UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

FILED - LN
January 19, 2024 5:03 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: jlg / SCANNED BY: 1/19/24

JEFFREY RYAN FENTON,

PLAINTIFF

v.

VIRGINIA LEE STORY ET AL.,

DEFENDANTS

CASE NO. 1:23-cv-1097

DECLARATION ABOUT PHONE CALL WITH TRUSTEE JOHN MCLEMORE
F.R.B.P RULE-7001 & 11 UNITED STATES CODE § 363

Plaintiff brings this testimony pursuant to 28 U.S. Code § 1746.

I, Jeffrey Ryan Fenton, declare under oath as follows:

1. References in this document to Ms. Fawn Tiffany Fenton are hereinafter "Ms. Fenton", "wife", and/or "ex-wife".

SELF-TEACHING MYSELF THE LAW

2. I was told that Attorney John Brandon Coke, the General Counsel for the Tennessee Supreme Court, Administrative Offices of the Courts, was the state court's top ADA authority at the time. During a recorded phone call[1] on 2/13/2020 with defendant Coke, at the 16:01 time marker during that call, Mr. Coke stated: "*...if you are going to be self-represented—and*

[1] https://www.rico.jefffenton.com/evidence/2020-02-13_tnsc-aoc-ada-gc-john-coke-phone-call.mp3
https://www.rico.jefffenton.com/evidence/2020-02-13_tnsc-aoc-ada-gc-john-coke-call-transcript.pdf

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I know it's difficult because you can't afford an attorney… that's just how it is… you have to self-teach yourself. You've gotta go online. Read the law. That's all I can tell you here."

3. Mr. Coke used to be the law clerk for Judge Michael W. Binkley's older brother, Nashville Circuit Court Judge Joseph P. Binkley.[2]

4. Upon information and belief, unfortunately General Counsel John Coke chose to cover for the family of his previous employer, rather than help the injured party, or reporting the outrageous Attorney and Judicial misconduct that I both reported to Mr. Coke, as well as provided him clear and convincing evidence of.

5. During a recorded phone call on 7/2/2020 with Chapter-7 Bankruptcy Trustee John C. McLemore[3], I reported the scam between the courts, that somehow, I was cheated out of my property interests. I asked Trustee McLemore what processes or procedures on the bankruptcy side didn't take place correctly, as well as who was responsible for those tasks.

6. The canned response I received from nearly everyone I reached out to for procedural information and understanding or any sort of assistance, was ***"I can't be your attorney."*** Trustee McLemore quickly told me this toward the beginning of our call.

7. I wasn't seeking representation from Trustee McLemore, I sought information.

8. I received very little useful information through the calls I made, seeking

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[2] https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/judges/joseph-p-binkley

[3] https://www.rico.jefffenton.com/evidence/2020-07-02_ch7-bk-trustee-john-mclemore-phone-call.mp3

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knowledge, understanding, transparency, accountability, any viable path within my means which might eventually lead to some sort of a cure. I was not negligent in any way, in my attempts, while almost everyone blame shifted and tried to divert liability from there area of responsibility or expertise.

9. Gradually over time I picked up little "nuggets" of information, law, and truth, which even if I didn't understand them or find them actionable at that time, I later learned enough to where I was able to begin putting the pieces of the puzzle together.

10. At the same time I've continued researching state and federal laws along with networking and seeking answers, while drafting probably tens of thousands of pages of research and attempted pleadings by which to attempt to find relief, to no avail.

11. The first two years (after my home was wrongfully taken and the fraudulent "default" judgements were savagely levied against me), I worked 12-16 hours per day, almost every day, with one occasional day off every couple of weeks on average.

12. The third year I shifted from seeking a State cure to seeking a Federal cure and studying the Federal Bankruptcy Code. I lost some steam during this phase, exhausted by chasing countless dead ends without finding any cure. I cut back to roughly 8-12 hours per day, six days per week at this point. Actually, taking a day off each week, often just feeling overwhelmed and defeated, because I could find no honor, justice, truth, or protection in the judiciary despite what I considered an absurd amount of efforts on my part.

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13. During this past year, I've shifted back into high speed, working 12-16 hours per day, a solid 6-days per week. Now that I understand the Federal Rules of Bankruptcy Procedure and the Bankruptcy Code, **I've finally been able to connect ALL the dots.**

14. Unlike looking from the Chancery Court side, where the question was "what laws did they break", once I understood the Bankruptcy code, when examining the Federal Rules of Bankruptcy Procedure, along with the related Title-28, Title-11, and Title-18 laws, the question changed radically to **"what laws didn't they break?"** Everything done between the two courts was a flagrant violation of the Federal Rules of Bankruptcy Procedure and subsequent Federal Bankruptcy laws, not by my ex-wife either, **by the attorneys, trustee, and judges in both courts.**

15. To date it seems that every department within the State of Tennessee is working to cover-up the corruption while I know there are obvious conflicts of interests for both the courts in Tennessee, as well as the judges individually, while again Judge Binkley and Attorney Story are deeply rooted in the judicial and political culture of middle Tennessee, incentivizing "covering for friends".

