

**IN THE FIRST MUNICIPAL COURT OF THE STATE OF UTOPIA
COUNTY OF PERFECTVILLE**

<p>STUPID SERVICING INC. Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>JOE P. PATRIOT, LADY GAGA, JOHN DOES 1-100</p> <p style="text-align: center;">DEFENDANTS.</p>	<p>CASE/INDEX NO.: 15-23833</p> <p>DEFENDANT'S DEMURRER</p>
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JOE P. PATRIOT (“**DEFENDANT**”) DEMURRER to the allegations of the Civil Complaint **CASE/INDEX NO.: 15-23833**.

Upon investigation, it appears that the PLAINTIFF in this matter does not have the capacity to sue.

Therefore, the **DEFENDANT** moves to dismiss this case pursuant to Rule 12(b)(5) and Rule 12(b)(6) based on the following:

These are "made up" codes. Do not copy. Hopefully by making up a fake name of a state, you get the point not to copy and to do your own diligence and research the codes in your particular State!

1. This is an action for foreclosure.
2. Plaintiff is incorporated in the State of Maryland (Exhibit A).
3. The Utopia Secretary of State has no Certificate of Authority for Plaintiff to conduct business in Utopia (Exhibit B).
4. Plaintiff, STUPID SERVICING INC., is/are not registered to conduct business in the State of Utopia. Thus, in violation of Utopia State Rules of Civil Procedure XXYZ Code Section § 2.3-5(a)(ii), and with WELLS FARGO SERVICING v. McCARTHY et al, F2d. St. 1981 (see: MEMORANDUM OF LAW AND POINTS AND AUTHORITIES, Exhibit C) as a precedent case to how this court should rule in this matter.
5. Therefore, case 15-23833 must be dismissed due to Plaintiff's lack of standing to sue via Utopia State Rules of Civil Procedure XXYZ Code Section § 2.3-5(a)(ii).

WHEREFORE, Defendants move this Court to:

Either dismiss the action entirely; or

Grant a stay in this proceedings until such time as the Plaintiff properly registered a Certificate of Authority to do business in the State of Utopia; and/or

Any other equitable relief that this court deems just.

BY: _____
JOE P. PATRIOT

Notice that Based Upon Your State's Rules, You Are Going to Only Select the "Demurrer" option OR the "Motion to Dimiss" option...but NOT both. Both versions are provided here in a hypothetical situation where you would send both... forcing you to edit/re-create the documents as "your own" after re-typing them up. As always, if you need help, get professional help as guinea pigging on yourself, although "cheap" in liability debt notes, is a costly way to learn by trial and error. Anywho, with that Best of Luck and let us know your feedback!

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<p>STUPID SERVICING INC. Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>JOE P. PATRIOT, LADY GAGA, JOHN DOES 1-100</p> <p style="text-align: center;">DEFENDANT/S.</p>	<p>CASE/INDEX NO.: 15-23833</p> <p>NOTICE OF DEFENDANT'S DEMURRER</p>
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NOTICE OF DEFENDANT'S timely DEMURRER to the allegations of the Civil
Complaint **CASE/INDEX NO.: 15-23833** is hereby given and attached herewith, in lieu of an
"Answer".

BY: _____
JOE P. PATRIOT

**IN THE FIRST MUNICIPAL COURT OF THE STATE OF UTOPIA
COUNTY OF PERFECTVILLE**

<p style="text-align:center">STUPID SERVICING INC. Plaintiff,</p> <p style="text-align:center">vs.</p> <p style="text-align:center">JOE P. PATRIOT, LADY GAGA, JOHN DOES 1-100</p> <p style="text-align:center">DEFENDANT/S.</p>	<p style="text-align:center">CASE/INDEX NO.: 15-23833</p> <p style="text-align:center">DEFENDANT’S AFFIDAVIT OF NEGATIVE AVERMENT</p>
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The undersigned Affiant, Joe P. Patriot, hereinafter “Affiant”, does solemnly swear, declare and state as follows:

1. Affiant is competent to state the matters set forth herein.
2. Affiant has knowledge of the facts stated herein.
3. All the facts herein are true, correct and complete, admissible as evidence and if called upon as a witness, Affiant will testify to their veracity.

