

CAROLYN BAILEY

PLAINTIFF

-against-

ZUCKER, GOLDBERG & ACKERMAN, LLC;

(A New Jersey Law Firm)

MICHAEL S. ACKERMAN, ESQ.

In His Role As Managing Partner for
Zucker, Goldberg & Ackerman, LLC, And

In His Individual Capacity

JOHN DOES 1-100

DEFENDANTS

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, ESSEX COUNTY**

Civil Action

DOCKET NO.

ESX-L 8231-13

COMPLAINT AND JURY DEMAND

Plaintiff Pro Se, Carolyn Bailey, in her individual capacity, and in her role as a Private Attorney General, (“Plaintiff”), brings this action against Zucker, Goldberg & Ackerman, LLC (“Zucker, Goldberg”), Michael S. Ackerman, Esq., (“Michael Ackerman”), in his role as Managing Partner for Zucker, Goldberg & Ackerman, LLC, and in his individual capacity, and John Does 1-100 (together, “Defendants”), and alleges as follows:

1. Zucker Goldberg has been a New Jersey legal representative for Wells Fargo Bank and its related entities for many years. Zucker Goldberg also acts as legal representative for US Bank National, or in some contractual capacity. Zucker Goldberg’s attorneys, including Michael Ackerman, have handled thousands of foreclosure actions on behalf of Wells Fargo Bank and other lenders. Zucker Goldberg’s track record of completing foreclosures is likely in the high 90% range.

2. Thus the October 6, 2009 dismissal of Wells Fargo Bank’s case against Plaintiff was a new low, and likely hard to explain to Wells Fargo Bank. (See Exhibit A, Dismissal)

3. As he reflected on Zucker Goldberg’s “defeat”, Michael Ackerman likely declared: “Bump this ! I know just how to get this monkey off my back. I’ll do the old pea-in-shell routine: Now you see it, and now you don’t !” As Managing Partner of Zucker Goldberg, he misused his insular status and stature within Zucker Goldberg to ignore whatever rules and procedures may have been proscribed, to execute a when-all-else-fails maneuver.

4. A mere two weeks later, just on the heels of the October 6, 2009 dismissal, Michael Ackerman and others employed by or under the control of Zucker Goldberg, prepared and then filed a fraudulent recorded sham transfer of Plaintiff’s property from Wells Fargo Bank to “US Bank National Association, as Trustee for Credit Suisse first Boston Mortgage Securities Corp., HEAT 2006-1”. (See Exhibit B, Transfer recorded October 22, 2009)

(Securities Info Below)

Moody's Rating - CSFB Home Equity Asset Trust 2006-1

Trustee: U.S. Bank National Association

Primary Servicer: Select Portfolio Servicing, Inc., Wells Fargo Bank, N.A.

Underwriter: Credit Suisse First Boston LLC

<https://www.moodys.com/credit-ratings/CSFB-Home-Equity-Asset-Trust-2006-1-credit-rating-400039343>

Discovery will reveal whether there was a **contemporaneous** payment of \$207,000

(exact or approximate) from US Bank National to Wells Fargo Bank. A cancelled check would be the customary form of evidence. [OR A WIRE TRANSFER]

5. With that fraudulent recorded sham transfer complete, Michael Ackerman and Zucker Goldberg had hoped to cover their tracks, affording themselves several alternative strategies or “roads to success”, including:

a) Plaintiff’s untimely demise. Her prospective beneficiaries would have been totally unprepared to respond to an unknown mortgage holder.

b) Plaintiff’s need or desire to sell or refinance her property would have put her up against the mercy of Zucker Goldberg.

c) The destruction of Plaintiff’s property as a result of fire, hurricane, etc.

d) The due date of Plaintiff’s Balloon Rider.

e) The expiration of various statutes of limitations.

All Defendants had to do was to “chill” and stay below the radar. After things cooled down a bit, Defendants could even file a foreclosure action against Plaintiff on behalf of “US Bank National Association, as Trustee for Credit Suisse first Boston Mortgage Securities Corp., HEAT 2006-1”. And that strategy almost worked !

PARTIES

6. **The Plaintiff.** Plaintiff Carolyn Bailey is a private citizen residing at 14 Cliff Street, Newark, New Jersey 07106, Essex County. She is also acting in the role of a Private Attorney General on behalf of the general and investing public, and the Clerks of the Courts of New Jersey.

