

Michael Fuller, Oregon Bar No. 09357

Special Counsel for Debtor

OlsenDaines, P.C.

US Bancorp Tower

111 SW 5th Ave., 31st Fl.

Portland, Oregon 97204

michael@underdoglawyer.com

Direct 503-201-4570

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re

Evan Page Bowers

April Ann Bowers,

Debtors.

Case No. 09-65924-fra13

**DEBTOR'S MOTION FOR ORDER OF
CONTEMPT AND JUDGMENT
AGAINST SETERUS, INC.**

MOTION

Pursuant to 11 U.S.C. §§ 105 and 524, and this Court's inherent power, Evan Bowers ("debtor") moves for an order of contempt and judgment against Seterus, Inc. ("Seterus") because Seterus refuses to correct the false credit information it furnished about debtor's mortgage debt after bankruptcy, in willful violation of the discharge order.

Debtor supports this motion with the attached memorandum, declaration, and exhibits.

Debtor respectfully moves for an order and judgment as follows:

A. IT IS ORDERED that Seterus, Inc. is held in contempt of the discharge injunction;

**DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST
SETERUS, INC. - Page 1**

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B. IT IS ORDERED AND ADJUDGED that Seterus, Inc. must reimburse debtor for the reasonable attorney fees and costs he incurred prosecuting Seterus, Inc. and remedying its contempt in this matter;

C. IT IS ORDERED AND ADJUDGED that Seterus, Inc. must pay debtor compensatory damages of not more than \$75,000.00;

D. IT IS ORDERED AND ADJUDGED that Seterus, Inc. must pay debtor coercive sanctions or serious punitive damages in an amount to be determined by the Court, provided that Seterus, Inc. is afforded an opportunity to reduce or avoid the sanction.

Debtor also moves for any other equitable relief that this Court may determine is fair and just.

DATED: July 24, 2015

RESPECTFULLY FILED,

/s/ Michael Fuller

Michael Fuller, Oregon Bar No. 09357

Special Counsel for Debtor

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**DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST
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Direct 503-201-4570

CERTIFICATE OF SERVICE

I certify that on the date below I caused this document and all attachments to be delivered to the following persons by USPS first class regular and certified mail, return receipt requested, postage pre-paid:

**Seterus, Inc.
c/o R.A. CT Corporation System
388 State St. Ste 420
Salem, Oregon 97301**

DATED: July 24, 2015

/s/ Michael Fuller
Michael Fuller, Oregon Bar No. 09357
Special Counsel for Debtor
OlsenDaines, P.C.
US Bancorp Tower
111 SW 5th Ave., 31st Fl.
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**DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST
SETERUS, INC. - Page 3**

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Michael Fuller, Oregon Bar No. 09357

Special Counsel for Debtor

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

Evan Page Bowers

April Ann Bowers,

Debtors.

Case No. 09-65924-fra13

**MEMORANDUM IN SUPPORT OF
DEBTOR'S MOTION FOR ORDER OF
CONTEMPT AND JUDGMENT
AGAINST SETERUS, INC.**

FACTUAL BACKGROUND

Debtor and his family moved out and surrendered their former residence during their chapter 13 bankruptcy. [Bowers Decl. ¶ 8] On March 21, 2013, debtor's mortgage debt was discharged by order of this Court. On February 18, 2015, the real property securing debtor's mortgage debt was sold to Fannie Mae at a foreclosure sale. [Ex. 1]

In March 2015, debtor was shocked to discover that he and his wife were unable to finance a new home because Seterus continued to report false derogatory information about his discharged mortgage debt after bankruptcy. [Ex. 3]

**MEMORANDUM IN SUPPORT OF DEBTOR'S MOTION FOR ORDER OF
CONTEMPT AND JUDGMENT AGAINST SETERUS, INC. - Page 1**

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In April 2015, debtor spoke with Seterus and wrote it a letter notifying it of the discharge order. [Ex. 5] Debtor specifically asked Seterus to correct the false information it had furnished to the credit reporting agencies about him. [*Id.*]

In a response letter dated May 21, 2015, Seterus conceded knowledge of the discharge order and foreclosure sale. [Ex. 7] However, Seterus refused, and continues to refuse to correct the false derogatory information it furnished to the credit reporting agencies about debtor after bankruptcy. [*Id.*; Ex. 13]

According to a June 2, 2015 letter from debtor's loan officer, Seterus' false credit reporting after bankruptcy is the sole reason debtor does not qualify to finance a new home. [Ex. 9] Debtor and his family must now live in the garage of a relative while they wait for Seterus to remedy its discharge violation. [Bowers Decl. ¶ 11]

Seterus has refused multiple verbal and written requests from debtor and his loan officer to fix its false credit reporting. [Ex. 5; Ex. 9]

Seterus has also ignored several requests from debtor's counsel to resolve this matter outside of Court. [Ex. 12; Ex. 13]

MEMORANDUM IN SUPPORT OF DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST SETERUS, INC. - Page 2

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POINTS AND AUTHORITIES

A. Authority to Enforce the Discharge Order

Section 105 of Title 11 empowers bankruptcy courts to issue orders and judgments as necessary to enforce section 524's discharge order provisions.

Bankruptcy courts also possess inherent powers to sanction wrongful practices, so long as the sanctions don't contravene express Code provisions. *Law v. Siegel*, 134 S. Ct. 1188, 1194 (2014); *In re Wallace*, BAP No. NV-13-1518-JuHlPa (9th Cir. BAP Sept. 18, 2014).