Plain Statement of Facts

1. There is no evidence that Plaintiff is not incorporated in the State of Maryland (Exhibit A) and Affiant believes that no such evidence exists.
2. There is no evidence that Plaintiff is not a foreign entity and thus required to have a Certificate of Authority to do business in the State of Utopia, (Utopia Code 12.345(b) foreign corporations) and Affiant believes that no such evidence exists.
3. There is no evidence of a Certificate of Authority for Plaintiff to conduct business in Utopia filed with the Secretary of State of Utopia Division of Corporations, and Affiant believes that no such evidence exists (Exhibit B – Certified copy with raised seal).
4. There is no evidence that Plaintiff, STUPID SERVICING INC., is/are not in violation of Utopia State Rules of Civil Procedure XXYYZ Code Section § 2.3-5(a)(ii), and Affiant believes that no such evidence exists.

**IN THE FIRST MUNICIPAL COURT OF THE STATE OF UTOPIA
COUNTY OF PERFECTVILLE**

<p style="text-align: center;">STUPID SERVICING INC. Plaintiff,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">JOE P. PATRIOT, LADY GAGA, JOHN DOES 1-100</p> <p style="text-align: center;">DEFENDANT/S.</p>	<p style="text-align: center;">CASE/INDEX NO.: 15-23833</p> <p style="text-align: center;">DEFENDANT’S MEMORANDUM OF LAW AND POINTS AND AUTHORITIES</p>
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POINTS AND AUTHORITIES

Utopia State Rules of Civil Procedure XXYYZ Code Section § 2.3-5(a)(ii):

*“flkajsdklfjas dfkajsklj kljasdfklj kljasdklfj lkjlk jasdflk jkljasdkl lkjasdlf jlkja;sfj lkjas fkljklj lkdsfj
lkjasdlfkj alsdf jkljklasdf asdklfj klasjd klasj kl ljadklsf jlkajf lkjasdf asdf kljdasf can not be sued
until such certificate of authority is filed or the court must dismiss the case without prejudice.”*

MEMORANDUM OF LAW

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..... “WELLS FARGO SERVICING v.
McCARTHY et al, F2d. St. 1981 (Exhibit C) as a precedent case in this matter.

This is a hypothetical FAKE CASE. Do Not Copy & Use it!!!



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..... “BANK OF AMERICA SERVICING v.
CHRISTIAN LOVERBOY, 6Jd 31d. 1969 as a precedent case in this matter.

Both NOT REAL CASES!!!

“

.....
.....
..... “ BOZO SILLY AND SLICK SERVICING CO
v. SMITH et al 5Ap.6d 1999 as a precedent case in this matter.

BY: _____
JOE P. PATRIOT

**IN THE FIRST MUNICIPAL COURT OF THE STATE OF UTOPIA
COUNTY OF PERFECTVILLE**

<p>STUPID SERVICING INC. Plaintiff,</p> <p style="text-align:center">vs.</p> <p>JOE P. PATRIOT, LADY GAGA, JOHN DOES 1-100</p> <p style="text-align:center">DEFENDANT/S.</p>	<p>CASE/INDEX NO.: 15-23833</p> <p>MOTION TO DISMISS</p>
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COMES NOW JOE P. PATRIOT (“**DEFENDANT**”) in answering the allegations of the Civil Complaint **CASE/INDEX NO.: 15-23833**. **DEFENDANT** moves to dismiss this action pursuant to Utopia State Rules of Civil Procedure XXYYZ Code Section § 2.3-5(a)(ii) and Rule 12(b)(5) and Rule 12(b)(6) based on the following:

