

PARIS' OUTSOURCE PARALEGAL SERVICES

FACT REPORT

A FORENSIC ANALYSIS OF THE RECORDED CHAINS OF TITLE & OWNERSHIP OF ENCUMBRANCES

Prepared for

ADDIE POLK

Subject Property:

1127 LACROIX AVENUE

AKRON, OH 44307

AS OF APRIL 9, 2018

DISCLAIMER: This is a factual report based on documents obtained both from the homeowner and from public domains including actual recorded documents, combined with any ancillary court proceedings using such documents as true and correct evidence and qualified written request responses. The information presented in this report reflect the facts as represented by the cited sources as of the date of this report, and address inconsistencies with title and ownership of any alleged lien along with other issues which may affect ownership of the property. This report is not legal advice and should not be substituted for legal advice. Any persons acting on the contents of this report should seek counsel from an experienced attorney licensed in the jurisdiction in which the property is located. There are no guarantees of success in a court of law due the variations of jurisdictional and statutory laws, judges and the presentation of the findings by the homeowner or their legal counsel.

**Chain of Title for property located at
1127 LaCroix Avenue, Akron, OH 44307
as Recorded in
Summit County, Ohio
Parcel #68-20318**

* = Validity questioned and reasons detailed in the following report.

Doc No	Date Executed	Date Recorded Instrument #	Document Details Specific to Property
1	08/21/95	08/22/95 085746	Quit Claim Deed Grantor(s): Robert Polk, married man, husband of grantee Grantee(s): Addie Polk, married woman
*2	04/07/97	04/11/97 54006814	Open-End Mortgage – (\$21,000) “Lender(s)”: Residential Money Centers, Inc. Borrower(s): Addie Polk, unmarried
*3	04/29/97	08/17/99 54329742	An Instrument Titled “Assignment of Mortgage/Deed of Trust” (Ref Doc #2) Assignor(s): Residential Money Centers, Inc. Assignee(s): The First National Bank of Boston
4	04/19/00	05/17/00 54422665	Mortgage Deed – (\$5,000) “Lender(s)”: City of Akron Borrower(s): Addie Polk, a single person
*5	08/14/05	08/20/01 54585765	Mortgage – (\$46,400) “Lender(s)”: America’s Wholesale Lender Borrower(s): Addie Polk, unmarried
*6	09/10/01	09/14/01 54596623	An Instrument Titled “Satisfaction of Mortgage” (Ref Doc #4) Releasing entity: City of Akron
*7	10/24/01	12/04/01 54629470	An Instrument Titled “Certificate of Satisfaction” (Ref Doc #2 & #3) Releasing entity: BancBoston, N.A. f/k/a The First National Bank of Boston

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QUESTIONABLE DOCUMENTS:

INVESTIGATION AND DISCOVERY RECOMMENDED

The following is not a legal opinion and is not evidence without foundational testimony and/or affidavit. The summary below represents our observations and opinions as to issues regarding Chain of Title, Authenticity, Forgery, Fabrication or Robo-signing. The number of issues found in our analysis indicates that the homeowner's position might be significantly enhanced by the review of an expert in the securitization of debt and title issues. Forensic document examination by an independent qualified licensed professional may also be helpful.

I. Document #2 Open-End Mortgage Instrument #54006814

1. On April 11, 1997, the Open-End Mortgage dated April 7, 1997 between Residential Money Centers, Inc. and Addie Polk, unmarried was recorded in the county recorder's office in Summit County, OH (the subject instrument).

A. This instrument was created on a OHIO - Single Family – FNMA/FHLMC UNIFORM INSTRUMENT Amended form 3/94 3036 9/90.

i. The space for a loan number is blank.

ii. The word “unmarried” located next to “Addie Polk” in the second sentence of the subject instrument is in a different font and smaller type size than the preceding words.

iii. The left side of the first page of the subject instrument displays a stamp stating, “Midland Commerce Group Order No: A-64663 Escrow (handwritten notation – appears to be initials SMC).” The handwritten notation warrants further investigation. There is no address listed to verify the proper entity.

a. In the top right-hand corner is an upside stamp stating, “Midland Commerce {illegible}.” It appears to possibly state the word “bank.”

iv. According to Bloomberg.com, the entity “Midland Commerce Group” is currently located at 159 S Main Street, Suite 1030, Akron, OH 44208. See link - <https://www.bloomberg.com/profiles/companies/0432128D:US-midland-commerce-group>

a. According to Ohio's Secretary of State, the entity “Midland Commerce Group” is **not** registered to lawfully conduct business in Ohio.

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b. The Bloomberg.com link under corporate information is “Web URL: www.hylant.com.”

c. The bottom of the home page of www.hylant.com displays “© 2018 Hylant Group, Inc.” According to its articles of incorporation filed with Ohio’s Secretary of State (**Attachment “1”**), the name “Hylant Group, Inc.” incorporated on December 17, 1998. This is nearly two (2) years **after** the purported execution of the subject instrument.

d. Without an address for Midland Commerce Group and registration in the State of Ohio to lawfully conduct business, further investigation is difficult.

B. In the top left-hand corner are the instructions, “When recorded mail to: Residential Money Centers, Inc., 180 Summit Avenue, Montvale, NJ 07645.”

i. Entities are required to register with the Secretary of State to lawfully conduct business in the State of New Jersey.

ii. The name “Residential Money Centers, Inc.” registered with New Jersey’s Secretary of State on August 15, 1994 as a foreign for-profit corporation. New Jersey’s Secretary of State’s website does not provide access to the filed documents.

iii. Residential Money Centers, Inc. is researched further in this section.

C. The purported lender is Residential Money Centers, Inc. located at 11611 North Meridian #320, Carmel, IN 46032. On April 7, 1997, it purports to be organized and operating under the laws of the State of Delaware.

i. According to Delaware’s Secretary of State, “Residential Money Centers, Inc.” incorporated on July 29, 1994. Delaware’s Secretary of State’s website does not provide access to filed documents.

ii. Entities are required to register with the Secretary of State to lawfully conduct business in the State of Ohio.

a. The entity “Residential Money Centers, Inc.” filed its Foreign Corporation Application for License under the name “RMC Acquisition Corporation” (**Attachment “2”**). Its intended business was listed as real estate lending.

b. On or about February 9, 1996, Residential Money Centers, Inc. filed a Certificate of Name Change changing its name from RMC Acquisition Corporation to Residential Money Centers, Inc. (**Attachment “3”**).