B. Conduct Prohibited by the Discharge Order

Section 524 provides for a broad injunction to ensure debtors receive a fresh start. Alan N. Resnick & Henry J. Sommer, 4 Collier on Bankruptcy ¶524.02[2] (16th ed. 2012).

The injunction prohibits the frequently unreported tactic of "trap hunting". *Puller v. Credit Collections USA, Inc. (In re Puller)*, 2007 Bankr. LEXIS 2017, 22-23 (Bankr. N.D. W. Va. June 20, 2007) (a creditor violates the discharge injunction by "trap hunting" when it refuses to timely update false credit reporting in hopes a debtor may voluntarily pay discharged debt); *see also Torres v. Chase Bank USA, N.A. (In re Torres)*, 367 B.R. 478, 2007 Bankr. LEXIS 1478 (Bankr. S.D.N.Y. 2007).

C. Enforcement of the Discharge Order

In the Ninth Circuit, consumers must enforce discharge orders by filing motions for contempt. *Walls v. Wells Fargo Bank, N.A.*, 276 F.3d 502, 506-07 (9th Cir. 2002); *Barrientos v. Wells Fargo Bank*, 633 F.3d 1186, 1191 (9th Cir. 2011); Fed. R. Bnkr. P. 9020.

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D. Elements of Contempt

Contempt requires proof a creditor (1) had knowledge of a bankruptcy court order and (2) intended conduct that violated the order. *ZiLOG, Inc. v. Corning*, 450 F.3d 996, 1007 (9th Cir. 2006).

E. Legal Standard for Contempt

To recover compensatory sanctions against a creditor, a violation must be proved with clear and convincing evidence. *Renwick v. Bennett, (In re Bennett)*, 298 F.3d 1059, 1069 (9th Cir. 2002).

Creditors are generally entitled to an evidentiary hearing as to whether they received actual notice of a court order. *Yen v. Pedroche (In re Pedroche)*, B.A.P. No. NC-13-1618-JuKuPa (B.A.P. 9th Cir. Nov. 10, 2014).

F. Sanctions for Contempt

Willful violations of court orders entitle aggrieved debtors to compensatory sanctions including actual damages, punitive damages, and reimbursed fees and costs. *Espinosa v. United Student Aid Funds*, 553 F.3d 1193, 1205, n.7 (9th Cir. 2008) (opinion by Chief Judge Kozinski, citing 2 *Collier Bankruptcy Manual* (3d rev. ed.) ¶ 524.02[2][c]).

1. Compensation for emotional harm

A debtor is entitled to recover compensation for emotional harm resulting from a violation, even in the absence of any economic loss. *In re Feldmeier*, 335 B.R. 807, 813-814

MEMORANDUM IN SUPPORT OF DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST SETERUS, INC. - Page 4

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(Bankr. D. Or. 2005) (awarding emotional harm damages under section 524 without any economic loss); *In re Culpepper*, 481 B.R. at 655 (same).

2. Compensation for expenses

Civil contempt compensation includes an award of reasonable attorney's fees incurred during the entirety of the contempt proceedings – even those incurred after the violation is remedied. *In re Segal*, BAP No. CC-14-1175-KuPaTa, pg. 19 (9th Cir. BAP Jan. 29, 2015); *In re Culpepper*, 2013 Bankr. LEXIS 541, 2013 WL 501662 (Bankr. D. Or. Feb. 11, 2013) (compensating debtor \$38,370.50 fees and costs through trial where mortgage servicer's refusal to admit liability necessitated a full evidentiary hearing).

3. Remedial sanctions and punitive damages

Bankruptcy courts maintain inherent authority to deter future violations through *mild* sanctions. *Knupfer v. Lindblade (In re Dyer)*, 322 F.3d 1178, 1197 (9th Cir. 2003).

The Ninth Circuit BAP has held that *serious* coercive sanctions are available only if the contemnor is afforded some opportunity to reduce or avoid the sanction. *In re Segal* at pg. 18.

ARGUMENT

This Court should hold Seterus in contempt of the discharge order because clear and convincing evidence shows (1) Seterus acknowledges its receipt of the discharge order, (2) the discharge order is unambiguous and is familiar to Seterus, and (3) Seterus' refusal to correct its false credit reporting of discharged debt constituted a willful violation of this Court's discharge order.

MEMORANDUM IN SUPPORT OF DEBTOR'S MOTION FOR ORDER OF CONTEMPT AND JUDGMENT AGAINST SETERUS, INC. - Page 5

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CONCLUSION

For the reasons given above, debtor respectfully requests this Court enter an order of contempt and judgment against Seterus.

DATED: July 24, 2015

/s/ Michael Fuller

Michael Fuller, Oregon Bar No. 09357

Special Counsel for Debtor

OlsenDaines, P.C.

US Bancorp Tower

111 SW 5th Ave., 31st Fl.

Portland, Oregon 97204

michael@underdoglawyer.com

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**MEMORANDUM IN SUPPORT OF DEBTOR'S MOTION FOR ORDER OF
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

**Evan Page Bowers
April Ann Bowers,**

Debtors.

