, Sep 18, 2016 7:39 pm
Subject: Mary Jean Ziska

Dear Attorney Linda Yerger,

I sent you an email to your old email address and I'm wondering if you received it. I'm sending this to your old and new address and hope you receive at least one of them and reply.

I'm sorry that you were so upset when I called you and because you were yelling and hung up on me I thought it best to wait awhile and try again...

I'm sorry that Mary Jean had lawyers call you.

Mary Jean's Father is attempting to help her with legal representation and additional information is needed, much of the same as I requested the day I called you:

1. Regarding the Bartram case. It is still not settled and I'm wondering why it was never brought up in front

of Judge Hayes. This is a very important matter that could have very strongly affected Mary Jean's case.

2. At the court hearing on September 1st although you had a file on your court table marked "Residential Funding" you never referred to it. (I left this message with your assistant and I believe I also stated it to you when i called you.) I'm quite sure that was the company that bought the note at one time and they didn't have the proper paperwork to back things up. I believe the promissory note was missing. The lawyer was in Tampa and never appeared in person in Naples, just by phone. That was also the case where David J. Stearn was involved and a very important one for Mary Jean. The Magistrate who handled the court hearing said that Mary Jean needed an attorney. I would like a copy of that complete file. You can mail to me or I will be happy to pick it up from your office.

3. I would also like a complete explanation of what you were referring to when you stated that the Plaintiff did not reply in the required time, something to do with, I believe, a 30-day period. That could very easily be a technicality in her case. I didn't realize we have no transcripts so it is imperative that you advise me or send me the paperwork on this response period, in detail, with your notes. This is also something very important that we should have discussed before and at the trial and we never did.

4. When there was mail sent to my address, addressed to Mary Jean and it needed to be signed for, I signed for it not knowing what it was. Now I ^{BELIEVE} live that was the foreclosure.

5. At one point during the hearing you commented that one last page of a contract did not have her signature and I need to know what contract that was, date, etc. Again since there was no transcript it is up to you to give me this information.

Please keep all files relating to Mary Jean's case as everything is very important.

I wish we would have had a meeting before this hearing but you never suggested one and I didn't have the experience to realize that we should have had a meeting to discuss all these details. I also should have, as a witness and Mary Jean's Guardian, been a participating witness and have some input in this case. Instead I sat there, like a dummy, and did not express myself. I was given the impression that I shouldn't say anything.

The items mentioned above are just some of the facts I wish I would have investigated further at the hearing on Mary Jean's behalf.

I strongly believe that we need to appeal the final judgment as I don't believe a valid

case was stated.

I don't think as Mary Jean's Guardian that Mary Jean's due process rights were protected. I feel I let her down because I didn't speak up and I felt that I didn't have that option.

I feel that as Mary Jean's Guardian that I was kept out of the loop and not given the opportunity to participate and that this is a valid basis to challenge.

Looking forward to your reply.

Sincerely,

Marion Gregory

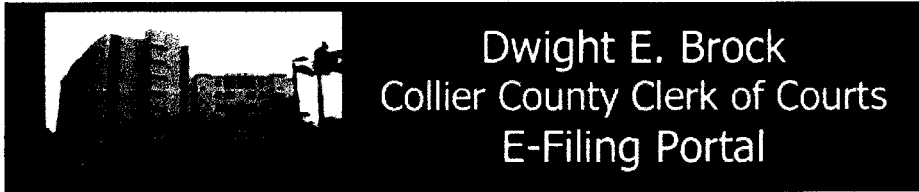
9202 Vanderbilt Drive
Naples, Florida 33480

HP Officejet Pro 8600 N911g Series

Fax Log for
Marion J. Gregory
1-239-594-1515
Sep 27 2016 8:44AM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
				Digital Fax		
Sep 27	8:43AM	Fax Sent	7745416	1:41 N/A	4	OK



- My Cases
- My Submissions
- Sign Out
- Pleading on Existing Case
- Case Initiation
- Workbench
- My Alerts
- E-Filing Map