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c. On or about December 9, 1996, Residential Money Centers, Inc. filed a change of address for the following companies: GMAC Mortgage Corporation of PA, GMAC Mortgage Corporation, Executive Closing Services, Inc., and Residential Money Centers, Inc. (**Attachment “4”**). The fees were provided using a check issued by GMAC Mortgage Corporation.

d. On or about March 28, 2001, Residential Money Centers, Inc. filed a Certificate of Merger which states Residential Money Centers, Inc. merged with and into “Homecomings Financial Network, Inc.” (**Attachment “5”**).

D. The National Information Center (NIC) is a database maintained by the Federal Reserve System. It is a repository of financial data and institutional characteristics. A non-member bank means they are not a member of the U.S. Federal Reserve System. This also means the bank can only be state chartered. There are fewer regulations at the state-chartered level.

i. The entity “Residential Money Centers, Inc.” is **not** listed with the NIC.

E. The National Mortgage Lender System (NMLS) is the only official legal system of record for all mortgage professionals and companies which are required to register their licenses and list the scope of their business practices within the mortgage industry (i.e. originator, broker, etc.) of participating states.

i. Ohio is a participating state.

ii. The entity “Residential Money Centers, Inc.” is **not** registered with this agency.

iii. According to Ohio’s Department of Commerce Division of Real Estate eLicense Center, the entity “Residential Money Centers, Inc.” is **not** registered. Further investigation is warranted to verify Residential Money Centers, Inc.’s licensing status in Ohio on April 7, 1997.

a. A cursory search of the name “GMAC” found it was **not** licensed on April 7, 1997.

F. Addie Polk purports to execute the subject instrument on April 7, 1997.

i. Addie Polk’s Last Will and Testament dated November 4, 1974 (**Attachment “6”**) includes her middle initial “L.” The signature on the subject instrument and all subsequent signatures in this chain of title do not include the “L” nor do they appear to be the same signature. Further investigation by an expert handwriting analyst is suggested.

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G. Wayne L. Tompkins, Jr. purports to notarize the subject instrument on April 7, 1997 in Summit County, Ohio.

i. According to Ohio's Secretary of State's online notary database, "Wayne L. Tompkins, Jr." was active under commission number 164008 on April 7, 1997. His commission remains current for the state of Ohio, and he is located at 2334 Woodpark Road, Fairlawn, OH 44333-3925.

**II. Document #3 An Instrument Titled "Assignment of Mortgage/Deed of Trust"
Instrument #54329742**

1. On August 17, 1999, an instrument titled "Assignment of Mortgage/Deed of Trust" dated April 29, 1997 was recorded in the county recorder's office in Summit County, OH (the subject instrument). This instrument purports to "assign" the mortgage dated April 7, 1997 (**Document #2**) from Residential Money Centers, Inc. to The First National Bank of Boston.

A. The subject instrument purports to be executed and notarized on April 29, 1997, twenty-two (22) days **after** the purported execution of the mortgage subject to this "assignment" (**Document #2**).

i. The subject instrument was **recorded** on August 17, 1999, two (2) years **after** the alleged execution.

B. The bottom left-hand corner of the subject instrument states this is an "Assignment of Mortgage/RMC Multi-State" form.

C. In the bottom right-hand corner are the instructions, "Record and Return" followed by a blank space. Just above the instructions is an illegible stamp that appears to be the notary stamp.

D. The purported assignor is "Residential Money Centers, Inc." located at 180 Summit Avenue, Montvale, NJ 07645.

i. The purported address for "Residential Money Centers, Inc." on the open-end mortgage dated April 7, 1997 (**Document #2**) is 11611 North Meridian #320, Carmel, IN 46032.

a. According to Indiana's Secretary of State database, the entity "Residential Money Centers, Inc." applied for authority to conduct business on April 7, 1992. It later withdrew the authority on August 7, 1992. The address listed is 180 Summit Avenue, Montvale, NJ 07645.

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b. There are six (6) entities with the name “Residential Money Centers, Inc.” registered in Indiana. Two (2) are assumed business names, one (1) is a foreign legal name and three (3) are reserved names. None are active. In 2001 the foreign legal name entity merged into a company “not qualified in Indiana.”

ii. The “assignor’s” purported address matches the address listed in the top left-hand corner of the open-end mortgage dated April 7, 1997 (**Document #2**).

E. The purported assignee’s name is displayed by a stamp stating, “The First National Bank of Boston, Attn: Document Control W-0303, 15 Westminster Street, Providence, RI 02903.”

i. The name “The First National Bank of Boston” is **not** listed with Rhode Island’s Secretary of State’s to lawfully conduct business in the state.

ii. The name “The First National Bank of Boston” is **not** listed in Massachusetts’ Secretary of State’s corporate database to lawfully conduct business in the state.

iii. The name “The First National Bank of Boston” is **not** listed in Ohio’s Secretary of State’s corporate database to lawfully conduct business in the state.

F. The National Information Center (NIC) is a database maintained by the Federal Reserve System. It is a repository of financial data and institutional characteristics. A non-member bank means they are not a member of the U.S. Federal Reserve System. This also means the bank can only be state chartered. There are fewer regulations at the state-chartered level.

i. According the NIC, the entity “The First National Bank of Boston” established as a National Bank on December 31, 1884 and is located at 100 Federal Street, Boston, MA (**Attachment “7”**).

ii. On or about April 25, 1997, The First National Bank of Boston changed its name to BankBoston, National Association, four (4) days **before** the purported execution of the subject instrument. It appears via the NIC that BankBoston, National Association was still located in Massachusetts.

a. According to its Articles of Amendment filed with Massachusetts’ Secretary of State on April 25, 1997, Bank of Boston Corporation changed its name to “BankBoston Corporation” (**Attachment “8”**). This differs from the NIC history, as the entity “The First National Bank of Boston” is **not** listed on Massachusetts’ Secretary of State’s online corporation database.

