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List of Parties Rule 28(a)(2)

Betty Murray

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Greenan & Lynch, PA  
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Deutsche Bank National Trust Company (Trustee)  
HSI Asset Securitization Corporation

David Fisher, Esq. Counsel for  
Mayor of the District of Columbia

Sandee Proctor  
Mayor of the District of Columbia  
c/o Civil Litigation Division  
Attorney General of the District of Columbia

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Victor Siro

SunTrust Bank  
Ivory Graham  
Corporation Service Company

Caliber Home Loans, Inc.  
(formerly CIT Group/Consumer Finance Inc.)

Mortgage Electronic Registration System, Inc.  
nominee for Homebridge Mortgage Bankers Corp

CIT Group/Consumer Finance, Inc.

Rubenstein Cogan and Quick PC, counsel for  
Sun Trust

James Clarke and Renee Dyson Trustees for  
Wells Fargo

Wells Fargo  
c/o Fabliola Montes

HSI Asset Securitization Corp

Deutsche Bank National Trust Co

Specialized Loan Servicing LLC

**Disclosure Statement Rule 26.1**

None required. Appellant has no parent corporation and no shareholder is a publically traded company.

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### **Final Order from the Superior Court**

See Appendix pages 144 - 147 for Order Denying Plaintiff's Renewed Motion for Interpleader and Declaratory Relief and closing the matter without allowing for the foreclosure on the property.

### **Appellant's Statement of Issues**

1. Whether the Superior Court erred in not determining the priority rights of creditors prior to a public foreclosure sale on Defendant's real estate.
2. Whether the Superior Court erred in finding the Plaintiff's Motion for Interpleader and Declaratory Judgement is not an appropriate vehicle to resolve lien holders' right prior to a foreclosure sale.
3. Whether the Superior Court erred in finding it has no authority to adjudicate the rights of Deutsche Bank, a lender to the defendant.
4. Regardless of the Appeal Court ruling on issues 1, 2, and/or 3, whether the Superior Court erred vacating the status hearing on December 11, 2020, and closing the case without a ruling when the Plaintiff had pending its demand per its Motion for Default Judgement the sale of Property.

### **Standard of Review**

The Appellants's position is that the four issues above are regarding a motion for relief via Interpleader and Declaratory Judgement and this was denied based on a finding in the law, in that the conflict of creditor priorities was moot because the other creditors were deemed "non parties" and the Court had no authority to make a ruling. Further the case was dismiss without the Court ruling on the foreclosure that the Appellant had specifically requested in its Complaint and the Appellant's Motion for Default Judgment. On the issue of law the Appellant's position is that the standard of review is de novo. Elwell v. Elwell, 947 A.2d 1136, 1139 (D.C. 2008); Calomiris v. Calomiris, 3 A.3d 1186, 1990 (D.C. 2010); Bleck v. Power, 955 A.2d 712, 715 (D.C. 2008).

### **Statement of the Case**

On August 9, 2019, Appellant filed a Complaint, Action involving Real Estate, and asked for:

- A. Judgment in the amount of 10,728.02, legal fees, court costs and accruing interest, and
- B. An order of foreclosure on the Property (A1-7).

On August 22, 2019, HSI Asset Securitization Corporation Trust 2006-WMC1 (hereafter referred to as "HSI/Deutsche") filed for

foreclosure on same property against the same Defendant, Betty Murray (A181 - 189) case 2019 CA 005556 R(RP). Docket (A191-194)

On December 1, 2019, the Appellant filed a 2<sup>nd</sup> Renewed Motion for Default Judgement asking the Court for Judgment on the debt owed and also "asks that the consensual lien against 4633 6<sup>th</sup> St. SE, Washington DC be enforced through the foreclosure of the Property..." (A10). Attached with the Motion was a proposed order outlining the steps the Appellant is to take towards the foreclosure. ( A12 through A14)

Getting good service on Betty Murray is very difficult as noted in 2018 CA 005538B by Judge Puig Lugo (A4 ¶17.)

On February 2, 2020, the Court granted the Judgement in favor of the Appellant, and ordered that "this matter remains open pending the Plaintiff's Motion for Interpleader" (A22).

At the February 2, 2020 hearing, Appellant's counsel asked for the delay in the foreclosure proceedings pending the filing of the Motion for Interpleader and Declaratory Relief (A165 transcript line 3-25).

