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PO Box 526, La Verne, CA 91750

Fax: 323.488.9697; Email: jz12345@earthlink.net

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10-09-22 Robo-Signatures – the latest computer fraud in US banking and courts

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The Washington Post

'Robo-signer' played quiet role in huge number of foreclosures

By Brady Dennis

Washington Post Staff Writer

Wednesday, September 22, 2010; 10:50 PM

SELLERSVILLE, PA. - The robo-signer lives on a quiet street in this small town an hour's drive northwest of Philadelphia.

His modest two-story house, for which he paid \$118,000, sits on a corner lot just down the street from the local Moose Lodge and an all-night diner. A weathered Chrysler Concorde is parked in the driveway, and a Toyota Camry sits by the curb.

Many large mortgage lenders have come to rely on a relative handful of so-called robo-signers such as Jeffrey Stephan, 41, to attest to the accuracy of thousands of home foreclosure documents across the country. These workers are not the Wall Street masterminds who created ever more complex mortgage-backed securities and fueled the subprime mortgage boom, but rather "affidavit slaves" with modest incomes and mountainous workloads.

Their actions are leading lawyers representing foreclosed homeowners to claim that lenders have no legal standing if the filings weren't reviewed and verified, and to argue that the cases should be thrown out.

For nearly six years, Stephan - who declined to talk to a reporter - has made the daily commute south along Route 309, past cornfields and big-box stores, to an office park in Fort Washington.

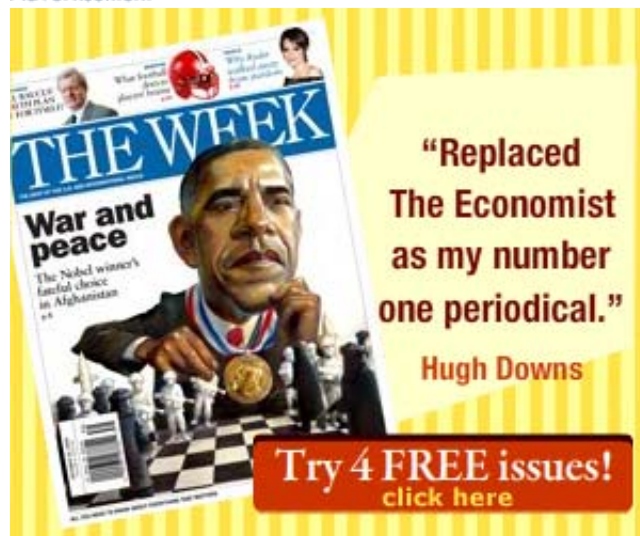
From his cubicle inside a sprawling beige stucco building, Stephan works as the leader of the document execution team for GMAC Mortgage. He has signed off on as many as 10,000 foreclosures in a month, according to court documents. That's barely a minute per case, assuming he works a normal eight-hour day.

His signature indicated that the information in the cases was accurate to the best of his knowledge, and that he had signed in the presence of a notary. The problem was, that didn't always happen, according to depositions that Stephan gave in December and June for court cases involving families trying to keep their homes.

He stated that he would glance at a borrower's name, the debt owed and a few other numbers, but simply assumed most of the information in the files was correct. Stephan, who has more than a dozen people working under him, told attorneys that he had three days of training for the position and that he didn't know how the "summary judgment" affidavits he signed were used in judicial foreclosure cases.

Stephan's admission has cast into doubt thousands of mortgage foreclosure filings. Ally Financial, the nation's fourth-largest home lender and GMAC's parent company, halted evictions of homeowners this week in the 23 states that mandate a court judgment before a lender can take possession of a property.

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A company spokesman this week said that the company services loans from "hundreds of lenders." Among them: government-backed mortgage giants [Fannie Mae](#) and [Freddie Mac](#), both of which have undertaken internal reviews to figure out the scope of any potential problems. Already, lenders in states such as Maine and Florida have begun to withdraw affidavits with Stephan's signature, essentially ending a number of foreclosure cases.

The case also has prompted a broader question of how and why some of the nation's largest lenders came to rely on middle managers such as Stephan, who told attorneys that his compensation wasn't tied to the volume of documents he signed.

Stephan answered the door at his house late Tuesday wearing a T-shirt and shorts. He said only "No, thanks" before retreating inside.

Nearby, in the bowels of the Bucks County courthouse in Doylestown, Pa., the mountain of mortgage foreclosures tells a more personal story. While Stephan and other robo-signers often serve as anonymous bureaucrats foreclosing on homeowners across the country, they also are kicking out their own neighbors.