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iii. In 1999, Fleet Financial Group acquired BankBoston, National Association.

a. On or about March 1, 2000, BankBoston, National Association changed its name to Fleet National Bank and moved to 111 Westminster Street, Providence, RI. The address reflecting on the subject instrument is 15 Westminster Street, Providence, RI.

b. As a requirement before the merger, Fleet had to divest several of their New England branches, including a few to community banks. In 2000, Fleet sold 278 of its New England branches to Sovereign Bank.

iv. On or about June 13, 2005, Bank of America, National Association acquired Fleet National Bank, becoming a branch of Bank of America, National Association.

v. On or about April 12, 2013, the bank moved to 100 Westminster Street, Suite 1050, Providence, RI (**Attachment "7"**).

G. Laura J. Borrelli purports to execute the subject instrument on April 29, 1997 as executive vice president of Residential Money Centers, Inc. in Bergen County, NJ.

i. A cursory search for the name Laura J. Borrelli resulted in no verifiable proof of her employment. Further investigation is warranted regarding her authority to execute this "assignment."

ii. There is no reference to a corporate resolution or other document indicating Laura J. Borrelli had the authority to execute this "assignment" on behalf of Residential Money Centers, Inc. It is standard industry practice for a bank to require not only the signature of a corporate officer, but also proof of authority to execute an instrument, usually in the form of a corporate resolution.

H. Ann Lorraine DeMaw purports to notarize the subject instrument on April 29, 1997, stating that Laura J. Borrelli "makes proof to my satisfaction" to be the "executive vice president" of the corporation herein.

i. A cursory search for the name Ann Lorraine DeMaw resulted in no verifiable proof of her employment or the validity of her notary commission. Further investigation is warranted.

ii. The notary seal is nearly all illegible except the expiration date of October 10, 2000.

I. Carol J. Birchwale purports to execute the subject instrument on April 29, 1997 as witness of Residential Money Centers, Inc. in Bergen County, NJ.

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i. According to Carol J. Birchwale's resume posted on Indeed.com and last updated on February 26, 2013, she was employed by Residential Money Centers, Inc. as assistant secretary/assistant treasurer/assistant vice president from January 1989 to January 2000 in Montvale, NJ (**Attachment "9"**).

J. There is no "corporate seal" displayed.

**III. Document #5 Mortgage – (\$46,400)
Instrument #54585765**

1. On August 20, 2001, the Mortgage dated August 14, 2001 between America's Wholesale Lender and Addie Polk, unmarried was recorded in the county recorder's office in Summit County, OH (the subject instrument).

A. This instrument was created on a OHIO - Single Family - Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS Form 3036 01/01. This is a thirty (30) year mortgage.

i. The escrow/closing # purports to be "125320."

ii. The doc ID # purports to be "000919612339202."

iii. Positioned sideways and handwritten on the left-hand side of page one (1) is "2001071685." There is no indication of the meaning of this number.

iv. Across the bottom of page one (1) appear "*23991*" and "*009196123000002006A*." This is a common occurrence on "America's Wholesale Lender's" alleged loans. However, the numbers are usually much smaller in size and appear beneath bar codes. There are no bar codes associated with these numbers on the subject instrument.

v. The word "unmarried" next to the typed borrower's name is handwritten.

vi. The borrower's signature appears different than the one presented on her Last Will and Testament. As reported earlier, the middle initial "L" is also not present. It is suggested a forensic handwriting analyst investigate the subject instrument.

vii. On page eleven (11) of the subject instrument in the bottom left-hand corner appears "This instrument was prepared by A. Bennet, America's Wholesale Lender, 6100 Oaktree Boulevard, Independence, OH 44131."

a. A cursory search of the name "A. Bennet" resulted in no verifiable information regarding their identity or employment. Further investigation is warranted.

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b. This is the first occurrence of the address 6100 Oaktree Boulevard, Independence, OH. Further investigation is warranted, as this is one of many addresses listed within the subject instrument.

viii. To the left of the title "Mortgage" on page one (1) is stamped, "Chelsea Title Agency, 5700 Lombardo Center, #120, Seven Hills, Ohio 44131."

a. CTAG, Inc. filed its Articles of Incorporation on September 30, 1996 with Ohio's Secretary of State (**Attachment "10"**). Its address is listed as 24262 Broadway Avenue, Oakwood Village, OH 44146.

b. On October 4, 1999, CTAG, Inc. filed its trade name registration. The trade name effective October 1, 1999 was Chelsea Title Agency. Its nature of business is to manage the operations of title agencies (**Attachment "11"**).

c. On August 27, 2008, CTAG, Inc. filed its dissolution. The address remained the same.

d. The name "Chelsea Title Agency" is **not** registered with Ohio's Secretary of State. However, there are fourteen (14) separate entities that all have versions of Chelsea Title Agency in their name. None of them list a Seven Hills location. They are all dissolved.

e. Since the subject property is located in Akron, this report will investigate "Chelsea Title Agency of Akron, Inc." It filed its articles of incorporation on October 8, 1997 and listed its address as 24262 Broadway Avenue, Oakwood Village, OH 44146. This is the same address listed for CTAG, Inc. (**Attachment "12"**)

f. When there are multiple entities using names which are nearly identical, it is important to verify the exact name of the subject entity and link it to a confirmed address. Unscrupulous entities may use the most common portion of an entity name coupled with a different address in order to confuse the chain of title.

ix. In the top right-hand corner of the subject instrument is stamped, "Record Research, Inc." There is a handwritten asterisk in front of it.

a. According to Ohio's Secretary of State, the entity "Record Research, Inc." filed its Articles of Incorporation (**Attachment "13"**) on June 19, 1979 and remains an active corporation. Its listed purpose is to "...search public records and issue reports therefrom..."

