

STATE OF INDIANA
COUNTY OF MARION

LASALLE BANK NATIONAL
ASSOCIATION (ASSIGNEE),
FORMERLY KNOWN AS
LASALLE NATIONAL BANK, IN
ITS CAPACITY AS INDENTURE
TRUSTEE UNDER THAT
CERTAIN SALE AND SERVICING
AGREEMENT DATED OCTOBER
1, 2000 AMONG AFC TRUST
SERIES 2000-3, AS ISSUER,
SUPERIOR BANK FSB, AS
SERVICER, COAST -TO-COAST
MORTGAGE SPV-2 CORP., AS
SELLER, LASALLE BANK
NATIONAL ASSOCATION, AS
INDENTURE TRUSTEE, AND
COAST-TO-COAST FINANCIAL
CORPORATION, AFC
MORTGAGE LOAN ASSET
BACKED NOTES, SERIES 2000-3

IN THE SUPERIOR COURT

CAUSE NUMBER: **49DO20607MFO28815**

Plaintiff,
vs.

William T. Powell, *Pro Se*
1190 Ramar Road, Unit 8
Bullhead City, AZ 86442

Unknown Occupant if Any
4509 East 16 Street
Indianapolis, IN 46205

Empire Funding Corporation
c/o Highest Executive Officer Present
1326 Belleview Avenue
Rockdale, IL 60436

United States of America
Southern District
c/o Highest Executive Officer Present
10 W Market Street, Suite 2100
Indianapolis, IN 46204

AND

City of Indianapolis
c/o Highest Executive Officer Present
2460 City-County Building
200 E. Washington Street
Indianapolis, IN 46204

General Motors Acceptance Corp.
c/o Highest Executive Officer Present
200 Renaissance Center
P.O. Box 200
Mail Code 482-B12-C82
Detroit, MI 48265

Defendants.

Counter Claim and Motion to Add Counterdefendants

PARTIES

1. Counterclaimant William Powell maintains his residence in the state of Indiana.
2. Counterdefendant Lasalle Bank National Association has brought a false claim to this court. See Exhibit 1.
3. Counterdefendant EMC Mortgage Corporation is the real party in interest in this matter and holds and services the mortgage loan of William Powell. See Exhibit 2.
4. Counterdefendant Bear Stearns owns EMC Mortgage Corporation and therefore is also a real party in interest. See Exhibit 3.
5. Counterdefendant Lasalle Bank National Association has claimed that William Powell made no payments during 2006. See Exhibit 4.
6. Counterdefendant EMC Mortgage Corporation has acknowledged receiving payments from January to August of 2006. See Exhibit 5.
7. Counterdefendant Bear Stearns has failed to manage its subsidiary, EMC Mortgage Corporation.
8. Counterdefendants do not have legal authority to move for foreclosure in this court.
9. Counterdefendant EMC Mortgage and or its agents and Bear Stearns and or its agents caused damage to William Powell's property located at 4905 E. 16th Street, Indianapolis, Indiana, to be damaged by changing the locks, altering and removing property from William Powell's premises.
10. This damage was exacerbated by storms which damaged the roof to the premises and by the fact that William Powell and his agents were prevented from mitigating the damages because they lacked access.

FIRST CAUSE OF ACTION

1. The allegations contained in paragraphs 1 through 6, above are incorporated by reference

as if fully stated herein.

2. Counterdefendants filed a false claim.

SECOND CAUSE OF ACTION

1. The allegations contained in paragraphs 1 through 6, above are incorporated by reference as if fully stated herein.
2. Counterdefendants' actions purportedly taken caused damage to William Powell's property.
3. To the extent that Counterdefendants have exercised lawfully granted discretionary authority in this matter, they have abused that discretion.
4. Counterdefendants have acted arbitrarily and capriciously and not in accordance with law.
5. Counterdefendants actions amounted to an unlawful taking.

THIRD CAUSE OF ACTION

Injunctive Relief

1. The allegations contained in paragraphs 1 through 6 above are incorporated by reference as if fully stated herein.
2. Marion County has an adequate remedy at law which will prevent the continuous and persistent unlawful conduct of the Counterdefendants in interfering with William Powell's occupation and enjoyment of his property.

