

My name is Mike Bassett. In June 2008 my world collapsed. At that time, I was in Divorce Court, I was fighting for custody of my Kids and I was a Realtor in 2008 when the bottom fell out of the Real Estate market. Following my divorce in 2009, my income dropped by 90%. I also had very large credit card balances and other bills from early 2009. It was the perfect storm of despair.

I was in the battle of my life: to have equal custody for my kids. The divorce was final in December 2008, but my kid's mom continued to fight as she wanted them 100% of the time. This lasted well into 2011. After a lot of work, the Judge saw things my way and ordered 50% legal and physical custody to both of us. So, from 2008 – 2011, the blinders were on, so I could focus on keeping custody of my kids. I neglected just about everything else, including my bills - It was the only way I knew how to survive and keep my kids.

After 2011, I continued forward, pretending that there was no debt – very easy to do, as there was no contact from any of the companies that I had failed to pay. In early 2014, I started receiving 6 calls a day from a company called Midland Funding – harassing and continuous contact. I did not have the means to pay any debt, so I began to ignore their contact, not knowing who they were or what they were trying to collect. Shortly thereafter in the middle of 2014, I was sued by Midland Funding in Washtenaw Circuit Court for over \$25,000. I was not sure why they were suing me or who they were, but I thought I was doomed.

I had no idea what to do. I initially decided to ignore the lawsuit and continue to pretend that the whole thing wasn't real. I had never heard of Midland Funding and had NOT done business with this company. I knew I didn't owe Midland Funding anything on whatever debt they said I owed them.

I then searched for an attorney to take my case. I talked to 4-5 attorneys, and not a one had interest, at least not at a price I could pay. Researching online, I found that the worst path to take would be to ignore this lawsuit. Collecting all the "law" knowledge I could – mostly online - I decided to file an Answer to the complaint to avoid a default to this company. If I had ignored the lawsuit, I would have lost for sure, even though I didn't owe Midland Funding anything. Looking back, I was glad I got my head out of the clouds and did something. One thing I wished I had done that time was to also ask for a jury trial. I just did not know. So, I fought Midland Funding alone, in the Washtenaw County Circuit Court, "in pro per" as they say.

I threw everything I had into the case. I even filing a Motion for Summary Disposition to end the case against Midland when I learned they were using an Affidavit against me that was signed by a witness who had died. I asked the court to dismiss the case and the Judge told Midland they had to produce paperwork showing they owned the debt within 21 days. That time came and went, and the Judge did not dismiss the case or really do much of anything. He did not even enter an Order saying they had twenty-one days to show ownership. Midland kept litigating the case against me. Then, they waited until the day before trial to produce a new affidavit witness against me that they were supposed to have produced months earlier. Although there was a Michigan Court Rule requiring they produce the witness testimony much earlier and with enough time, to allow me time to examine the information and do discovery on it, the Judge ignored the rules and let them bring the information in the day before trial!

The Judge seemed to work with Midland but then make me jump through many hoops. The Midland attorneys (they used three) never seemed stressed like I was. Based on the information Midland waited until the day before trial to show me and the Court, he ruled in Midland's favor at Trial. The Judge ordered a Judgement for Midland Funding in the amount of over \$25,000. He said I had admitted I owed

the debt to them (I did not) and he would not listen to my arguments in court that Midland first must prove they own the debt to sue me. They had failed to do this. I knew the judge was wrong. Heck, I suspect he knew it too. Again, I didn't owe Midland Funding anything. At trial, Midland Funding had all this paperwork regarding the sales of "pools of debt" but my name was nowhere to be found. The paperwork did not connect me to the pool of debts they claimed they had purchased from their sister company, Asset Acceptance.

Again, all alone and without an attorney, I appealed to the Michigan Court of Appeals. Learning how to do that without an attorney was a huge chore. But, I learned a lot. I completed all the required paperwork, including a "brief" that set out all the reasons why the Judge was wrong in my case. Over a year later and many more grey hairs, I appeared before the Court of Appeals to argue my case. I was up for days learning everything I could to prepare and write the Brief. Now, I had to stand and be judged for that work by not one but three more judges. I have never been so nervous in my life.

I had appealed based on what I could grasp and learn from my readings of the *Michigan Rules of Evidence*. This process started on the day I learned how to Answer the complaint. After that, it was constant obstacles and bending with the judge's decisions that kept me in front of the computer learning more and more. I knew I had to know the rules and the law better than the Midland attorneys did. Although I knew that I didn't owe Midland any money at trial, I still lost. Now, I had to find a reason to have this judgement against me overturned.

I appealed on an error that Midland Funding made – basically, Midland Funding ignored the *Michigan Court Rules* when they delivered to my house (a day before trial) the evidence they were going to present at trial. This is contrary to how evidence can be admitted in a trial (according to the Michigan Court Rules and Rules of Evidence). The rule is MRE 902(11) and says that if your witness can't appear for court, you can get their testimony and information in to trial for consideration, if you give the other side a reasonable amount of time to examine or do discovery on the offered testimony (in lieu of having the witness present at trial). Here, because they delivered their evidence just one day before trial, they failed to give me adequate time to review the information they were presenting at trial.

