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APPENDIX 1

In the Indiana Supreme Court

State of Indiana ex rel. Deborah Walton,
Relator,

v.

Hamilton Superior Court 6, et al.,
Respondents.

[DATE STAMP]

FILED

Sep 23, 2024, 2:14 pm

CLERK

Indiana Supreme Court
Court of Appeals
and Tax Court

Supreme Court Case No.
24S-OR-334

Trial Court Case No.
29D06-2402-MF-2244

Order

The relator, *pro se*, has filed a petition for writ of mandamus, seeking relief under the Rules of Procedure for Original Actions. Original Action Rule 3(A)(6) requires a petition to state facts clearly showing that the remedy available by appeal is "wholly

inadequate." Here, the relator asks this Court to issue a writ vacating the trial court's foreclosure judgment.

Because the relator seeks a remedy that is not appropriate under the rules and law governing writs of mandamus and prohibition, this original action is DISMISSED. *See* Ind. Original Action Rule 2(E). Petitions for rehearing or motions to reconsider are not allowed. Orig. Act. R. 5(C).

Done at Indianapolis Indiana on 9/23/2024

/s/

Loretta H. Rush
Chief Justice of Indiana

APPENDIX 2

STATE OF INDIANA
COUNTY OF HAMILTON SS:

IN THE SUPERIOR COURT OF
HAMILTON COUNTY
NOBLESVILLE, INDIANA

[DATE STAMP]
September 10, 2024
CLERK OF THE HAMILTON
CIRCUIT COURT

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

PLAINTIFF

VS

DEBORAH M. WALTON A/K/A DEBORAH
WALTON; MARGARET J. WALTON; SPRINGMILL
STREAMS HOMEOWNERS ASSOCIATION, INC.;
CLAYBRIDGE HOMEOWNERS ASSOCIATION,
INC.; FIRST MERCHANTS BANK; BMO HARRIS
BANK NATIONAL ASSOCIATION, SUCCESSOR
BY MERGER TO FIRST INDIANA BANK, N.A.

DEFENDANTS

CAUSE NO: 29D06-2402-MF-002244

SUMMARY JUDGMENT OF FORECLOSURE

Comes now the Plaintiff, JPMorgan Chase Bank, National Association, by its counsel Codilis Law, LLC, and having filed its Motion for Judgment of Foreclosure and supporting Affidavits moves the court for judgment against the Defendants.

It appears that the Defendants were duly served with summons by the Sheriff of Hamilton County, Indiana and that said Sheriff made due return thereof or that the defendants were served by publication, to-wit:

Deborah M. Walton A/K/A Deborah
Walton by Appearance Filed Service on
March 22, 2024
Margaret J. Walton by Appearance Filed
Service on March 22, 2024
Springmill Streams Homeowners
Association, Inc. by Agent on March 6,
2024
Claybridge Homeowners Association, Inc.
by Agent on March 6, 2024
First Merchants Bank by Agent on
March 7, 2024
BMO Harris Bank National Association,
Successor by Merger to First Indiana
Bank, N.A. by Certified Mail Service on
March 28, 2024

It further appears that appearances and/or responsive pleadings have been filed by or on behalf of the following defendants:

Deborah M. Walton A/K/A Deborah
Walton filed Appearance and Answer on

March 22, 2024

Margaret J. Walton filed Appearance and Answer on March 22, 2024

First Merchants Bank filed Appearance and Answer on March 22, 2024

BMO Harris Bank National Association, Successor by Merger to First Indiana Bank, N.A. filed Appearance and Answer on March 22, 2024

The Defendant(s) Springmill Streams Homeowners Association, Inc., Claybridge Homeowners Association, Inc. having failed to appear are hereby found by the court to be in default. The Defendants, First Merchants Bank and BMO Harris Bank National Association, Successor by Merger to First Indiana Bank, N.A. have consented to the entry of the Judgment as evidenced by the endorsement of their attorneys. This cause, being now at issue, is hereby submitted to the Court for finding and judgment.