16. It has taken me constant daily legal research (at least 6-days per week) combined with reaching out to others and asking questions, to slowly but surely learn the sections of code which I have literally devoted three-years of my life to studying, almost all day every day, before I could unravel the layers of fraud committed by both Tennessee State and Federal Courts, to intentionally obfuscate the facts and the crimes between their separate court records.

17. Portions of my recorded phone call on 7/2/2020 with Chapter-7 Bankruptcy

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Trustee, Attorney John McLemore follow:

18. At the 41:24 marker in the phone call with Attorney McLemore, he stated, "They just completely walk completely all over your rights, in the state of Tennessee, or perhaps under the Bankruptcy Code - That's where your problem is, but I can't answer your question because I don't have enough information. I'm sorry."

19. At 41:45 I asked Trustee McLemore, "Is there some place in the code that you would just point me to, where I could start reading myself to try to understand? Because again, I don't have any money to hire an attorney."

20. At 41:58 Attorney McLemore responded, "You are in an area of the law that is as difficult as tax. But write this down, **11 United States Code 363**. And have a good nap because it's a long statute and you probably will not understand a great deal of it. That's where you look."

21. It needs to be noted that in the statement above by the Chapter-7 Bankruptcy Trustee, John C. McLemore, where he stated, ***"11 United States Code 363"***, I completely missed the ***"363"*** part of his sentence, at the time. (It was only upon transcribing part of that phone call for this complaint that I realized Mr. McLemore had provided me with such precise information.)

22. My overall "takeaway" from this conversation at the time, was that Mr. McLemore had confirmed my suspicion that *something improper* had taken place, but I still did not understand where, how, or by whom. The idea that the bankruptcy code is extremely complicated stuck with me, as well as Mr. McLemore's suggestion to read "*11 United States Code*". After spending over

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30 minutes on the call with Mr. McLemore, as he looked through the busy and complicated docket for the case, the overall tone which stuck with me at the time, was Mr. McLemore's statement, *"I can't answer your question because I don't have enough information. I'm sorry."*

23. Some of Trustee McLemore's statements about "notice" were also not understood by me at that time. Throughout much of 2020-2021, I sought help through the Tennessee Court of Appeals, the Tennessee Supreme Court, as well as the Tennessee Supreme Court's Admin Offices and Board of Professional Responsibility (BPR).

24. Each attempt absolutely consumed and overwhelmed my life, as I tried to learn how to communicate with them, their rules and procedures, while struggling to articulate a series of crimes which he still didn't even understand how to put language to or explain.

25. Most actions were buried under the most absurd domestic "dog and pony show" in the Chancery Court, clouding the truth, while obfuscating the crimes between the courts.

26. The Chancery Court action literally served as nothing more than a strategic distraction, but one which took me years of legal research and an obscene amount of time and energy fighting for the first few years.

27. Until I finally learned enough to see past it. That none of it even mattered. That I had spent a couple of years of my life trying to defend myself in a case where I was fraudulently denied due process, and any real opportunity to participate. **That literally everything in the Chancery Court case was obscenely fraudulent.**

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28. I will break it down when I am finally able to put words to it all, but in each and every hearing in the Chancery Court, defendants Binkley and Story disqualify themselves (repeatedly) for criminal misconduct, in each and every hearing, motion, and affidavit.

29. If in each and every instance that defendants Binkley and Story met in court related to docket #48419B, you forgave all their prior misconduct, foul play, and crimes they committed, and began with a clean slate, still, in each and every situation, without exception, their misconduct and criminal actions repeated independently disqualified them again, and again, in each and every instance.

30. Overwhelmingly for "fraud on the court, by members of the court", while also being disqualified for clear "obstruction of justice" during the 8/29/2019 hearing when I first went pro se.

31. They were also disqualified on 8/29/2019 for a wrongful eviction and committing a Class 'D' Felony against me by making me unable to participate in the legal proceeding which they had just lawfully summonsed me to participate in.

32. There was a significant amount of extortion, first of my property, then my silence. Defendant Binkley forced me to sign a listing agreement in court on 8/29/2019, under the threat of incarceration.

