

## **Our Bank of America Horror Story**

My name is Isabel Santamaria, I am a “crime victim” and I would like to tell you our horror story regarding Bank of America and their minions. I have posted our story here below in a complaint-type fashion very similar to what we submitted to the Department of Justice in November 2014. I apologize for the length of it (even though there is much more to tell, I could write a book) but I truly hope that you can find the time to appreciate and understand the crimes that have been committed against us personally and against other homeowners. I would like to personally thank you in advance for reading our story and hopefully it will ultimately help others. Well, here it goes:

Complaint for Crime Victims:

Abdiel Echeverria and Isabel Santamaria

Vs

Bank of America, N.A., BAC Home Loans

Servicing, LP, Urban Lending Solutions d/b/a

Urban Settlement Services and Carlisle &

Gallagher Consulting Group, Inc.

Perpetrators,

We bring upon this **criminal** complaint against all the perpetrators named herein for the illegal, abusive and malicious acts perpetrated upon us and by extension placed upon our children by the deliberate use of embezzlement, conspiracy to defraud, fraudulent concealment, fraud, mail fraud, obstruction of justice, harassment, intimidation, and discrimination upon us with the intention to cause harm, to remove us unlawfully from our home and in violation of our civil rights. The events and “illegal” criminal activities that took place will be more specifically described below. This is a similar complaint that I submitted to the Department of Justice on November 6, 2014 but my complaint was partially ignored. The DOJ addressed my civil rights portions but failed to investigate or address my “criminal” complaint against the perpetrators mentioned herein.

### **Background**

On or around August 2009, Bank of America, N.A. (BAC Home Loan Serving) became our mortgage servicer. We were not aware of the transfer from lender Taylor, Bean & Whitaker who was raided by the FBI and shut down. In late September 2009 we were made aware that Bank of America was our new servicer. During that time, we were trying to acquire medical and psychological services for our children while facing diminished income and increased expenses. However, I only had one more course to finish for my medical billing certification (I already had prior medical billing knowledge) because I had every intention of making more income by opening my own medical billing company by 2010 or 2011.

On or around October 2009, we requested assistance from BAC Home Servicing (Bank of America) for a loan modification. We had heard about a program that we could qualify for called HAMP.

When I, Isabel Santamaria, spoke to the Bank of America representative, I was told that I did not qualify at this time and that I had to give more financial documentation. We were struggling financially and later that month I provided more documentation. I was then informed by telephone in early November 2009 that we qualified “financially” but that because we were not “behind” on our mortgage, we could not prove hardship and qualify.

On that call, I advised the representative that we were struggling that month with our ever-growing expenses and with the additional psychological and medical bills for our children and that we would find it difficult to make a payment this month but I had the option of selling items or asking for a small loan from family to complete our payment. Nonetheless, it was never our intention to miss a payment, ever. (We actually wanted to pay-off our mortgage quickly and were enrolled in a bi-weekly payment plan with a company called Equity-Plus since March 2008. It was always our intention to pay-off our mortgage quicker and this bi-weekly plan would allow it but the fraud that ensued with Bank of America and the other culprits destroyed our plans).

However, according the BOA rep, we had to miss payments to qualify for HAMP and it seemed like the right time to do so. I was told that I was not able to prove “hardship” unless we were behind on our payments and we were not at that time. I consulted with my husband and we agreed to do it because we were in a bind and wanted to qualify. It did not seem like a risk at that time. Therefore, we missed the payment for that month (November 2009).

In December 2009, I called Bank of America again and was told that now I qualified for a HAMP modification and was going to receive a package in the mail. We made a payment in December 2009. I received the loan modification package in January and I

faxed all the documentation requested and in addition also mailed it back. We also made our payment in January 2010. When I called the HOPE Department at Bank of America that month, they told me they never received it. I received another packet and mailed it again in early February. By this time, Bank of America was already well aware of my children's special needs as I had advised them several times before. A payment was also submitted in February 2010.

In our own personal "hardship letter" required for the HAMP loan modification program, we specifically told Bank of America to assist us because of our financial situation and because "we have two small children who are autistic" and we even advised that we could supply medical documentation if necessary, which I still have in my possession.