The Court, being fully advised in the premises, finds:

- I. The Court has jurisdiction over the parties and subject matter of this action.
2. The real estate secured by the mortgage consists of the real estate and all improvements to and fixtures on the real estate described in the mortgage including any manufactured housing located thereon.
3. The Plaintiffs lien is superior to all other liens, claims and interests in the subject property which is

described as follows:

Lot 107 in Springmill Streams-Section Six, an Addition in Hamilton County, Indiana as per plat thereof, recorded as Instrument No. 87-46555 on November 5, 1987, in the Office of the Recorder of Hamilton County, Indiana.

Together with: Parcel "A" in Claybridge at Springmill, an Addition in Hamilton County, Indiana, as per plat thereof recorded in Plat Cabinet 1, Slide No. 72, as Instrument No. 89-27503 in the Office of the Recorder of Hamilton County, Indiana. Also known as: 12878 Mayfair Lane, Carmel, IN 46032

4. The allegations contained in the Complaint are supported by affidavit and true in substance and fact.

5. There is due and owing to the Plaintiff \$649,457.28 through May 31, 2024 as a valid subsisting lien on the property described herein the following amounts as set forth in the affidavits of the Plaintiff:

Principal	\$470,863.02
Accrued interest through May 31, 2024	\$91,965.75
Advances	\$82,772.24
Costs of Suit including title charges to date	\$651.27
Attorney Fees	<u>\$3,205.00</u>
TOTAL	\$649,457.28

Together with i) interest accruing on the principal

balance at the note rate of 3.125% per annum (\$40.31 per day) from June 1, 2024 to the date of judgment, ii) interest at the note rate of 3.125% which is less than the statutory rate on the judgment amount, iii) all sums plaintiff will necessarily expend after May 31, 2024 for payment of any advances and expenses allowed by the applicable security documents, including, but not limited to, taxes, insurance, repairs and maintenance, and iv) reasonable attorney fees and court costs up to and including the date of the foreclosure sale to be conducted by the Sheriff of Hamilton County pursuant to this judgment.

6. The rights and interests of all Defendants in this cause in and to the subject property are inferior to the lien and interest of the Plaintiff.

There is a balance due and owing to BMO Harris Bank National Association, Successor by Merger to First Indiana Bank, N.A. in an amount to be determined by the Court in the event of any surplus proceeds remaining after sale. This interest is subordinate and inferior to the lien of the Plaintiff.

There is a balance due and owing to First Merchants Bank in an amount to be determined by the Court in the event of any surplus proceeds remaining after sale. This interest is subordinate and inferior to the lien of the Plaintiff and any liens and interests set forth directly above in paragraph (6).

7. The subject mortgage was executed on November 13, 2007 and recorded on November 27, 2007 as document number 2007066261 in the office of the recorder for

Hamilton County. Pursuant to Indiana Code Section 32-29-7-3, the period of redemption expired on May 29, 2024.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. A Personal Judgment be granted to the Plaintiff against the Defendant Deborah M. Walton A/K/A Deborah Walton in the sum of \$649,457.28 plus interest at the note rate of 3.125% per annum with a per diem of \$40.31 to the date of judgment and at the rate of 3.125% from judgment to sale, subsequent advances made, including fees and costs incurred after May 31, 2024 without relief from valuation or appraisal laws. An in rem judgment in this amount is also granted to the Plaintiff against the subject real property. In the event the proceeds of said sale are insufficient to satisfy in full the costs of this action and the sums due the Plaintiff, the difference between the amount due at sale and the actual bid shall establish the personal deficiency judgment amount against the Defendant or Defendants named above.

2. The mortgage of the Plaintiff be, and hereby is, foreclosed as a first and prior lien, and the equity of redemption of all Defendants and all persons claiming under and through them are forever barred and foreclosed.

3. The subject real estate shall be sold by the Sheriff for Hamilton County to satisfy the sums found to be due the Plaintiff as soon as said sale can be had under

the laws of this jurisdiction governing the sale of mortgaged property under foreclosure and in case of sale of mortgaged property, a proper deed or deeds issued according to law to the purchaser(s) at said sale, and the Plaintiff be, and hereby is, empowered to bid for the mortgaged property or any part thereof with the indebtedness to be credited with the amount bid by said Plaintiff, said sale to be made without relief from valuation or appraisal laws.

4. Plaintiff may cancel the Sheriff's Sale at any time prior to the scheduled time and date without further order of Court by providing notification to the Sheriff of Hamilton County or Sheriff's representative.

