

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR FREMONT HOME
LOAN TRUST 2006-3, ASSET-BACKED
CERTIFICATES, SERIES 2006-3,

Plaintiff,

-against-

DALY DELEON A/K/A DALY J. DELEON,
CITY OF NEW YORK ENVIRONMENTAL
CONTROL BOARD, and JOHN DOE,
Defendant(s).

INDEX NO. 32450/2017E

VERIFIED ANSWER
WITH
AFFIRMATIVE DEFENSES

Defendant, Daly DeLeon, A/K/A Daly J. DeLeon,
(hereinafter "DeLeon"), by her attorney, Molina Law, P.C.,
hereby responds to Plaintiff's Complaint as follows:

1. Defendant, Ms Deleon, admits that she executed a note
and states that she lacks knowledge or information
sufficient to form a belief as to the truth or falsity
of the remaining allegations contained in paragraph "4"
of the Complaint.
2. Defendant, Ms Deleon, admits that she executed a
mortgage and states that she lacks knowledge or
information sufficient to form a belief as to the truth
or falsity of the remaining allegations contained in
paragraph "9" of the Complaint.
3. Defendant, DeLeon, denies the allegations contained in
paragraphs "6 and "08" of the Complaint.
4. Defendant, DeLeon, states that she lacks knowledge or
information sufficient to form a belief as to the truth

or falsity of the allegations contained in paragraphs "1, 2, 3, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, and 18" of the Complaint.

WHEREFORE, Defendant, DeLeon, demands judgment dismissing Plaintiff's Complaint for Foreclosure with prejudice, together with costs of suit and such other relief as the Court deems equitable and just.

FIRST AFFIRMATIVE DEFENSE

5. Plaintiff's claim is barred because Plaintiff lacks the proper standing to bring the action.

SECOND AFFIRMATIVE DEFENSE

6. Plaintiff's claim is barred for failure to state a cause of action upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

7. Plaintiff's claim is barred, in whole or in part, by Plaintiff's failure to mitigate its claimed damages.

FOURTH AFFIRMATIVE DEFENSE

8. Plaintiff's damages, if any, are barred in whole or in part by the culpable conduct of Plaintiff.

FIFTH AFFIRMATIVE DEFENSE

9. Plaintiff's claim is barred by the Doctrine of Unclean Hands.

SIXTH AFFIRMATIVE DEFENSE

10. Plaintiff's claim is barred because Plaintiff is not a real party in interest.

SEVENTH AFFIRMATIVE DEFENSE

11. Plaintiff's claims are barred by lack of capacity to sue.

EIGHTH AFFIRMATIVE DEFENSE

12. Plaintiff's claim is barred, because of payment in whole or in part, of the debt.

NINTH AFFIRMATIVE DEFENSE

13. Plaintiff's claim is barred because the amount of the debt is incorrect and is disputed.

TENTH AFFIRMATIVE DEFENSE

14. The Court lacks personal jurisdiction over the Defendant.

ELEVENTH AFFIRMATIVE DEFENSE

15. Granting of Plaintiff's demand in the Complaint would result in Unjust Enrichment, as Plaintiff would receive more money than Plaintiff is entitled to receive.

WHEREFORE, Defendant, DeLeon, demands judgment dismissing Plaintiff's Complaint for Foreclosure with prejudice, together with costs of suit and such other relief as the Court deems equitable and just.

Dated: New York, New York
February 9, 2018

Yours, etc.

MOLINA LAW, P.C.
Attorney for Defendant

By:

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| Orlando Molina | TrackWithEase verified 02/09/2018 09:19 PM EST |
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VERIFICATION

STATE OF NEW YORK) ss.:
COUNTY OF BRONX)

Orlando Molina, an attorney duly admitted to practice in the Courts of the State of New York, affirms under penalty of perjury that he has read the foregoing Answer and knows the contents thereof; that the same is true to his knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters your affiant believes it to be true. Affiant further states that the grounds of his belief as to all matters in the Answer not stated to be upon his knowledge are based upon the interviews of the Defendant, as well as, personal documentation provided by the Defendant which are retained in his file located at his office.

That the reason this verification is made by your affiant instead of Defendant is because Defendant does not reside or have an office for the conduct of business within the County of the Bronx, which is the County where your affiant has an office.

Duly affirmed this 09th day of February 2018

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