On February 21, 2020, Appellant filed a Motion for Interpleader and Declaratory Relief (A24 - 53).

On March 20, 2020, the Court granted Appellant's Motion for Extension of Time for Service of the Interpleader (A54).

On May 11, 2020, the Appellant renewed its Motion for Interpleader and Declaratory Relief with an Affidavit of Service

per Rule 4 (A62 - 71) and (A72 - 102).

On June 16, 2020 a different law firm made an appearance for HSI/Deutsche, and filed an Opposition to the Motion (A 129-143) and an affidavit by their supposed expert contesting the Appellant's lien rights (A 103-128).

Because of the virus the Status Hearing set for June 19, 2020 was cancelled.

On August 25, 2020, the Court Order Sua Sponte to vacate the Scheduling hearing set for August 28<sup>th</sup> because of the virus with the next status conference scheduled for December 11, 2020.

On December 10<sup>th</sup>, the Court canceled the status , Denied the Appellant's Renewed Motion for Interpleader and Declaratory Relief, and closed the case (A144-147).

Appellant filed a Motion to Reconsider (A174-180) and a Reply to the Opposition to the Motion to Reconsider (A181-189).

### **Statement of Facts**

Southern Court Community Association, Inc is a homeowners association in the District of Columbia. (A109 Sec. 1, A112 ¶c) The Appellant is not a condominium association and is not subject to the District of Columbia Condominium Act. Betty Murray owns a home, which is not her residence (A4 ¶15), at 4633 6<sup>th</sup> Street SE, Washington DC 20032. Betty Murray failed to pay her homeowners

dues (A4 ¶13 -16). The homeowners association has a lien filed in the land records securing its right to payment (A107-A121). The property is underwater with the total of the creditors exceeding the its value. Just to the creditor HSI/Deutsche, Betty Murray owed 320,954.56 as of June 17, 2019 (A169 ¶16). The Appeals Court is asked to take judicial notice that the assessed value by the DC government as of 2021 is \$231,670.00 (A190).

#### Summary of Argument

The Superior Court ruled it had no authority to adjudicate the rights of non-parties in this matter because they were not served with a Complaint and Summons to bring them in on an Interpleader or Declaratory Judgement. This is contrary to Rule 308 which is used to determine the rights and priority of creditors without a Complaint or Summons being issue. All that is required under Rule 308 is publication before the foreclosure and Ratification after the foreclosure. It is inconsistent to say that the Court has the authority to decide creditors rights after the foreclosure with no Complaint, Summons, or service, but the Court does not have the authority before the sale to do the very same thing.

The argument made by Counsel for HSI/Deutsche is that a

separate Complaint has to be filed. But Rule 22 Interpleader, (a) Grounds. (1) By Plaintiff says, Persons with claims that may expose a plaintiff to double or multiple liability may be joined as defendants and required to interplead. Service of process within this rule must be accomplished in the manner and within the time limits provided by Rule 4. HSI/Deutsche is a legal person and they were served.

Its claim conflicts with Appellants, and if the Appellant bid on the property and was successful, then HSI/Deutsche would argue the Appellant bought the property subject to HSI/Deutsche's lien. This is not a hypothetical dispute.

Title 28 Section 2001 allows the Court under the statute for the foreclosure to held under the "terms and conditions as the court directs." There is no prohibition to the Court to hear the issue of conflicting priority interests before the foreclosure.

HSI/Deutsche was properly served with the Motion along with other creditors per Rule 4 and the affidavit service per Rule 4 (A72 - 102).

The foreclosure of a real estate is to be conducted according to Rule 308 under 28 U.S.C. 2001, which states, " Such sale shall be upon such terms and conditions as the court directs." That is a very broad statement, and allows a Court to set the conditions and terms. In a private sale under 28 U.S.C 2001(b) all that is required is notice. No separate Complaint or

Summons is required. If anything in a private sale you would expect the standards to be even higher than in a public sale.

Why does it make sense to decide the priority of the creditors prior to the sale? Think of the day of sale and potential buyers have no idea which liens they are buying subject to. This Court and the Superior Court have cases of where a 3<sup>rd</sup> party has bought a property and there is an immediate dispute as to which lien(s) were closed down on.

Not only does this uncertainty limit the number of bidders, but also the amount they are willing to bid. Yes a 3<sup>rd</sup> party should do a title search, but what if the creditors themselves disagree. In that case if you wait to after the sale on how the money is to be distributed, you end up right back in court with the 3<sup>rd</sup> party or creditors arguing over the distribution of the funds.