Stephan signed off on the foreclosures of a \$216,000 home over in Pipersville and a \$202,500 home on Inkberry Road in Levittown. He signed off on another for a \$183,000 house that had belonged to a couple up in Quakertown. GMAC and other lenders have foreclosed on more than a thousand homes in Bucks County since the crisis began.

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MarketWatch

Sept. 29, 2010, 6:39 p.m. EDT

'Robo-signer' controversy spreads

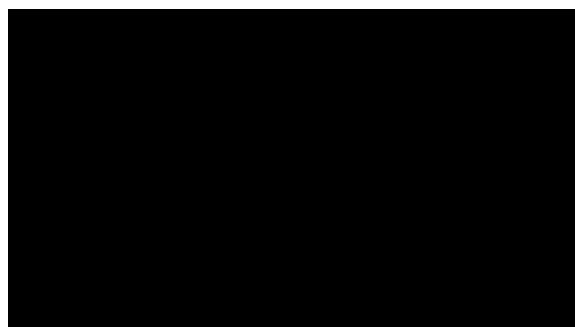
J.P. Morgan's Chase unit stops some foreclosures to review process

By [Alistair Barr](#), MarketWatch

SAN FRANCISCO (MarketWatch) — Controversy about so-called “robo-signers” in the foreclosure process, during which staffers sign thousands of mortgage-related documents a month, is spreading across the U.S. banking industry.

On Wednesday, J.P. Morgan Chase & Co. (NYSE:JPM) spokesman Thomas Kelly said that the bank's Chase unit is stopping some foreclosures to review how employees in its mortgage-foreclosure operations sign affidavits about loan documents.

The news comes about a week after GMAC Mortgage, a unit of Ally Financial, stopped foreclosures in 23 states to deal with a similar problem. [Read more about how GMAC Mortgage hits speed bump in foreclosures.](#)



At the center of the controversy are employees of mortgage lenders or servicers who sign affidavits supporting foreclosures that have to be cleared by judges in many states.

With so many foreclosures to process, there's concern that such affidavits are signed without verifying whether loan documents and other records have the correct information. The integrity of the process is a key component in how judges decide that people's houses can be taken and given back to the bank.

Markets Hub: Surging gold, flash-crash report

Gold and the euro are surging on speculation about the Fed's next move. Meanwhile, the SEC is set to release its report on the origins of the flash-crash and how to prevent another one.

Dustin Zacks, an attorney at Ice Legal PA — a firm based in Royal Palm Beach, Fla., that specializes in foreclosure defense — is representing some homeowners who are trying to stop their houses from being seized through foreclosure.

Zacks said he deposed a Chase document signer called Beth Ann Cottrell who said she and eight others in her department signed about 18,000 foreclosure-related documents a month, including affidavits of indebtedness.

“Our first question was whether she had personal knowledge of the documents she was signing about,” Zacks said in an interview. “Her answer was no. It's shocking that they would use this as evidence to seize someone's property.” [Read the May 17 deposition of Cottrell.](#)

J.P. Morgan Chase's Kelly said that in some cases, employees in Chase's mortgage-foreclosure operations “may have signed affidavits about loan documents on the basis of file reviews done by other personnel — without the signer personally having reviewed those loan files.”

'Our first question

“As a result, we have begun to systematically re-examine documents we have filed in current foreclosure proceedings to verify that the affidavits and other documents meet the standard of personal knowledge or review where that is

1/27/2011

was whether she had personal knowledge of the documents she was signing about. Her answer was no.'

Dustin Zacks, Ice Legal

'Robo-signer' controversy spreads - M... required," he added.

Kelly also said that J.P. Morgan Chase believes the loan information in the affidavits wasn't affected by "whether or not the signer had personal knowledge of the precise details."

"The affidavits were prepared by appropriate personnel with knowledge of the relevant facts based on their review of the company's books and records," according to the spokesman.

Still, J.P. Morgan Chase is working with outside lawyers to review its affidavit preparation and signature process to confirm that it satisfies all documentary and evidentiary standards. "We have requested that the courts not enter judgments in pending matters until we complete our review," Kelly commented.

The review should be done in a few weeks and J.P. Morgan will submit updated affidavits to the courts if needed, he said.

Jeffrey Stephan, an employee of GMAC, said in a deposition taken by Ice Legal that he and a team of 13 others signed an estimated 10,000 foreclosure-related documents a month. [Read the deposition of Stephan.](#)

Erica Johnson-Seck, an employee of OneWest Bank, estimated in a deposition taken by Ice Legal that she signs about 750 foreclosure-related documents a week. A team of eight people at OneWest sign about 6,000 a week, she said.

Johnson-Seck said she spends about 30 seconds on each document, according to the deposition. [Read deposition of Johnson-Seck.](#)

OneWest is a bank that was formed from the remains of IndyMac Bank, which failed during the mortgage crisis.

