

SCR39

Measure Title: DIRECTING THE ATTORNEY GENERAL OF THE STATE OF HAWAII TO INVESTIGATE CASES WHERE FRAUDULENT TRANSFERS AND ASSIGNMENTS OF MORTGAGE LOAN DOCUMENTS ARE ALLEGED.

Report Title: Fraudulent Mortgage Documents, Assignments of Mortgage, and Title Transfers

Description:

Companion:

Package: None

Current Referral: CPN, JDL

Introducer(s): TSUTSUI, BAKER, ENGLISH, ESPERO, FUKUNAGA, GALUTERIA, IGE, KIM, TANIGUCHI, Dela Cruz, Green, Ihara, Ryan, Wakai

<u>Sort by</u> <u>Date</u>		Status Text
2/9/2012	S	Offered.
2/16/2012	S	Referred to CPN, JDL.
3/8/2012	S	The committee(s) on CPN has scheduled a public hearing on 03-13-12 10:15AM in conference room 229.

Testimony for CPN 3/13/2012 10:15:00 AM SCR39

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Laynna Olehy
Organization: Individual
E-mail: Brutus50@hotmail.com
Submitted on: 3/11/2012

Comments:

I support the Hawaii attorney general investigating fraudulent and robo-signed foreclosure documents, including those documents pertaining to fraudulent securitization of mortgage loans. As a CA homeowner who has lived a 4-year living nightmare simply because we inquired about a loan modification and had our house pulled out from under us without warning during that process, we have witnessed first hand fraudulent, forged and incorrect foreclosure and assignment documents as we were drug through three years of unbearable litigation, only to find out our attorney was just as bad as our lender. We were forced into bankruptcy and have had our lives destroyed by the lies and corruption of our lender, attorney and the court system that seems it would rather support the banks--- the hand that feeds them, than stand up for truth and justice. We are beyond disillusioned by our legislature and judicial systems. Please investigate the fraud!!

Testimony for CPN 3/13/2012 10:15:00 AM SCR39

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Marcy
Organization: Individual
E-mail: marcyfrommaui@gmail.com
Submitted on: 3/11/2012

Comments:

I STRONGLY SUPPORT SCR39 !

I URGE that this be passed and thank the representatives that have offered it.

There are so many reason this is so important to the people of Hawaii, and I will demonstrate just one.

When my mortgage servicer sent me a letter telling me they were changing servicers and were required by law under the Fair Debt Collection Practices Act, they must provide me with certain information and that I had thirty days to to question the debt.

I sent them a certified letter in which I stated

The notice sent by your offices claimed that I owe a certain debt to you or to a company you are affiliated with.

Your letter stated that you would provide me with the name and address of the original creditor which I am requesting.

As you stated in your letter under the Fair Debt Collection Practices Act, you must provide certain information.

Please be advised I am not disputing the validity of the debt at this time. I am simply requesting proof of the debt and proof of who I owe the debt to.

However, I reserve the right to dispute the debt, the amount, and to whom I owe the debt, after I receive a full and complete written response to this request to validate the debt and creditor.

They sent me letters saying they needed time to research, and sent me lots of paper I did not request, but there was no proof at all about who I owed the debt to, other the the name of a bank, and my mortgage that had the name countrywide, however, countrywide was NOT the name they gave me, and they will show me nothing that can prove this.

They defy the law or skirt around it, knowing they can get away with it.

The reason this matters is because the servicer keeps making claims that the investor (owner) will not modify my loan or will not allow certain things, but when I call that investor they tell me they have no say in the matter, it is the servicer. And so on!

The point being that they keep making claims for an investor that most likely does not even legally own my loan.

Remember that home owners are NOT the customers of servicers and can not "fire them" and have no choice of who either their servicer or investor is.

A trustee has NO RIGHT to foreclose on homeowners with they do not have the correct assignments and paperwork from the security.

If paperwork is fraudulent than the security can NOT be backed by a mortgage.