7. **The Defendants.** All of the Defendants in this action are part of the same or related corporate entity(s), and acted together in preparing, filing, and concealing the fraudulent recorded sham transfer of Plaintiff's property, and other identified misdeeds.

8. Defendant Zucker, Goldberg & Ackerman, LLC is a New Jersey limited partnership law firm with its principal place of business located at 200 Sheffield Street, Mountainside, New Jersey 07092-0024, Union County.

9. Defendant Michael S. Ackerman, Esq., is the Managing Partner of Defendant Zucker, Goldberg & Ackerman, LLC. For purposes of this Complaint, his actions are considered in that role or in his individual capacity. His principal place of business is located at 200 Sheffield Street, Mountainside, New Jersey 07092-0024, Union County.

10. Defendants John Does 1-100 are any persons or entities that authorized, assisted, or that acted in concert with Defendant Zucker, Goldberg & Ackerman, LLC and Defendant Michael S. Ackerman, Esq.

JURISDICTION AND VENUE

11. The New Jersey Superior Court located in Essex County is the proper venue because:

- a) The subject real estate property of Plaintiff is located in Essex County.
- b) The relevant documents are recorded and stored under the supervision of the New Jersey Courts at the Essex County Hall of Records.

c) Defendants regularly appear in the New Jersey Superior Courts in Essex County and file documents at the Essex County Hall of Records.

BACKGROUND

12. This Complaint is filed against the backdrop of the Great Recession of the early 2000's.

“The financial crisis was not an act of nature; it was a man-made economic assault that cost millions of jobs, evaporated billions of dollars in retirement savings, and put our nation in the worst economic tailspin since the Great Depression.” –

See more details at:

<http://www.levin.senate.gov/issues/wall-street-and-the-financial-crisis#sthash.FGKv7Hcl.dpuf>

13. The United States and the entire world is still experiencing the aftershocks of the financial earthquakes precipitated by greed and arrogance. The depth of robo-signing and other shoddy and illegal practices may never be fully known because the national foreclosure settlements curtailed extensive investigations.

Settling The Foreclosure Reviews: Winners And Losers By Francine McKenna (Forbes)

<http://www.forbes.com/sites/francinemckenna/2013/01>

14. The New Jersey Supreme Court conducted its own investigation and has put in place additional safeguards.

<http://www.judiciary.state.nj.us/superior/documents.htm>

15. Yet, based on ongoing litigation nationwide, it is unclear whether lenders and their legal representatives have learned the right lessons.

Wells Fargo Slapped With \$3.1 Million Fine For 'Reprehensible' Handling Of One Mortgage

By Ben Hallman (HuffPost)

http://www.huffingtonpost.com/2012/04/09/elizabeth-magner-new-orleans-wells-fargo_n_1412412.html

FIRST CAUSE OF ACTION

(Common-law Fraud and Consumer Fraud Against All Defendants)

(N.J.S.A. 56:8-1 et seq)

16. Plaintiff realleges each allegation above as if fully set forth herein.

17. This count is against all Defendants whether the role played in the fraudulent recorded sham transfer and other misdeeds identified within this Complaint, was by commission, omission, failure to exercise oversight, or any other type of negligence.

18. Each Defendant made, authorized or caused the fraudulent sham recorded transfer and other misdeeds identified within this Complaint.

19. The material representations and misrepresentations of Defendants were fraudulent, and Defendants' representations and misrepresentations fraudulently omitted material statements of fact. Defendants' scheme in the fraudulent sham recorded transfer was to disguise the actual status of the title to Plaintiff's real estate property, to her, to the general and investing public, and to and the Clerks of the Courts of New Jersey, in violation of common law and N.J.S.A. 56:8-2.

20. Each of the Defendants knew their representations and omissions were false and/or misleading at the time they were made. Each made the misleading statements and performed other misdeeds identified within this Complaint, with the intent to defraud Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey.