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<http://www.docuSign.com/blog/2010/10/08/the-foreclosure-furor-robo-signatures-result-in-controversy/>



BY TOM GONSER ON FRIDAY OCTOBER 8TH, 2010

The Foreclosure Furor: Robo Signatures Result in Controversy

I have read several articles recently about the lack of process and procedure that contributed to the "[foreclosure furor](#)". One legal blogger [defined robo signature](#) as:

[A] process where a signature is affixed on the default notices, or other mortgage documents without reliable means or authenticity thus accelerating the foreclosure process. ... Basically, this robo controversy is alive when banks foreclosure department streamlined the foreclosure process by falsely submitting affidavits, and forged signature.

As I read about this breakdown in document workflow and process management resulting from high volumes of transactions and documents, I am confident that had the banking and mortgage industries used DocuSign's Electronic Signature Platform to handle these transactions in the first place, much of this could have been averted.

I mean that. If the banking and mortgage industries used technology like DocuSign to manage the paper process rather than manual, human processes, these issues would be minimized.

Three Contributing Causes to the Foreclosure Furor:

1. **Authentication:** Paper processes did not utilize available means to positively authenticate people because the traditional method, in-person notary, was overwhelmed. Instead they relied on photocopies of drivers' licenses, which were often forged. Evidence points to the fact that a huge percentage loans processed did not adequately check the identification of the person who obtained the loan.
2. **Control:** A manual paper process lacks adequate controls. It is subject to human error, and human shortcuts we are calling 'robo-signing' in the press today.
3. **Volume:** As the number of loans skyrocketed, there just were not enough people to manage the cumbersome paper foreclosure process.

[Foreclosure processors worked in cubicle farms](#) and in the name of speed, emphasized form over substance. As the legal blogger noted:

They were like signature machines affixing their signatures on thousands of documents without testing its reliability or authenticity.

Processing a financial transaction using DocuSign can fix these core problems by using technology to streamline, enforce, and authenticate signers to a transaction.

How DocuSign could have and should have been used to manage foreclosure processing and eliminate the possibility of 'robo-signing' and other problems:

1. **Authentication and Security:** Using DocuSign, each signer is required to authenticate to act on the document. DocuSign enables authentication in several forms, including phone based biometric authentication as well as Social Security number, age, name and address verification. *You literally cannot view or e-sign without authenticating.* Each file is encrypted and protected from unauthorized changes. This happens securely online using only a browser. Compare this to the paper process where there was likely NO authentication at all. The slower paper process is much less secure.
2. **Control:** Using DocuSign, each signer can be required to view pages, paragraphs, initials and signature locations in sequential order through any document. Signers must look at every page and cannot sign more than one document at a time. *DocuSign enforces the proper legal process of "review and sign" everywhere in the document.* It is impossible to 'robo-sign' using a system like DocuSign. Each step must be deliberate, and is recorded as the act of a

specific person and stored with an audit trail that permanently shows everything about the history and signing process of every document.

3. **Volume:** Sending and signing documents electronically is far more efficient than the paper process. Electronic documents cannot be shuffled out of order and pages cannot be removed, marked up, or torn. Files containing hundreds of pages can be easily retrieved and reviewed. DocuSign can ensure with an audit trail that each page required was initialed, signed, and reviewed. All of this activity is time-stamped and saved with a tamperproof audit trail. *Customers tell us they can manage 10x the amount of documentation electronically as they can with paper, without errors, and much greater readability.*

So, if you want to get rid of Robo-Signing, use the proper tools for the job. Use DocuSign's system to allow you to handle the high volumes, with precise control and a high degree of accountability, authentication, and security. The time has come to start putting this mess behind us, and the best and fastest way we are going to get there is to harness the right technology.

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US 'Robo foreclosures' threaten new financial meltdown

By [Jeremy Warner Economics](#) Last updated: October 12th, 2010

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Furniture is carried out during an eviction in Thornton, Colorado (Photo: Getty Images/John Moore)

Anyone who thought the American housing crisis was starting to abate should think again. In fact it threatens to enter a new, and possibly even more destructive phase. The cause is growing foreclosure abuse. This has already prompted Bank of America and JP Morgan to call a moratorium on foreclosures. The White House is under growing pressure to extend this to a nationwide ban.

Good news, you might say, and indeed on one level it is. Mortgage servicers (loan sharks to you and me) have been making hay to the eternal misery of distressed homeowners by forcing foreclosure in record numbers. They make more by foreclosing and selling the properties on than they do from negotiating a workout on reasonable terms with the householder.

The term “robo signatures” comes from the practice of signing foreclosure approvals in a robotic fashion without regard to underlying circumstance. Legally, it’s very easy to do.

