

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In Re:

Philip P Burnell

Debtor.

Case No.: 20-10323-TWD

Chapter 7

DECLARATION IN SUPPORT OF
MOTION FOR RELIEF FROM STAY

Under penalty of perjury, the undersigned hereby declares as follows:

1. As to the following facts, I know them to be true of my own personal knowledge, based upon the review of the business records, and if called upon to testify in this action, I could and would testify competently thereto.
2. The real property involved in this motion is commonly known as 3699 Broadbridge Ave Unit 107, Stratford, CT 06614 (the "Property").
3. I am an employee of MidFirst Bank ("Movant"). I am duly authorized to make this declaration on behalf of Movant.
4. I am familiar with the manner and procedure by which the records of Movant are obtained, prepared, and maintained. Those records are obtained, prepared, and maintained by employees or agents of Movant in the performance of their regular business duties at or near the time, act, conditions, or events recorded thereon. The records are made either by persons with knowledge of the matters they record or from information obtained by persons with such knowledge. I have knowledge of and/or

1 access to the business records. I personally reviewed the business records related to this
2 loan prior to executing this declaration.

3 5. Movant is, either directly or through the use of a designated custodian, in possession of
4 the original Promissory Note dated June 26, 2009, in the principal amount of
5 \$128,627.00, which is secured by a Mortgage encumbering the Property. The Note has
6 not been subsequently assigned or transferred to any other person or entity since
7 assignment and transfer to Movant. Movant is entitled to receive payments under the
8 Note and Mortgage.
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10 6. Attached are redacted copies of any documents that support the claim, such as
11 promissory notes, purchase order, invoices, itemized statements of running accounts,
12 contracts, judgments, mortgages, and security agreements in support of right to seek a
13 lift of the automatic stay and foreclose if necessary.
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15 7. The following documents evidencing the loan, including the Note and Mortgage, are
16 attached as Exhibits hereto. Attached as Exhibit 1 is an imaged copy of Movant's file
17 copy of the Promissory Note.
18

19 a. Exhibit 1 – Note
20

21 b. Exhibit 2 – Mortgage
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23 c. Exhibit 3 – Assignment of Mortgage
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25 8. Movant uses the standard practices of the mortgage lender industry. A payment
26 received is applied to the account and credited to the next due payment. For example, a
27 payment received in December will be applied to the November payment if no payment
28 had been received in November.
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1 9. As of February 12, 2020, Movant's records on the loan that is the subject of this motion
2 shows that the loan is due for the payments owed on and after May 1, 2019. May 2019
3 through August 2019 monthly mortgage payments of \$913.23 each; September 2019
4 monthly mortgage payment of \$1,111.18; October 2019 through February 2020 monthly
5 mortgage payments of \$1,121.18 each.
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7 10. As of February 12, 2020, the principal balance on the loan is \$97,165.84 and the
8 approximate total balance due is \$108,180.76.
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10 I declare on penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct.

12 Executed on February 27, 2020 Oklahoma City, Oklahoma.
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17 Signature

Crystal Baker

18 Printed Name

Vice President

19 Title
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