

OCT 17 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: TERESA PEQUIGNOT,

Debtor,

No. 10-35923

D.C. No. 2:09-cv-01688-JLR

TERESA PEQUIGNOT,

Appellant,

MEMORANDUM*

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY,

Appellee.

Appeal from the United States District Court
for the Western District of Washington
James L. Robart, District Judge, Presiding

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Teresa Pequignot appeals pro se from the district court's judgment affirming the bankruptcy court's order denying Pequignot's objection to a secured claim filed by Deutsche Bank National Trust Company ("Deutsche Bank") in Pequignot's bankruptcy case. We have jurisdiction under 28 U.S.C. § 158(d). We review de novo. *Lundell v. Anchor Constr. Specialists, Inc. (In re Lundell)*, 223 F.3d 1035, 1039 (9th Cir. 2000). We affirm.

The bankruptcy court did not err in denying Pequignot's objection to Deutsche Bank's secured claim because Pequignot failed to come forward with evidence that rebutted the proof of claim's prima facie validity. *See Diamant v. Kasparian (In re S. Cal. Plastics, Inc.)*, 165 F.3d 1243, 1247-48 (9th Cir. 1999) (proof of claim is prima facie evidence of claim's validity, and "debtor must come forward with evidence to rebut the presumption of validity"); *see also* 15 U.S.C. § 1635(a) (consumer has three business days after transaction's consummation to exercise right to rescind, unless required notices and disclosures are not provided); Wash. Rev. Code § 62A.3-205(b) (instruments indorsed in blank become payable to bearer).

Pequignot's remaining contentions concerning the Pooling and Servicing Agreement are unpersuasive.

AFFIRMED.