Even though we only missed our November 2009 payment and continued making our "full" payments, Bank of America had already "targeted" us to remove us from our home along with our autistic children. We were "continuously" harassed and intimidated with false collection and foreclosure notices for a debt that we did not owe and forcing to pay an amount that we did not owe by a specific date if not we would be foreclosed on. (We have all this documentation as proof). We were terrified beyond words. Instead of acquiring help, it became a continuous terroristic attack without justification. We were not aware at the time but we became victims of an **illegal** method called "dual-tracking".

In March 2010 while on the phone with a male representative of Bank of America (or so I believe) and after being severely threatened unnecessarily with foreclosure for around 45 minutes on that call, I had a traumatic episode which changed my life and that of my children. The last thing I truly remember was telling the rep (we believe it was a Bank of America representative) on the phone that he was going to give me a

heart attack after I felt blood rush to my head and my blood pressure increased dramatically. Even though I cannot recall every detail of what happened after that, I remember seeing my autistic daughter crying and saying, "Mommy, don't die". I was so distraught that I was not even aware that my daughter was witnessing most of the conversation. My daughter was 9 at the time but remembers many details vividly.

For the weeks that followed that event, the pain, fatigue and illness I felt was unbearable. I thought I had bone cancer or something. I saw my doctor and after many tests she diagnosed me with chronic fatigue syndrome/fibromyalgia. My doctor even asked me if I had a traumatic experience lately or if I was going through a lot of stress. The first thing that came to my mind was "Bank of America" and their constant harassment along with the traumatic event on the phone that happened about a month prior. My doctor warned me that my life was going to change from now on but I never knew how much. As time went by, I started to get progressively worse and could not take all of the medications that I was prescribed for pain. Many of the narcotics were too strong for me (I do not like taking pills) and some were not helping much anyway. I could not become a drug-dependant mother with two autistic kids. As part of the treatment, I am also supposed to have weekly physical and massage therapies which I cannot afford. I have not been able to work since 2011 as a result of these actions. For obvious reasons, I was not able to finish my medical billing course and get certified or open the medical billing business. Bank of America maliciously and unnecessarily destroyed our finances, my business opportunity, income, stability, my health and our credit among other things.

This has not only destroyed my life but my family's life as well. Now, I am disabled too. I had requested several times that the harassment and abuse stop but it continued. Not even our

attorney could stop it. Even though we had legal representation from early April 2010 to September 2010, Bank of America and its co-conspirators continued to harass us with abusive phone calls during that period and repeated threats of foreclosure. Numerous people would park in front of our home and just stare or write things down. I was scared to even come out of my house. Even our neighbors would tell us about random people and inspectors showing up and all while we were supposed to be awaiting a loan modification. We were beyond stressed and humiliated. It is quite obvious that since we are Hispanic, Bank of America and their co-conspirators believed that we would not know our rights and therefore consistently violated our rights believing that we would not know any better, even behind our attorney's back.

In mid-2011, Bank of America (aka Countrywide & BAC Home Loans) filed a fraudulent MERS Assignment of Mortgage on our property while we were actually in litigation against Bank of America and BAC. The assignment was filed almost 2 years after the transfer from the alleged originator Taylor, Bean & Whitaker two years after bankruptcy was filed. MERS loses their rights once the originator goes into bankruptcy protection. In addition to this fraud, the assignment is riddled with forgeries. This is fraud upon the court.

In the past few years, we have filed complaints against Bank of America to the Office of the Comptroller of the Currency (OCC), The Florida Attorney General, Congressman Bill Posey, Senators, the F.B.I., Consumer Financial Protection Bureau (CFPB) and any federal, governmental and every consumer authority you can think of. Nothing has been done. In every instance, Bank of America's "Office of the CEO and President" interferes and obstructs legitimate investigations or diverts the investigation saying that the case is currently in litigation or provides conflicting or inaccurate information to stop investigations. They

are in a continuous warpath of destruction and obstruction of justice. These are **crimes** and no one has done anything about it.

My disabled children have suffered enough over the past four years because of this abuse perpetrated against us. Bank of America and their minions targeted us, a Hispanic family with “disabled” children to fulfill their greedy objective. But, this is only the tip of this massive fraud iceberg. The main reason I filed my recent complaints in 2014 is because of the elaborate CRIMINAL SCHEME that was perpetrated against us and that was “recently discovered” in December 2013 which also implicates URBAN LENDING SOLUTION and CARLISLE & GALLAGHER.

