

ORIGINAL

IN THE SUPREME COURT OF OHIO

FEDERAL HOME LOAN MORTGAGE *
CORP.

Plaintiff-Appellee

-vs-

DUANE SCHWARTZWALD, et al. *

Defendants-Appellants. *

11-1201

* On Appeal from the Greene
County Court of Appeals, Second
Appellate District

* Court of Appeals Case No. 2010
CA 0041

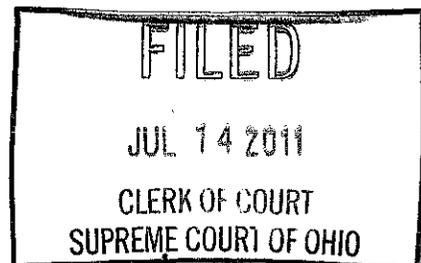
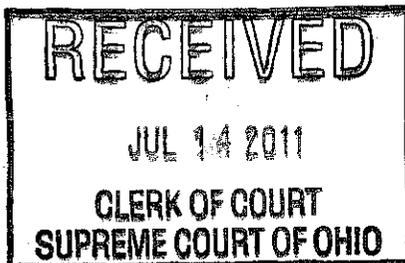
NOTICE OF PENDING MOTION TO CERTIFY A CONFLICT

ANDREW M. ENGEL (0047371)
7071 Corporate Way, Suite 201
Centerville, OH 45459
(937) 938-9412
Fax: (937) 938-9411
amengel@sbcglobal.net

Attorney for Appellants Duane and
Julie Schwartzwald

SCOTT A. KING (0037582)
TERRY POSEY (0078292)
Thompson Hine, LLP
2000 Courthouse Plaza, N.E.
Dayton, OH 45401
(937) 443-6560
Fax: (937) 443-6830
Scott.King@ThompsonHine.com
Terry.Posey@ThompsonHine.com

Attorneys for Appellee Federal
Home Loan Mortgage Corp.

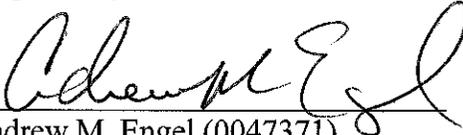


Appellants Duane and Julie Schwartzwald hereby give notice that they filed a motion to certify a conflict with the Greene County Court of Appeals on June 10, 2011. The issue on which certification of a conflict was sought is:

To have standing as a plaintiff in a mortgage foreclosure action, must a party show that it owned the note and the mortgage when the Complaint was filed?

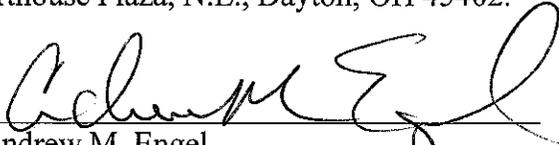
That motion remains pending. Upon the determination of that motion by the Court of Appeals, Appellants will promptly notify the Court of the decision.

Respectfully submitted,


Andrew M. Engel (0047371)
7071 Corporate Way
Suite 201
Centerville, OH 45459
(937) 938-9412
Fax: (937) 938-9411
amengel@sbcglobal.net
Attorney for Appellants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by ordinary mail this 13th day of July 2011 upon Scott A. King, Esq., 2000 Courthouse Plaza, N.E., Dayton, OH 45402.


Andrew M. Engel