I read the rules and honestly, I could not see how I could lose *under the rules*. But, I had been in front of a Judge before with the same rules and requirements and he had still ruled against me. Now, there were three judges to convince. I had no chance, right? But, the Michigan Court of Appeals agreed with me, and "vacated" the judgement, and ordered a new trial. So, although my perseverance for justice was that I didn't owe Midland anything, I gladly accepted the Court of Appeals reversal on a different issue. This new trial allowed me another chance in the trial court, to challenge Midland Funding on the issue of ownership. I was thrilled at this second opportunity to prove that Midland Funding didn't legally own my debt.

Seeking a different strategy, I again attempted to get counsel for this second (remanded) trial. I contacted 4-5 attorneys again – I had a taker. Brian Parker, an attorney in West Bloomfield, agreed to represent me in my second trial. He read the transcript of the first case and was pissed about the bias decisions of the judge. I was just thrilled to get help. I knew what it took to prepare for, and try a case, and the stress of the situation quickly abated. Parker he was on top of all aspects of my case.

After months of preparing, Brian and I showed up for my second trial. While I thought I was just going to leave the case to Brian, I could not do that. The same passion and thirst for knowledge that I had depended upon in working hard to learn everything about the rules (and Midland) and the law

remained. And Brian worked with me at every turn. He called me counselor and took my advice and incorporated it into motions and oral arguments.

At the Second Trial, Midland Funding brought a witness. Brian Parker is a talented litigator, and he completely proved at this second trial that I did NOT owe Midland Funding anything and that they knew it. Again, like the first trial, there was no paperwork with any of my information on it showing a chain of title from the original creditor to Midland. Not a single document from any third-party showing that they sold my debt to Midland Funding. But, we were in front of the same judge and *judges don't like to be appealed*. Contrary to the evidence at trial, where their own witness admitted there was missing evidence of Midland owning me debt, Judge David Swartz, ruled in Midland Funding's favor - again awarding them judgment against me for a debt that was not theirs.

At this point I knew that I was up against a wrong Judge as the evidence was clearly absent from any documents with my information in them. I was at a complete loss and my motivation/energy for appealing again was waning – I was mentally exhausted. If I appealed, I would now need to appeal on “real grounds” and do all the work again to argue that Midland Funding doesn't own any of my debt.

After a few weeks of pouting and stressing out, I decided to once again appeal to the Court of Appeals. I wrote my “brief” and waited six months for my case to be called. In my first appeal, the brief was spot on: The Court of Appeals read it and seemed to rule in concert with my arguments for reversal. This brief was different: I was tackling the crux of the issue, not a technicality. This time I was arguing that Midland Funding did NOT own a debt that I once owed someone else. I went to Lansing once again and argued my case.

This time around, I was just as nervous, but once I read my prepared speech, the Judges engaged me and asked me questions. I had prepared for possible debate/questions for days. I had the answers they needed. Again, Stillman Law Offices attorneys had taken this too lightly either because they did not respect me or knew they did not have the goods. The attorney that showed up at the hearing did not seem to know his case. One of the Judges on the panel kept asking him to confirm his arguments I think, to give him a chance to correct his mistakes. But, he just kept repeating the same answer to the Judge. I knew at that time that I had a chance because the answer he kept repeating hurt Midland's position on the case. I just had a feeling from my work and the Judge's questions that Midland's lawyer had not answered properly. This was confirmed two weeks later when I received the Opinion of the Court.

This time they vacated AND REVERSED. They took away the decision from the Judge that did this to me and ruled on behalf. I read the Opinion they wrote and was bit confused as they didn't rule in direct relation to my brief this time; They had taken the time to read the trial transcript and saw how Brian Parker had refuted all Midland Funding's alleged evidence and shown the missing links in the chain of title evidence. They disregarded my arguments and ruled based on the evidence presented at trial by Brian. Without Brian, I would have been another victim of another, I believe, biased Judge, and a victim of a verdict that would not have been fair. Midland Funding didn't own my debt and they couldn't prove they did. Stillman Law Offices attorneys had taken this too lightly either because they did not respect me or knew they did not have the goods. Yet, we had worked hard and finally after four long years, the right decision was had.

So, now I have my life back - after two defeats in the Circuit Court, and two overriding victories in the Michigan Court of Appeals. I can teach my kids the best lesson of all: Hard work pays off in the end. I can also hold my head up high that the Justice system in this country works. It just needs a little nudge

occasionally. So, if you have read this far, thank you. I also want you to know that I am a nobody with no real or special talents. But I do know that hard work can be a great equalizer. Believe in yourself and you can do this. In the end, the rules work. Just keep trying.