

IN THE COURT OF COMMON PLEAS
OF WASHINGTON COUNTY, OHIO

PHH MORTGAGE CORPORATION,

Plaintiff,

Case No. 13 FR139

vs.

JUDGE BURNWORTH

JAMES LEARY, et al.,

ANSWER OF

**JAMES LEARY
AND HOLLY LEARY**

Defendant(s).

1. Defendants admit to owning and residing at the property.
2. Defendants admit to executing a promissory note and mortgage for the property, but is without sufficient information to form a belief as to whether he is in default.
3. Defendants are without sufficient information to form a belief as to the truth of the allegations alleged in paragraphs 1 through 4. Defendants deny every other allegation in the complaint.

AFFIRMATIVE DEFENSES

I am unaware of the full amount or specifics of the default as the Plaintiff has not attached an accounting of them to this Complaint. However, I am able to resume payments, and I have just recently entered into a trial modification plan with the Plaintiff that I received in the mail from them and I have attached as "Exhibit A". Considering equity abhors forfeiture, I ask that the Court weigh the equities in my favor considering I will be able to resume payments and the Plaintiff will be able to recoup any losses suffered during this time.

WHEREFORE, I pray for the following relief:

1. That Plaintiff's cause be dismissed.

2. That the equities of parties be adjusted to assure a just result herein.
3. Costs.
4. For any other relief to which he may be entitled at law or equity.

Respectfully submitted,

Robert Leary and Holly Leary
117 Leland Avenue
Marietta, OH 45750

PROOF OF SERVICE

I hereby certify that I mailed a copy of the foregoing Answer by ordinary Mail this ____ day of _____, 2013, to Attorney Marie Divita, P.O. Box 5480, Cincinnati, OH 45201.

Robert Leary and Holly Leary
117 Leland Avenue
Marietta, OH 45750