REQUEST FOR RELIEF

WHEREFORE, Counterclaimant William Powell, moves the Court to enter its order joining as additional parties defendant the following persons or corporations:

Bear Stearns
c/o Highest Executive Officer Present
383 Madison Ave.
New York, NY 10179

EMC Mortgage Corporation
c/o Highest Executive Officer Present
2780 Lake Vista Drive
Lewisville, TX 75067-3884

WHEREFORE, Counterclaimant requests relief and judgment against Counterdefendants as follows:

1. That the Court enter a declaratory judgment that Counterdefendants have acted arbitrarily and capriciously, have abused their discretion and have acted not in accordance with law.

2. That the Court enter a declaratory judgment that Counterdefendants have acted contrary to constitutional right, power or privilege.
3. That the Court enter a declaratory judgment that Counterdefendants' actions were in excess of statutory jurisdiction, authority and short of statutory right.
4. That the Court enter a declaratory judgment that Counterdefendants' actions amounted to an illegal taking of William Powell's property.
5. That the Court grant William Powell his attorneys fees, costs and such other and further relief as the Court deems proper.

WHEREFORE, Defendant Powell prays this honorable court will grant his counterclaim and motion to add defendants.

Very respectfully,

William T. Powell, *Pro Se*
Apt. 8
1190 W. Ramar Rd.
Bullhead City, AZ 86442
Cell (317) 985-4815

CERTIFICATE OF SERVICE

I, William T. Powell, hereby certify that on Tuesday, September 12, 2006 I served copies of this counterclaim and motion to add defendants on the following parties by way of U.S. mail.

Date

Signature

Empire Funding Corporation
c/o Highest Executive Officer Present
1326 Bellevue Avenue
Rockdale, IL 60436

United States of America

Southern District
c/o Highest Executive Officer Present
10 W Market Street, Suite 2100
Indianapolis, IN 46204

City of Indianapolis
c/o Highest Executive Officer Present
2460 City-County Building
200 E. Washington Street
Indianapolis, IN 46204

General Motors Acceptance Corp.
c/o Highest Executive Officer Present
200 Renaissance Center
P.O. Box 200
Mail Code 482-B12-C82
Detroit, MI 48265

Bear Stearns
c/o Highest Executive Officer Present
383 Madison Ave.
New York, NY 10179

EMC Mortgage Corporation
c/o Highest Executive Officer Present
2780 Lake Vista Drive
Lewisville, TX 75067-3884

Marion County Clerk
200 E. Washington, W122
Indianapolis, IN 46204

Dennis Ferguson
Tina F Woods
Attorney for Plaintiff
Reisenfeld & Associates
2035 Reading Road
Cincinnati, OH 45202

THIS CHECK IS VOID WITHOUT A BLUE BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW.

174935692

Online Resources Corporation
4795 Meadow Wood Lane, Suite 300
Chantilly, VA 20151

void

online
RESOURCES

62-39
311
void

49174752
01/17/2006

checks@oxes.com
1-800-768-2550, option 1

Nic: 701-631-2223

Acct #: 756022-D
Re: William T Powell

Paid by: WILLIAM T POWELL

\$168.09

ONE HUNDRED SIXTY EIGHT AND 09/100 DOLLARS ONLY

Deutsche Bank Trust Company Delaware
Wilmington, Delaware
Void after 90 days

PAY to
the order
of
void

EMC MORTGAGE CORP
PAYMENT PROCESSING
PO Box 660630
Dallas, TX 75266-0630

void

void

void

void

void

void

void

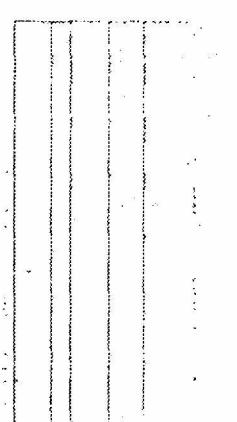
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ENT#2306 TRC-2304 PK=11