More than 40 US state attorneys general are poised to announce an investigation into the mortgage services industry in the hope this will allow for a more accommodative approach to homeowners who are in arrears. As I say, this all looks

more than justified.

Yet there are many associated risks with a blanket ban. There was an excellent comment on all this by “emmiem” posted on the web version of my column this morning for The Daily Telegraph – [“Jobless America threatens to bring us all down with it”](#) – which explains what a hopeless mess the Americans have got themselves into on mortgage finance. Mortgages in America have been packaged, sliced, diced and resold so many times than nobody fully understands where rights of ownership truly lie any longer.

If there are no rights of foreclosure, it could easily trigger a new round of write-offs in the banking sector, or among those who have bought the loans, and thereby cause fresh financial mayhem. I was in the States last week, and it was clear by reading the press coverage on this issue that nobody has a proper grip on the systemic risks posed by all this.

Robo Signature foreclosures are a self evident scandal, but quite what happens if the authorities move to stop it is anyone’s guess.

Tags: [America](#), [bank of america](#), [foreclosures](#), [housing crisis](#), [JP Morgan](#), [robo signature foreclosures](#), [us](#), [white house](#)

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Foreclosure Scandal Is More Than Robo Signatures

Press misses the premeditated criminal context

By Danny Schechter

Last Updated: Nov 21, 2010

Created: Oct 13, 2010



A man speaks with a bank consultant to restructure his mortgage at the nation's largest loan modification event, at the Los Angeles Convention Center, on Sept. 30. (Mark Ralston/AFP/Getty Images)



The other day, during an interview on Al Jazeera, I was asked if I was frustrated because my warnings and worries about the financial meltdown and foreclosure crisis, first aired in 2006, have been ignored so long.

Duh!

The excruciating lesson I learned is that it takes time for a problem to turn into an issue and then, an issue to get attention, to move from the business section to the news section, from the back of the paper to page one.

It is always hard to predict which story will grab the attention of a news media that has not paid sufficient attention to these issues for years. What connects for editors is usually a small matter and a symbolic one, a story that's not just new

but dripping with the appearance of injustice or hypocrisy.

Computer-Driven Efficiency

The fact that millions of Americans were having their homes foreclosed on by a shadowy industry agency using robo signature machines without reviewing the details of the alleged default has become the scandal du jour.

Committing this fraud is the Mortgages Electronic Registration System (MERS), the company the big banks hired to do their dirty work with the appearance of computer-driven semi-official efficiency.

As they churned out and executed foreclosures (while making more than a pretty penny in the process,) they, in effect, executed homeowners with the sanction and support of kangaroo courts. As soon as the judges received their impeccably prepared documents—like Bernie Madoff’s meticulously written monthly statements fooling his investors—the orders were issued to throw the deadbeats out.

One day, and for a quick second, your home sweet home’s fate is in court before some judge that has received contributions from the industry, and, the next, the sheriff is outside your door with a goon squad to move your stuff into the street. It has been a cruel, stealthy, and systematic process.

There has been a chain of criminality behind what the FBI has been calling a ‘mortgage fraud epidemic’ that has not really been in the news.

Explains *Naked Capitalism*: “Banks have become so powerful in Florida that they have managed to get what amount to kangaroo foreclosure courts created. Not surprisingly, [the assembly](#) line imitation of justice railroads borrowers, and prevents legitimate grievances from being heard.”

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“It turns out that banks in that state are so confident of their above the law status that they’ve also taken to casually changing the locks on and entering homes they don’t own, meaning haven’t foreclosed upon. This has become sufficiently common that the local press has taken notice.”

Illegal

The only problem behind this flim-flam was that this practice violated the law in at least 23 states leading to big banks imposing long overdue foreclosure moratoriums, not to safeguard human rights but to protect their property rights. The banks fear massive and very costly lawsuits. Fortunately, homeowners at risk or in foreclosure could benefit. Some have been fighting back.

This issue has been all over the media. MERS has been defending itself even as its ship is sinking. Economics writer Yves Smith denounced a statement by its CEO this way, “Wow, this is an almost perfect statement from the Ministry of Truth. Virtually every statement is a lie or very disingenuous. I’m seeing if I can get a lawyer with recognized credentials to shred it.”

The Washington Post reports that the government had been warned repeatedly about problems among mortgage servicers.

Much Deeper

The facts here alas, may not matter as much as an often-omitted fact: the mortgage scandal that triggered the financial crisis goes much deeper than what is happening on the back end—when a property finally goes into foreclosure.