1. This is an action for foreclosure.
2. Defendant was never sent “Notice of Intent to File Suit” as required by law according to LONTFS(6)(5)(a). <----search on **FINDLAW.COM** for “Utopia” **(Your State)**
3. Plaintiff is incorporated in the State of Maryland (Exhibit A).
4. As a foreign corporation, Plaintiff is required to have a Certificate of Authority to do business in the State of Utopia, according to Utopia Code 12.345(b) on foreign corporations.
5. The Utopia Secretary of State Division of Corporations office has no Certificate of Authority for Plaintiff to conduct business in Utopia (Exhibit B).
6. The Utopia Secretary of State requires all foreign corporations to have a Certificate of Authority to do business in this state.
7. The statute and case law of State of Utopia dictates that the right to have standing to sue in this State is included in the scope of doing business in this state, and that lacking such standing waives right to sue if challenged.

8. Plaintiff, STUPID SERVICING INC., is/are not registered to conduct business in the State of Utopia.
9. Thus, Plaintiff is in violation of Utopia State Rules of Civil Procedure XXYYZ Code Section § 2.3-5(a)(ii) and Utopia Code 12.345(b).
10. This court is required to take notice of case precedents WELLS FARGO SERVICING v. McCARTHY et al, F2d. St. 1981 (Exhibit C) and the other Memorandum of Law and Points and Authorities filed into this case, which is fully stated and incorporated in its entirety by this reference herewith, and therefore Plaintiff lacks standing in this case to sue or move this court any further.
11. Therefore, this case 15-23833 must be dismissed due to Plaintiff's lack of standing and failure to state a claim upon which relief can be granted; Rule 12(b)(5) and Rule 12(b)(6).

WHEREFORE, Defendants move before this Court that:

A. This case be dismissed without prejudice according to Rule 12(b)(5), and LONTFS(6)(5)(a) for lack of notice to file suit; and

B. This case be dismissed with prejudice according to Rule 12(b)(6), SCRCF for lack of standing and no jurisdiction to bring this action; and

C. This case be dismissed with prejudice according to Utopia Code 12.345(b) for Plaintiff has no certificate of authority to conduct business in state of Utopia.

Not Real

By: _____
JOE P. PATRIOT

These are real codes but double check your state equivalent

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<p style="text-align:center">STUPID SERVICING INC. Plaintiff,</p> <p style="text-align:center">vs.</p> <p style="text-align:center">JOE P. PATRIOT, LADY GAGA, JOHN DOES 1-100</p> <p style="text-align:center">DEFENDANTS.</p>	<p style="text-align:center">CASE/INDEX NO.: 15-23833</p> <p style="text-align:center">NOTICE OF MOTION TO DISMISS</p>
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NOTICE IS HEREBY GIVEN THAT JOE P. PATRIOT (“DEFENDANT”) in answering the allegations of the Civil Complaint **CASE/INDEX NO.: 15-23833**, on _____, 2015 at _____ am/pm at room _____ in this above-stated court, motion the court to dismiss the action, in lieu of an “Answer” .

DEFENDANT has standing to Motion to Dismiss in lieu of “Answer” or “Answer and Counterclaim”, because Defendant plans to argue that Plaintiff lacks standing to sue according to the law.

BY: _____
JOE P. PATRIOT

**IN THE FIRST MUNICIPAL COURT OF THE STATE OF UTOPIA
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<p style="text-align: center;">STUPID SERVICING INC. Plaintiff,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">JOE P. PATRIOT, LADY GAGA, JOHN DOES 1-100</p> <p style="text-align: center;">DEFENDANTS.</p>	<p style="text-align: center;">CASE/INDEX NO.: 15-23833</p> <p style="text-align: center;">ORDER</p>
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HAVING HEARD THE DEFENDANT’S DEMURRER in answering the allegations of the Civil Complaint **CASE/INDEX NO.: 15-23833**, on _____, 2015 at _____ am/pm at room _____ in this above-stated court, and with good cause shown, DEFENDANT’s motion to the court to dismiss the action, is hereby granted.

This case is dismissed without prejudice.

BY: _____
PRESIDING JUDGE

Use a Search Engine like www.Google.com or StartPage.com, and type in the name of the court to find the Court Website, look up their rules, find the Court Calendar which is called a "Docket". These are the ABC's, but for those novices just starting to learn, we've included the lesson here.