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PAY TO THE ORDER OF EMC PAYMENT PROCESSING
RECEIVED
101242K MH 744 025 85 000714652#
101242K MH 744 025 85 000714652#
6360609940



DELAWARE DISBURSEMENTS

Item Information

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Control	0	Cycle	2
Cycle Date	01/25/2006	Date	01/25/2006
Depositor Acct	590450	Depositor ISN	63608150
Doc Type	ARP Checks Paid	Entry	211
ISN	63609940	RT	03110038
Serial Number	0049174752		

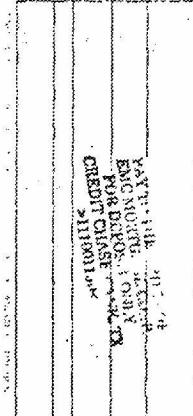
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02232006
031000040 FRB-PHILA
ENT=1992 TRC=1992 PR=11

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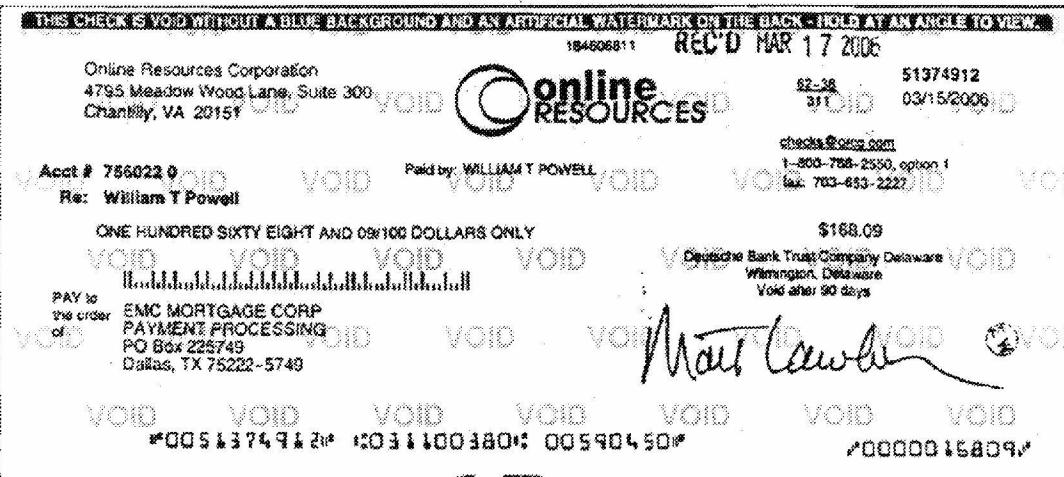
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DELAWARE DISBURSEMENTS

Item Information

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Control	0	Cycle	3
Cycle Date	02/23/2006	Date	02/23/2006
Depositor Acct	590450	Depositor ISN	63424920
Doc Type	ARP Checks Paid	Entry	210
ISN	63426010	RT	03110038
Serial Number	0050277532		



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03222006	FORT WORTH, TX 76102-2206
031000040 FRC-PHILA	110240574 000 222 31
ENT-2264 TRC-2264 PK=11	04300 146095
0051374912# 03110036 590450 00590450# 0000016809#	90 070
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DELAWARE DISBURSEMENTS

Item Information

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Control	0	Cycle	2
Cycle Date	03/22/2006	Date	03/22/2006
Depositor Acct	590450	Depositor ISN	63394420
Doc Type	ARP Checks Paid	Entry	209
ISN	63396630	RT	03110036
Serial Number	0051374912		

THIS CHECK IS VOID WITHOUT A BLUE BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW.