As Edward Harrison who writes the *Credit Writedowns* blog, points out,

“The crisis in foreclosure documentation is much deeper than the specific issue of robo-signers, which has precipitated the halt in foreclosures by major banks. The fact is the mortgage process in the United States is broken because securitization has created a Byzantine mess that is wholly unsuited for the large number of foreclosures now ongoing.”

And that process has been fudged, riddled with fraud and phony documentation provided by lenders who have been laughing all the way to the bank. There has been a chain of criminality behind what the FBI has been calling a “mortgage fraud epidemic” that has not really been in the news. The press has avoided showing how three industries—real estate, finance, and insurance—worked together to rip off the American people.

Political Cover

This process has been given political cover, as Mike Taibbi reminds us, that the Tea Party was formed with demagoguery on this very issue (even as many conservatives are also losing their homes.)

“This second generation Tea Party came into being a month after Barack Obama moved into the Oval Office, when CNBC windbag Rick Santelli went on the air to denounce one of Obama’s bailout programs and called for ‘Tea Parties’ to protest. The impetus for Santelli’s rant wasn’t the billions in taxpayer money being spent to prop up the bad mortgage debts and unsecured derivatives losses of irresponsible investors like Goldman Sachs and AIG. ...

“No, what had Santelli all worked up was Obama’s ‘Homeowner Affordability and Stability Plan,’ a \$75 billion program less than a hundredth the size of all the bank bailouts. This was one of the few bailout programs designed to directly benefit individual victims of the financial crisis.

“How many of you people want to pay your neighbor’s mortgage that has an extra bathroom and can’t pay their bills? Raise your hand!” Santelli roared in a broadcast from the floor of the Chicago Board of Trade. Why, he later asked, doesn’t America reward people who “carry the water instead of drink the water?”

Who is drinking that turgid water now?

Moratorium Needed

Unfortunately, the ‘blame the irresponsible homeowner’ narrative has become deeply embedded even after films like Leslie Cockburn’s *Casino* documented the way homeowners in Baltimore were targeted on a racial basis, or my own, *In Debt We Trust* and *Plunder* demonstrating that crimes were committed in a massive way. Michael Moore exposed the ugliness of foreclosures in his, *Roger and Me* and *Capitalism*:

A Love Story.

Now, a new film, *Inside Job*, fleshes out the story with a pretty looking, term paper/PowerPoint-style illustrated lecture showing, step by step, how homeowners were fleeced, and why the crisis mushroomed.

Worth seeing, it's a bit top-down and dense for my taste with lots of visuals from helicopters over buildings and interviews with big name economists. It has a studio release so, hopefully, it will be seen widely.

The facts are here but the political will isn't. Where is the solidarity with the victims as the media treats this as a "technical" issue, rarely explaining its premeditated criminal context?

We need the president to proclaim a national moratorium on foreclosures and a no-holds-barred investigation into these practices that lead to prosecutions. If a French trader who bet wrong can be fined for his billion dollar losses, why not the Wall Street powercrats who sucked away similar sums?

Mostly we need public outrage and popular organizations to force them to do it.

News Dissector Danny Schechter directed Plunder The Crime Of Our Time and wrote the companion book, Plunder: The Crime Of Our Time. Comments to dissector@mediachannel.org.

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Why Robo-Signatures Are Illegal in California and Other Non-Judicial Foreclosure States

Author: [Michael Rooney](#) | Total views: **430** Comments: **1**
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Everyone in America has heard of Robosigners by now. But somehow, in a majority of states (the 27 non judicial foreclosure states), qualms exist about whether this practice is "okay" simply because the matter does not go to court. The clear answer, despite what the banks have said, is no --- absolutely not.

Because the topic has not gotten the treatment it deserves, I will gladly do the job. The following are by no means a complete list, but are the most clear LEGAL reasons (setting aside pure moral questions and the U.S. Constitution) that the Robo-Signer Controversy will entitle hundreds of thousands of homeowners wrongfully foreclosed and evicted to sue in non judicial foreclosure states. Briefly, Robo Signers are illegal in California because fraud cannot be the basis of clear title, trustee's deeds following Robo Signed sales are void as a matter of law, notarization is a recording requirement for many of the documents, which we also know was often botched, and most importantly because robo signed falsifications ARE meant for use in court, including unlawful detainers and bankruptcy matters.

1. Clear Title May Not Derive From A Fraud (including a bona fide purchaser for value).

In the case of a fraudulent transaction California law is settled. The Court in Trout v. Trout, (1934), 220 Cal. 652 at 656 made as much plain:

"Numerous authorities have established the rule that an instrument wholly void, such as an undelivered deed, a forged instrument, or a deed in blank, cannot be made the foundation of a good title, even under the equitable doctrine of bona fide purchase. Consequently, the fact that defendant Archer acted in good faith in dealing with persons who apparently held legal title, is not in itself sufficient basis for relief." (Emphasis added, internal citations omitted).