Case No. 09-65924-fra13

DECLARATION OF EVAN BOWERS

**IN SUPPORT OF DEBTOR'S MOTION
FOR ORDER OF CONTEMPT AND
JUDGMENT AGAINST SETERUS, INC.**

DECLARATION


I, Evan Bowers, declare the following under penalty of perjury to be used as evidence in court:

1. I know the facts I am testifying about based on my personal knowledge.
2. The document attached as exhibit 1 is a true and correct redacted copy of a foreclosure letter I received from Jackson County.
3. The document attached as exhibit 3 is a true and correct redacted copy of an excerpt of credit information I received from my loan officer.
4. The document attached as exhibit 5 is a true and correct redacted copy of a letter I sent to Seterus.
5. The document attached as exhibit 7 is a true and correct redacted copy of a letter I received from Seterus.
6. The document attached as exhibit 9 is a true and correct copy of a letter I received from my loan officer, Jim Mahoney.
7. The document attached as exhibit 12 is a true and correct redacted copy of a letter I authorized my special counsel to send Seterus.
8. My family and I moved out and surrendered our former residence during our bankruptcy.

9. After entry of the discharge order in my bankruptcy case, Seterus continues to harass me with false credit reporting.
10. Specifically, after entry of the discharge order in my bankruptcy case, Seterus continues to furnish false derogatory information about my discharged mortgage debt to the credit reporting agencies.
11. Seterus' conduct after bankruptcy continues to cause me severe ongoing emotional harm including and not limited to stress, frustration, and anxiety, and economic losses, including and not limited to lower credit scores, lost opportunities to receive credit, and the inability to qualify for approval to finance a new home, being forced to live in a relative's garage while I'm unable to obtain financing, inability to take advantage of lower housing prices, and inability to take advantage of lower interest rates. I am a part of the Yurok tribe and upon approval, am able to take advantage of the current interest, which has gone up since the beginning of the year when I first started the process to buy a home.
12. Seterus' conduct after bankruptcy required to me to hire special counsel solely to realize my fresh start and enforce the discharge order entered in my case. I am personally liable for the attorney fees I incur in this matter to prosecute Seterus and remedy its discharge violation.
13. The document attached as exhibit 13 is a true and correct redacted copy of a letter I received from Seterus.

14. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED: July 23 2015



Evan Bowers



JACKSON COUNTY

Sheriff

YOUR PROPERTY HAS BEEN SOLD

Your property located at 1030 FAIRFIELD AVENUE, CENTRAL POINT OR 97502 has been sold. The property was sold on February 18, 2015 to satisfy a court judgment against you. The purchaser's name and address are Federal National Mortgage Association, c/o RCO Legal PC, 511 SW 10th Ave., Ste. 400, Portland OR 97205.

The purchaser paid \$347,998.60.

Oregon law gives you the right to buy back the property from the purchaser by paying the purchaser the amount paid at the sale plus taxes, expenses and interest. If you do not redeem your property, upon request from the purchaser, this office will issue a deed.

The law that gives you the right to buy back your property is found in Oregon Revised Statutes 18.960 to 18.985. You must follow exactly, the instructions provided there.

If you have any questions, you should contact a lawyer at once.

COREY FALLS, SHERIFF
JACKSON COUNTY, OREGON

STATE OF OREGON

Court Case #131007E9

County of Jackson

Sheriff's Case #14-08809

SHERIFF'S RETURN OF SALE OF REAL PROPERTY

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, its successors in interest and/or
assigns,

Plaintiff,

vs.

EVAN P. BOWERS AKA EVAN PAGE
BOWERS AKA EVAN BOWERS; APRIL A.
BOWERS AKA APRIL ANN BOWERS;
BANK OF AMERICA, N.A.; STATE OF
OREGON; OCCUPANTS OF THE PREMISES;
AND THE REAL PROPERTY LOCATED AT
1030 FAIRFIELD AVENUE, CENTRAL
POINT, OR 97502,

Defendant(s).

I hereby certify that the within Writ of Execution in Foreclosure in the above entitled suit in favor of FEDERAL NATIONAL MORTGAGE ASSOCIATION, its successors in interest and/or assigns, plaintiff(s), and against EVAN P. BOWERS AKA EVAN PAGE BOWERS AKA EVAN BOWERS; APRIL A. BOWERS AKA APRIL ANN BOWERS; BANK OF AMERICA, N.A.; STATE OF OREGON; OCCUPANTS OF THE PREMISES; AND THE REAL PROPERTY LOCATED AT 1030 FAIRFIELD AVENUE, CENTRAL POINT, OR 97502, defendant(s), was received by me on the 2nd day of January, 2015, and in accordance with said decree and/or order of sale, and by virtue of said Writ of Execution in Foreclosure, I did on the 2nd day of January, 2015, duly levy upon the following real property to wit:

**LOT 176 OF FOREST GLEN, PHASE V IN THE CITY OF CENTRAL POINT,
JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT
THEREOF, RECORDED IN VOLUME 20, PAGE 43, PLAT RECORD.**

I then advertised for sale said real property by posting a Notice of Sheriff Sale on the Oregon State Sheriff's Association website for 28 successive days beginning January 17, 2015 and ending February 13, 2015 and publishing a notice in the Medford Mail Tribune, a newspaper of general circulation, once a week for four successive weeks, commencing with the issue of January 17, 2015 and ending with the issue of February 7, 2015. Prior to the first publication I sent a copy of the notice of sale by certified and first class mail to the judgment debtors at their last known address.

