

LEE M. PERLMAN
ATTORNEY AT LAW
8 RANOLDO TERRACE, SUITE 300
CHERRY HILL, NEW JERSEY 08034
(856) 429-2449
ATTORNEY FOR DEBTORS, SPENCER & DEADRA HUBBARD

UNITED STATE BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE

SPENCER & DEADRA HUBBARD

Debtors

CHAPTER 13

CASE NO.: 04-27408 RTL

**CERTIFICATION OF DEBTORS'
COUNSEL IN SUPPORT OF MOTION
TO VOID PRIOR CONSENT ORDERS
AND DISGORGE FEES TO DEBTORS
AND DEBTORS' COUNSEL**

Lee M. Perlman, Counsel for the Debtor, does hereby certify the following:

1. I am counsel for the above-referenced debtor and as such have complete knowledge of the facts and circumstances of the within case.
2. The Debtors originally filed for Chapter 13 bankruptcy on May 20, 2004.
3. On March 14, 2005, Federal National Mortgage Association, through their local counsel, Shapiro & Diaz, filed Motions for Relief from Stay in the above-referenced case.
4. On May 25, 2006 the Honorable Morris Stern, U.S.B.J. entered an order under Rule 9011 permanently enjoining certain practices in the case caption: In Re: Jenny Rivera 01-42625 MS.
5. In that case, Judge Stern found that certification were being filed by the Shapiro & Diaz firm "in advance of the preparation of the substance of the certification, where the substance of the certification and the final form of the certification were not contemporaneously reviewed by the purported signatory at the time of the signing, and, indeed it appearing that the final form of certification was never reviewed by the purported signatory prior to its filing with the court."
6. In fact, the court went on to find in that case, that the mortgagee's representative was affixing signature when he was not employed by the Mortgage Company or the servicers at the time of the declaration.

7. In the case at hand, the same “employee” “Amirah Shahied”, who is the subject of the court’s order in the Rivera case, has prepared a certification allegedly dated March 10, 2005 (See Exhibit A). This purported certification had a “fax header date” of December 24, 2003 that conflicts with the actual certification date of March 10, 2005.
8. These date disparities are significant since it is reasonable to conclude the verification is false.
9. Judge Stern enjoined the Shapiro & Diaz firm from utilizing these certifications in connection with pleadings filed in the bankruptcy court for the district of New Jersey.
10. Following the mortgagee’s Motion for Relief filed on March 14, 2005, the debtors through their counsel filed opposition on March 15, 2005. A hearing was held on April 19, 2005 and an order was entered on May 6, 2005. Later on December 19, 2005 a Certification of Default was filed relating to the prior order and an order was entered on January 4, 2006. Thereafter, the debtors filed a Motion to Reinstate on January 18, 2006 and supplemental oppositions were prepared and filed by the debtors through counsel on February 14, 2006 and February 20, 2006, an order reinstating the stay was entered on March 2, 2006.
11. Because all of these pleadings and appearances specifically stem from the defective March 10, 005 certification and because the debtors have paid mortgagee counsel fees and supplemental counsel fees to debtors’ counsel to the trustee, through the Chapter 13 Plan, the debtors request that all counsel fees outlined above be disgorged immediately.
12. Because any consent orders that were entered into between the parties followed the original defective certification, it only follows that any consent orders entered by the court subsequently and referencing the defective verification would be considered void and unenforceable.
13. The creditor has also not complied with Rule 2016, since court approval was defective for any fees ordered, based on the certifications in question.
14. Shapiro & Diaz should prepare a list of all cases involving the defective certification where the Law Offices of Lee M. Perlman entered an appearance for the debtor. Shapiro & Diaz should provide this list complete with bankruptcy case numbers, active or dismissed by the court, to debtor’s counsel.

15. Finally, all law firms involved should pay counsel fees in connection with prosecution of this motion.

I certify that the foregoing statements made by me are true and correct to the best of my knowledge. I understand that if any of the foregoing statements are willfully false, I am subject to punishment.

10/26/06
DATE

/s/ Lee M. Perlman
LEE M. PERLMAN, ESQUIRE