This sentiment was clearly echoed in 6 Angels, Inc. v. Stuart-Wright Mortgage, Inc. (2001) 85 Cal.App.4th 1279 at 1286 where the Court stated:

"It is the general rule that courts have power to vacate a foreclosure sale where there has been fraud in the procurement of the foreclosure decree or where the sale has been improperly, unfairly or unlawfully conducted, or is tainted by fraud, or where there has been such a mistake that to allow it to stand would be inequitable to purchaser and parties." (Emphasis added).

Hence, if forged Robo Signed signatures are used to obtain the foreclosure, it CERTAINLY makes a difference in California and other non-judicial foreclosure states.

2. Any apparent sale based on Robosigned documents is void - without any legal effect - like Monopoly Money.

In Bank of America v. LaJolla Group II, the California Court of Appeals held that if a trustee is not contractually empowered under the Deed of Trust to hold a sale, it is totally void. Voidness, as opposed to voidability, means that it is without legal effect to begin with. Title does not transfer. No right to evict arises. The property is not sold.

In turn, California Civil Code 2934a requires that the beneficiary execute and notarize and record a substitution for a valid substitution of trustee to take effect. Thus, if the Assignment of Deed of Trust is robo-signed, the sale is void. If the substitution of trustee is robo-signed, the sale is void. If the Notice of Default is Robo-Signed, the sale is void.

3. These documents are not recordable without good notarization.

In California, the reason these documents are notarized in the first place is because otherwise they will not be accepted by the County recorder. Moreover, a notary who helps commit real estate fraud is liable for \$25,000 per offense.

Once the document is recorded, however, it is entitled to a "presumption of validity", which is what spurned the falsification trend in the first place. Civil Code section 2924. Therefore, the notarization of a false signature not only constitutes fraud, but is every bit intended as part of a larger conspiracy to commit fraud on the court.

4. The documents are intended for court eviction proceedings.

A necessary purpose for these documents, AFTER the non judicial foreclosure, is the eviction of the rightful owners afterward. Even in California, eviction is a judicial process, albeit summary and often sloppily conducted by judges who don't really believe they can say no to the pirates taking your house. However, as demonstrated below, once these documents make it into court, the bank officers and lawyers become guilty of FELONIES:

California Penal Code section 118 provides (a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury. This subdivision is applicable whether the statement, or the testimony, declaration, deposition, or certification is made or subscribed within or without the State of California.

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Penal Code section 132 provides: Every person who upon any trial, proceeding, inquiry, or investigation whatever, authorized or permitted by law, offers in evidence, as genuine or true, any book, paper, document, record, or other instrument in writing, knowing the same to have been forged or fraudulently altered or ante-dated, is guilty of felony.

The Doctrine of Unclean Hands provides: plaintiff's misconduct in the matter before the court makes his hands "unclean" and he may not hold with them the pristine remedy of injunctive relief. California Satellite Sys. v Nichols (1985) 170 CA3d 56, 216 CR 180. California's unclean hands rule requires that the Plaintiff not cheat, and behave fairly. The plaintiff must come into court with clean hands, and keep them clean, or he or she will be denied relief, regardless of the merits of the claim. Kendall-Jackson Winery Ltd. v Superior Court (1999) 76 CA4th 970, 978, 90 CR2d 743. Whether the doctrine applies is a question of fact. CrossTalk Prods., Inc. v Jacobson (1998) 65 CA4th 631, 639, 76 CR2d 615.

5. Robo Signed Documents Are Intended for Use in California Bankruptcy Court Matters. One majorly overlooked facet of California is our extremely active bankruptcy court proceedings, where, just as in judicial foreclosure states, the banks must prove "standing" to proceed with a foreclosure. If they are not signed by persons with the requisite knowledge, affidavits submitted in bankruptcy court proceedings such as objections to a plan and Relief from Stays are perjured. The documents in support are often falsified evidence. Conclusion

Verified eviction complaints, perjured motions for summary judgment, and all other eviction paperwork after robo signed non judicial foreclosures in California and other states are illegal and void. The paperwork itself is void. The sale is void. But the only way to clean up the hundreds of thousands of effected titles is through litigation, because even now the banks will simply not do the right thing. And that's why robo signers count in non-judicial foreclosure states. Victims of robosigners in California may seek declaratory relief, damages under the Rosenthal Act; an injunction and attorneys fees for Unfair Business practices, as well as claims for slander of title; abuse of process, civil theft, and conversion.

