

From: Leonard Horowitz <len15@mac.com>
Subject: Fwd: Checking In. Are we okay with foreclosure defense???
Date: April 21, 2011 11:16:47 PM HST
To: len15@mac.com



Begin forwarded message:

From: Gary Victor Dubin <gdubin@dubinlaw.net>
Date: April 17, 2011 6:09:42 PM HST
To: Leonard Horowitz <len15@mac.com>
Cc: "John S. Carroll" <johncarro001@hawaii.rr.com>, Mitch Fine <mitchfine@hotmail.com>, Sherri Kane <sherrickane@gmail.com>, Jackie Lindenbach <jackiel1957@gmail.com>
Subject: Re: Checking In. Are we okay with foreclosure defense???

Len:

Here you go again.

For the tenth time at least: You have not lost ownership. As long as you have possession and a deed that put you in possession, you are the lawful owner notwithstanding any wild deed filed at the State Bureau of Conveyances and notwithstanding any robotic change of title at the County Tax Office simply the result of the premature change at the Bureau of Conveyances, until a Court decides who really has superior title.

And John protected your interests by filing a notice of pendency of action at the Bureau of Conveyances which as a practical matter stops any refinancing or sale by the miscreants until removed.

I cannot comment on what transpired before my involvement, which was after you lost the case, but making a circus out of the case will not help your legal cause.

You have an absolute right to be confused by all of the hocus pocus mumbo jumbo of the legal profession, but you need to better distinguish between those who are helping you and those who are not -- and judging by your last two emails, some new idiot seems to have your ears.

Litigation is very expensive, and you told me from the beginning that you did not have the money to sustain the battle in court, so we have needed to be selective in our work.

There is no way, for instance, to stop a nonjudicial foreclosure auction as the Court's consider, right of wrong, emotions aside, that no irreparable harm occurs since no court has yet decided the issues, and your issues are not the type that would support such emergency relief anyway.

I don't know who is suddenly advising you, but they are full of crap.

I told you last week that I have prepared the case and am prepared at any time to file, and that should be done soon, but you have also told me that you cannot fund the type of action needed.

Now you accuse me of failing to file an appeal under a statute that is not applicable. Who fed you that nonsense?

Now you accuse me of failing to stop the auction. Who fed you that nonsense?

Good luck following the blind. In the process, watch out for the cliffs.

Gary

Dubin Law Offices
Harbor Court, Suite 3100
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(808) 392-9191 (cellular)
(808) 523-7733 (facsimile)

SENT BY IPHONE

On Apr 17, 2011, at 5:34 PM, Leonard Horowitz <len15@mac.com> wrote:

Gary, John, and Mitch:

Here are e-mails between us prior to the foreclosure auction. One from John and Mitch stating that John was going to be filing a timely appeal to block the resulting loss of title. That was never done. Gary's eyes were on this matter at this point also, and he informed me by e-mails that he would be filing something also, and never did. I knew not the law, but in my heart, that a filing by attorney(ies) could block the auction and subsequent loss of title.

I now need to hire another local attorney, besides Zamber, Carroll, and Dubin, to avert further injury.

Len

Begin forwarded message:

From: Leonard Horowitz <len15@mac.com>
Date: April 11, 2010 8:22:52 PM HST
To: Gary Dubin <gdubin@dubinlaw.net>
Cc: Sherri Kane <sherrickane@gmail.com>, Jackie Lindenbach <jackiel1957@gmail.com>, Mitch Fine <mitchfine@hotmail.com>, Roxanne Hampton <rhampton@co.hawaii.hi.us>, "John S. Carroll" <johncarro001@hawaii.rr.com>
Bcc: Gary Zamber <gzamber@gmail.com>
Subject: **Checking In. Are we okay with foreclosure defense???**

Gary,

Are we okay with the filing you proposed?

Did you receive any assistance with requested documents from John Carroll?

We are feeling less than comfortable about the scheduled foreclosure auction on April 22, 2010, and Sherri has been leaving messages to get in touch with you to confirm your preparations and filings on our behalf to bring the non-judicial foreclosure into Court in Oahu, and get an injunction on the auction.

Can you please let us know what, if anything, I should be doing at this time, besides praying? We have a lot of people who are praying for us and praying you will be highly effective as discussed.

Please confirm receipt of this mail, as our connection has been giving us problems.

Len

On Apr 4, 2010, at 9:16 PM, Gary Victor Dubin wrote:

That works. Gary

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SENT BY IPHONE

On Apr 2, 2010, at 8:59 PM, Leonard Horowitz <len15@mac.com> wrote:

Gary, Thanks for clarification. What about this:

. . . serious defects to subject property not disclosed and never part of previous counterclaims. These were only discovered about two years ago.

There is a lava tube running directly under 1/3 of our building currently causing the collapse of a main support pillar.