The home owner owes someone money but it may not be the correct party, and even if it is, they may have no right to foreclosure.

Robo signing and false documents are not simple mistakes, they are very deliberate ways to banks cause fraud on the court.

I urge you to read the "Complaint For Violations Of The False Claims Act" which was unsealed in federal court Wednesday.

<http://www.scribd.com/doc/84409561/BofA-False-Claims-Case-2>

Case 1:11-cv-03270-SLT-RLM

The suit is the second whistleblower complaint unsealed so far with apparent ties to the \$1 billion False Claims Act settlement announced by Bank of America and the U.S. Attorney's Office for the Eastern District of New York on February 9.

The complaint reads like a movie, and the level of deliberate fraud and harm BOA did to Home Owners and the Government and taxpayers is astonishing.

Given what we now know, and what the banks are capable of, it would be criminal for the state of Hawaii to NOT do a full investigation .

Please Pass SCR39

Thank You

Marcy Koltun-Crilley
Kihei, Hi

Testimony for CPN 3/13/2012 10:15:00 AM SCR39

Conference room: 229

Testifier position: Support

Testifier will be present: No

Submitted by: Michele Pichay

Organization: Individual

E-mail: mloganrn@yahoo.com

Submitted on: 3/11/2012

Comments:

Testimony for CPN 3/13/2012 10:15:00 AM SCR39

Conference room: 229

Testifier position: Support

Testifier will be present: No

Submitted by: Dr. Thomas Burnett

Organization: Individual

E-mail: tcburnett@gmail.com

Submitted on: 3/11/2012

Comments:

Let us apply the laws equally to all. Fraud is not acceptable at any level, nor can it be glossed over by a busy judiciary. We must maintain a fair and impartial legal system or we will not have one at all - and we are approaching that point.

Testimony for CPN 3/13/2012 10:15:00 AM SCR39

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Virginia Parsons
Organization: Individual
E-mail: Virginia@deadlyclear.com
Submitted on: 3/10/2012

Comments:

Thank you for the opportunity to testify. As a paralegal in foreclosure defense it is my responsibility to order and review mortgage documents filed in the Hawaii Bureau of Conveyances. I have never found an assignment of mortgage to a Wall Street trust that was timely recorded so that it could be entered into a Wall Street trust. If assignments are untimely they are VOID pursuant to New York and Delaware Trust law. Most Assignments of Mortgage are signed by notorious robo-signers and all that I have reviewed for over 300 families are flawed. Many are assigned in the name of a lender several years after the lender has been sold, liquidated or bankrupted. Since the assignment of mortgage is the instrument that provides standing to foreclose, it is a crucial element and the fact that the document is fabricated for the purpose of fraud is prejudicial to the homeowner.;

Unfortunately, the securitization of mortgage loans is quite complex and specialized. Our lower court judges appear to be reading from a script and it is apparent that they do not fully understand the complexity of the subject. I personally witnessed a District Court Judge recently rule that because the document was "recorded" in the Bureau of Conveyances that the borrower did not have standing to challenge the fraudulent assignment - even though the borrower presented a certified detailed title report establishing the fraud and supplied a Rule 12.1 Affidavit.

Rulings like this mean that anyone can fabricate a document and file an Assignment of Mortgage on your property and because it is recorded in the Bureau of Conveyances, you cannot challenge it. This could be your house at any time and by anyone.;

I support this Resolution and admire the Legislators that stand behind it. It is the right thing to do. Mahalo for your courage and integrity.

Testimony for CPN 3/13/2012 10:15:00 AM SCR39

Conference room: 229

Testifier position: Support

Testifier will be present: No

Submitted by: Marina Newby

Organization: Individual

E-mail: kate1662001@yahoo.com

Submitted on: 3/10/2012

Comments:

My lender is trying to foreclosure my property but they fail to provide a proof of loan transfers and actual ownership on the mortgage Note. This bill can help me fight foreclosure, process loan modification and keep my family in my home.