HSI/Deutsche has taken the exact opposite position in their case regarding the same property and same defendant.

In their case, 2019 CA 005556, HSI/Deutsche propose the foreclosure sale without filing a Complaint or Summons to the other creditors, no notice before the foreclosure, and only 14 days to object to the distribution after the sale.

Appellant's position is that HSI/Deutsche has waived its defense to jurisdiction, insufficient process or service of process by making a general appearance and not complying with

Rule 12.

### Argument

**1. Whether the Superior Court erred in not determining the priority rights of creditors prior to a public foreclosure sale on Defendant's real estate?**

Rule 308. Court Sale of Real and Personal Property states, This court shall be governed by the provisions of Title 28 Section 2001."

(a) Any realty or interest therein sold under any order or decree of any court of the United States shall be sold as a whole or in separate parcels at public sale at the courthouse of the county, parish, or city in which the greater part of the property is located, or upon the premises or some parcel thereof located therein, as the court directs. Such sale shall be upon such terms and conditions as the court directs.

§ 2001 (a) addresses public sales in which "such sales shall be upon the terms and conditions as the court directs."

There is the court's authority to determine the priority rights of creditors prior to foreclosure as a "term and condition" to the sale.

The justification for deciding the priority of the creditors before the foreclosure is all the more pertinent as HSI/Deutsch has raised the objection to Appellant's priority that is the basis of the Appellant motion for interpleader and

declaratory judgment.

Please see HSI/Deutsche's Opposition to the Appellant's Motion filed on June 19, 2019, in which is attached an affidavit of their proposed expert, Nathan Bresee, claiming the Appellant's filing in the land record is not valid (A103-128). So the dispute over the creditors' priority is already present and ready to be decided.

It is judicially economical to decided these issues before the foreclosure sale rather than after. And the Appeals Court can be certain that there would be litigation afterwards. A 3<sup>rd</sup> party bids successfully thinking that the certain creditors have been closed down on, only to find that a creditor is suing the 3<sup>rd</sup> party for foreclosure on a disputed lien.

From a pure economic sense it is best to decide the issues before the sale. Yes, a 3<sup>rd</sup> party or even another creditor should be forewarned when they bid a public auction that they should do a title search. Here, even if the 3<sup>rd</sup> party did a title search, they would not be certain as to what liens were being closed down on at the foreclosure sale.

Dollar wise, A 3<sup>rd</sup> party and/or other creditors having information on the priority of the creditors would allow for more participants bidding and more certain bidding with hopefully a higher price.

28 USC § 2001 (b) addresses the procedure for a private

sale. A private sale is not the process that the Appellant has asked for in its Proposed Order for Foreclosure, but it does state what is required and that is simple notice. A separate Complaint is not required to be filed, nor Summons, and it may not even require service under Rule 4.

(b)After a hearing, of which notice to all interested parties shall be given by publication or otherwise as the court directs, the court may order the sale of such realty or interest or any part thereof at private sale....

HSI/Deutsche has filed its own public foreclosure action against Betty Murray on the same property 2019 CA 005556 R(RP). I would ask the Court of Appeal to take judicial notice of HSI/Deutsche's Complaint (A181 -189). HSI/Deutsche is using a different law firm, Law office Of Jeffrey Nadel, than the law firm representing HSI/Deutsche in this appeal and in this case. Focusing on paragraph 41 (A172), HSI/Deutsche does not provide notice of the foreclosure to the other creditors prior to the foreclosure. No Complaint, no Summons, no Rule 4 service prior to the foreclosure. The only thing HSI/Deutsche is saying it is required to do is to send "[A] copy of the [Trustee's Deed], a proposed accounting and distribution of funds, and a proposed order ratifying the distribution. All after the foreclosure. No Rule 4 personal service nor certified mail. This is what HSI/Deutsche is saying is acceptable notice to determine the creditor's rights in a foreclosure.

And continuing on in paragraph 41, a lien holder according to HSI/Deutsche is only given 14 days to dispute the property distribution. "...[A]ll claims or disputes must be filed within fourteen (14) days or the distribution may be ratified without a further hearing".

HSI/Deutsche's notice, and time to object is contrary to what the Appellant has done giving Rule 4 notice to all creditors and property holder and all parties having had months to file objections.