I further certify that I sold at public auction on the 18th day of February, 2015, at 10:00 a.m. at the Jackson County Sheriff's Office, 5179 Crater Lake Hwy, Central Point, Jackson County, Oregon all of the interest the within defendant(s) had on November 2, 2006, the date of the Deed of Trust, and also all of the interest which the defendant(s) had thereafter in said real property to FEDERAL NATIONAL MORTGAGE ASSOCIATION, its successors in interest and/or assigns, being the highest and best bid therefore, for the sum of \$347,998.60. I further certify that I have retained the sum of \$923.42, which was paid by judgment creditor, this being the lawful amount of Sheriff's fees. I hereby return said Writ of Execution in Foreclosure.

Ex. 1 - Page 2 of 3

Foreclosure, I did on the 2nd day of January, 2015, duly levy upon the following real property to wit:

**LOT 176 OF FOREST GLEN, PHASE V IN THE CITY OF CENTRAL POINT,
JACKSON COUNTY, OREGON, ACCORDING TO THE OFFICIAL PLAT
THEREOF, RECORDED IN VOLUME 20, PAGE 43, PLAT RECORD.**

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Dated this 20th day of February, 2015.

COREY FALLS, SHERIFF
Jackson County, Oregon

By

Cindy Schmidt

FILE # 6209679 FNMA # DATE COMPLETED 3/25/2015 RQD' BY JIM MAHC
 SEND TO Mid America Mortga - C3339 DATE ORDERED 3/25/2015
 15301 SPECTRUM DRIVE, SUITE 405 REPOSITORIES XP/TU/EF PRPD' BY
 ADDISON, TX 75001 PRICE \$20.85 LOAN TYPE
 REF. # 12327849331002079401

PROPERTY ADDRESS

APPLICANT BOWERS, EVAN P CO-APPLICANT BOWERS, APRIL A
 SOC SEC # [REDACTED] DOB [REDACTED] SOC SEC # [REDACTED] DOB [REDACTED]
 MARITAL STATUS [REDACTED] DEPENDENTS [REDACTED]

COLLECTION ACCOUNTS

E C O A	W H O S E	CREDITOR	DATE REPORTED	DATE OPENED	HIGH CREDIT OR LIMIT	BALANCE	PAST DUE	MO REV	30	60	90+	STATI
				DLA	ACCT TYPE							

B B SETERUS 03/15 11/06 \$248000 \$347990 \$89909 44 8 3 13 BANKRUI
 2483 10/09 MTG 360 \$1795 XP/TU/EF

Late Dates: 2/13-F, 1/13-F, 12/12-F, 11/12-F, 10/12-F, 9/12-F, 8/12-F, 7/12-150+, 6/12-150+, 5/12-150+, 4/12-150+, 3/12-150+, 2/12-150+, 1/12-150+, 12/11-150+, 11/11-150+, 10/11-120, 9/11-90, 8/11-60, 7/11-30, 6/11-60, 5/11-60, 4/11-30

WAGE EARNER OR SIMILAR PLAN: BANKRUPTCY CHAPTER 13: EANNIE MAE ACCOUNT

04/20/2015

Seterus
P.O. Box 2008
Grand Rapids, MI 49501-2008

Evan Bowers
P.O. Box 5121
Central Point, OR 97502
(541)821-5979
Email: bowersfor@yahoo.com

Re: Loan # 10142483

To Whom It May Concern,

I recently applied for a new home loan and the credit report is showing a balance owed to Seterus. I took this loan through a chapter 13 bankruptcy and was discharged on 3/21/2013. The case # for the bankruptcy is 09-65924-fra13. The balance showing is \$347,990 and needs to be zero since this was taken through bankruptcy. I need you to please zero the balance and email or mail me a receipt showing that the balance is zero.

I spoke with someone from your facility on 4/9/2015 and requested this receipt to be sent and have had no response. I am writing this letter to request again a zeroed balance receipt on this old loan. If I do not receive this receipt I will be having my bankruptcy attorney Lars Olsen getting in touch with you to resolve this matter!

Your prompt attention to this matter would greatly be appreciated.

Thank you,

Evan Bowers



PO Box 2008, Grand Rapids, MI 49501-2008

Business Hours (Pacific Time)
Monday-Thursday 5 a.m. to 8 p.m.
Friday 5 a.m. to 6 p.m.

Physical Address

14523 SW Millikan Way, Suite 200, Beaverton, OR 97005

Payments

PO Box 54420, Los Angeles, CA 90054-0420

Correspondence

PO Box 2008, Grand Rapids, MI 49501-2008

Phone: 866.570.5277

Fax: 866.578.5277

www.seterus.com

L400J
Evan P. Bowers
Po Box 5121
Central Point, OR 97502

May 21, 2015
Loan number: [REDACTED] 2483
Served by Seterus, Inc.

Dear Mr. Bowers:

On behalf of Seterus, Inc., I am responding to your correspondence regarding the above-referenced loan.

Our records indicate your Chapter 13 Bankruptcy was terminated and discharged on March 21, 2013. We received relief from the bankruptcy stay on January 6, 2010 and the foreclosure sale of the collateral property located at 1030 Fairfield Avenue, Central Point, OR 97502 was completed on February 18, 2015.

A Chapter 13 Bankruptcy is not a release of the obligation to the remaining balance owed. For this reason the unpaid balance showing on your credit report is accurate. We decline to change or remove any information that has been accurately reported.