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B. The purported lender's name is America's Wholesale Lender. The address given for this entity is 4500 Park Granada, Calabasas, CA 91302. It states the "lender" is a **corporation** under the laws of New York on May 13, 2002, the purported execution date of the subject instrument.

i. The Corporate Disclosure Statement of *Jesinoski vs. Countrywide Home Loans, Inc., et al.*, No. 13-684, 574 U.S. (2015) states that "Countrywide Home Loans, Inc., d/b/a America's Wholesale Lender, is a wholly owned subsidiary of Countrywide Financial Corporation, which in turn is a wholly owned subsidiary of Bank of America Corporation" (**Attachment "14"**).

ii. The entity "America's Wholesale Lender, Inc." registered with the NYS Department of State, Division of Corporations on December 16, 2008. This is six (6) years **after** the purported execution of this instrument. The company became inactive on June 29, 2016. See link - https://appext20.dos.ny.gov/corp_public/CORPSEARCH.ENTITY_SEARCH_ENTRY

C. Entities must be registered with Ohio's Secretary to legally conduct business within the state.

i. The name "America's Wholesale Lender" is registered two (2) separate times; once under a registered trade name and once under a fictitious name.

a. On February 1, 1993, Countrywide Funding Corporation filed its Trade Name Registration (**Attachment "15"**) to register the name America's Wholesale Lender with the entity number RN169387.

b. Countrywide Funding Corporation purports to have been a New York corporation located at 380 South 5th Street, Columbus, OH 43215.

c. The entity "Countrywide Funding Corporation" registered with New York's Secretary of State on March 17, 1969. It appears to have changed its name and/or merge with Countrywide Home Loans, Inc. on March 11, 1996. Documents are not available online and further verification regarding the name change may be warranted. The registration was cancelled on February 3, 1998 by operation of law. This was **not** an active registration on the purported execution date of the subject instrument.

d. On February 6, 1998 Countrywide Home Loans, Inc. filed its Report of Use of Fictitious Name (**Attachment "16"**) registering the name America's Wholesale Lender and was given the entity number FN79897. The purported address for Countrywide Home Loans, Inc. was 4500 Park Granada, Calabasas, CA 91302-1613, the same address on the

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subject instrument. The registration was cancelled on February 11, 2013 by operation of law.

ii. According to an online search of Ohio's Department of Commerce Division of Real Estate eLicense Center database, the entity "America's Wholesale Lender" is **not** registered. The entity "Countrywide Funding Corporation" is **not** registered. The entity "Countrywide Home Loans (Dan Lyon) was licensed as a continuing education instructor from January 2, 2005 to December 31, 2008. There are no other entries under the name. Further investigation is warranted regarding the proper licensing of America's Wholesale Lender and Countrywide Home Loans, Inc.

D. According to NMLS, the name "America's Wholesale Lender" is listed under the section titled "prior other trade names" of Countrywide Home Loans, Inc.'s registration with the agency. Another version of the purported "lender" listed in the section is Countrywide Home Loans, Inc. d/b/a America's Wholesale Lender.

i. The address listed for Countrywide Home Loans, Inc. is 31303 Agoura Road, Westlake, CA 91361. This does not match the addresses listed on the subject instrument.

ii. Ohio is **not** listed, active or inactive, in the section of State Licenses/Registrations. According to NMLS, this entity was not licensed as a mortgage broker, originator or lender on August 14, 2001 in Ohio.

iii. In the Final Judgement of *BANA, N.A., et al, vs NASH*, Case #59-2011-CA-004389, in the 18th Judicial Circuit, in and for Seminole County, Florida, the Defendant believed America's Wholesale Lender was their lender, as it was stated on their mortgage and note. The Plaintiff's witness testified that it was aware that America's Wholesale Lender was not incorporated before 2008 and was not licensed in the State of Florida. The case was dismissed for lack of standing (**Attachment "17"**). Bank of America is actively appealing on procedure as it relates to the awards at the writing of this report. See link - <http://caselaw.findlaw.com/fl-district-court-of-appeal/1733944.html>. This case is still active and should be shepardized by an attorney before using it as authority.

iv. A summary of these findings show that America's Wholesale Lender was not registered to lawfully conduct business as either a d/b/a or as a corporation. There is no verifiable trace of a mortgage lender's license in Ohio and further investigation is required.

a. Though this mortgage may not be the focus of current litigation, it is strongly recommended the homeowner seek a consultation with legal counsel regarding how these findings may lend to causes of

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action in favor of the homeowner (i.e. RESPA violation, disgorgement for a possibly void contract at origination, etc.)

E. Countrywide Home Loans, Inc. (a subsidiary of Countrywide Financial) is displayed in the top left-hand corner of the subject instrument. America's Wholesale Lender, Inc. is assumed to be the d/b/a for Countrywide Home Loans, Inc. According to Bloomberg, Countrywide Home Loans, Inc. is currently d/b/a Bank of America Home Loans and is based in Calabasas, CA. See link - <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=3131660>

i. The merger of Bank of America and Countrywide did not commence until after the official announcement on January 11, 2008. See link - <https://www.sec.gov/Archives/edgar/data/25191/000089882208000107/exhibit21.htm>

ii. Countrywide Home Loans, Inc. is a corporation created under the laws of New York on March 17, 1969 under the name Countrywide Funding Corporation. It is currently active and lists its principle address as 31303 Agoura Road, Westlake Village, CA.

F. The National Information Center (NIC) is a database maintained by the Federal Reserve System. It is a repository of financial data and institutional characteristics. A non-member bank means they are not a member of the U.S. Federal Reserve System. This also means the bank can only be state chartered. There are fewer regulations at the state-chartered level.

i. The name "America's Wholesale Lender" is **not** listed with the NIC.

G. Mortgage Electronic Registration System, Inc. (MERS) is normally listed as the nominee for the "lender" and granted certain rights to transfer the mortgage. However, MERS is a company that acts as a lender nominee with few employees, which is typical of a "shell company." MERS was designed to track document activity for lenders and does not possess ownership status. The Mortgage Identification Number (MIN) identifies the investor and servicers of a particular loan.

i. MERS is listed as the acting nominee for the subject instrument. MERS is also listed as the mortgagee.

ii. The subject instrument displays the MIN 1000157-0000518674-3.

iii. At this time the investigator does not possess the homeowner's social security number and, therefore, searching the MERS® Service ID website is limited to just the servicer. The social security number is needed to reveal the alleged lender. It states that Bank of America, NA located in Simi Valley, CA is the servicer.

H. Sara A. Egan purports to notarize the subject instrument on August 14, 2001 in Summit County, Ohio.

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i. According to Ohio's Notary Public database, the name "Sara A. Egan" (including all variations) is not registered. This database purports to include all inactive and active notaries. This is confirmed by an April 18, 2018 email to Donna Moore of Ohio's Secretary of State (**Attachment "18"**).