When you are motioning the court, it is YOUR JOB to schedule a hearing. Call the court on the phone, look on their website, and/or ask the clerk the procedure as it varies with different courthouses. Don't be shy, remember YOU ARE MOVING the court, they work for you! So you need to organize your case, your motions, and your hearings! You provide the law, you provide the facts, you provide everything! The "judge" is just a magistrate. As you can see, it's also YOUR JOB to prepare the judge's ORDER in advance! (Although judge's can also prepare their own orders, but that is ALL they will ever prepare)

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<p style="text-align: center;">STUPID SERVICING INC. Plaintiff,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">JOE P. PATRIOT, LADY GAGA, JOHN DOES 1-100</p> <p style="text-align: center;">DEFENDANT/S.</p>	<p style="text-align: center;">CASE/INDEX NO.: 15-23833</p> <p style="text-align: center;">CERTIFICATE OF SERVICE</p>
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It is hereby affirmed, that on _____ 2015, the undersigned mailed to:

Dewey Cheatster (Bar no. 484672)
DEWEY CHEATEM & HOWE LLP,
(ATTNY FOR STUPID SERVICING INC)
Case No. 15-23833
123 CHEATEM LANE
CITY, STATE ZIP

You ALWAYS SERVE THE ATTORNEY if the other party does have an attorney. Address the envelope/s like this (to the left here), so there is no confusion who it is for and what it is regarding.

The following documents:

1. NOTICE OF DEFENDANT’S DEMURRER
2. DEFENDANT’S DEMURRER
3. DEFENDANT’S AFFIDAVIT OF NEGATIVE AVERMENT
4. DEFENDANT’S MEMORANDUM OF LAW AND POINTS AND AUTHORITIES
5. MOTION TO DISMISS
6. NOTICE OF MOTION TO DISMISS
7. EXHIBIT A: Image/Proof that Plaintiff is incorporated in the State of Maryland
8. EXHIBIT B: The Utopia Secretary of State has no Certificate of Authority for Plaintiff to conduct business in Utopia
9. EXHIBIT C: WELLS FARGO SERVICING v. McCARTHY et al, F2d. St. 1981
10. ORDER for presiding judge
11. and an unsigned reference copy of this CERTIFICATE OF SERVICE (original is filed with this court); a total of _____ () sheets;

This "Certificate of Service" is signed/dated AFTER you mail the other party COPIES of the documents. Then you file the originals (wet-inks) with the Court by delivering the a completed original set along with this signed certificate of service, to the Clerk of the Court. You also can "time stamp" each page of another set of copies, for you to bring to court with you as proof that you filed the documents.

Be sure to check your court rules for variations of these instructions, or all the Clerk to ask.

ex: twelve (12)

by placing same in a postpaid envelope properly addressed to Recipients at the said addresses and depositing same at an official depository under the exclusive face and custody of the U.S. Postal Service within the State of Utopia by Certified Mail No. 70273 37739 37373 9901 00021.

Dated: ____ / ____ / ____

You should have dozens of Certified Mail slips already at home, on your work desk, in a drawer, etc. If you have an open court case, you should have your own miniature "post office" with staplers, scotch tape, 9" x 11" manilla envelopes to mail stacks of documents to, and be familiar and friendly with a few local convenient notaries.

EXHIBIT A

Image/Proof that Plaintiff is incorporated in the State of Maryland (Exhibit A):

EXHIBIT B

The Utopia Secretary of State has no Certificate of Authority for Plaintiff to
conduct business in Utopia (Exhibit B):

EXHIBIT C

WELLS FARGO SERVICING v. McCARTHY et al, F2d. St. 1981

THESE CASES AND COURT RULES, COURT NAMES, ETC ARE ALL IMAGINARY AND MADE UP FOR ILLUSTRATIVE USE AND SO THAT YOU DO NOT COPY THE REAL RULES IN YOUR STATE WITHOUT DOING YOUR OWN RESEARCH TO CHECK FOR ACCURACY!