

HEARING DATE: APRIL 3, 2008  
HEARING TIME 10:00 A.M.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 08-10276 MG

---

IN RE: MICHAEL GEORGE PLUMMER  
ssn: \*\*\*-\*\*-1863

Debtor.

---

TO THE HONORABLE MARTIN GLENN  
UNITED STATES BANKRUPTCY JUDGE:

**OBJECTION TO PROOF OF CLAIM OF OCWEN**

**NOW COMES**, Michael Plummer (“Debtor”), by his attorney of record, David B. Shaev, and states as follows:

1. The Debtor commenced this action by the filing of a Chapter 13 petition on January 28, 2008.
2. Debtor is the owner of real estate located at 3972 Amundson Avenue, Bronx, New York 10466.
3. Ocwen filed proof of claim #1, a copy of which is annexed hereto as Exhibit “A.”
4. The Proof of Claim fails to set forth any documentation demonstrating that the filer of the claim is the holder of a secured loan on Debtor’s property or that its loan, if any, has been perfected.
5. The Proof of Claim is objected to for the following reasons:
  - a. The Mortgage, Adjustable Rate Rider, 1-4 Family Rider and Rate Note annexed to the Proof of Claim states that Fremont Investment & Loan is the Lender on the mortgage loan dated December 10, 2005, and that for purposes of recording the mortgage, MERS is the mortgagee of record.

- i. There was no writing filed with the Proof of Claim demonstrating Ocwen's interest on the property securing such claim. An original or duplicate of proof securing such claim must be filed with the Proof of Claim pursuant to B.R. 3001(d).
  - ii. The security interest in the property and the evidence that such security interest has been perfected was not provided with the Proof of Claim in violation of B.R. 3001(d).
  - iii. If the filer of the Proof of Claim alleges that it has been assigned or transferred such interest, then the proof of the assignment or transfer must be filed pursuant to B.R. 3001(e)(1).
- b. There are additional fees and expenses claimed including "Inspection fees", "Property Valuation Fee-BPO" and "POC Fee" (presumably proof of claim fee) which are not warranted and/or not approved by this Court.

6. Debtor, by his counsel served a Qualified Written Request upon this creditor on February 20, 2008 specifically requesting detailed transaction history and full disclosure of all expenses charged to this Debtor's account. A copy of this Qualified Written Request is annexed hereto as Exhibit "B."

7. For all the reasons set forth above, it is respectfully requested that Debtor's Objection to Proof of Claim #1 be sustained and that counsel for Debtor be awarded counsel fees in the sum of \$650 for having brought such motion and that such fees be paid directly to counsel for debtor by Ocwen and that Ocwen or any other party acting on its behalf be directed not to include such award of attorneys fees in any further proof of claim or charges against this Debtor's account and/or transaction history.

8. For all the reasons set forth above, it is respectfully requested that Debtor's Objection to Proof of Claim #1 be sustained and that counsel for Debtor be awarded counsel fees in the sum of \$650 for having brought such motion.

**WHEREFORE**, it is respectfully requested that Debtor's application be granted and for such other relief as this Court may deem just.

Dated: February 25, 2008  
New York, New York

---

David B. Shaev (dbs6994)  
Attorney for Debtor  
350 Fifth Avenue  
Suite 7210  
New York, New York 10118  
(212) 239-3800