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AT HIS PART ³⁶ of the Supreme Court
of the State of New York Kings County Borough
of Brooklyn City of New York on the 21st day of May, 2009

Present: HON. MARTIN SCHNEER

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
DEUTSCHE BANK NATIONAL TRUST COMPANY
AS TRUSTEE, UNDER POOLING AND SERVICING
AGREEMENT DATED AS OF NOVEMBER 1, 2006
SECURITIZED ASSET BACKED RECEIVABLE LLC
TRUST 2006-FR4 MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2006-FR4,

ORDER TO SHOW CAUSE

PJOP

Plaintiff,

-against-

INDEX NO.: 9156/07

LARRY MARCHE; CHASE MANHATTAN MORTGAGE
CORPORATION; NEW YORK CITY DEPARTMENT OF
HOUSING PRESERVATION AND DEVELOPMENT;
NEW YORK CITY TRANSIT ADJUDICATION BUREAU;
NEW YORK CITY ENVIRONMENTAL CONTROL
BOARD; NEW YORK CITY PARKING VIOLATIONS
BUREAU; TONY BRYANT, TINA BRYANT,

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Defendants.

-----X

Upon the annexed affidavit of TONY BRYANT, the defendant herein, sworn to on May 20, 2009, the judgment of foreclosure entered on July 10, 1008, the annexed exhibits and all proceedings heretofore had herein,

Let the Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, or its attorney, Show Cause before this Court at an IAS Term, Part 36, (room 938), thereof, to be held in and for the County of Kings, at the Courthouse, located at 360 Adams Street, Brooklyn, New York, on the 12th day of June, 2009, at 9:30 a.m., or as soon thereafter as the Defendant can be heard, why an Order should not be made and entered:

KINGS COUNTY CLERK
FEE PD \$ 45 00

[Signature]

I. VACATING the judgment of foreclosure and dismissing the instant action in its entirety upon the grounds that (i) Plaintiff has misrepresented itself by alleging that it is the owner and holder of the mortgage in order to fraudulently commence this action when in fact no valid assignment has been made to Plaintiff from Fremont Investment & Loan; (ii) that this Court lacks subject matter jurisdiction where Plaintiff is not and has not been the true owner and holder of the note and mortgage at issue; and (iii) that the assignment at issue is champertous in violation of Section 489 of the New York State Judiciary Law because the sole purpose of the defective assignment was to facilitate the fraudulent litigation begun by Plaintiff prior to the assignment's execution.

SUFFICIENT CAUSE APPEARING THEREFOR, Let service of a copy of this Order to Show Cause and Temporary Restraining Order, together with the papers upon which they are granted and the Summons and Complaint with the index number and date of filing endorsed thereon, upon the Plaintiff *and upon the Referee, a* by personal service, on or before the 29th day of ~~June~~ *May*, 2009, be deemed good and sufficient service thereof.

May
[REDACTED]

Enter,



J.S.C. **MARTIN SCHNEIER**