Bank of America concocted a scheme which involved the full cooperation and awareness of third parties Urban Lending Solutions and Carlisle & Gallagher to misrepresent a “farce” HAMP loan modification to our family and make us rely on a farce “Bank of America’s Office of the CEO and President”. Even though we knew that Bank of America is a fraudulent company, we had no idea how deep the rabbit hole goes and how they would actually target a family like us in such a manner with this “concealed” scheme when we were asking for help all along. We are 100% certain that we qualified for the HAMP or HARP program but Bank of America made it their mission to defraud us in every way possible with the help of co-conspirators who monetarily benefited from this racketeering scheme. Here is how we found out:

I, Isabel Santamaria, was contacted by a Bloomberg reporter last year and he began an investigation. What he discovered was quite disturbing. On December 13, 2013, I became aware of the result of the investigation, just three (3) days before the investigative piece featuring our story was released to the public (Please read our story by Bloomberg here: <http://www.bloomberg.com/news/articles/2013-12-16/secret->

[inside-bofa-office-of-ceo-stymied-needy-homeowners](#)). I became emotionally distraught to find out that all this time Bank of America and its minions Urban Lending and Carlisle & Gallagher, targeted my family and completely disregarded my pleas for help and concocted this scheme, concealed it, denied it and now want to escape liability for their criminal actions. We are not your typical homeowners. We invested our life savings into this home (almost \$90,000.00 including a \$25,000.00 down payment in February 2008) and then we were bamboozled by this racketeering scheme after asking for help for our disabled children. This is the ultimate low and it is criminal to say the least.

I became aware that most letters and communications that we received from Bank of America that included HAMP loan modification communications and calls along with threats that were also made to me and my family were not only a scheme to remove us from our home many times but were not even from Bank of America or Bank of America's "Office of the CEO and President". Bank of America created a FARCE "Office of the CEO and President" composed of Urban Lending Solutions and Carlisle & Gallagher in order to handle our complaint and the complaints of others who were determined to be "troublesome" or worthy of litigation.

With the assistance of these co-conspirators, Bank of America also manipulated our mortgage account, manipulated records regarding HAMP, embezzled money from our escrow and payments, posted our mortgage payments as foreclosure fees, removed payments from our mortgage records, concealed call records regarding the March 10, 2010 conversation and event with the representative, added call records that never took place among other things. They maliciously lied and mislead us, lied and mislead our attorney and the list goes on and on. Even



though we have all the evidence to prove this, the courts turn a blind eye and are in Bank of America's pocket.

Since my case was of a "complicated" nature and obviously involved other illegal activities in which they wanted to cover-up, Bank of America felt that they had to throw my case in the mix completely disregarding the fact that we had children with special needs and that they were also in violation of a federal assistance program (HAMP). It was never Bank of America's intention to help us with a HAMP modification or by any other means as required by the settlement agreement. Instead, they had this malicious racketeering scheme perpetrated against our family to ILLEGALLY remove us from our home. Urban Lending Solutions and Carlisle & Gallagher were contracted for this purpose and were very aware of what their duties were and what was required of them. Urban and Carlisle & Gallagher were also paid lucrative contracts for this complicit behavior and their employees held "false titles" such as "Customer Advocate" of Bank of America's "Office of the CEO and President" such as in the case of Carlisle & Gallagher's Scott McDaniel who falsely communicated this to us and the OCC, Attorney General, Congressman Bill Posey and others.

We believed these fraudulent misrepresentations (which included written misrepresentation via mail aka "mail fraud") and relied upon them all along and we also assume that the other parties involved did also. These false fraudulent mailings were also sent to other governmental parties with the intention to deceive. This is "fraud" and "obstruction of justice".

The crime of **obstruction of justice**, in United States jurisdictions, refers to the crime of interfering with the work of police, investigators, *regulatory agencies*, prosecutors, or *other (usually government) officials*. Urban and Carlisle & Gallagher (and possibly others) were used to misrepresent (commit fraud) to us information knowing that we would rely on it

and in the process also obstructed formal regulatory and governmental investigations at the direction of Bank of America. We were never aware that we were not speaking to Bank of America or Bank of America's "Office of the CEO and President" many times.