33. After I was safely out of the State of Tennessee I contacted everyone from the Auctioneers, defendants Beeler, Story, Yarbrough, and I requested for defendant Beeler to print

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out my email and to provide it to Judge Binkley, notifying them all that I was coerced under threat of incarceration to sign the listing agreement, without ever fully reading it, that it was null and void, repeatedly emphasizing that I had rescinded my permission to proceed with the auction, and short of Judge Binkley executing a court order to no longer need my signature, the sale of the property constituted real estate deed fraud.

34. The defendants further modified the "listing agreement" after I had signed it, unbeknownst to me, while they went forward and executed the sale with my coerced signature on the listing agreement anyway, and nobody cared if I consented to the sale or not.

35. To this day, everybody has refused to provide me with a fully executed HUD-1 "Settlement Statement", showing the final sales price and exactly where the funds went. I've asked the Clerk and Master's Office, the Closing Company, the Auctioneers, defendant Story, on multiple occasions, while everyone has refused to provide me with my HUD-1 "Settlement Statement".

36. I was a licensed real estate agent in the State of Tennessee for 16 ½ years. That isn't legal. Neither is selling property after a property owner rescinds their consent. A property owner is not bound to any listing agreement until there is a binding "purchase and sale agreement" on that property, with all parties acknowledging notice.

37. Prior to that, a property owner can terminate any listing agreement at any time. The most the property owner would be liable in such an event is compensation for the brokers time and any out-of-pocket expenses they incurred such as advertising costs. But they absolutely cannot

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force you to sell your property prior to having a binding purchase and sale agreement.

38. Later when I contacted the Acting United States Trustee for Region 8, over the Federal Districts of Kentucky and Tennessee, Paul A. Randolph and asked him to initiate a bankruptcy fraud investigation related to my property and all the mischief between the two courts, a DOJ/USTP Trial Attorney by the name of Megan Seliber was sent my case to investigate.

39. Ms. Seliber sent me a copy of my deed of trust, along with the paper trail for the sale, that was when I learned that not only was my void and terminated listing agreement still used to execute the sale without my consent, but one of the defendants also changed one of the terms on the listing agreement which looks noticeably different from the rest of the writing on the document. So, it was essentially forged and fraudulent, and executed clearly against my will.

40. While the Chancery Court had no lawful jurisdiction to deprive me of my rights and my property interests short of due process of law, which I was specifically denied.

41. After a pre-trial conference in the back of the Chancery Court on 8/1/2019, I told my counsel that I could borrow money from my mother to bring our mortgages current and to keep them current (roughly $8k, less than I collectively spent on counsel for that day), provided I could continue living in my home.

42. As I asked my counsel if that might be possible, defendant Story overheard me and stated, **"No. It's already too far along in the bankruptcy."**

43. I was strategically deprived of the lawful notice and adequate protection required

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by the bankruptcy court.

44. Both my 5th and 14th Amendment rights as a United States Citizen were violated.

45. Furthermore, the Chancery Court placed a restraining order against me specifically forbidding me from contacting the bankruptcy court or our mortgage companies (under the guise that I somehow wished some harm upon my ex-wife's finances).

46. Oddly, the Auctioneer's last name is "Anderson", so is the closing Attorney, so is the Williamson County Register of Deeds. I find that suspicious at the very least.

47. Obviously, the property has a clouded title, and in fact the sale is illegal and void, no court with any jurisdiction to dispose of the matter ever heard or decided the matter.

48. That is because by the Federal Rules of Bankruptcy Procedure and a multitude of Federal Bankruptcy Laws, the Trustee would not have been allowed to sell my marital residence, because it was of absolutely zero value to the bankruptcy estate. While Bankruptcy laws require the sale of the property to be beneficial enough to the bankruptcy estate to justify depriving my multiple critical and even essential property interests, which was literally impossible.

49. Hence had the Bankruptcy Court proceeded in proper form – that is in compliance with the Federal Rules of Bankruptcy Procedure and Federal Bankruptcy Laws, the Judge would have had to order that the Bankruptcy Trustee remove the "marital residence" from my ex-wife's secret "bankruptcy estate" as a "burdensome asset."

50. Instead, they waited 97-days after the creation of the "bankruptcy estate" for the

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very first day that I walked into the Chancery Court for a "divorce" which wasn't even filed in court until 39-days after the secret bankruptcy was filed, where the court never even allowed the "divorce" to begin discovery, all that the Chancery Court was used for was to illegally circumvent the Federal Rules and taking the property, while it was specifically forbidden from exercising jurisdiction because it was part of a federal bankruptcy estate.

51. Literally nothing they did was legal. The "conspiracy" is irrefutable, it is not plausible that many highly trained licensed professionals all made that many "errors" as to have waiting for a court which had no active action at the time of the bankruptcy being filed, for something to be filed over a month later, then two more months before I first entered a court without lawful jurisdiction over my property.