IV. Document #7 An Instrument Titled "Certificate of Satisfaction" Instrument #54629470

1. On December 4, 2001, an instrument titled "Certificate of Satisfaction" dated October 24, 2001 was recorded in the county recorder's office in Summit County, OH (the subject instrument). This instrument purports to "satisfy" the mortgage recorded on April 11, 1997, with instrument #54006814 (**Document #2**), which was purported to be "assigned" to The First National Bank of Boston on April 29, 1997 (**Document #3**).

A. The format of the subject instrument does not display a form number.

i. The bottom of the subject instrument displays, "Prepared by: Barbara J. Flynn, 213 Court St., 3rd Fl, Middletown, CT 06457, 860/344-5787." Directly below is "KLC-20011018-0012 OHSUMMI SUMMIT OH BAT: 2891/9100960442 KXOHSOM1."

a. The address 213 Court St., 3rd Fl, Middletown, CT 06457 is the same address reflected in the upper left-hand corner and associated with Mortgage Lenders Network.

ii. Just below the title of the subject instrument is "Sovereign Bank #9100960442 'Polk' Lender ID: 304/ Summit, Ohio."

a. This is the first appearance of Sovereign Bank in this chain of title. Sovereign Bank is further investigated in this section.

B. In the upper left-hand corner are the instructions, "Recording requested by: Mortgage Lenders Network USA, Inc." and "When recorded return to: Mortgage Lenders Network, 315 Court Street, Third Floor, Middleton, CT 06457."

i. This is the first occurrence of the names Mortgage Lenders Network and Mortgage Lenders Network USA, Inc. in this chain of title.

ii. The name "Mortgage Lenders Network" nor the entity "Mortgage Lenders Network USA, Inc." are registered with Connecticut's Secretary of State.

iii. The entity "Mortgage Lenders Network USA, Inc." incorporated with Delaware's Secretary of State on November 14, 1996 and was given the file number 2684280.

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iv. “Mortgage Lenders Network USA, Inc.” filed its Foreign License with Ohio’s Secretary of State on December 5, 1996 and remains active (**Attachment “19”**). Its purpose of business is mortgage lender.

C. The original “lender” of the mortgage (**Document #2**) is Residential Money Centers, Inc., which then “assigned” it to The First National Bank of Boston on April 29, 1997.

i. Previous findings in this report found that Residential Money Centers, Inc. merged with and into Homecomings Financial Network, Inc. on March 28, 2001. This is seven (7) months **before** the purported execution the subject instrument on October 24, 2001.

a. There are **no** assignments in the subject chain of title reflecting this event.

b. There is **no** mention in the body of the subject instrument of the alleged “assignment” to The First National Bank of Boston (**Document #3**) and subsequent history of that entity as found in this report.

c. According to previous findings in this report, BankBoston, N.A. changed its name to Fleet National Bank on March 1, 2000. There are **no** assignments in the subject chain of title reflecting this event. This is a year and a half **before** the purported execution of the subject instrument.

d. According to previous findings in this report, Fleet National Bank was required to divest several branches as a condition of the acquisition of BankBoston, N.A. In 2000, Fleet divested these branches to Sovereign Bank. The question of whether a “branch” of Fleet solely owned the subject loan warrants investigation.

e. There are **no** assignments in the subject chain of title reflecting the connection between BankBoston, Fleet, and Sovereign Bank.

ii. Sovereign Bank was founded in 1902 and based in Pennsylvania. In June 2006, Banco Santander bought 20% of Sovereign Bank. Banco Santander was founded in Spain in 1857. On January 30, 2009, Santander acquired the remaining percentage of Sovereign Bank. In August 2011, the US headquarters of Santander relocated to Boston, MA. It began its global rebranding under the name “Santander” in 2011 which was completed on October 17, 2013.

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D. Peter Wald purports to execute this document as Vice President for BankBoston, N.A. f/k/a The First National Bank of Boston on October 24, 2001.

i. According to Peter Wald's LinkedIn profile, he was employed by Sovereign Finance Company as a vice president of operations from March 2000 to March 2006 in East Providence, RI. See link - [linkedin.com/in/peter-wald-36aaa06](https://www.linkedin.com/in/peter-wald-36aaa06)

a. His description of his duties as vice president – operations is, “Managed a loan operation area including a \$4B consumer loan portfolio. Directly managed 30 team members in two operation units. Designed and executed operational audit programs of external servicers and vendors. Managed external vendor relationships that included: contract negotiations, pricing, establishing service level agreements and issue resolution. Conducted operational risk assessments, designed products, policies, procedures, workflows and implemented outsource engagements for specific departmental functions. Developed relationships with more than 150 national mortgage banking clients.”

b. Peter Wald's prior employment was with BankBoston from January 1997 to February 2000 as operations manager. He states that in 2000 BankBoston divested to Sovereign Bank. There are no “assignments” in the chain of title reflecting this event. If a note is presented, there should be an endorsement that reflects this event. If an endorsement is not present, the homeowner should seek advice from a licensed attorney regarding legal remedies.

ii. There is no reference to a corporate resolution or other document indicating Peter Wald had the authority to execute this “satisfaction” on behalf of BankBoston, N.A. f/k/a The First National Bank of Boston or Sovereign Bank. It is standard industry practice for a bank to require not only the signature of a corporate officer, but also proof of authority to execute an instrument, usually in the form of a corporate resolution.

iii. There is no corporate seal present.

E. Stephanie Sweck purports to execute this document as a witness to Peter Wald's signature on October 24, 2001.

i. According to Stephanie Sweck's LinkedIn profile, she was employed by Sovereign Finance Company as a senior paid loan assistant from May 2000 to May 2002 in East Providence, RI. See link - [linkedin.com/in/stephanie-sweck-15b27250](https://www.linkedin.com/in/stephanie-sweck-15b27250)

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a. She continues to remain employed with Sovereign under several different positions.

F. Theresa A. Blank purports to notarize Peter Wald's signature in Providence Town, Rhode Island. It is assumed the date was in October of 2001. The date stamp's day is illegible.

i. She fails to acknowledge if he was personally known or provided adequate identification.

ii. There is **no** notary stamp present as required by law.

iii. Theresa A. Blank purports her commission expired on July 21, 2005. According to Rhode Island's Notary Public Search System, the name "Theresa A Blank" was commissioned under number 41598, which expired on July 21, 2009. This is the only entry. Further investigation is required to verify Theresa A. Blank's lawful commission on October 24, 2001.

