

NO. 03-11-00524-CV

REPORTER'S RECORD
VOLUME 1 OF 3 VOLUMES
TRIAL COURT CAUSE NO. 11-341-C26

IN RE: A PURPORTED LIEN)	IN THE DISTRICT COURT
CLAIM AGAINST)	
)	
)	WILLIAMSON COUNTY, TEXAS
ALVIE CAMPBELL AND)	
JULIA CAMPBELL)	26TH JUDICIAL DISTRICT

MASTER INDEX

On April 26, 2011 and June 7, 2011, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable Billy Ray Stubblefield, Judge Presiding, held in Georgetown, Williamson County, Texas.

Proceedings reported by computerized stenotype machine.

MASTER INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page Vol

VOLUME 2

HEARING ON MOTION FOR JUDICIAL REVIEW

APRIL 26, 2011

Motion for Judicial Review	4	2
Court Reporter's Certificate	8	2

VOLUME 3

HEARING ON MOTION TO RECONSIDER MOTION FOR JUDICIAL REVIEW

JUNE 7, 2011

Hearing on Motion to Reconsider	4	3
Court Reporter's Certificate	25	3

1 STATE OF TEXAS

2 COUNTY OF WILLIAMSON

3

4 I, Ellaine Forester, Official Court Reporter in and for the
5 26th Judicial District Court of Williamson, State of Texas, do
6 hereby certify that the above and foregoing contains a true and
7 correct transcription of all portions of evidence and other
8 proceedings requested in writing by counsel for the parties to
9 be included in this volume of the Reporter's Record in the
10 above-styled and numbered cause, all of which occurred in open
11 court or in chambers and were reported by me.

12 I further certify that this Reporter's Record of the
13 proceedings truly and correctly reflects the exhibits, if any,
14 offered by the respective parties.

15 I further certify that the total cost for the preparation of
16 this Reporter's Record is (See Vol. 3) and was paid/will be
17 paid by Movants.

18

19

20

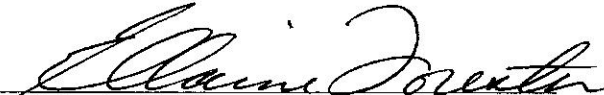
21

22

23

24

25


Ellaine Forester, CSR
Texas CSR 2516
Official Court Reporter
26th Judicial District Court
Williamson County, Texas
PMB No. 229, P. O. Box 3000
Georgetown, Texas 78627
Telephone: (512) 943-1228
Expiration: 12/31/11

NO. 03-11-00524-CV

REPORTER'S RECORD
VOLUME 2 OF 3 VOLUMES
TRIAL COURT CAUSE NO. 11-341-C26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN RE: A PURPORTED LIEN) IN THE DISTRICT COURT
CLAIM AGAINST)
)
) WILLIAMSON COUNTY, TEXAS
)
ALVIE CAMPBELL AND)
JULIA CAMPBELL) 26TH JUDICIAL DISTRICT

HEARING ON MOTION FOR JUDICIAL REVIEW

On the 26th day of April, 2011, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable Billy Ray Stubblefield, Judge Presiding, held in Georgetown, Williamson County, Texas.

Proceedings reported by computerized stenotype machine.

APPEARANCES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. ALVIE CAMPBELL
-and-
MS. JULIA CAMPBELL
250 PR 947
Taylor, Texas 76574
Telephone: (512) 796-6397
Pro Se Movants

I N D E X

HEARING ON MOTION FOR JUDICIAL REVIEW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APRIL 26, 2011

Motion for Judicial Review

Court Reporter's Certificate

Page	Vol
4	2
8	2

PROCEEDINGS - APRIL 26, 2011

1
2 THE COURT: 11-341, Alvie Campbell and Julia
3 Campbell. Y'all can come on up, if you like.

4 Is either one of you going to testify?

5 MR. CAMPBELL: Okay. Myself, then, I believe.

6 THE COURT: All right. If you'll raise your
7 right hand.

8 (Sworn by the clerk.)

9 THE COURT: Go ahead.

10 MR. CAMPBELL: Your Honor, we, the obligors, have
11 brought this 51.903, in regards to statutory review of the Texas
12 Government Code to review this instrument we believe is a
13 fraudulent instrument because it does not purport to truly be a
14 claim that reflects an agent, agency relationship, with this
15 document. And -- I'm a bit nervous. I'm sorry.