All this time, we were lead to believe that our communications were given the utmost importance and escalated to a "higher office" when in reality it was all a scam. Bank of America and Urban Lending employees had recently confirmed through affidavit testimony in mid-2013 the fraudulent scheme that was set-up against some homeowners as ourselves. Please see: [http://msfraud.org/LAW/Lounge/Bank\\_of\\_America\\_Affidavits\\_HAMP-crimes\\_6-13.pdf](http://msfraud.org/LAW/Lounge/Bank_of_America_Affidavits_HAMP-crimes_6-13.pdf).

## **Fraud**

*A false representation of a matter of fact—whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed that deceives and is intended to deceive another so that the individual will act upon it to her or his legal injury.*

The Office of the Comptroller of the Currency was advised by us of this scam in early 2014 and instead of conducting an investigation, they allowed the criminals (Bank of America) to conduct their own an internal investigation. Allowing the criminals to conduct their own investigations? Really? Did the OCC actually expect an admission of guilt by Bank of America if they were allowed to cover-up their own crimes and evidence?

Our civil rights, especially those of our disabled children, have been maliciously violated. We feel deceived and we were indeed deceived. I had sent Bank of America letters and emails pleading for help regarding my children including emails that I

sent to Bank of America's CEO Brian Moynihan. I have all these letters and emails in my possession. I also have proof that they did receive them because these emails are noted in the computer entries of my account and were also forwarded to Bank of America's FAKE "Office of the CEO and President" to handle.

They were aware all along of our special circumstances. Instead of assisting us, they "bullied" us, threatened us and targeted us with malicious intent and placed us within a group of victims that would be lied to by a fallacious "Office of the CEO and President" thereby giving us false hopes knowing that we would never get help. Even though we were paying our mortgage, Bank of America was applying our payments to foreclosure and vacancy fees without our knowledge since early 2010 (after they knew of our children's disabilities) even though our home has never been vacant and we were supposed to be pre-qualified for HAMP during that time. Yes, we have been targeted and criminally abused. They thought that a Hispanic family with disabled children would not be able to handle the situation and not be able to fight back. They were wrong.

Bank of America thrives and engorges off of the desperation of homeowners, especially those with special circumstances like us. We were the perfect victims for their **"Office of the CEO and President"** and **"dual tracking"** scheme for which our civil rights were ultimately violated.

Therefore, please be aware that Bank of America, N.A. and its co-conspirators named in this complaint, Urban Lending Solutions d/b/a Urban Settlement Services and Carlisle & Gallagher Consulting Group, Inc. had FULL knowledge that our daughter (who was 9 years old when the abuse started) and son (who was 6 years old when the abuse started) were disabled with autism and nonetheless began their full-fledged attack against us

knowing very well that these children fully relied on us with their care. The abuse and threats were willful, malicious and unnecessary and were to the extent that they cause one of us, the main emotional and supportive caregiver, Isabel Santamaria, the mother, to suffer emotional and physical ailments to the extent that I became “disabled” myself and I could no longer work and contribute financially or be as supportive in activities with our children in the past four (4) plus years as I used to. These unnecessary abuses by Bank of America and its co-conspirators mentioned in this complaint/story caused my disability, severely jeopardized our children’s emotional development and have further delayed their psychological and educational development as well. We also have over four (4) years of psychological records to prove these allegations.

I also have witness accounts and other documentation to substantiate my claims. My daughter has also been evaluated by her psychologist and is able to testify if this case finally goes to trial someday.

Yes, my family and I are CRIME VICTIMS. These are my claims of **embezzlement, conspiracy to defraud, fraudulent concealment, obstruction of justice, fraud, mail fraud, discrimination and civil rights violations** against Bank of America, N.A., Urban Lending Solutions and Carlisle & Gallagher Consulting Group, Inc. This complaint does not include or elaborate on the many other criminal activities executed against us by Bank of America which include forgery and perjury, just to name a few.

Bank of America and its co-conspirators’ conspired to carry out obstruction of justice and mail fraud which spanned for over three years.

The **Home Affordable Modification Program**, also known as **H.A.M.P.**, is a “federal” program of the United States, set up to help eligible home owners with loan modifications on their home mortgage debt. It was set up in the context of the ongoing subprime mortgage crisis in the debt markets, continuing from 2008.

Bank of America, N.A. (BAC Home Loans) received taxpayer bailout funds to participate in the HAMP program. Instead of assisting the petitioners as required by the federal program for which they applied for, Bank of America, with the full knowledge and cooperation of its co-conspirators Urban and Carlisle & Gallagher, decided to abuse and harass the petitioners in this complaint after being fully aware that we, the petitioners, had children with disabilities that relied exclusively on our income and our care.