**V. Document #8 Mortgage – (\$45,620)
Instrument #55035878**

1. On April 16, 2004, the Mortgage dated April 12, 2004 between Countrywide Home Loans, Inc. and Addie Polk, an unmarried woman was recorded in the county recorder's office in Summit County, OH (the subject instrument).

A. This instrument was created on a OHIO - Single Family - Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS Form 3036 01/01. This is a thirty (30) year mortgage. Ms. Addie Polk was 86 years old on April 12, 2004.

i. The doc ID # purports to be "0005486019304004."

ii. Positioned sideways on the left-hand side of page one (1) is a stamp stating, "Minnesota Order #101264/32140." There is no indication of the meaning of this number.

iii. In the top left-hand corner is stamped, "Minnesota Title Box."

a. According to Ohio's Secretary of State the name "Minnesota Title Box" is **not** registered. There are four (4) entries that begin with the name "Minnesota Title Agency" registered, and they are inactive. Without an address or other identifying markings, it is nearly impossible to verify who or what these stamps represent.

iv. Across the bottom of page one (1) appear "*23991*" and "*054860193000001006-*." These numbers are directly below two (2) bar codes.

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v. The borrower's signature appears different than the one presented on her Last Will and Testament. There are also **no** witness signatures present. It is suggested a forensic handwriting analyst investigate the subject instrument.

vi. On page fifteen (15) of the subject instrument in the bottom left-hand corner appears, "This instrument was prepared by Denise M. Busson."

a. According to NMLS's "Self-reported employment history," Denise M. Busson lists being employed by Bank of America from June 2000 to April 2011 in Independence, OH. Her NMLS is #902671.

b. As stated previously in this report, Bank of America and Countrywide announced their merger in 2008. This is four (4) years **after** the purported execution of the subject instrument.

vii. In the top left-hand corner and a part of the form are the instructions, "After Recording Return to: Countrywide Home Loans, Inc., MS SV – 79 Document Processing, P.O. Box 10423, Van Nuys, CA 91410-0423."

a. As previously stated in the findings of this report, Countrywide Home Loans, Inc., d/b/a America's Wholesale Lender, is a wholly owned subsidiary of Countrywide Financial Corporation, which in turn is a wholly owned subsidiary of Bank of America Corporation.

B. The purported lender is Countrywide Home Loans, Inc. The address given for this entity is 4500 Park Granada, Calabasas, CA 91302. It states the "lender" is a **corporation** under the laws of New York on April 12, 2004, the purported execution date of the subject instrument.

i. As previously stated in this report, Countrywide Home Loans, Inc. incorporated in New York on March 17, 1969 under the name Countrywide Funding Corporation. On March 11, 1996 the name changed or merged with Countrywide Home Loans, Inc. It is reported this registration remains active.

C. Entities must be registered with Ohio's Secretary to legally conduct business within the state.

i. The entity "Countrywide Home Loans, Inc." is registered.

a. On July 19, 1985 it filed its Foreign Corporation Application for License (**Attachment "20"**) under the name Countrywide Funding Corporation. Its purpose of business in Ohio was "mortgage banking; originate, sell and service mortgage home loans."

b. On March 19, 1996 it filed an amendment changing its name to Countrywide Home Loans, Inc. There is a certification from the State of New York verifying the same information (**Attachment "21"**).

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ii. As previously stated in this report, Countrywide Home Loans did have a mortgage license in the state of Ohio according to an online search of Ohio's Department of Commerce Division of Real Estate eLicense Center database. Further investigation is warranted regarding the proper licensing of Countrywide Home Loans, Inc.

D. According to NMLS, the entity "Countrywide Home Loans, Inc." is registered with the agency.

i. The address listed for Countrywide Home Loans, Inc. is 31303 Agoura Road, Westlake, CA 91361. This does not match the addresses listed on the subject instrument.

ii. According to NMLS, this entity was not licensed as a mortgage broker, originator or lender on August 14, 2001 in Ohio.

iii. Further investigation is warranted by a licensed Ohio attorney regarding the validity of the mortgage contract if no proper licensing is present for April 12, 2004.

E. Mary F. Morris purports to notarize the subject instrument on April 12, 2004 in Summit County, Ohio.

i. According to Ohio's Notary Public database, the name "Mary F. Morris" was commissioned on July 27, 1999 under commission number 21221. The address listed at that time is PO Box 337, Atwater, OH 44201-0337.

a. There is no commission number provided.

F. On September 6, 2007, Federal National Mortgage Association c/o Countrywide Home Loans, Inc. filed a Complaint in Foreclosure (**Attachment "22"**) in the Court of Common Pleas, Summit County, Ohio. The case number is 2007-09-6254 and assigned to Judge Gallagher.

i. It is suggested a licensed attorney be consulted regarding the purported injured party in this matter. The only party that can file a complaint is the injured party. Therefore, the plaintiff cannot be "in care of" another entity.

a. On September 6, 2007 there are no assignments, alleged or otherwise, recorded in the chain of title reflecting Countrywide Home Loans, Inc. assigning the loan to Federal National Mortgage Association.

b. Further legal consultation is warranted regarding the validity of this lawsuit.

ii. The alleged copy of the original note dated April 12, 2004 note in favor of Countrywide Home Loans, Inc. in the amount of \$45,620.00 is attached to the said complaint as "Exhibit A."

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a. This alleged copy of the original note provided as evidence of ownership and standing does **not** display an endorsement from Countrywide Home Loans, Inc. to Federal National Mortgage Association.

b. It is suggested a licensed real estate attorney be consulted regarding the lack of an endorsement and assignment to the alleged plaintiff, Federal National Mortgage Association.

c. Addie Polk's signature does not display her middle initial as discussed earlier in this report. It is suggested that all alleged signatures of Addie Polk in this chain of title should be examined by an expert forensic handwriting analyst.

