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In re : Chapter 11

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DITECH HOLDING CORPORATION, et al.,:

(JLG)

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Debtors.1 : (Jointly Administered)

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LAUNA L. LISHAMER AKA LAUNA L. GOLDMAN

Case No. 19-10412

Re: 3722



OBJECTION TO THE CLAIMS ADMINISTRATOR PROPOSED ORDER DOCKET # 3722

IN RESPONSE THE CLAIMS ADMINISTRATORS PURPOSED ORDER #3722 I AM ASSERTING MY RIGHT UNDER DUE PROCESS AND STATUTE 9014 TO OPPOSE AND REJECT SAID MOTION. IN ORDER FOR THE TRUSTEE TO RULE IN THIS MATTER PURSUANT TO MY PROOF OF CLAIM FURTHER DISCOVERY IS NEEDED TO MAKE A FAIR DETERMINATION AS TO THE FINAL DISPOSITION OF MY CLAIM. I AM FREE TO EXERCISE ANY RIGHTS OR REMEDIES THAT I MAY HAVE WITH RESPECT TO SUCH PROPERTY, AND (III) GRANTING RELATED RELIEF AND WILL DO SO BY STATING THE FOLLOWING:

On September 26, 2019, the Court confirmed the Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors (ECF No. 1404) (the "Plan"), which created the Wind Down Estates. The Wind Down Estates, along with the last four digits of their federal tax identification number, as applicable, are Ditech Holding Corporation (0486); DF Insurance Agency LLC (6918); Ditech Financial LLC (5868); Green Tree Credit LLC (5864); Green Tree Credit Solutions LLC (1565); Green Tree Insurance Agency of Nevada, Inc. (7331); Green Tree Investment Holdings III LLC (1008); Green Tree Servicing Corp. (3552); Marix Servicing LLC (6101); Walter Management Holding Company LLC (9818); and Walter Reverse Acquisition LLC (8837). The Wind Down Estates' principal offices are located at 2600 South Shore Blvd., Suite 300, League City, TX 77573.

STATEMENT:

1. Federal Rule 60(b)(1) The Court has yet to set a hearing date to produce discovery opposing the proof of ownership of my loan, fraud, breach of several Federal and State Statutes that I have presented. Exhibit A
2. Ditech admits to fraud as attached hereto as exhibit A and as part of my proof of claim.
3. To state that the timing of the transfer disenfranchises my claim would be fraudulent in that it may have been intentional as my claim did not appear on either of the Debtors Schedule. The Debtors allowed me to provide my proof of claim late, yet I was afforded an extension to file my proof of claim.
4. If my loan was transferred prior to the confirmation date I believe it could have been intentional as I had filed a proof of claim with undisputable facts indicating fraud, misappropriation of funds, breach of the fair credit reporting act. I was not on the debtor's schedule. The forward buyer chose certain loans as to the acquisition of certain assets, perhaps as presented to them by the Debtors. My loan was in good standing whereas the forward buyer should have acquired my loan as part of the acquisition if other evidence is produced indicating otherwise. Further discovering need to be conducted as to the acquisition list provided to the forward buyer by the Debtors.
5. My insurance binder states Ditech and or assigns as the loan holder.
6. Fannie Mae indicates that New Residential Mortgage owned my note
7. Loan Care indicates that New Residential Mortgage owned my note until just recently when my loan was sold, even though I objected to this transfer due to the limitation of my set off rights which could disenfranchise my claim.
8. Federal Rule 34 Federal Rule 34(b)(2)(C) specifically requires an objection to state where any materials facts are being withheld. The Debtors did not mention my claim on the schedule and/or cannot dispute other pertinent facts substantiating their position or to omit or expunge my claim.
9. The Claims Administrator did not give a specific clear statement or documentation to prove that my loan or any interest thereof was not sold to the forward buyer or when it was sold or if it appeared on the schedule that the forward buyer, in her response to my Motion to Compel. No factual content was presented.
10. A judgement omitting factual material cannot dismiss a claim.
11. Paragraph 7 & 8 of page 7 of 29 of Docket 3722 is vague in regards to future claims not listed on exhibit 1. I will not be denied my constitutional right from filing additional discoveries, interrogatories', or any other filing that are available to me by law to prove my proof of claim should not be expunged or omitted.

Conclusion

I, Launa Lishamer have demonstrated to date that this Court, by dismissing my proof of claim now or in the future pursuant to this motion and otherwise, will have committed substantive factual errors in disallowing or expunging my claim. Federal and State Laws and Statutes noted into my response to the Twenty Ninth Omnibus objection to my proof of claim attached hereto shall be made part of this Response to the Docket 3722. I reserve all applicable rights to amend and/or supplement this objection or other filings at any time prior to an acceptable resolution to my proof of claim 23744.

Respectfully,

Dated October 13, 2021


Launa L. Lishamer P.A. AKA Launa Goldman
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