These criminal perpetrators had every intention of depriving us from our rights as property owners just to fulfill their greedy criminal objective.

Other than the intimidation, interference and threats, heavily sustained by the us and our disabled children since 2010, there has been recent retaliation, not only behind the scenes by one of the perpetrator’s (Bank of America’s) attorneys without the awareness of the court but they also recently conspired with *Vistaprint* to take down our former website ([EcheverriaVsBankofAmerica.com](http://EcheverriaVsBankofAmerica.com)) that exposed their fraud collectively. The website was created to inform and assist other homeowners against mortgage crimes. Even though we opened another website ([www.bofacrimes.com](http://www.bofacrimes.com)) with a different provider, we were not able to use much of the previous information from our previous personal website and the content is being held hostage. The amount of time spent on building the previous website was also valuable to us. Vistaprint insists that there is infringement even though there are thousands of websites with

similar domains and with similar purposes but had no problem collecting monthly payments from us for over 3 years. The other website was specifically targeted in retaliation because they are in litigation with us and because we are a threat in exposing the fraud and racketeering that Bank of America, Urban and CGCG committed against us and others. The domain name was the "case name". The mafia-type perpetrators have and continue to illegally harass the us and are now violating our First Amendment Rights to Freedom of Speech as well. This battle and situation is on-going, under investigation and we will update of any developments.

As of August 2014, our alleged mortgage was dumped onto Carrington Mortgage who are nothing more than a foreclosure-mill-type company who likely purchased our alleged mortgage that cannot legally be transferred to them by Bank of America or anyone else because the previous assignment and the origination is fraudulent to begin with. I have already documented several lies and inconsistencies from Carrington so far.

The conspiracy perpetrators concealed pertinent information, documents and defendants from participating in prior judicial proceedings and committed obstruction of justice during federal and regulatory investigations initiated by us in this complaint which is a federal crime. The criminals perpetrated this scheme to defraud us and other homeowners with the use of U.S. mail and wire thereby misleading and defrauding us and governmental agencies with false statements, titles, misrepresentations, and company information all with the intent to defraud us for the purpose of illegally obtaining property by means of false or fraudulent pretenses and representations.

The United States District Court for the Middle District of Florida, Orlando Division has erroneously dismissed our case (Case No. 6:14-cv-00486-CEM-DAB) against these criminals and our case is currently in appeals in the Eleventh Circuit (Appeal No 14-15375-BB) which is known to be very "pro-bank". Justice

continues to evade us because these bankster criminals continue to “purchase” their special treatment. It seems that the law does not apply to them.

It is our intention to pursue this as a “criminal” matter to the full extent of the law and if necessary we will petition the U.S. Supreme Court to listen to our civil case if it is not remanded back to federal court.

The psychological, emotional and monetary damages caused by the criminals named herein against us is on-going and substantial and justice must be served. We speak not only on our behalf but on behalf of others who have been severely damaged by these criminals, especially by Bank of America, who is the ringleader of this racketeering enterprise. There have been no repercussions against these criminals or any investigations conducted by the Department of Justice regarding this particular **criminal** matter which involves these three co-conspirators who indeed succeeded in criminally defrauding us and thousands of American homeowners. Several “outside” investigations were conducted (such as Bloomberg, employee declarations/affidavits, etc.) but so far, the DOJ has refused to hold anyone responsible for these particular criminal actions. The Department of Justice only responded to the “civil rights” portion of my complaint but has refused to respond or acknowledge the “criminal” portion of my complaint. At the end of the day, the DOJ has done nothing to help victims such as us from these crimes perpetrated by Wall Street criminals like Bank of America.

The DOJ places “band-aids” on these crimes by reaping benefits monetarily from fines in which the victims/homeowners never receive true compensation or nothing at all. The bleeding needs to stop and as crime victims of Bank of America and other fraudulent big banks, we need to hold these criminals “criminally”

liable as well. I would go to prison for these crimes and so would any “average” person but not the banks. What a double standard!

No one should lose their home, their jobs, their money, their health or their lives (suicides, etc) as a consequence of these bankster crimes and in fact, we should expect imprisonment for those responsible. Allowing these criminals to deprive us of these things is aiding and abetting and a violation of our constitutional rights.

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