189782592

52577685

Online Resources Corporation
4735 Meadow Wood Lane, Suite 300
Chantilly, VA 20151

VOID



62-32
311
VOID

04/17/2006
VOID

Acct # 756022 9
Rec: William T Powell

Paid by: WILLIAM T POWELL

checks@orc.com
1-800-788-2550, option 1
Fax: 703-653-2227

ONE HUNDRED SIXTY EIGHT AND 09/100 DOLLARS ONLY

\$168.09

PAY TO
the order
of
void
EMC MORTGAGE CORP
PAYMENT PROCESSING
PO Box 660530
Dallas, TX 75266-0530

VOID

Deutsche Bank Trust Company Delaware
Wilmington, Delaware
Void after 90 days

Mat Lavelle

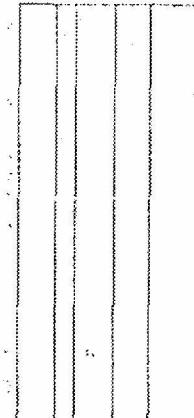
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ENT=2299 TRC=2300 PK=12

P MORTGAGE PAY. INC.
FORT WORTH, TX 76146
911999274 888 8882 31

0630974694

04/24/2006 DE 726 014 04 00027222 04
PAID TO THE ORDER OF EMC MORTGAGE PAYMENT PROCESSING
CERTAIN PAYMENT GUARANTEED
EXPIRATION DATE 04/24/2006 X1112011504
031000040 FRB-PHILA
63000722970



DELAWARE DISBURSEMENTS

Item Information

Account	590450	Amount	168.09
Control	0	Cycle	0
Cycle Date	04/24/2006	Date	04/24/2006
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Doc Type	ARP Checks Paid	Entry	210
ISN	63722870	RT	03110038
Serial Number	0052577685		

THIS CHECK IS VOID WITHOUT A BLUE BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT A 45 ANGLE TO VIEW.

134844823

Online Resources Corporation
4795 Meadow Wood Lane, Suite 300
Chantilly, VA 20151

VOID



53651681

82-28
S10
05/15/2006

Acct # 756022

VOID

VOID

Paid by: WILLIAM T POWELL

VOID

VOID

Re: William T Powell

ONE HUNDRED SIXTY EIGHT AND 09/100 DOLLARS ONLY

\$168.09

VOID VOID VOID VOID

VOID

VOID

PAY to
the order
of

EMC MORTGAGE CORP
PAYMENT PROCESSING
PO Box 650530
Dallas, TX 75266-0530

VOID

VOID

VOID

VOID

RECD MAY 17 2006

Matt Lawler

check@ccr.com

1-800-788-2554, option 1

fax: 703-653-2227

Wilmington, Delaware

Voice after 90 days

VOID

VOID

VOID

VOID

VOID

VOID

#0053651681# 0031100380# 00590450#

✓0000016809✓

0818814845
05222006
031000040 FRD-PHILA
ENT=1923 TRC=1924 PK=11
051806 TA 717 020 04

42194307 00015203
N012 N04MRE
04007214 15/7/06
64092760

J P MORGAN CHASE BANK, NA
FORT WORTH, TX 76102-2399
11119000074 428 2382 31

0830747B01

102

6

1

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KEY TO THE UNION OF
EMC MORTGAGE CORP.
AND MORTGAGE
DEPARTMENT,
CHASE BANK,
NATIONWIDE

DELAWARE DISBURSEMENTS

Item Information

Account	590450	Amount	168.09
Control	0	Cycle	0
Cycle Date	05/22/2006	Date	05/22/2006
Depositor Acct	590450	Depositor ISN	64092530
Doc Type	ARP Checks Paid	Entry	213
ISN	64092760	RT	03110038
Serial Number	0053651681		

PINQ Details for PINQ-ID: 199854494-1

		Print	Close
PINQ ID	199854494-1	PINQ resolved on	
Created by	chuna	Created on	07/28/06
Description	Returned by merchant: refused by merchant		
End User Name	WILLIAM T POWELL		
Merchant Name	EMC MORTGAGE CORP		
Merchant Nick Name	EMC		
Payment processed on	06/15/06	Amount	168.09
Foreign ID	0		

PINQ notes:

[ssolt-01-Aug-2006 09:34:42
TO FI:

I contacted the merchant at (800) 723-3004, spoke with Andrea. She is unable to disclose any information to a third party. Please contact your member to verify the account information. It appears a monthly payment has been set up so it's possible the amount due changed and the member forgot to change the amount of the payment. Please advise as to whether this payment should be reissued or credited back to the member's account. If the amount due is more than this payment the account will be credited and a new payment will need to be scheduled. Please respond with the requested information by COB Thursday August 3. If no response is received at that time I will credit the member's account.