HSI/Deutsche is saying that it is perfectly acceptable for the Court to determine the priority of creditors after the sale. HSI/Deutsche cannot defend its position that the Court has the authority to determine creditor rights after the foreclosure sale but not prior to the foreclosure sale, where the Appellant has provided more documentation, Rule 4 service, and time for creditors to respond prior to the sale. HSI/Deutsche counsels are stating directly opposite and contrary positions.

**2. Whether the Superior Court erred in finding the Plaintiff's Motion for Interpleader and Declaratory Judgement is not an appropriate vehicle to resolve lien holders' right prior to a foreclosure sale?**

Rule 22 is appropriate to this case. "Persons with claims

that may expose a plaintiff to double or multiple liability may be joined as defendants and required to interplead." The Appellant in this case is the mostly likely bidder, and the claims of HSI/Deutsche would expose the Appellant to possible liability and litigation costs in defending the Appellant's title. And if another creditor or 3<sup>rd</sup> party took title to the property and did not recognize the Appellants priority then there is the same issue of priority.

Black's Law Dictionary defines an Interpleader as "An equitable proceeding to determine the rights of rival claimants to property held by a third person having no interest therein."

Interpleader actions are employed to allow rival claimants to [be] the same funds or property to litigate their competing claims against one another rather than against an innocent stakeholder. Savings & Profit Sharing Fund V. Stubbs, 734 S.W.2d 76,79 (Tex. App. - Austin 1987, no writ.)

In the present case, the Superior Court already has a contested issue on the rights of rival claimants.

The property is underwater and so there is no value in the property to Betty Murray (A190).

In the alternative a declaratory judgment is appropriate where there is an actual controversy between parties about the priority rights of the Appellant. In the present case HSI/Deutsche is contesting the validity of the Appellant's lien

recordation in the land records and priority to the sale proceeds in the foreclosure.

**3. Whether the Superior Court erred in finding it has no authority to adjudicate the rights of Deutsche Bank, a lender to the defendant?**

Per the Superior Courts order of December 9, 2020 Denying Plaintiff's Renewed Motion the Court states,

In its opposition, Deutsche Bank argues that Plaintiff's motion should be denied as procedurally improper, as the relief Plaintiff seeks through this motion for interpleader is more properly a matter to be addressed in a separate complaint for declaratory judgment, where all potential lien holders are parties and are properly served. Deutsche Bank argues, among other arguments, that this Court has no authority to adjudicate over it as a non-party. Deutsche Bank notes that the instant motion was filed after the Plaintiff obtained a monetary judgment, that there is no pleading seeking declaratory relief regarding lien priorities, that none of the potential lien holders, including Deutsche Bank, is a party to the case, and therefore none of them has been served with a complaint or summons.

The Court agrees with Deutsche Bank that it has no authority to adjudicate the rights of non-parties in tHSI/Deutsche matter, and that Plaintiff's motion for interpleader is not the appropriate vehicle to obtain the relief it seeks.  
(Emphasis added)

As to HSI being a party.

Deutsche Bank is the trustee for HSI/Deutsche. Service on Deutsche bank as trustee is service on HSI. Jackson v. Bank of

Am. NA E.D Mich. 13-12430 (2013) states,

This court favors the reasoning of the majority of Circuit Courts of Appeals .... and the Supreme Court in Navarro, that regardless of who the named plaintiff is, the trustee is the one with authority to hold, manage and dispose of assets, .... and is therefore the real party to the action.

In 2019 CA 005556, HSI/Deutsche in its Complaint has no difficulty with the court having authority over the "non parties" (the other creditors of Betty Murray).

Focusing on paragraph 41, HSI/Deutsche is not filing a Complaint against the "non parties", nor a Summons, nor Rule 4 service, not even notice of the foreclosure to the other creditors "non parties" even before the sale,

The only thing HSI/Deutsche states it is required to do is to send "[A] copy of the [Trustee's Deed], a proposed accounting and distribution of funds, and a proposed order ratifying the distribution. This is what HSI/Deutsche is saying is acceptable notice to determine the creditor's, "non parties", rights in a foreclosure and only after the sale.

And continuing on in paragraph 41, a lien holder according to HSI/Deutsche is only given 14 days to dispute the property distribution. "...[A]ll claims or disputes must be filed within fourteen (14) days or the distribution may be ratified without a further hearing". No hearing unless a "non party" creditor comes forward.