If you have any questions, please contact our customer service department at our toll-free number above.

Sincerely,

Elin Bammerlin
Correspondence Response Team
Seterus, Inc.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT. THIS NOTICE IS BEING FURNISHED FOR YOUR INFORMATION AND TO COMPLY WITH APPLICABLE LAWS AND REGULATIONS. IF YOU RECEIVE OR HAVE RECEIVED A DISCHARGE OF THIS DEBT THAT IS NOT REAFFIRMED IN A BANKRUPTCY PROCEEDING, YOU WILL NOT BE PERSONALLY RESPONSIBLE FOR THE DEBT. COLORADO: SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT. Seterus, Inc. maintains a local office at 355 Union Boulevard, Suite 250, Lakewood, CO 80228. The office's phone number is 888.738.5576. NEW YORK CITY: 1411669, 1411665, 1411662. TENNESSEE: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Seterus, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR.

Bowers Letter
Jun 2, 2015, 2:43:06 PM
From Jim Mahoney to you & 1 more

To whom It may concern:

I am the Loan Officer for Evan & April Bowers, I am unable to get the Bowers pre-qualified at this time because of the current loan balance that still shows up on their credit report for their previous mortgage. The Company listed is Seterus and the loan number ends in 2483, the balance still shows the Bowers owing \$347,990 even though it was included in their bankruptcy. I have tried numerous times to work with the Credit Company but they are unable to remove this balance as they were told Seterus would not update the report.

If anyone has any questions, I can be reached at any of the numbers below.

Best regards,

Jim Mahoney

Jim Mahoney | Mortgage Advisor

1st Tribal Lending

a dba of Mid America Mortgage, Inc. (NMLS 150009)
NMLS # 118557

Direct: [510-296-6113](tel:510-296-6113)

Cell: [503-358-3580](tel:503-358-3580)

Fax: 1- [503-296-2328](tel:503-296-2328)





Delivered by First Class Regular and Certified Mail

June 19, 2015

Seterus
PO Box 2008
Grand Rapids, MI 49501-2008

RE: Second Notice of Contempt
Evan Bowers, Case No. 09-65924-fra13
Loan No. [REDACTED] 2483

Ladies and Gentlemen,

Having no other choice to make things right, Mr. Bowers has been forced to retain me to enforce the attached discharge order entered in his bankruptcy case.

Based on the facts as I see them, you harass my client with unwanted calls after bankruptcy and refuse to correct false information you've furnished to the credit reporting agencies regarding his mortgage debt, in willful violation of Judge Alley's discharge order.

As a direct result of your ongoing contempt, my client continues to suffer severe stress, anxiety, and frustration, and needlessly incur economic losses including lost opportunities to receive credit, lower credit scores, lost opportunities to purchase a home, attorney fees and costs.

I have yet to receive a response to my letter dated June 2, 2015 in this matter. Please put me in touch with your attorney as soon as possible so we can discuss remedying your contempt and settling this matter without the need for Court involvement. Thank you.

Sincerely,

s/ Michael Fuller
Partner

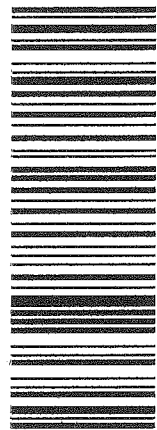
Enclosure: Doc. 44, Discharge Order



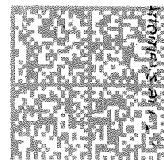
OlsenDaines
ATTORNEYS AT LAW
US Bancorp Tower, 111 SW 5th Avenue, 3
Portland, OR 97204

From the desk of Yaneli Silva

CERTIFIED MAIL®



7015 0640 0007 1108 9175



UNITED STATES POSTAGE
\$06.735
02 1R
000655997 JUN 22 2015
MAILED FROM ZIP CODE 97301
PTNEY BOWES

Seterus
PO Box 2008
Grand Rapids, MI 49501-2008

www.underdoglawyer.com

4525334

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE**SENDER: COMPLETE THIS SECTION**

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Seton
PO Box 2008
Grand Rapids, MI
49501-2008



9590 9401 0045 5071 2533 40

2. Article Number (Transfer from service label)

7015 0640 0007 1108 9175

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ X☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

United States Bankruptcy Court
District of OregonIn re:
Evan Page Bowers
April Ann Bowers
DebtorsCase No. 09-65924-fra
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0979-6

User: jonni
Form ID: 13YPage 1 of 3
Total Noticed: 53

Date Rcvd: Mar 21, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 23, 2013.
db/jdb