52. That is entirely unreasonable.

53. Plaintiff later filed complaints for Bankruptcy Fraud and Racketeering with both the FBI[4] and the DOJ/USTP.[5] Plaintiff's third year of research was spent studying the bankruptcy codes and seeking a federal cure, since the State has ardently refused to help Plaintiff in any way. Month after month, year after year, as Plaintiff reached out for help and studied the law (as advised by Admin Office General Counsel John Brandon Coke) he slowly learned, as more pieces of the puzzle began to come together.

54. During the 7/2/2020 phone call with Bankruptcy Trustee John McLemore,

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[4] Case 1:23-cv-01097-PLM-RSK, ECF No. 1-29, PageID.1704-1707; ECF No. 1-30, PageID.1771-1792

[5] Case 1:23-cv-01097-PLM-RSK, ECF No. 1-30, PageID.1758-1761

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Plaintiff was upset that Attorney McLemore hadn't provided him with any actionable information. However, now upon reflection, Trustee McLemore provided quite a bit, but unfortunately it wasn't understood by Plaintiff at that time. While like everyone else, Mr. McLemore refused to take responsibility or invest the energy to provide Plaintiff with a cure within his reach.

Adversary Proceeding in Federal District or Bankrupcy Court

The Trustee was required to provide Plaintiff and his two tenants/roommates with notices & hearings in federal court. Plaintiff had the following valid property interests: legal title, ownership, controlling, possession/enjoyment/use, beneficial, equitable, exclusion, investment, income, future. Plaintiff's tenants had secure one-year leasehold interests.

Rule 7001. Scope of Rules of Part VII

An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:

(1) a proceeding to recover money or property, other than a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under §554(b) or §725 of the Code, Rule 2017, or Rule 6002;

(2) a proceeding to determine the validity, priority, or extent of a lien or other interest in property, but not a proceeding under Rule 3012 or Rule 4003(d);

(3) a proceeding to obtain approval under §363(h) for the sale of both the interest of the estate and of a co-owner in property;

(4) a proceeding to object to or revoke a discharge, other than an objection to discharge under §§727(a)(8),[1] (a)(9), or 1328(f);

(5) a proceeding to revoke an order of confirmation of a chapter 11, chapter 12, or chapter 13 plan;

(6) a proceeding to determine the dischargeability of a debt;

(7) a proceeding to obtain an injunction or other equitable relief, except when a chapter 9, chapter 11, chapter 12, or chapter 13 plan provides for the relief;

(8) a proceeding to subordinate any allowed claim or interest, except when a chapter 9, chapter 11, chapter 12, or chapter 13 plan provides for subordination;

(9) a proceeding to obtain a declaratory judgment relating to any of the foregoing; or

(10) a proceeding to determine a claim or cause of action removed under 28 U.S.C. §1452.

§363. Use, sale, or lease of property **skipped**

(b)(1) The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate, trustee may not sell or lease personally identifiable information to any person unless—

(e) Notwithstanding any other provision of this section, at any time, on request of an entity that has an interest in property used, sold, or leased, or proposed to be used, sold, or leased, by the trustee, the court, with or without a hearing, shall prohibit or condition such use, sale, or lease as is necessary to provide adequate protection of such interest. **(skipped)**

(f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if—

(1) applicable nonbankruptcy law permits sale of such property free and clear of such interest; **(failed)**

(2) such entity consents; **(failed)**

(g) Notwithstanding subsection (f) of this section, the trustee may sell property under subsection (b) or (c) of this section free and clear of any vested or contingent right in the nature of dower or curtesy.

(h) Notwithstanding subsection (f) of this section, the trustee may sell both the estate's interest, under subsection (b) or (c) of this section, and the interest of any co-owner in property in which the debtor had, at the time of the commencement of the case, an undivided interest as a tenant in common, joint tenant, or tenant by the entirety, only if— **(failed)**

(1) partition in kind of such property among the estate and such co-owners is impracticable;

(2) sale of the estate's undivided interest in such property would realize significantly less for the estate than sale of such property free of the interests of such co-owners;

(3) the benefit to the estate of a sale of such property free of the interests of co-owners outweighs the detriment, if any, to such co-owners; and **(failed)**

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55. Looking back with fresh eyes: Trustee John McLemore stated, "You are in an area of the law that is as difficult as tax. But write this down, **11 United States Code 363**. And have a good nap because it's a long statute and you probably will not understand a great deal of it. That's where you look."

56. They couldn't legally force the sale of the marital residence. It was of zero benefit to the "bankruptcy estate". The Trustee would have been ordered to remove it as a "burdensome asset".

DECLARATION

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct, except as to matters herein stated to be on information and belief, and as to such matters, I certify as aforesaid that I verily believe the same to be true.

Executed on January 17, 2024

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