5. The proceeds of said sale shall be applied first to the costs of this action, second to the payment of sums due the Plaintiff herein including interest, advances and costs accruing after judgment, next to the payment of sums due Defendant, BMO Harris Bank National Association, Successor by Merger to First Indiana Bank, N.A., next to the payment of sums due Defendant, First Merchants Bank, and finally any balance to be distributed and paid according to law.

6. The Defendants and any and all persons claiming from, by, through or under them are hereby enjoined from committing waste upon said mortgaged premises and from doing any act which may impair the value of the Plaintiff's security, unless said real property is properly redeemed as provided by law.

7. At such time after the sale of the subject real estate as the Plaintiff, or its successors and assigns, may

request, the Sheriff of Hamilton County is hereby empowered, ordered and commanded to dispossess any and all occupants of said real estate, to eject them from the premises, to place the Plaintiff, or its successors and assigns, in the immediate possession of said real estate and to make due report to this Court of his action herein.

8. A duly certified copy of this decree issued under the hand and seal of the Clerk of the Court for Hamilton County shall be sufficient authority for the Sheriff of Hamilton County to execute on the same.

/s/

JUDGE, Hamilton Superior Court

9/9/2024

DATE

Address of Plaintiff:

JPMorgan Chase Bank, National Association
c/o JPMorgan Chase Bank, National Association
800 Brooksedge Boulevard, Westerville, OH 43081

Brian Berger 19753-45
Codilis Law, LLC
8050 Cleveland Place
Menillville, IN 46410
(219) 736-5579
15-24-00168

APPENDIX 3

Deborah Walton
12878 Mayfair Lane, Carmel IN 46032

May 16, 2022

Chase
Mail Code LA4-6911
700 Kansas Lane
Monroe LA 71203-4774

Qualified Written Request Letter

RE: Mortgage Loan Account Number 3011909458
Soc Sec # xxx-xx-4838
Property Address: 12878 Mayfair Lane, Carmel IN
46032

Sent Via: Certified Mail 7021 2720 0000 7726 8924

Please treat this as a Qualified Written Request Letter. I would appreciate if you would provide me with an explanation as to why Chase Home Mortgage did not apply several of my Mortgage Payments that were made over two years ago, and still have not, been applied according to the May 1, 2022 Mortgage Statement I recently reviewed. I would also appreciate an explanation as to why my mortgage payments are not being accepted.

I have enclosed the Letter I sent to Wyatt, Tarrant & Combs, LLP, in response to their letter concerning Mortgage Assistance; with the USPS certified mail details. I have also enclosed a copy of the letter they send back, in response to my September 2, 2020 letter.

I would appreciate if you would apply all of the payments I have made, and send me an updated Mortgage Statement, with the breakdown of any fees, escrows and the total amount I currently owe on my Mortgage. I am disputing the fact that my loan payments have not been applied, and I would appreciate if you would provide me the following contact information with the name and phone number of the person I will need to speak to about my Mortgage Loan. Please respond to the address listed above in compliance with RESPA (Qualified Written Request Letter)

Cordially,

/s/

Deborah Walton

APPENDIX 4

Deborah Walton
12878 Mayfair Lane, Carmel IN 46032

January 17, 2023

Chase
Mail Code LA4-6911
700 Kansas Lane
Monroe LA 71203-4774

THIRD Qualified Written Request Letter

RE: Mortgage Loan Account Number 3011909458
Soc Sec # xxx-xx-4838
Property Address: 12878 Mayfair Lane, Carmel IN
46032

Sent Via: Certified Mail 7021 2720 0000 7726 9051

Dear Customer Relations:

I received your response to my Second Qualified Written Request Letter, that was dated August 24, 2022 on October 26, 2022. Per your letter, you provided me with the name of a Mr. Jordan M. White, and instructed me to contact him at 502-562-7346. I called Mr. White concerning the documents you enclosed, on three different occasions, and I left him a two voice messages. However, I have yet to receive a call back

from him.

Please provide me with a better contact person, so I can discuss the documents I received and tender Chase Home Loans a check for the amount that is due.