98472681 +Evan Page Bowers, April Ann Bowers, 2583 St James Way, Central Point, OR 97502-3388
 98472683 +Johnny Cat Inc., Attn: Payroll Dept., PO Box 89, Jacksonville, OR 97530-0089
 98472684 ARM, PO Box 129, Thorofare, NJ 08086-0129
 98472693 +Asante, Rogue Valley Medical Center, 100 E. Main St, Suite C, Medford, OR 97501-6041
 98472690 +BMW Financial Services NA, LLC, 520 Pike Street, Seattle, WA 98101-1385
 98472691 +CTA Lab, PO Box 230457, Portland, OR 97281-0457
 98472692 Chase, POB 24696, Columbus, OH 43224-0696
 98472693 +Chase Home Finance, 3415 Vision Drive, Columbus, OH 43219-6009
 98472694 +Chase Home Finance, LLC, 800 Brookdsedge Boulevard, Westerville, OH 43081-2822
 98472695 Child Support Enforcement, POB 15406, Salem, OR 97309
 98472696 +Dr. Paul Schroeder, 1910 E. Barnett Rd, Ste 102, Medford, OR 97504-8672
 98472697 Dyck-O'Neal, Inc., PO Box 841776, Dallas, TX 75284-1776
 98472698 FEDERAL NATIONAL MORTGAGE ASSOCIATION, c/o Seterus, Inc. f/k/a IBM Lender,
 Business Process Services, Inc., PO Box 4128, Beaverton, OR 97076-4128
 98472699 +Global Credit Collection Corp, POB 101928, Dept 2417, Birmingham, AL 35210-6928
 98472698 +Green Tree Financial Corporation, c/o Keith A. Anderson, Pres., 345 St. Peter St,
 Saint Paul, MN 55102-1641
 98939720 IBM Lender Business Process Services, Inc, P. O. Box 4128, Beaverton, OR 97076-4128
 98472702 +Jackson County Circuit Court, 100 S. Oakdale, Medford, OR 97501-3127
 98472707 +Mrs. S, 1930 Olney Ave., Cherry Hill, NJ 08003-2016
 98472708 +Noah's Ark Early Learning Center, 305 Oak St., Central Point, OR 97502-2240
 98472709 +Otto Bock, 2801 South Fair Lane, Suite 101, Tempe, AZ 85282-3199
 98472710 Providence, POB 3158, Portland, OR 97208-3158
 98472711 +Providence, PO Box 3308, Portland, OR 97208-3308
 98472712 +S&S Sheet Metal, 912 Antelope Rd., White City, OR 97503-1607
 98472713 +Southern Oregon Credit, POB 1806, Medford, OR 97501-0142
 98472714 +Tate & Kirlin Associates, 2810 Southampton Rd, Philadelphia, PA 19154-1207
 100043385 +Vantium Capital, Inc., 7880 Bent Branch Dr., Suite 150, Irving, TX 75063-6045

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
cr

+E-mail/PDF: ebannotices@ascensioncapitalgroup.com Mar 22 2013 02:36:48
 BMW Financial Services NA, LLC, c/o Ascension Capital Group, P.O. Box 201347,
 arlington, tx 76006-1347
 cr EDI: IRS.COM Mar 22 2013 01:38:00 IRS, Washington, DC 20224
 cr +EDI: PRA.COM Mar 22 2013 01:39:00 PRA Receivables Management, LLC, PO Box 41067,
 Norfolk, VA 23541-1067
 98472680 +EDI: ALLIANCEONE.COM Mar 22 2013 01:39:00 Alliance One, PO Box 211128,
 Eagan, MN 55121-2528
 98472682 +EDI: ARROW.COM Mar 22 2013 01:38:00 Arrow Financial, 5995 W Touhy Ave.,
 Niles, IL 60646-1263
 98472685 +E-mail/Text: cms-bk@cms-collect.com Mar 22 2013 02:06:30 Capital Management Service,
 726 Exchange St, Suite 700, Buffalo, NY 14210-1464
 98472686 EDI: CAPITALONE.COM Mar 22 2013 01:38:00 Capital One, PO Box 30281,
 Salt Lake City, UT 84130-0281
 98591910 EDI: CAPITALONE.COM Mar 22 2013 01:38:00 Capital One Bank USA, N.A.,
 by American Infosource Lp As Agent, PO Box 71083, Charlotte, NC 28272-1083
 98472687 +EDI: RMSC.COM Mar 22 2013 01:38:00 Care Credit, PO Box 981439, El Paso, TX 79998-1439
 98472689 +EDI: CHASE.COM Mar 22 2013 01:38:00 Chase, POB 15129, Wilmington, DE 19850-5129
 98472688 EDI: CHASE.COM Mar 22 2013 01:38:00 Chase, 880 Brooks Edge Blvd, Westerville, OH 43081
 98615155 +E-mail/Text: lweidhaas@dyckoneal.com Mar 22 2013 02:07:35 Dyck-O'Neal, Inc., PO Box 13370,
 Arlington, TX 76094-0370
 98502821 E-mail/Text: bankruptcy.bnc@gt-cs.com Mar 22 2013 02:06:25 Green Tree Servicing, LLC.,
 P O Box 6154, Rapid City, SD 57709-6154
 98472699 +EDI: RMSC.COM Mar 22 2013 01:38:00 Green Tree Servicing LLC, 7360 South Kyrene Rd.,
 Tempe, AZ 85283-8432
 98502822 E-mail/Text: bankruptcy.bnc@gt-cs.com Mar 22 2013 02:06:25 Green Tree Servicing, LLC.,
 P O Box 0049, Palatine, IL 60055-0049
 98472701 EDI: HFC.COM Mar 22 2013 01:38:00 HSBC, PO Box 5253, Carol Stream, IL 60197-5253
 98472700 +E-mail/Text: BKNOTICES@EAFILLC.COM Mar 22 2013 02:06:21 Hilco Receivables, 5 Revere Drive,
 Suite 510, Northbrook, IL 60062-8007
 98472679 EDI: IRS.COM Mar 22 2013 01:38:00 IRS, Centralized Insolvency Oper., PO Box 21126,
 Philadelphia, PA 19114-0326
 98472704 +EDI: CHASE.COM Mar 22 2013 01:38:00 JP Morgan Chase Bank, NA, c/o James Dimon, Pres./CEO,
 270 Park Avenue, New York, NY 10017-7924
 98472706 +EDI: RESURGENT.COM Mar 22 2013 01:38:00 LVNV Funding, POB 10584,
 Greenville, SC 29603-0584
 98619564 EDI: RESURGENT.COM Mar 22 2013 01:38:00 LVNV Funding LLC, Resurgent Capital Services,
 PO Box 10587, Greenville, SC 29603-0587
 98472705 +EDI: RMSC.COM Mar 22 2013 01:38:00 Lowes, POB 981400, El Paso, TX 79998-1400
 98489569 +E-mail/Text: bknotices@ncmlc.com Mar 22 2013 02:02:59 National Capital Management, LLC.,
 8245 Tournament Drive, Suite 230, Memphis, TN 38125-1741, USA
 98472678 EDI: ORREV.COM Mar 22 2013 01:39:00 ODR, Attn: Bankruptcy Unit, 955 Center St NE,
 Salem, OR 97301-2555
 98499738 EDI: ORREV.COM Mar 22 2013 01:39:00 ODR Bkcy, 955 Center St NE, Salem OR 97301-2555