About the Author

Michael Patrick Rooney, Esq. is a [California wrongful foreclosure attorney](#) in San Francisco, California. He dedicates his practice to vindicating wronged homeowners against the massive conspiracy led by MERS and the major banks to unlawfully take millions of homes in America. His website is <http://mikerooneylaw.com/default.aspx>.

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Thu, 16 Dec 2010 at 6:21 PM, by Buddy George

A matter that needs investigated

On case#VA107160

People Vs buddy lee George

Los Angeles superior court norwalk California division S

Judge the Honorable Roger Ito

Los Angeles county district attorney Kang.

A case that can be proved as unconstitutional due to the following

- 1.) I was denied my due process rights.
 - 2.) the district attorney had me charged with prison priors and strikes that I did not have and it was not until after the verdict did she admit her mistakes.
 - 3.) I was denied to confront witnesses I subpoenaed 5 officers and only one showed up.
 - 4.) the only witness that showed up was detective hakala from Whittier police department he was the lead detective and expert witness.
 - 5.) there was bias with the processing of evidence he used his own lab.
 - 6.) he lied under oath by saying he removed the drugs before the pre search video because he had a dog.
 - 7.) the evidence in the case had been destroyed before the trial
- Evidence was destroyed 5-29-09
- The verdict was read on 8-15-09
- 8.) henry salcidos law firm that represented me right before the trial caused a conflict of interest by violating attorney client privilege by having a meeting with the city of la mirada without my permission nor knowledge were he discussed my case were he was convinced by the city saying I should take a deal under the condition I move out of la mirada when I get out of prison.
 - 9.) Henry salcido also told me at one point he didn't care If I was innocent or guilty I should take a deal.
 - 10.) he also told me at one point he was best friends with steve Cooley and if I gave him \$180.000 and sign over the deed to our home he could make the case disappear.
 - 11.) their was two retired district attorneys that were working for Henry salcidos law firm that were also over familiar with sheriffs and narcotics department that were involved in my case.
 - 12.) through the whole case the la mirada mayor and council members had law enforcement harassing me their was about 300 or more calls made to law enforcement with the intent to have me harassed
 - 13.) I can also prove false imprisonment.
 - 14.) I was charged with possession for sales when no drugs were ever found to be in my possessing neither was any money ever recovered and according to the detective he found \$13 dollars worth of drugs in our home all

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together in separate bags and only one had been tested the second one was never tested.

15.) it was unconstitutional for detective hakala to target me when there was 5 occupants living in our home at the time.

16.) the search warrant he used to get in our home the day he supposedly found the drugs was stamped denied.

17.) the second search warrant had a type -o- error and the name on the search warrant was Walter Eugene Farris a guy that I don't know and neither did any one else that lived in our home and he had never been in our home.

18.) The attorney that represented me during the trial had not been given enough time to familiarize herself with my case the judge refused to give her time to overlook the case.

19.) after we picked the jurors one of the jurors was prejudiced he said no matter what he would find me guilty because he hates drug dealers the judge still allowed juror # 19 to hang out with all the other jurors until he was replaced.

The following needs to be investigated

1.) violation of due process rights

2.) my state and federal rights were violated.

3.) false imprisonment

4.) harassment

5.) negligent

6.) malpractice

7.) wrongful conviction

8.) officer misconduct

9.) judicial misconduct

10.) cruel and unusual punishment. Email below evidence when the evidence had been destroyed a email from detective hakala to district attorney kang.

11.) the city of la mirada offered to buy our home at cost saying under the condition I couldn't live in la mirada nor Whittier.

12.) la mirada law enforcement was raiding our home practically daily.

13.) before this case started detective Jerry Reyes told me as he handed me his card with his hand writing on it that if I didn't help him he would screw me.

14.) detective hakala and district attorney kang kept inflicting lies on the jury.

15.) I was not on probation or parole when this case started.

16.) our car had also been impounded 3 to 4 times every time officers said just tell us where the drugs are we won't impound the vehicle and every time I was honest by saying I don't have any drugs they impounded it any way.

17.) detective hakala went through my confidential legal mail violating my constitutional rights instead of using normal mail he used a 42 u.s.c 1983 to identify me as living here during the trial mentioning a law suite involving Copley

18.) during the proceedings of the case no one had any idea I studied law I even represented myself in the federal courts I studied criminal and civil for about five years including 42 u.s.c \$1983's torts writs civic codes ethics even the CCR title 15 rules and regulations.

19.) I'm hoping to resolve this without filing in the federal courts I'm exhausting all remedies if the matter is not resolved then I'm given not much choice because I was wronged

Sorry but this is frustrating I just want this matter looked into.

20.) I can prove the following.

1.) defamation of character.

2.) false imprisonment.

3.) negligence.