16 THE COURT: That's quite all right.

17 MR. CAMPBELL: But the instrument doesn't -- we
18 don't believe that it demonstrates a proper transfer of rights
19 to the Deed of Trust as recorded also in public records in
20 Williamson County. We also believe it does not demonstrate a
21 relationship -- agency relationship to the note holder or the
22 secured party of the Deed of Trust, which was American Mortgage
23 Network, d/b/a AMNET Mortgage, that is recorded into public
24 records. We do not believe that this instrument purports to
25 demonstrate the transfer of lien rights of that Deed of Trust

1 and believe that it is an attempt to unlawfully assign the
2 secured -- the lien rights to a third party. We also believe
3 that that instrument demonstrates MERS had no relationship with
4 American Mortgage Network, d/b/a AMNET Mortgage.

5 We also believe that David Seybold of MERS --
6 Assistant Secretary, purportedly -- did not have the lawful
7 authority to create or record that Assignment and Note and Deed
8 of Trust in the public records in Williamson County, being
9 that I believe that the intent of the recording act was to
10 protect unwary purchasers of -- or encumbrancers -- of secret
11 liens, conveyances or encumbrances. And one of the reasons for
12 the recording statute to require the actual mortgagee or
13 mortgage assignee's name be kept in public record was to ensure
14 that the liens could only be released by the proper party
15 entitled to do so.

16 In saying that and all, with the way that this
17 instrument has been recorded in the public records, it basically
18 reflects there is no agency relationship or that there is some
19 type of secret contract that's being held between parties in
20 order to record this because there's no -- there's no one named
21 as the lender. They only have MERS as nominee for lender's
22 successors, successors and assigns. For who? That's our
23 question. There's no -- there's nothing in there. And allowing
24 such fraudulent assignment to reside in public records, I can
25 only remind the Court that this could end up like the story of

1 the boy who found the leprechaun's pot of gold and after he
2 found it the leprechaun tied red ribbons all around the trees
3 and, therefore, he could never find that pot of gold.

4 I do not believe that this is a lawful instrument
5 that has been recorded in the public records.

6 THE COURT: All right. Anything else?

7 MR. CAMPBELL: Well, if it needs to be explained
8 more in detail and all, I have a research consultant and all
9 where I provided the Memorandum in Support for this to provide
10 anything in depth that needs to be further explained. I do not
11 want to go out of the scope of this particular instrument
12 because of it being a statutory review within Texas
13 Government Code Chapter 51, Section 903, because it -- to
14 further explain it, it would have to -- it would have to go
15 through that, and that may change the -- the status of this
16 review, and that's not the intent of the obligors.

17 THE COURT: Okay. Ms. Campbell, anything?

18 MS. CAMPBELL: I'm just here --

19 THE COURT: Okay. That is a lengthy memorandum
20 there, and I will read it. I'll rule on this at some point in
21 the next week to two weeks. And you can call my office probably
22 mid-next week would be a good time to do that, and my court
23 administrator will advise you of my rulings.

24 MR. CAMPBELL: Okay. Thank you very much, Your
25 Honor.

1 MS. CAMPBELL: If there's any other questions --

2 MR. CAMPBELL: No.

3 Also, I might remind and all that this is -- this
4 is Texas Local Government Code Chapter 192, Section .007, in
5 regards to the -- any changes that were made to that original
6 instrument that was filed in public records, any instruments
7 that -- or anything that affects that change at all should be
8 recorded as per Texas Local Government Code Chapter 192.007.
9 So, therefore, I do not believe that this was correctly -- it
10 does not reflect that American Mortgage Network transferred this
11 lien to anyone.

12 THE COURT: Very good. Thank you.

13 MR. CAMPBELL: Thank you, Your Honor.

14 (Proceedings concluded.)

15
16
17
18
19
20
21
22
23
24
25

1 STATE OF TEXAS

2 COUNTY OF WILLIAMSON

3

4 I, Ellaine Forester, Official Court Reporter in and for the
5 26th Judicial District Court of Williamson, State of Texas, do
6 hereby certify that the above and foregoing contains a true and
7 correct transcription of all portions of evidence and other
8 proceedings requested in writing by counsel for the parties to
9 be included in this volume of the Reporter's Record in the
10 above-styled and numbered cause, all of which occurred in open
11 court or in chambers and were reported by me.