District/off: 0979-6

User: jonni
Form ID: 13Y

Page 2 of 3
Total Noticed: 53

Date Rcvd: Mar 21, 2013

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

100135870 EDI: PRA.COM Mar 22 2013 01:39:00 Portfolio Recovery Associates, LLC, PO Box 41067,
Norfolk, VA 23541
98547977 +EDI: PRA.COM Mar 22 2013 01:39:00 PRA Receivables Management, LLC,
As Agent Of Portfolio Recovery Assocs., c/o Lowes, POB 41067, NORFOLK VA 23541-1067
TOTAL: 27

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
98472703 Jennifer Derenski, unknown
cr* +IBM Lender Business Process Services, Inc, P. O. Box 4128, Beaverton, OR 97076-4128
cr* +Vantium Capital, Inc., 7880 Bent Branch Dr., Suite 150, Irving, TX 75063-6045
98472696 ##+First Revenue Assurance, PO Box 421906, Indianapolis, IN 46242-1906
TOTALS: 1, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

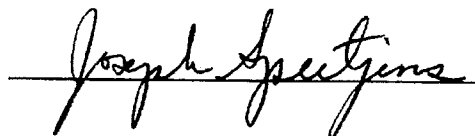
Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 23, 2013

Signature:



District/off: 0979-6

User: jonni
Form ID: 13Y

Page 3 of 3
Total Noticed: 53

Date Rcvd: Mar 21, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 21, 2013 at the address(es) listed below:

NONE.

TOTAL: 0

U.S. BANKRUPTCY COURT
DISTRICT OF OREGON

FILED

March 21, 2013

Clerk, U.S. Bankruptcy Court

Below is an order of the Court.



U.S. Bankruptcy Judge

D13 (3/21/12) jrp

UNITED STATES BANKRUPTCY COURT
District of Oregon

In re

Evan Page Bowers, xxx-xx-2345
April Ann Bowers, xxx-xx-7927

Other names used by joint debtor: April Bowers, Pacific Rim Janitorial
Debtor(s)

Case No. **09-65924-fra13**

CHAPTER 13 ORDER RE:
DISCHARGE OF DEBTOR(S);
AND ORDER DISCHARGING
TRUSTEE AND CLOSING CASE

The court finds the debtor filed a petition under Title 11, United States Code, on 10/29/09; the debtor's Chapter 13 plan has been confirmed; the debtor has fulfilled all requirements under that plan; and therefore,

IT IS ORDERED that:

1. **ANY ORDER DIRECTING AN EMPLOYER TO PAY WAGES TO THE TRUSTEE IS NOW TERMINATED AND THE DEBTOR'S EMPLOYER SHOULD STOP MAKING PAYMENTS TO THE TRUSTEE.**
2. Pursuant to 11 USC §1328(a), the debtor is discharged from all debts provided for by the plan or disallowed under 11 USC §502, except any debt:
 - a. provided for under 11 USC §1322(b)(5) and on which the last payment or other transfer is due after the date on which the final payment under the plan was due;
 - b. for domestic support obligations, as specified in 11 USC §523(a)(5);
 - c. for a student loan or educational benefit overpayment as specified in 11 USC §523(a)(8);
 - d. for a death or personal injury caused by the debtor's unlawful operation of a motor vehicle while intoxicated from using alcohol, a drug, or another substance, as specified in 11 USC §523(a)(9);
 - e. for restitution included in a sentence on the debtor's conviction of a crime;
 - f. for a fine included in a sentence on the debtor's conviction of a crime; or
 - g. for restitution, or damages, awarded in a civil action against the debtor(s) as a result of willful or malicious injury by the debtor(s) that caused personal injury to, or the death of, an individual as specified in 11 USC §1328(a)(4).
3. Pursuant to 11 USC §1328(d), the debtor is not discharged from any debt based on an allowed claim filed under 11 USC §1305(a)(2) if prior approval by the trustee of the debtors incurring such debt was practicable and was not obtained.
4. Notwithstanding the provisions of Title 11, USC, the debtor is not discharged from any debt made nondischargeable by 18 USC §3613(f), by certain provisions of Titles 10, 37, 38, 42, and 50 of the USC, or by any other applicable provision of law.
5. All creditors are prohibited from attempting to collect any debt that has been discharged in this case.
6. Upon filing of the final report and account required by the UST, the trustee shall, without further court order, be discharged as trustee of the debtor's estate.
7. This case is closed, and the court shall retain jurisdiction over any adversary proceeding pending at the time of closure.