Cordially,

/s/

Deborah Walton

APPENDIX 5

[CHASE LETTERHEAD]

Executive Office (Mail Code OH4-7120)
3415 Vision Drive
Columbus, OH 43219

February 3, 2023

Deborah Walton
12878 Mayfair Ln.
Carmel, IN 46032

Here Is the Information you requested about your
mortgage loan

Customer Name:	Deborah Walton
Account:	*****9458
Reference Number:	ECQ220520-02488-R2
Property Address:	12878 Mayfair Ln. Carmel, IN 46032

Dear Deborah Walton:

We are responding to your request for information
regarding your mortgage loan referenced above.

If you have questions about your mortgage loan, please
contact:

Ted J. Swlechichowski, Esq.
Vice President, Assistant General Counsel

JPMorgan Chase & Co.
Home Lending Legal Department
4900 Memorial Highway, Floor 4
Tampa, FL 33634-7536

Telephone: 1-813-584-3991
Email: ted.j.swiecichowski@chase.com

We are enclosing the following documents:

- Loan Transaction History
- Escrow Transaction History
- Payoff Quote
- Reinstatement Quote

These documents show the payments received and posted to your mortgage loan account, payments we have made on your behalf toward taxes and insurance, as well as the amounts required to pay off or reinstate the loan.

Sincerely,

Home Lending Executive Office
www.chase.com

Enclosures

APPENDIX 6

From: Swiecichowski, Ted J
<ted.j.swiecichowski@jpmchase.com>
Sent: Thursday, December 21, 2023 11 :19 AM
To: Deborah Walton <deborah walton@msn.com>
Subject: RE: Walton v Chase Home Loans (Chase Ref. No. 615113)

Ms. Walton:

Attached is the updated reinstatement quote with a good through date of Jan. 19, 2024.

One of our paralegals is getting me the following to share with you:

1. Breakdown of Monthly Payment
2. Escrow Reconciliation

Once I get the above, I will provide along with a summary of what you paid the last time we reached a settlement.

Thanks
Ted

**CONFIDENTIAL- PRIVILEGED- FOR
SETTLEMENT PURPOSES ONLY-ALL RIGHTS
RESERVED**

Ted J. Swiecichowski, Esq.*
Vice President, Assistant General Counsel

JPMorgan Chase & Co.
Home Lending Legal Department
4900 Memorial Highway
Floor 04
Tampa, FL 33634-7536
T: 813.584.3991
F: 813.321.2660
E: ted.j.swiecichowski@chase.com

* Authorized House Counsel in the State of Florida.
Licensed to Practice Law in the State of New York

Important Legal Information

This communication is not an attempt to collect a debt.

My letters, emails and other written and verbal communications with you are solely to explore settlement on behalf of JPMC and related entities to resolve the present dispute in the above-referenced matter. My communications/offers to compromise are inadmissible under applicable evidence rules. I am not authorized to accept service on behalf of JPMC or any related entities. My communications with you, including any request for an extension, should not be construed as a waiver of your compliance with rules governing service and any defenses/claims.

* * *

From: Swiecichowski, Ted J
<ted.j.swiecichowski@jpmchase.com >
Sent: Thursday, February 29, 2024 7:13 PM
To: Deborah Walton <deborah walton@msn.com>

Subject: Re: [EXTERNAL] Re: Walton v Chase Home Loans Ref. No. 615113

I had your loan on a hold. I will get this addressed first thing in the morning.

Ted

* * *

From: Deborah Walton <deborah.walton@msn.com>
Sent: Thursday, February 29, 2024 7:05:46 PM
To: Swiecichowski, Ted J (Legal, USA)
<ted.j.swiecichowski@jpmchase.com>
Subject: [EXTERNAL] Re: Walton v Chase Home Loans Ref. No. 615113

Good evening Ted, so what in the world is going on, the last time we spoke you told me that you would give me an accurate account of my Mortgage Loan, and what refunds I am entitled to, so I could pay it, and I just saw a Mortgage Foreclosure was filed today under the Cause Number 29-06-2402-MF-002244, while we were in talks, and I never received a label from you, nor any other correspondence. Please let me know what's going on ASAP, because I will have to file a Complaint against Chase under RESPA, since I sent letters and was given the wrong information about my interest rate, and you told me not to listen to anyone else and just work with you, so I trust you are working on my Mortgage fees, so I can tender a check. This is what happened when I sued Chase Home Loans the last time, I sent a letter under RESPA, and it was ignored.

Let me know your position,

Deborah