HSI/Deutsche's notice, and time to object is contrary to

what the Appellant has done. Appellant served under Rule 4 notice to all creditors and property holder: The Motion for Interpleader and Declaratory Relief, Proposed Order, Memorandum of Points and Authority, Order Granting Plaintiff's Second Renewed Motion for Default Judgment, and attachment of various Deeds, Deeds of Trusts, and Judgement. All parties had months to file objections.

HSI/Deutsche is saying that it is perfectly acceptable for the Court to determine the priority of creditors "non parties" after the sale, without notice of the foreclosure prior to the sale, without a separate Complaint or Summons against the other creditors "non parties", and no service under Rule 4 of their Verified Report per Rule 308.

Counsel for HSI/Deutsche cannot explain the inconsistency that the Court has the authority to determine creditor rights, "non parties", after the foreclosure sale but not prior to the foreclosure sale as proposed by the Appellee. HSI/Deutsche's counsel in this present case, 2019 CA 005227, and in 2019 CA 005556 are stating directly opposite and contrary positions.

The Superior Court ruled on December 9<sup>th</sup> "...that there is no pleading seeking declaratory relief regarding lien priorities, and that none of the potential lien holder .... is a party to the case. No pleading? Isn't the Motion for Interpleader and Declaratory Judgement a pleading. Not a party? The creditors

were serve under Rule 4 and joined under Rule 22.

The Superior Court states, "none of them has been served with a complaint or summons". Rule 4n(1) does not require a summons. There is alternative language in Rule 4n(1) "as provided in the statute". Notice is being given under the statute Title 28 Section 2001 "terms and conditions as the court directs". Although not directly on point, for private sales section (b) only required "notice" and Rule 308 which only requires for a public sale publication "once a week for 4 weeks in a daily newspaper...."

Rule 22 does require service of process. Black's law dictionary defines service of process as "The service of writs, complaints, summons, etc." Service of process does not require a Complaint or summons, but is an example of the type of pleading that is typically served.

Appellant did obtain service under Rule 4 on the other creditors The Motion for Interpleader and Declaratory Relief, Proposed Order, Memorandum of Points and Authority, Order Granting Plaintiff's Second Renewed Motion for Default Judgment, and attachment of various Deeds, Deeds of Trusts, and Judgement. See Appellants Affidavit of Service filed on May 11, 2020.

Rule 4.(a) (3) *Service Outside the District of Columbia*  
*Service in Seeking Seizure of Property in the District of*  
*Columbia.* A summons, **or notice**, or order .... should correspond

as nearly as possible to the requirements of the statute or rule  
....."

(3) Service Outside the District of Columbia; Service in Suit Seeking Seizure of Property in the District of Columbia. A summons, or notice, or order in lieu of summons should correspond as nearly as possible to the requirements of a statute or rule whenever service is made pursuant to a statute or rule that provides for:

(A) service of a summons, or notice, or order in lieu of summons on a party not an inhabitant of or found within the District of Columbia; or

(B) service on or notice to a party to appear and respond or defend in an action by reason of the attachment or garnishment or similar seizure of the party's property located within the District of Columbia.

It makes no sense why a determination of creditor priorities prior to the sale requires a different standard than the determination of priority of creditor's distribution after the sale. See Rule 308 (b)(1) Publication and (4) Ratification:

(1) *Publication*. The officer shall give previous notice of the sale by publication once week for 4 weeks in a daily newspaper of general circulation in the District of Columbia. The notice shall describe the property substantially as in the order and shall state the time, place, manner and terms of sale and the deposit required.

(4) *Report; Ratification*. A verified report of the sale shall be promptly made to the Court. Thereupon on motion and notice the Court may, in its discretion, ratify the same with or without further notice. If the sale be ratified settlement shall be made and the real estate conveyed by proper deed.

Rule 12 states how to present a defense. HSI/Deutsche's position is that entering an general appearance is not a waiver of service. They filed an Opposition to Plaintiff's Interpleader motion. The Plaintiff's Motion is considered what they call a

paper. HSI/Deutsche's position is to waiver service a responsive pleading must be filed and the only possible responsive pleading is an Answer. They only filed an Opposition (not a responsive pleading according to HSI/Deutsche) and thus they did not submit to the jurisdiction of the Superior Court.