[My Account](#) [Filing Options](#)

Welcome - Marion Jean Gregory
Last signed in on - 10/26/2016 07:58:26 PM

News & Information

- **07/15/2015** Please Note: The maximum number of Pages is 200 per docket entry
- **03/07/2014** Please use the Domestic Violence Division when filing any pleadings for DV cases.
- **01/28/2014** Effective March 1, 2014 attorneys will be required to record their own Notices of Lis Pendens in the Official Records of

Filing Received Confirmation

Help

2 documents are successfully submitted for filing to Trial Court for Collier County, Florida Circuit Civil Division
Uniform Case # you have provided is 112015CA0011700001XX
Court Case # you have provided is 11-2015-CA-001170-0001-XX
Reference # for this filing is 48148642

Important: If you should contact the court about any document in this filing, please provide this Submission # to help us locate this filing.

You may want to print this page for your records. [Print](#)

Recent Filings

Refresh

Pleading	Proposed Order	Submission/NEF	Case Style/Docket	Court Case #	Status	Court	Submission Date	Comple
Submit		48148642	21St Mortgage Corporation - Ziska, Mary Jean	11-2015-CA-001170-0001-XX	Received	Collier	10/26/2016 08:37:11 PM	

1

1 - 1 of 1 items

Copy of Receipt to Magistrate David Friedman

October 26, 2016 at 10:11 AM

To: Attorney Linda K. Yerger (E-Filed on 10-26-16)

From: Marion Gregory, (Guardian for Mary Jean Ziska)

Reference: Civil Action Case No. 15-CA-01170

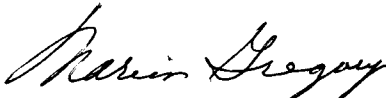
Dear Attorney Yerger:

This confirms our original Motion for Production of DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS that we E-Filed on 10-14-16, #47606521 at 12:14 PM and on 10-13-16 and we also mailed this same request Under Certified USPS Mail No. 70160910000172554309 at 3:39 PM, Return Receipt No. 9590940222066193208548. The information noted above was delivered to your office and receipt signed by an individual at 1:21 PM on 10-14-16.

IT IS IMPERATIVE THAT YOU KEEP ALL RECORDS AS NOTED IN THE DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS. THIS INCLUDES EVERYTHING.

Thank you for your kind attention and cooperation.

Sincerely,



Marion Gregory, (Guardian for Mary Jean Ziska)

Copy to: Judge Hugh Hayes (Hand Delivered)
Magistrate David Friedman (Hand Delivered)

E-Filed: Attorney Nicole P. Planell, FL Bar #072325, Quintarros, Prieto, Wood & Boyer, (Attorney for 21st Mortgage Corp.)

October 26, 2016 at 10:15 AM

To: Attorney Nicole P. Planell, (E-Filed on 10-26-16)

From: Marion Gregory, (Guardian for Mary Jean Ziska)

Reference: Civil Action Case No. 15-CA-01170

Dear Attorney Planell:

This confirms our original Motion for Production of DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS that we E-Filed on 10-14-16, #47606521 at 12:14 PM and on 10-13-16 we also mailed this same request Under Certified USPS Mail No. 70162070000063873262 at 3:59 PM, Return Receipt No. 9590940222066193208432.

The information noted above was delivered to your office and receipt signed by an individual at 3:53 PM on 10-14-16.

IT IS IMPERATIVE THAT YOU KEEP ALL RECORDS AS NOTED IN THE DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS. THIS INCLUDES EVERYTHING .

Thank you for your kind attention and cooperation.

Sincerely,



Marion Gregory, (Guardian for Mary Jean Ziska)

Copy to: Judge Hugh Hayes (Hand Delivered)
Magistrate David Friedman (Hand Delivered)

E-Filed: Attorney Linda K. Yerger, FL Bar #4645893, Yerger/Tyler, P. A. Attorneys
at Law