**VI. Document #9 Open-End Mortgage – (\$11,380)
Instrument #55035879**

1. On April 16, 2004, the Open-End Mortgage dated April 12, 2004 between Countrywide Home Loans, Inc. and Addie Polk, an unmarried woman was recorded in the county recorder's office in Summit County, OH (the subject instrument). **THIS INSTRUMENT IS NEARLY IDENTICAL TO THE PREVIOUS DOCUMENT. ONLY THE DIFFERENCES WILL BE REPORTED.**

A. This instrument was created on a HELOC – OH Mortgage 10542-OH (05/02)(d).

i. The document ID# purports to be "0005486020904004."

ii. Positioned sideways on the left-hand side of page one (1) is a stamp stating, "Minnesota Order #101264/32140." There is no indication of the meaning of this number. This is the same marking and numbers found on **Document #8**.

iii. In the top left-hand corner is stamped, "Minnesota Title Box."

iv. The bottom of page one (1) displays "*23991*" and "*054860209000001C542*." These numbers are directly below two (2) bar codes.

v. The borrower's signature appears different than the one presented on her Last Will and Testament and on the mortgage sharing the same date (**Document #8**). There are **no** witness signatures present. It is suggested a forensic handwriting analyst investigate the subject instrument.

vi. On page five (5) of the subject instrument in the bottom left-hand corner appears "This instrument was prepared by Denise M. Busson, 911 Graham Road, Cuyahoga Falls, OH 44221."

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a. A cursory search for this address indicates a strip mall of stores. Further investigation may be warranted regarding the tenant of the address in 2004.

**VII. Document #10 An Instrument Titled “Satisfaction of Mortgage”
Instrument #55045166**

1. On May 6, 2004, an instrument titled “Satisfaction of Mortgage” dated April 26, 2004 was recorded in the county recorder’s office in Summit County, OH (the subject instrument). This instrument purports to “satisfy” the mortgage recorded on August 20, 2001, with instrument #54585765 (**Document #5**).

A. The format of the subject instrument does not display a form number and does not use a common format for a satisfaction of mortgage.

i. In the bottom left-hand corner are the instructions, “Mail Recorded Satisfaction to: CTC Real Estate Services, 176 Countrywide Way, MS: LAN-88, Lancaster, CA 93535-9944, (800) 540-2684.”

ii. The bottom right-hand corner displays, “Document Prepared By: Rafael Sandoval, CTC Real Estate Services, 176 Countrywide Way, MS: LAN-88, Lancaster, CA 93535-9944, (800) 540-2684.”

a. This is the first appearance of CTC Real Estate Services in this chain of title.

b. According to Bloomberg.com, CTC Real Estate Services is a subsidiary of NB Holdings Corporation based in Simi Valley, CA 93065. See link -

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=32993222>

iii. According to Bloomberg.com, NB Holdings Corporation is a select subsidiary of Bank of America Corporation based in Charlotte, NC. It was established in 1993. See link -

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=27410901>

iv. NB Holdings Corporation is reported to operate as an investment holding company that holds and owns securities of companies for investment purposes.

a. Further investigation is warranted by a securities expert regarding why these companies would create a satisfaction of mortgage document.

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B. The “lender” of the original mortgage (**Document #5**) was America’s Wholesale Lender. MERS was listed as the nominee and separately as the mortgagee of this alleged loan.

i. An alleged MERS, Inc. representative purports to execute the subject instrument as having authority and knowledge of the loan’s accounting on April 26, 2004.

ii. Mortgage Electronic Registration System, Inc. (MERS) is normally listed as the nominee for the “lender” and granted certain rights to transfer the mortgage. However, MERS is a company that acts as a lender nominee with few employees, which is typical of a “shell company.” MERS was designed to track document activity for lenders and does not possess ownership status or have knowledge of the accounting.

a. There is **no** mention of the original lender or its successors in the subject instrument.

iii. Further investigation into MERS, Inc.’s knowledge of America’s Wholesale Lender’s accounting of said loan and its authority is warranted.

iv. MERS had only two (2) offices: one in Flint, MI and the other in Reston, VA. However, MERS, Inc. and MERSCORP, Inc. moved to Danville, IL on December 6, 2010.

a. The subject instrument purports to be executed and notarized in Los Angeles County, CA on April 26, 2004. America’s Wholesale Lender and Countrywide companies purport to be in California.

C. Osvaldo Alatorre purports to execute this document as Assistant Secretary for MERS, Inc. on April 26, 2004.

i. A cursory search for the name Osvaldo Alatorre resulted in no verifiable proof of his employment or personal knowledge of the accounting of the alleged loan. Further investigation is warranted.

ii. There is no reference to a corporate resolution or other document indicating Osvaldo Alatorre had the authority to execute this “satisfaction” on behalf of MERS, Inc or America’s Wholesale Lender. It is standard industry practice for a bank to require not only the signature of a corporate officer, but also proof of authority to execute an instrument, usually in the form of a corporate resolution.

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iii. There is not corporate seal present.

D. La Noyce Taylor purports to execute this document as an Assistant Secretary of MERS, Inc. on April 26, 2004.

i. According to La Noyce Taylor's LinkedIn profile, she was employed by Bank of America as Customer Relationship Manager from 2003 - 2013 in Palmdale, CA. See link - [linkedin.com/in/la-noyce-taylor-b32b027a](https://www.linkedin.com/in/la-noyce-taylor-b32b027a)

a. Further investigation is warranted regarding why a Bank of America employee executed the "satisfaction" of an America's Wholesale Lender's loan. America's Wholesale Lender was not an active corporation on this date, and even if it was acting as a d/b/a of Countrywide Home Loans, Inc., the Countrywide and Bank of America merger didn't take place until 2008, four (4) years after the execution of the subject instrument.

ii. Further investigation is warranted regarding a verifiable process in which a person could become an "officer" of MERS, Inc authorized to execute a document on its behalf in 2004. MERS is well-known to change its policies as it is confronted with questionable legal practices.

E. J. Crystal Contreras purports to notarize the subject instrument in Los Angeles, CA.

i. She fails to acknowledge if the signers were personally known or provided adequate identification.

VIII. Document #11 An Instrument Titled "Assignment of Mortgage" Instrument #55484643

1. On October 2, 1007, an instrument titled "Assignment of Mortgage" dated September 14, 2007 was recorded in the county recorder's office in Summit County, OH (the subject instrument). This instrument purports to "assign" the mortgage recorded on April 16, 2004, with instrument #55035878 (**Document #8**) from Countrywide Home Loans, Inc. to Federal National Mortgage Association.