LEE had to have known about this because the tube was partly filled in with gravel AND the Country permitted "Septic" system IS THAT SAME LAVA TUBE directly adjacent and beneath the living quarters. This was not disclosed.

Moreover, the jury awarded LEE \$400 for me demolishing the trailer that was purchased in the DROA. That trailer was the subject property in the Agreement for Closing Escrow. Thus, LEE's foreclosure complaint that I "trespassed on his chatels" essentially violates the terms of the DROA and the mortgage note.

Leonard

Leonard

Begin forwarded message:

From: Leonard Horowitz <len15@mac.com>
Date: April 2, 2010 11:09:27 PM PDT
To: Gary Dubin <gdubin@dubinlaw.net>
Cc: Mitch Fine <mitchfine@hotmail.com>, "John S. Carroll" <johncarro001@hawaii.rr.com>
Subject: Fwd: John Carroll's Defense Counter-Action to Non-Judicial Foreclosure

Gary,
I received this from Mitch Fine today. John sent this to Mitch.
Best,
Leonard

Begin forwarded message:

From: Mitch Fine <mitchfine@hotmail.com>
Date: March 26, 2010 1:22:22 AM PDT
To: Leonard Horowitz <len15@mac.com>
Subject: FW: John Carroll's Defense Counter-Action to Non-Judicial Foreclosure

Dr.

Response from John.

From: johncarro001@hawaii.rr.com
To: mitchfine@hotmail.com
Subject: RE: John Carroll's Defense Counter-Action to Non-Judicial Foreclosure
Date: Thu, 25 Mar 2010 13:33:02 -1000

Will do.

John S. Carroll

Law Offices of John S. Carroll

Phone (808) 526-9111

Fax (808) 545-3800

johncarro001@hawaii.rr.com

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From: Mitch Fine [<mailto:mitchfine@hotmail.com>]
Sent: Thursday, March 25, 2010 9:56 AM
To: johncarro001@hawaii.rr.com; Leonard Horowitz
Subject: FW: John Carroll's Defense Counter-Action to Non-Judicial Foreclosure

John,

As set forth below, at your earliest convenience, please send me a copy of the documents referenced in paragraph 3 of Dr. Horowitz's email 3/23/10 @ 12:15 .

Thank you,

Mitch

CC: mitchfine@hotmail.com; celticspirit@netscape.ca
From: lenin528@mac.com
To: johncarro001@hawaii.rr.com
Subject: Fwd: John Carroll's Defense Counter-Action to Non-Judicial Foreclosure
Date: Wed, 24 Mar 2010 17:04:32 -0700

John,

This was sent to me from our caretaker on the estate, Gaillen. Use for evidence if needed.

Len

Begin forwarded message:

From: Gaillen T Nnysbet <celticspirit@netscape.ca>

Date: March 24, 2010 11:04:19 AM PDT

To: celticspirit@netscape.ca

Cc: Leonard Horowitz <lenin528@mac.com>, Mitch Fine <mitchfine@hotmail.com>, "John S. Carroll" <johncarro001@hawaii.rr.com>, Jackie Lindenbach <jackiel1957@gmail.com>, Sherri Kane <sherrickane@gmail.com>

Subject: Re: John Carroll's Defense Counter-Action to Non-Judicial Foreclosure

Reply-To: celticspirit@netscape.ca

One other point.

The Process Server was wandering around the property taking pictures with a camera.

On 3/23/2010 1:46 PM, Gaillen T Nnysbet wrote:

I just finished getting off the phone with Sulla.

I had some specific questions to ask him. You can read them when you arrive.

Annette took notes while we talked.

A couple things I asked at the end of our discussion - Who was the individual that delivered the Notice. Sulla stated a process server.

And the second - Under what authority does a process server ask private questions of tenants on a property, with regards to structures.

Are they not only supposed to deliver paperwork?

Sulla said that information does not fall under his expertise.

On 3/23/2010 12:15 PM, Leonard Horowitz wrote:

Mitch,

Just spoke with John Carroll.

John is filing a complaint and motion for injunctive relief from non-judicial foreclosure, he informed me.

We discussed:

1) That Sulla is charging me with the forgery of Agreement for Closing Escrow, thus dismissing the \$200K award we received, saying John failed to plead fraud with specificity, and Judge Ibarra agreed without John's defensive pleadings. John states Ibarra overstepped his authority in so doing.

2) John could not recall the forgery charge by the jury indicted me, and is being used by Sulla as the main impetus for continuing harassment, as Sulla informed me.

3) New court filings by John, including the COMPLAINT naming Sulla, Hester, and Ritke as co-conspirator-defendants, and the Motion for Injunctive Relief from Foreclosure, John pledged to file and send you a copy of for review immediately. Please forward a copy to me right away when you get it.

4) I have agreed to compose an affidavit for John's filing at once.

Thanks for staying on top of this for us.

Len

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. [Sign up now.](#)

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

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