4.) harassment.

5.) malpractice.

6.) wrongful conviction.

7.) constitutional violations with my civil rights.

8.) including \$10,000 dollars of damage to our home.

9.) reckless disregard.

10.) coaxing

11.) including due process rights involved in a criminal court proceeding involving corruption.

12.) the situation that escalated

Into this case was an incident involving a parole officer Mr. Verimontes he worked for la mirada public safety and the Santa Fe Springs parole department in the year 2001

He was contracted by both at the same time there was an incident involved with our daughters boy friend driving a vehicle in a high speed going to autozone test driving a 1997 Ford Explorer some car was parked 3 ft out from the curb

And some kids were playing in the middle of the street they moved out of the street as he was driving up hill and swerved to miss the car when we got back a neighbor showed up cussing and yelling in a violent manner as I got out of the passenger side he was trying to provoke me I asked him to calm down he told me fuck you I said I have kids and theirs no need for this he stated bull I ignored him and went next door and eventually went to the store with our cousin next door not knowing while we were gone the neighbor had called the sheriffs by time I got home there was no law enforcement around but when I reported to parole I was giving him the heads up about possible call made to law enforcement with our address he asked did you have any police contact I stated no he said don't worry about it then that night shows up with law enforcement to arrest me for driving without a license I was in jail double the normal time waiting for my bpt hearing meanwhile I hired an attorney for ADA issues he had no idea that the attorney representing me at board had investigated his wrong doing because he went to every neighbor showing first my whole criminal past then mug shots asking if they seen me driving the attorney caught him lying under oath at least 12 times the commissioner let me go home when I had got out Mr. Verimontes told me pack up your shit your moving back to Sacramento in such a high manner to where other people eventually had to get him he told me that if I appealed him he would get a petition with our neighbors so I reported to parole in Sacramento and while I was there I filed a 602 inmate appeal demanding it to be exhausted so I could file a 42 u.s.c \$1983 I charged him with the following

1.) racial profiling

2.) negligence

3.) harassment

4.) deformation of character

5.) false imprisonment

6.) I filed to a copy of the bpt hearing tape only to find out it had been damaged 3 days after the hearing when it was not supposed to be damaged for 120 days were I was entitled to a copy of it only to be denied eventually the 602 complaint allowed me to come home after he was involuntarily moved from both jobs.

7.) the city mayor and council members had sheriffs going through any lengths to get me for anything just to send me to prison also to force me to move from la mirada.

8.) we had a 2002 Ford Explorer literally torn apart to the point it was not worth having the interior completely destroyed.

9.) our home was stalked by sheriffs to the point our kids moved out.

10.) there are witnesses to two sheriff deputies named Morris and Tousey that work for the city of la mirada telling every drug addict that I am a kingpin and a drug dealer.

1/27/2011

Why Robo-Signatures Are Illegal in Cali...

11.) we even called the sheriffs about some one driving a car into our garage door they showed no interest in the damage done to our home.
12.) the sheriffs also known our home had been broken into and vandalized on numerous occasions.
13.) Morris and tousey also were telling people say his name you go free Morris and tousey are Los Angeles county sheriffs.
THIS ALL ADDS UP WASTEFUL
SPENDING

Buddy George - VA107160From: joanne alberry
View Contact To: LAURIE YTARTE -----

-- Laurie,here is the email from the Detective telling the court that all the property was destroyed. Sorry about all of it. Feel free to mail me any payments you can at my office address 4229 Main St Suite 4 Riverside CA 92501 I will let you know when I find an attorney who will take on a governemtn entity. good luck to you and Buddy,Joanne ----- Forwarded message -----From: Date: Fri, Sep 25, 2009 at 7:23 AMSubject: Fw: Buddy George - VA107160To: joannealberry@gmail.com Hi Joanne, Per our conversation, here is the email from Detective Hakala confirming that the evidence was destroyed. I will request that our matter be taken off calendar today. Thanks. ----- Forwarded by Miriam Kang/DAUsers/NLADA on 09/25/2009 07:22 AM ----- To: cc: Subject: RE: Buddy George - VA107160 I contacted our central property and the items seized in the Buddy George case (408-15814-0460-184) were disposed on 05-29-09. Any other questions just let me know. Eric -----

From: MKang@da.lacounty.gov
[mailto:MKang@da.lacounty.gov]Sent: Thu 9/24/2009 2:49 PMTo: Hakala, Eric J.Subject: Buddy George - VA107160 Hi Detective Hakala, Just as a reminder, please email me a letter confirming that the the property booked into evidence for this case has been disposed of and the date of disposal. Thanks so much!
Sincerely,Miriam KangDeputy District AttorneyTel: 562-807-7211

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