A. The format of the subject instrument does not display a normal format for assignments. It appears to be produced on a typewriter.

i. The top left-hand corner of the subject instrument displays "LS&R No.: 200737643" and Loan No.: 54860193." The loan number is reflected in the Doc Id # on the subject mortgage.

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ii. In the top right-hand corner of the subject instrument are the instructions, "Return to: Lerner, Sampson & Rothfuss, A Legal Professional Association, 120 East Fourth Street, Eighth Floor, Cincinnati, OH 45202-4070." There is an illegible handwritten notation to the left of the stamped address. There is an additional illegible handwritten notation in the far right-hand corner.

a. According to Ohio's Secretary of State's online database, the entity "Lerner, Sampson & Rothfuss, A Legal Professional Association" incorporated on June 18, 1975 and remains active. The reported current address is 120 East Fourth Street, Eighth Floor, Cincinnati, OH 45202-4070.

b. Lerner, Sampson & Rothfuss is well known as an alleged "foreclosure mill" law firm.

c. It is also reportedly affiliated with its own document processing company, LSR Processing, LLC, a Delaware company formed on December 14, 2006 under Delaware's Secretary of State's file number #4268054.

d. The entity "LSR Processing, LLC" is not registered with Ohio's Secretary of State.

e. On January 1, 2012 Lerner, Sampson & Rothfuss filed its Certificate of Merger documenting the merger of LSR Processing, LLC into Lerner, Sampson & Rothfuss, a Legal Professional Association (**Attachment "23"**).

f. Rick Rothfuss is the principle officer of LSR Processing, LLC. See link - <https://www.bbb.org/cincinnati/business-reviews/lawyers/lerner-sampson-rothfuss-in-cincinnati-oh-1168645>

B. The assignor purports to be Countrywide Home Loans, Inc. located at 7105 Corporate Drive, Mail Stop PTX-C-35, Plano, TX 75024. This is the first occurrence of this address in this chain of title.

i. The address has been linked to both Countrywide Home Loans, Inc. and Bank of America.

C. The assignee purports to be Federal National Mortgage Association (Fannie Mae) located at 7105 Corporate Drive, Mail Stop PTX-C-35, Plano, TX 75024. This is the exact address given for the assignor.

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i. Per Fannie Mae's website, Fannie Mae's assignment addresses are Fannie Mae Mail Drawer: Assignments, 3900 Wisconsin Avenue, NW, Washington, DC 20016 or Fannie Mae Mail Drawer: Assignments, 13150 Worldgate Drive, Herndon, VA 20170. See link - <https://www.fanniemae.com/content/guide/selling/e/1/03.html>

a. Further investigation is warranted to confirm these addresses were in effect for 2007.

ii. Fannie Mae has its own guidelines and regulations regarding accepting loans on assignment. Further investigation is warranted regarding their 2007 rules and regulations.

D. Micall Bachman purports to execute this document as Assistant Secretary for Countrywide Home Loans, Inc. on September 14, 2007.

i. According to Micall Bachman's LinkedIn.com profile, he lists being employed by Bank of America from October 1998 to September 2012 as a senior vice president in Plano, TX. See link - [linkedin.com/in/micall-bachman-0907511a](https://www.linkedin.com/in/micall-bachman-0907511a)

a. Countrywide Home Loans, Inc. was still actively registered on September 14, 2007. The Countrywide/Bank of America merger took place in 2008. Further investigation is warranted regarding a Bank of America employee executing an alleged Countrywide Home Loans, Inc. document.

ii. Micall Bachman's signature does not appear to be a live signature but possibly a stamp. Further investigation by a handwriting expert may be warranted.

iii. There is no reference to a corporate resolution or other document indicating Micall Bachman had the authority to execute this "assignment" on behalf of Countrywide Home Loans, Inc. It is standard industry practice for a bank to require not only the signature of a corporate officer, but also proof of authority to execute an instrument, usually in the form of a corporate resolution.

E. Yvonne Rogers purports to notarize this document in Collin County, TX on September 14, 2007.

i. According to Texas' Secretary of State, Yvonne Rogers was lawfully commissioned in the state of Texas from April 13, 2005 to April 13, 2009.

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ii. A cursory search of the name “Yvonne Rogers” resulted in no verifiable findings regarding her employment.

iii. The notary acknowledgment is undated and does not indicate if the signer was personally known or provided adequate identification at signing.

F. As stated before in this report, on September 6, 2007, Federal National Mortgage Association c/o Countrywide Home Loans, Inc. filed a complaint for foreclosure in the Court of Common Pleas in Summit County, Ohio with case number 2007-09-6254 (**Attachment “22”**).

i. The subject of the foreclosure was the April 12, 2004 mortgage recorded with instrument number 55035878 (**Document #8**).

ii. The plaintiff’s attorney was Jeffery R. Helms of Lerner, Sampson and Rothfuss.

iii. The Plaintiff listed is Federal National Mortgage Association c/o Countrywide Home Loans, Inc. 7105 Corporate Drive, Mail Stop PTX-C-35, Plano, TX 75024.

a. The subject instrument is notarized to have been executed on September 14, 2007, eight (8) days **after** the filing of the complaint for foreclosure. It was recorded near one (1) month after the filing of the complaint on October 2, 2007.

b. Only the injured party can file a lawsuit.

iv. The complaint does **not** have the subject instrument attached for further proof of standing. This is odd since the foreclosing attorney prepared the alleged “assignment” from Countrywide Home Loans, Inc. to Federal National Mortgage Association.

vi. It should be noted that Summit County Clerk of Court does not list any representation for or by Addie Polk in the case.

vii. It is recommended a licensed Ohio attorney be consulted regarding the validity of the complaint as it was filed.

This is a factual report combined with opinions of the writer. This is not legal advice and should not be used as such. Before making any decisions or acting on the contents of this report, you should seek counsel from a qualified, knowledgeable attorney licensed in the geographical area in which your property is located.

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Subject Property: 1127 LaCroix Street
Akron, OH 44307

Thank you for your business. If you have any questions regarding the contents of this report, please contact me directly at pops-inc@hotmail.com.

Sincerely,

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