

have to file GRANTED  
*Amey B. Jackson* 7/19/13  
Amy B. Jackson Date  
United States District Judge  
File as motion  
for summary  
judgment.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

D Trazell

Plaintiff  
v.

Robert G. Wilmers, et al.

Defendant(s)

Case No. 12 – 01369 ABJ

**Motion to Strike Dismissal and Order on Motion for Summary Judgment**

This document made pursuant:

1. FRCP rule 12 (f) Motion to Strike
2. FRCP rule 56 Summary Judgment

Facts

Defendants Robert G. Wilmers, Michael N. Trayder and M & T BANK (as a whole the "Defendants") have failed to respond to the affidavit [exhibit Ex.1] verified just after repossession occurred. Therefore the affidavit on record, delivered through certified mail [exhibit Ex.2], has gone unanswered by the Defendants; and now stands a matter of fact in law. Lastly, I stand affirmed that Michael N. Trayder, in his correspondence [exhibit Ex.3], didn't approve the loan and therefore shouldn't have unlawfully repossessed vehicle to fraudulently charged it off [see exhibit ex. 4 'credit report'].

Case Law

Non Rebutted Affidavits are "Prima Facie Evidence in the Case", United States vs. Kis, 658 F.2d, 526, 536-337 (7th Cir. 1981)

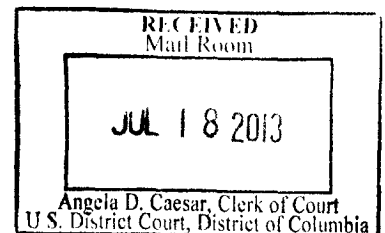
"Uncontested Affidavit taken as true in support of Summary Judgment," Seitzer v. Seitzer, 80 Cal. Rptr. 688

Order

I hereby demand the court grants this motion to strike along with summary judgment without prejudice.

*[Signature]*

All Rights Reserved



AFFIDAVIT

I Delonte Trazell am of the age of maturity to make this affidavit and the facts herein

- I \_Delonte Trazell am mentally competent to make this Official Affidavit of Facts for the Record
- I \_Delonte Trazell have personal knowledge of the facts in this affidavit
- This affidavit is made under penalties of perjury and must be responded to or it will stand as undisputed fact as a matter of law

"I \_Delonte Trazell\_ declare under penalty of perjury under the laws of the laws United States of America that the foregoing is true and correct".

MEMORANDUM OF POINTS AND AUTHORITIES

Statements Made under Penalty of Perjury – Must be answered By Counter-affidavit with Affiant having Personal knowledge of the Facts therein with Documentary Evidence

1. I Delonte Trazell, registered owner of motor vehicle [DODGE CHARGER plate #DU5717 stored at 6504 PLACE CLINTON, MD] discovered vehicle removal June 19<sup>th</sup> 2012.
  - a. VIOLATION 341.1 "At least ten days before any motor vehicle is repossessed personally, or send to the buyer's last known address by certified mail, a written notice of the holder's intention to repossess the vehicle".
2. There is NO instrument of security between M & T BANKING CORP or MANUFACTORY AND TRADERS INC. and Delonte Trazell.
  - a. VIOLATION 341.3 "If default consists solely of the buyer's failure to make one installment payment due under the instrument of security...."
3. The removal occurred at registered address [5 ELMIRA STREET SE WASHINGTON, DC]
  - a. VIOLATION 341.5 "For fifteen days after the notice required by§ 341.4 has been delivered or mailed the holder shall retain or store the repossessed motor vehicle in the District where consumer resides or where located and repossessed".

DE

JULY 6<sup>TH</sup> 2012

ALL RIGHTS RESERVED

Delonte Trazell

GENERAL DELIVERY  
WASHINGTON DC 20090  
202-678-8475

District of Columbia

Subscribed and sworn to before me, in my presence,

this 6 day of July, 2012

by Delonte Trazell

Mary F Vincent, Notary Public

My Commission Expires: 03-31-2013

**EX. 7**

#12-057

7011 3500 0002 1142 6010

U.S. Postal Service™		
CERTIFIED MAIL™ RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
Postage	\$ 7.12	Postmark Here  JAN 10 2013
Certified Fee	\$ 3.10	
Return Receipt Fee (Endorsement Required)	\$ 2.55	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 12.77	
Sent To MICHAEL N. TRADER		
Street, Apt. No., or PO Box No. 1ST BANK PO BOX 767		
City, State, ZIP+4 BUFFALO, NY 14240-0767		
PS Form 3800, August 2006 See Reverse for Instructions		

7011 3500 0002 1142 6010

U.S. Postal Service™		
CERTIFIED MAIL™ RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
Postage	\$ 1.35	Postmark Here JAN 10 2013
Certified Fee	\$ 0.00	
Return Receipt Fee (Endorsement Required)	\$ 0.00	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 1.35	
Sent To ROBERT G. WILMERS		
Street, Apt. No., or PO Box No. ONE MIST PLAZA		
City, State, ZIP+4 BUFFALO, N.Y. 14203-2399		
PS Form 3800, August 2006 See Reverse for Instructions		

EX. 2  
12-01369



20111481225050

June 05, 2011

825

DELONTE FORD  
2408 POMEROY RD SE APT 202  
WASHINGTON DC 20020

Dear Delonte Ford:

Thank you for your request for an Installment Loan. After careful consideration, we regret to inform you that your application under the terms and conditions that you requested cannot be granted at this time because of:

- Collateral Is Ineligible or Value Is Insufficient For Amount Requested

Please note, however, that we may be able to provide an alternative method of obtaining credit and would welcome the opportunity to present some options to you. If you would like to discuss your available choices, please contact M&T's Consumer Credit Processing Department at 1-800-375-8103. If we do not hear from you within 30 days, we will assume that you have chosen not to pursue your request for an Installment Loan.

Also note that in connection with your request, we obtained a credit report from the following credit agency:

Equifax  
P.O. Box 740241  
Atlanta, Ga. 30374  
1-800-685-1111  
[www.equifax.com/fcra](http://www.equifax.com/fcra)

Unless indicated above (denoted with an \*), some or all of the information on your credit report influenced our decision. You may wish to obtain a copy of this report by contacting the credit reporting agency at the above listed phone number. The credit reporting agency did not make the decision to take the adverse action and is unable to provide the reasons for the adverse action which was taken.

Pursuant to the Fair Credit Reporting Act, you have a right to obtain a free copy of your credit report from the credit reporting agency named above provided that you contact the agency named above within 60 days of receiving this letter. You also have the right to dispute the accuracy and completeness of the information contained in the report you receive from the agency. Please refer to the reverse side of this letter for important information regarding our credit policies and your legal rights.

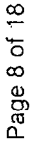
Thank you for considering M&T Bank.

Sincerely,

*Michael N. Trayder*

Michael N. Trayder  
Authorized Signer

EX-3  
2-61369



**Account history** - If your creditor reported your account balances to us, we list them in this section as additional information about your account. Your balance history may also include your credit limit and high balance or the original loan amount for an installment loan. This section also includes the scheduled payment amounts, amounts actually paid and the dates those payments were made. ND, No Data.

[illegible]

> The original amount of this account was \$34,545

0566574185

Ex. 4  
#12-0309