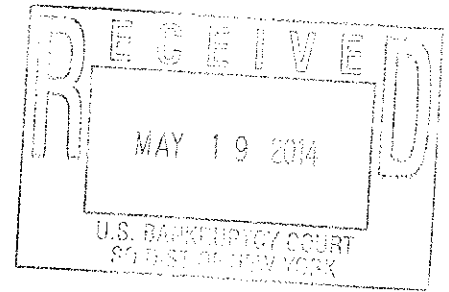


15 May 2014

Clerk of the Court
United States Bankruptcy Court
Southern District of New York
One Bowling Green Room 534
New York, N Y 10004



Subject: Motion for Release of Stay of Proceedings

RE: Case No: 12-12020(MG) CHAPTER 11

Dear Clerk of the Bankruptcy Court:

Enclosed you will find three (3) Original copies of my Motion for Release of Stay.

This Release of Stay, only relates to GMAC's violation of my Civil Rights and my request for a Trial By Jury at the United States District Court of Northern California.

Please file stamp all the copies and return two (2) to me at the address below.

I would appreciate having this process expedited as quickly as possible to preserve due process which has already taken more than 18 months.

Thank You in advance.

Sincerely,

Bill Fuchs
Plaintiff in Pro Se
3050 Finnian Way
#237
Dublin, CA 94569
Email: billfuchs@comcast.net

Enclosures: Motion for Release of Stay
Certificate of Service



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RECEIVED
MAY 19 2014
U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Bill Fuchs
Plaintiff in Pro Se;
in FORMA PAUPERIS

Case No: 12-12020(MG) CHAPTER 11

MOTION:

**MOTION FOR RELEASE OF STAY
IN THE GMAC, ETS NOTICE OF
BANKRUPTCY FILING**

Defendants.

In support of this Motion for Release from the Stay of the GMAC Bankruptcy.

I, Bill Fuchs, the injured party and Plaintiff truthfully declare as follows:

I have personal knowledge of all the facts stated in this Declaration, and if called to testify, I could and would testify competently thereto.

1. GMAC Mortgage LLC has at all times acted in bad faith with respect to requests from Plaintiff and Plaintiff's attorneys for production of any documentation.
2. In January 2009, Plaintiff's seventeen (17) year old son was murdered at his mother's home in Danville, CA. Prior to this criminal act, at a November 2008 custody hearing, at the Contra Costa County Family Court, Plaintiff and the children's Minor's Counsel informed the Court Commissioner that the children were in danger at the mother's home due to a number of factors including, but not limited to; substance abuse, loaded weapons and criminal activity. The Commissioner ignored all requests to change custodial arrangements and protect the children, resulting in the death of a 17 year old boy less than two months later. This was the third (3rd) litigant death in ten (10) years. due to the corrupt, extortive and incompetent practices of the Contra Costa County Family Court System.
3. GMAC deliberately violated Plaintiff's Constitutional Rights under the First and Fourteenth Amendments of the Constitution of the United States, by not allowing Plaintiff to redress grievances against the government of the County of Contra Costa California, in the only possible way remaining available to Plaintiff, after Plaintiff wrote to every person in authority of the Court System of Contra Costa County and local and State Government. Plaintiff discovered essentially there is no accountability or any responsibility for actions taken by the Contra Costa County Court.

Plaintiff took the only action remaining available to Plaintiff, by refusing to fund a corrupt, extortive and incompetent Costa Contra County court system by refusing to pay property taxes based upon moral grounds. Plaintiff notified the County Tax Collector that property taxes would not be paid on moral grounds. The County Tax Collector informed Plaintiff, that Plaintiff had five (5) years to resolve issues with the court before any County liens may be applied. The Tax Collector also informed Plaintiff, that he was not the only party taking this type of action against the Contra Costa County Court. After Plaintiff explicitly requested in writing that the property taxes should not be paid, GMAC deliberately and intentionally violated the First (1st) and Fourteenth (14th) Amendment rights of Plaintiff by paying the property taxes. GMAC paid the taxes in advance of property taxes being due, thereby limiting Plaintiff's ability to have the State and local government take responsibility for a corrupt, extortive and incompetent Contra Costa County Court System.