###



PO Box 2008, Grand Rapids, MI 49501-2008

Business Hours (Pacific Time)
Monday-Thursday 5 a.m. to 8 p.m.
Friday 5 a.m. to 6 p.m.

Physical Address
14523 SW Millikan Way, Suite 200, Beaverton, OR 97005

Payments
PO Box 54420, Los Angeles, CA 90054-0420

Correspondence
PO Box 2008, Grand Rapids, MI 49501-2008

Phone: 866.570.5277
Fax: 866.578.5277
www.seterus.com

L400J
OlsenDaines
Attn: Michael Fuller
111 SW 5th Avenue 31st Floor
Portland, OR 97204

July 8, 2015
Borrower: Evan P. Bowers

Dear Mr. Fuller:

On behalf of Seterus, Inc., I am responding to your correspondence received June 8, June 26 and June 30, 2015 regarding the above referenced borrower.

In your correspondence we received on June 8, 2015, you state that that we have provided information to the credit reporting agencies regarding a second mortgage debt for Mr. Bowers. You have also indicated in your correspondences that we have continued to contact Mr. Bowers after regarding the loan and have not corrected any issues for the loan.

You have stated in your June 26 and June 30, 2015 correspondences that you have not received a response to your inquiry dated June 2, 2015.

Again, we received your initial inquiry on June 8, 2015 and two additional inquiries on June 26 and June 30, 2015. Under federal guidelines we have 5 business days to acknowledge the receipt of your inquiry and 30 business days to respond to your request.

The loan we serviced which was secured by the collateral property located at 1030 Fairfield Avenue, Central Point, OR 97502 was the senior lien. We did not service a possible junior lien secured by the collateral property. As a result, we did not report information to the credit reporting agencies regarding a possible junior lien.

Our records indicate we received Relief from the Bankruptcy Stay in June 2012. Therefore, due to the continued contractual delinquency of the loan, foreclosure action against the collateral property was initiated in August 2012. The foreclosure action was completed on February 18, 2015.

According to our records, your client contacted us on April 9, April 21, April 30 and May 21, 2015, which was after the completed foreclosure sale regarding this loan. It is unclear as to the continued contact you refer to in your correspondence.

(Continued)

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT, THIS NOTICE IS BEING FURNISHED FOR YOUR INFORMATION AND TO COMPLY WITH APPLICABLE LAWS AND REGULATIONS. IF YOU RECEIVE OR HAVE RECEIVED A DISCHARGE OF THIS DEBT THAT IS NOT REAFFIRMED IN A BANKRUPTCY PROCEEDING, YOU WILL NOT BE PERSONALLY RESPONSIBLE FOR THE DEBT. HOWEVER, THE LIEN AGAINST THE PROPERTY SECURING THIS DEBT MAY REMAIN ON THE PROPERTY UNTIL THE AMOUNT OWING ON THE LOAN IS PAID. **COLORADO:** SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT. Seterus, Inc. maintains a local office at 355 Union Boulevard, Suite 250, Lakewood, CO 80228. The office's phone number is 888.738.5576. **NEW YORK CITY:** 1411669, 1411665, 1411662. **TENNESSEE:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Seterus, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR.

Page 1 of 2

OlsenDaines
Attn: Michael Fuller
July 8, 2015
Borrower: Evan P. Bowers

We report the contractual status of a loan to the credit reporting agencies, even during a Chapter 13 Bankruptcy. As a result, we reported the contractual status of the loan to the credit reporting agencies during the time we serviced this loan. We have reviewed the credit reporting for this loan and believe it to be accurate. Therefore, we decline to submit a change to the credit reporting agencies.

If you have any questions, please contact our Customer Service Department at our toll-free number above.

Sincerely,



Alicia Craig
Correspondence Response Team
Seterus, Inc.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AS WE SOMETIMES ACT AS A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT THE DEBT, THIS NOTICE IS BEING FURNISHED FOR YOUR INFORMATION AND TO COMPLY WITH APPLICABLE LAWS AND REGULATIONS. IF YOU RECEIVE OR HAVE RECEIVED A DISCHARGE OF THIS DEBT THAT IS NOT REAFFIRMED IN A BANKRUPTCY PROCEEDING, YOU WILL NOT BE PERSONALLY RESPONSIBLE FOR THE DEBT. HOWEVER, THE LIEN AGAINST THE PROPERTY SECURING THIS DEBT MAY REMAIN ON THE PROPERTY UNTIL THE AMOUNT OWING ON THE LOAN IS PAID. **COLORADO:** SEE WWW.COLORADOATTORNEYGENERAL.GOV/CA FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT. Seterus, Inc. maintains a local office at 355 Union Boulevard, Suite 250, Lakewood, CO 80228. The office's phone number is 888.738.5576. **NEW YORK CITY:** 1411669, 1411665, 1411662. **TENNESSEE:** This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Seterus, Inc. is licensed to do business at 14523 SW Millikan Way, Beaverton, OR.

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