Rule 12 says HSI/Deutsche would only include a defense of lack of service or process if a responsive pleading were required (HSI/Deutsche's position is no responsive pleading was required), otherwise HSI/Deutsche would have to file a Motion.

HSI/Deutsche did not file a Motion asserting the following defenses.

(b) HOW TO PRESENT DEFENSES. Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:

- (1) lack of subject-matter jurisdiction;
- (2) lack of personal jurisdiction;
- (3) [Omitted];
- (4) insufficient process;
- (5) insufficient service of process;

Since HSI/Deutsche failed to file a Motion (B) (i) and by their own admission their Opposition is not a responsive pleading (Bii), they waived their defenses.

Rule 12 (h) (1) states,

(h) WAIVING AND PRESERVING CERTAIN DEFENSES.

(1) When Some Are Waived. A party waives any defense listed in Rule 12 (b) (2) - (5) by:

- (A) omitting it from a motion in the circumstances described in Rule 12 (g) (2); or
- (B) failing to either:
  - (i) make it by motion under this rule; or
  - (ii) include it in a responsive pleading or in an amendment

allowed by Rule  
15(a)(1) as a matter of course.

The Notice of Appearance of Counsel (A103) is not a special appearance. In fact the Opposition includes a copy of the Appellants lien filed in the land records (107-121), their proposed expert Affidavit and qualifications on title searches and opinion on the Appellant's lien (A122 - 128) and their Opposition starting at A133 is regarding the Appellant's Declaration of lien.

All of these arguments are totally unrelated to a special appearance to argue insufficient process or service of process.

Appellant's position is that HSI/Deutsche has waived their defenses and made a general appearance. The Appellant's position is the HSI/Deutsche is a party.

**4. Regardless of the Appeal Court ruling on issues 1, 2, and/or 3, whether the Superior Court erred vacating the status hearing on December 11, 2020, and closing the case without a ruling when the Plaintiff had pending its demand per its Motion for Default Judgement the sale of Property?**

The Superior Court ruled on December 9th" A judgment has already been entered in favor of Plaintiff. Therefore, the motion is denied, and the Court will vacate the Status Hearing.

THSI/Deutsche matter is now closed....”

How can the case be closed with the Complaint and the Motion for Default Judgement ask for the foreclosure on the property as an additional remedy?

Why would Appellant ask for an Interpleader on the creditors rights regarding the foreclosure to decide the creditors priority if we had only asked for the Judgement and not the foreclosure of the property. Why would the Superior Court allow for the Interpleader to be filed if the Appellant was not entitled to move forward on the remedy of foreclosure? And the status hearing was canceled so Appellant had no chance for oral argument.

The Appellant wishes to proceed with the foreclosure under the present case as requested in the original Complaint and in the 2<sup>nd</sup> Renewed Motion for Default Judgement. The reason the Appellant wishes to proceed under the same case is because getting good service on the defendant is very difficult as the attorneys for HSI/Deutsche have shown in 2019 CA 005556. To file a new complaint would be hopeless because of the problems with service on Betty Murray. The bizzare position that HSI/Deutsche finds itself in is it wants the same thing the Appellant wants - foreclosure on the property. HSI/Deutsche's case is stuck in the mud for lack of service (A191-194) after over a year and a half, and now HSI/Deutsche has delayed the foreclosure, causing

additional time, legal costs, and wastage at the property, and judicial resources to argue after the foreclosure about priority rather than before the foreclosure.

If the Appeals Court does not agree to a decision on creditor priority prior to the foreclosure, in the alternative the Appellant wants to proceed with the foreclosure sale.

Appellant will ask the Superior Court to resolve the disputes as to creditor priorities after the foreclosure using the similar procedure that HSI has argued for, promoted, and submitted as their Proposed Order 2019 CA 005556 to the Superior Court in its case with a mere 14 days to object, and no separate Complaint filed to join the creditors - "non parties", no Rule 4 service just regular mail, and the only documentation will be [Trustee's Deed], a proposed accounting and distribution of funds, and a proposed order ratifying the distribution

The Appellant asks the Appeals Court to remand the matter back to the Superior Court to be set for status hearing regarding the foreclosure on the Property, and that the Court schedule discovery to decide the priorities of the parties claims against the Property prior to the foreclosure sale.

/S/ Arthur Lander

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**Certificate of Service**

A copy of the Brief for the Appellant and Appendix was mailed postage prepaid first class on May 2, 2021 and via email to:

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/S/ Arthur Lander

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