12 I further certify that this Reporter's Record of the
13 proceedings truly and correctly reflects the exhibits, if any,
14 offered by the respective parties.

15 I further certify that the total cost for the preparation of
16 this Reporter's Record is (See Vol. 3) and was paid/will be
17 paid by Movants.

18

19

20


21

22

23

24

25


Ellaine Forester, CSR
Texas CSR 2516
Official Court Reporter
26th Judicial District Court
Williamson County, Texas
PMB No. 229, P. O. Box 3000
Georgetown, Texas 78627
Telephone: (512) 943-1228
Expiration: 12/31/11

NO. 03-11-00524-CV

REPORTER'S RECORD
VOLUME 3 OF 3 VOLUMES
TRIAL COURT CAUSE NO. 11-341-C26

IN RE: A PURPORTED LIEN)	IN THE DISTRICT COURT
CLAIM AGAINST)	
)	
)	WILLIAMSON COUNTY, TEXAS
ALVIE CAMPBELL AND)	
JULIA CAMPBELL)	26TH JUDICIAL DISTRICT

HEARING ON MOTION TO RECONSIDER MOTION FOR JUDICIAL REVIEW

On the 7th day of June, 2011, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable Billy Ray Stubblefield, Judge Presiding, held in Georgetown, Williamson County, Texas.

Proceedings reported by computerized stenotype machine.

APPEARANCES

1

2

3 MR. ALVIE CAMPBELL

-and-

4 MS. JULIA CAMPBELL

250 PR 947

5 Taylor, Texas 76574

Telephone: (512) 796-6397

6 Pro Se Movants

7

8 MR. MARK HOPKINS SBOT NO. 00793975

Hopkins & Williams, PLLC

9 12117 Bee Caves Road, Suite 260

Austin, Texas 78738

10 Telephone: (512) 600-4320

Fax: (512) 500-4326

11 Attorney for David Seybold

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

VOLUME 3

HEARING ON MOTION TO RECONSIDER MOTION FOR JUDICIAL REVIEW

	Page	Vol
JUNE 7, 2011		
Hearing on Motion	4	3
Court Reporter's Certificate	25	3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS - JUNE 7, 2011

1
2 THE COURT: 11-341, In Re: Purported Lien or
3 Claim Against Alvie Campbell and Julia Campbell.

4 MR. CAMPBELL: Your Honor, Mr. Hopkins is not a
5 party to this case. According to the statute, this is a
6 statutory review, that there's no notice required.

7 THE COURT: What is this?

8 MR. CAMPBELL: That is my oral presentation for
9 today. I wanted to have that so it might be easier to follow
10 along.

11 THE COURT: Help me, now. You are Mr. Campbell?

12 MR. CAMPBELL: I am Alvie Campbell. Yes, sir.
13 This is Julie Campbell.

14 THE COURT: Ms. Julia Campbell?

15 MS. CAMPBELL: Correct.

16 THE COURT: Okay. If y'all would step back about
17 three feet. My court reporter needs to be able to hear.

18 MR. CAMPBELL: I'm sorry.

19 THE COURT: Go ahead. I think I've ruled on this
20 case previously.

21 MR. CAMPBELL: Well, it's -- actually, Your
22 Honor, it was a -- I need to give you this. This is the actual
23 order that comes out of the -- 51.903, out of the Texas
24 Government Code, which basically shows -- shows this form three
25 they've got under the Texas Government Code. I've highlighted a

1 few of the areas as far as what, basically, would take place.

2 THE COURT: Okay. Go ahead.

3 MR. CAMPBELL: Okay. Of course, good morning,
4 Your Honor. I'd also like to let the Court know that I have
5 Mr. James McGuire here today, who did the Memorandum in Support,
6 and he is readily available if you may have any questions to
7 that effect.