4. Furthermore, GMAC charged Plaintiff excessive fees and penalties (Unjust Enrichment) for the privilege of violating Plaintiff's Constitutional Rights under the First and Fourteenth Amendments, making it impossible for Plaintiff to pay monthly mortgage which had increased by more than four hundred per-cent (400%). GMAC then repeatedly refused to provide documentation as to how they calculated the new excessive mortgage amounts. GMAC then at an alleged auction, which according to the County Sheriff's Clerk never occurred, auctioned Plaintiff's property for considerably less than the Property's MAI appraised value. GMAC never owned the loan or Property and was only acting on behalf of another financial institution, which they have repeatedly refused to identify. In addition GMAC never followed the ARM formula for modifying interest rates and consistently raised interest rates even when LIBOR rates went down significantly.

5. This case is based upon GMAC's intentional and deliberate violation of Plaintiff's Constitutional Rights under the First and Fourteenth Amendments of the United States Constitution which is not considered under a Stay of Bankruptcy. Nor are GMAC's intentional acts of banking fraud and violations of RESPA and TILA Laws considered by the Stay of Bankruptcy Notice, there are no available cases to cite in this matter of an act of Corporate violation of Constitutional Rights that are relevant to this specific instance.

6. Plaintiff filed a case against GMAC and ETS for violation of Plaintiff's Constitutional Rights under the First and Fourteenth Amendments of the United States Constitution as case#: C14-00284 (PJH) on 22 February 2014.

7. Severson & Werson, GMAC's attorneys, provided the GMAC Mortgage, LLC and ETS Trustee Services LLC's Notice of Bankruptcy Filing and Entry of Confirmation Order on 12 March 2014, indicating that the Release of Stay can only be granted by the Bankruptcy Court.

8. Plaintiff has attempted to serve documents on GMAC in the past and GMAC continually provided invalid (false) addresses and refused to provide an accurate address for service of court documents, especially subpoenas. Furthermore, Plaintiff was forced to file multiple subpoenas to obtain important information from GMAC, to date GMAC has refused to comply with any requests for production of documentation.

9. GMAC's filing of Bankruptcy was a strategic action to avoid prosecution by numerous State and Federal Agencies for banking fraud and violation of many RESPA and TILA laws. This bankruptcy has nothing to do with financial insolvency.

10. Plaintiff respectfully requests that the Court proceed with due process, and grant Plaintiff's request for Release of Stay, and proceed with a Trial By Jury in the U.S. District Court Northern California in Oakland, CA, only to determine GMAC's and ETS's accountability and liabilities for the violation of Plaintiff's Constitutional Rights under the First and Fourteenth Amendments of the United States Constitution.

11. At the time that GMAC's guilt and liability have been determined by a qualified jury, and the jury has decided upon reasonable damages, these damages will be forwarded to the U.S. Bankruptcy Court in New York. It is apparent that the Bankruptcy Court does not normally hear cases involving Violations of Constitutionally Protected Civil Rights, Therefore the correct forum for this case is the U.S. District Court of Northern California.

12. Plaintiff will also provide a copy of the complaint to the local FBI Office for a formal investigation of GMAC, for violation of Plaintiff's Constitutional Rights under the First and Fourteenth Amendments of the United States Constitution.

The complaint has already been forwarded to the Attorney Generals of the United States, and the State of California, which are presently pursuing criminal actions against numerous large banks.

WHEREFORE. I respectfully ask the court to grant this motion, as well as such other relief as may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct and this Declaration was executed on 15 May 2014.

DATE: 15 May 2014

Signature: 

Email: billfuchs@comcast.net

Name: Bill Fuchs

Phone: (925) 285-2490

Address: 3050 Finnian Way #237

Dublin, CA 94568

REQUEST FOR RELEASE OF STAY