Thanks! Stefanie ext.4118
[chuna-Jul-28-06 09:56:00]

This check was returned to Online Resources. The information accompanying the check, if any, is included next. Sequence Number:72772. THIS CHECK PAYMENT WAS RETURNED BY THE MERCHANT STATING THE FOLLOWING REASON: THE FUNDS DO NOT FULLY REINSTATE THE LOAN

PINQ Details for PINQ-ID: 199854494-1

		Print	Close
PINQ ID	199854494-1	PINQ resolved on	08/02/06
Created by	clura	Created on	07/28/06
Description	Returned by merchant: refused by merchant		
End User Name	WILLIAM T POWELL		
Merchant Name	EMC MORTGAGE CORP		
Merchant Nick Name	EMC		
Payment processed on	06/ 5/06	Amount	168.09
Foreign ID	0		

PINQ notes:

[ssolt-02-Aug-2006 08:06:23]

Due to response from FI I will credit the funds to the member's account.

*****ACCOUNT ADJUSTMENT*****

[jhugh - 01-Aug-2006 04:12:33PM]

Member is in a legal dispute with mortgage company. I informed him that his payment has been rejected.

[ssolt-01-Aug-2006 09:34:42]

TO FI:

I contacted the merchant at (800) 723-3004, spoke with Andrea. She is unable to disclose any information to a third party. Please contact your member to verify the account information. It appears a monthly payment has been set up so it's possible the amount due changed and the member forgot to change the amount of the payment. Please advise as to whether this payment should be reissued or credited back to the member's account. If the amount due is more than this payment the account will be credited and a new payment will need to be scheduled. Please respond with the requested information by COB Thursday August 3. If no response is received at that time I will credit the member's account.

Thanks! Stefanie ext.4118

[cluna-Jul-28-06 09:36:00]

This check was returned to Online Resources. The information accompanying the check, if any, is included next. Sequence Number:72772. THIS CHECK PAYMENT WAS RETURNED BY THE MERCHANT STATING THE FOLLOWING REASON: THE FUNDS DO NOT FULLY REINSTATE THE LOAN

THIS CHECK IS VOID WITHOUT A BLUE BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW.

174935692

Online Resources Corporation
4795 Meadow Wood Lane, Suite 300
Chantilly, VA 20151

VOID



62-39 49174752
01/17/2006
VOID

Acct # 756022-D
Re: William T Powell

Paid by: WILLIAM T POWELL

checks@orc.com
1-800-788-2550, option 1
Fax: 703-493-2227

ONE HUNDRED SIXTY EIGHT AND 09/100 DOLLARS ONLY

\$168.09

VOID VOID VOID VOID

Deutsche Bank Trust Company Delaware
Wilmington, Delaware
Void after 90 days

PAY TO
the order
of
EMC MORTGAGE CORP
PAYMENT PROCESSING
PO Box 660620
Dallas, TX 75266-0620

VOID

VOID

VOID

VOID

VOID

VOID

VOID VOID VOID VOID VOID VOID
#0049174752# 0311003804 00590450*

Mark Powell

SAVANNAH, GA 31405-3000	8 NOV 2006	00000000000000000000000000000000
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031000040 FRB-PHILA	0730759612	
ENT#2306 TRC=2304 PK=11		
1612436 MH 744 825 86 600776223 86		
PAY TO THE ORDER OF EMC PAYMENT PROCESSING		
DEPT 660620, 1000 Corporate Park Drive, Dallas, TX 75266-0620		
63609940		

DELAWARE DISBURSEMENTS

Item Information

Account	590450	Amount	168.09
Control	0	Cycle	2
Cycle Date	01/25/2006	Date	01/25/2006
Depositor Acct	590450	Depositor ISN	63608150
Doc Type	ARP Checks Paid	Entry	211
ISN	63609940	RT	03110038
Serial Number	0049174752		