8 THE COURT: And who is Mr. McGuire?

9 MR. CAMPBELL: Mr. McGuire is my
10 consultant/researcher that has put together the Memorandum in
11 Support for me.

12 THE COURT: Let's get him up here, please.

13 MR. CAMPBELL: Would you like me to continue or--

14 THE COURT: No.

15 MR. CAMPBELL: Okay.

16 THE COURT: Good morning. Your name is?

17 MR. MCGUIRE: James McGuire.

18 THE COURT: James McGuire. And what is your
19 capacity here this morning?

20 MR. MCGUIRE: I'm here in a personal -- as a
21 personal friend to him, not in my official capacity.

22 THE COURT: What is your official capacity?

23 MR. MCGUIRE: I own Hedgerow Consulting Services
24 out of Memphis, Tennessee.

25 THE COURT: Hedgerow Consulting Company,

1 Tennessee?

2 MR. MCGUIRE: Memphis, Tennessee address.

3 THE COURT: Memphis. But that doesn't -- your
4 capacity there has nothing to do with this proceeding?

5 MR. MCGUIRE: Well, I -- what I do there is the
6 research in the similar -- in the same area that do what he's
7 involved in, but more in the commercial arena with the academics
8 and so forth.

9 THE COURT: Uh-huh.

10 MR. MCGUIRE: But since it applies and we have
11 mutual friends involved, I decided I'd personally step in.

12 THE COURT: And you're stepping in in what
13 capacity?

14 MR. MCGUIRE: Just to aid him so that truth and
15 justice comes out into the legal system.

16 THE COURT: I see. So you purport to be
17 assisting him in this litigation?

18 MR. MCGUIRE: No. I'm providing him -- I'm
19 providing him the research, the understanding of what the
20 documents provide, so that he can sit there and make -- choose
21 the course of action that he needs to take.

22 THE COURT: Okay. Thank you. You may have a
23 seat.

24 You may proceed.

25 MR. CAMPBELL: Thank you, Your Honor.

1 Your Honor, I believe this Court may have
2 misunderstood our Motion for Judicial Review of the document or
3 instrument purporting to create a lien or claim, the instrument
4 in question, 2008075222, the Assignment of Lien here in the
5 instrument, a purported conveyance or assignment of the
6 obligee's lien rights. I think for the previous hearing -- and
7 if I need to go over those points prior, I can; if not --
8 anyway, simply restate these similar points and all. The
9 obligors filed this motion purporting to create a lien against
10 the obligors according to Chapter 51, Section 903 of the Texas
11 Government Code. The obligors provided the instrument, the
12 Assignment of Deed of Trust -- I mean, Assignment of Note and
13 Deed of Trust, the Transfer of the Lien, purportedly.

14 THE COURT: That's an assignment of the lien?

15 MR. CAMPBELL: Well, it's -- it's a transfer of
16 the lien. They put a title -- whoever put this together put
17 Note Transfer, Assignment of Note and Deed of Trust.

18 That filing, recording of that instrument, is not
19 a proper instrument to effectuate the transfer of the lien
20 rights. The instrument is an attempt to transfer the obligee's
21 lien rights by an unknown party -- David Seybold, as an unknown
22 party -- attempting to assign the obligor's lien. David
23 Seybold, acting for an unknown principal, has not provided proof
24 on the face of the instrument he has authority for the proper
25 principal with rights to assign the obligor's lien as Seybold

1 does not identify what principal he is an agent or is assigning
2 the lien for.

3 MR. HOPKINS: Your Honor, I don't want to
4 interrupt here --

5 MR. CAMPBELL: Your Honor, I object.

6 MR. HOPKINS: -- I represent Mr. Seybold in other
7 litigation. I wonder if I represent him in this litigation. I
8 wonder if the Court would recess the hearing for a few moments
9 on the matter before the Court so I can adequately represent my
10 client, Mr. Seybold.

11 MR. CAMPBELL: Your Honor, I object. I object --

12 THE COURT: Excuse me. We can't take two people
13 talking at the same time.

14 Now, continue, Mr. Hopkins.

15 MR. HOPKINS: Your Honor, I have active
16 litigation against Mr. Campbell. I also represent Mr. Seybold
17 in connection with when he functions in his capacity to transfer
18 lien instruments, and I'm unaware of the matter before the Court
19 this morning. And I'd ask if the Court would just reset this
20 matter for a few moments so I can review the documents in front
21 of the Court and ascertain whether or not they involve claims
22 against my client, Mr. Seybold. I'm not quite sure whether
23 Mr. Campbell's here -- he hasn't provided me any notice of the
24 hearing. But in listening to what he's saying, it sounds an
25 awful lot like the live lawsuit we have pending before this