21. Defendants had reason to expect that Plaintiff would rely upon the absence of a customary specific written notice of a transfer of title to mean that any and all correspondence, payments, court filings, etc. from her should continue to be directed to the attention of Wells

Fargo Bank. In essence, Defendants induced Plaintiff to believe that nothing had changed. As an indication of the clandestine nature of Michael Ackerman's and Zucker Goldberg's fraudulent transfer, up to the date of the filing of this Complaint, Plaintiff has received no notice of any kind indicating that "US Bank National Association, as Trustee for Credit Suisse first Boston Mortgage Securities Corp., HEAT 2006-1" is the title holder. NADA !

22. To the contrary, it is worthwhile and interesting to note that throughout the National Foreclosure Settlement, all correspondence Plaintiff received identified Wells Fargo Bank as the mortgage holder. Not one document mentioned "US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1".

(See Exhibit C, the \$500 Chump-Change check.)

23. The speed, smoothness, and clandestine manner with which Michael Ackerman and Zucker Goldberg executed the fraudulent sham recorded transfer of Plaintiff's real estate property, are indicators that Defendants were familiar with and "comfortable" with the same or similar past acts of Deep-6ing "problem" mortgages. Discovery will reveal the extent to which that is the case. The "shadow" mortgages will then emerge from the shadows !

24. Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey justifiably relied on the Defendants' false representations, misrepresentations, and misleading omissions resulting from the lack of the customary notice.

25. Had Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey known the true facts regarding the Defendants' fraudulent sham recorded transfer, they could have questioned the rationale and improprieties, as well as taken immediate steps to address those misdeeds.

26. As a result of the foregoing, Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey have suffered damages according to proof. If such damages

prove too difficult to quantify, Plaintiff in her individual capacity and in her role as Private Attorney General hereby demands rescission and that the Defendants make any necessary reversals.

SECOND CAUSE OF ACTION

(Aiding and Abetting against All Defendants)

27. Plaintiff realleges each allegation above as if fully set forth herein.

28. This is a claim for aiding and abetting fraud brought against all Defendants arising from the intentional and substantial assistance each rendered to the others to advance fraud on Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey.

29. Michael Ackerman initiated the fraudulent sham recorded transfer and other misdeeds identified within this Complaint. (His signature appears on Exhibit B.) John Does employed by, under the control of, or part of the management of Zucker Goldberg or its related entities, aided and abetted the fraudulent sham recorded transfer and other misdeeds identified within this Complaint by authorizing, assisting, or turning a blind eye. Thus all defending parties acted in concert, or with willful disregard, before, during, and after Michael Ackerman recorded the fraudulent recorded sham transfer, or he and/or other Defendants carried out other misdeeds identified within this Complaint. Defendants could not have perpetrated the fraudulent recorded sham transfer without the substantial and material assistance of each other Defendant. They all provided legal, administrative, and other strategic assistance. Each Defendant benefitted by the continued revenues derived from Zucker Goldberg's contractual relationships with Wells Fargo Bank, US National Bank, and their related entities.

30. Each Defendant knew, should have known, or through reasonable exercise of due diligence, could have known of, other frauds and misdeeds perpetrated by the other

Defendant(s). Each knew, should have known, or through reasonable exercise of due diligence, could have known, of the representations, misrepresentations, and omissions made by the others. Each also knew, should have known, or through reasonable exercise of due diligence, could have known, that the representations, misrepresentations, and omissions made by each of the other Defendants were false and/or misleading at the time they were made. All of the defendants had actual knowledge of, or through reasonable means could have gained knowledge of, and thus substantially assisted in the fraudulent schemes, by commission or omission.

31. As a direct, proximate, and foreseeable result of the Defendants' conduct, Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey, have suffered and will continue to suffer harm.

32. As a result of the foregoing, Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey have suffered damages according to proof. If such damages prove too difficult to quantify, Plaintiff in her individual capacity and in her role as Private Attorney General hereby demands rescission and that the Defendants make any necessary reversals.

THIRD CAUSE OF ACTION

(Equitable Fraud as to All Defendants)

33. Plaintiff realleges each allegation above as if fully set forth herein.

34. This is a claim for equitable fraud against all Defendants.

35. The Defendants made, authorized or caused the representations, misrepresentations and/or omissions detailed in this Complaint.

36. Those representations, misrepresentations, and omissions were material.

37. Each Defendant's representations, misrepresentations were false and/or misleading, and their omissions were material and rendered their representations and misrepresentations misleading, at the time they were made or omitted.

38. Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey reasonably and justifiably relied on such representations, misrepresentations, and omissions. Upon receipt of the customary notice of transfer of title, Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey would have questioned the rationale and improprieties, as well as taken immediate steps to address the fraudulent sham recorded transfer and other misdeeds identified within this Complaint of Defendants.

39. Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey have suffered injury for which there is not, or may not be, an adequate remedy at law.

40. Plaintiff in her individual capacity and in her role as Private Attorney General therefore demands rescission or rescissory damages for the equitable fraud claim, to be determined by the Court.

FOURTH CAUSE OF ACTION

(Negligent Misrepresentation against All Defendants)

41. Plaintiff realleges each allegation above as if fully set forth herein.

42. This count is against all Defendants.

43. Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey had no reason to suspect or investigate whether Michael Ackerman, Zucker Goldberg, and individuals employed by or under their control, would in 2009 fraudulently and deviously add a property to a Residential Mortgage Backed Security (RMBS) established in 2006 !!!

44. A RMBS is formed when as many as several thousand mortgages are assigned to an investment pool. “US Bank National Association, as Trustee for Credit Suisse first Boston Mortgage Securities Corp., HEAT 2006-1” is such an instrument. Investors purchase those instruments to receive periodic payments. They have no reason to expect that the mortgages assigned are replaced clandestinely or will-nilly. The investors expect a predictable source for their income stream.

Residential Mortgage-Backed Security (RMBS)

<http://www.investopedia.com/terms/r/rmbs.asp>

<http://securitization.weebly.com/cdo.html>

http://en.wikipedia.org/wiki/Residential_mortgage-backed_security

45. The illegal sham transfer by Michael Ackerman and other Defendants authorizing, assisting, or failing to exercise oversight, enabled him to turn the RMBS system on its head ! He created a shadow mortgage pool !!! Now you see it. Now you don't.

46. Michael Ackerman misused his unique and insular status and stature within Zucker Goldberg to pull off that brazen and stunning act. Discovery will reveal the extent to which Deep-6ing “problem” mortgages was an outrageous “tactic” and stunt employed on a regular or periodic basis by Michael Ackerman and Zucker Goldberg. Discovery will also reveal whether Wells Fargo Bank and/or US Bank National knew, should have known, or through reasonable exercise of due diligence, could have known, of those and other misdeeds of Michael Ackerman and Zucker Goldberg, identified within this Complaint.

47. Defendants owed a duty to Plaintiff, to the general and investing public, and to the Clerks of the Courts of New Jersey to provide complete, accurate, and timely information regarding the RMBS's under their control as legal representatives/servicing agents for Wells Fargo Bank and US Bank National. Defendants breached their duty to provide such information

to Plaintiff (regarding her property), to the general and investing public, and to the Clerks of the Courts of New Jersey.

48. Defendants breached their duty to provide such information to Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey, by making representations and misrepresentations that induced and seduced Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey into inaction regarding the contents of “US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1”. With the customary notice of transfer, Plaintiff would have initiated an investigation into the status of her property and questioned the propriety and purpose of the fraudulent sham recorded transfer. The general and investing public and the Clerks of the Courts of New Jersey would have had a similar opportunity to address the fraudulent recorded sham transfer and other misdeeds identified within this Complaint.

49. At the time Defendants made these representations and misrepresentations, they were, negligent in their due diligence and negligent in making statements that were false, misleading, and incorrect. The misleading nature of their misdeeds was known, or reasonably should have been known by Defendants, and was not known or readily knowable by Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey . In addition, Defendants knew that Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey were acting in reliance on that information and misinformation.

50. Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey reasonably relied on Defendants failure to provide the customary notice of a transfer, and were damaged as a result of these misrepresentations. Had Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey known the true facts regarding Defendants’

actions, they would have questioned the propriety and purpose of the fraudulent sham recorded transfer.

51. As a result of the foregoing, Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey have suffered damages according to proof. If such damages prove too difficult to quantify, Plaintiff in her individual capacity and in her role as Private Attorney General hereby demands rescission and that the Defendants make any necessary reversals.

FIFTH CAUSE OF ACTION

(New Jersey Civil RICO, N.J.S.A. 2C:41-1 et seq.)

52. Plaintiff realleges each allegation above as if fully set forth herein.

53. For the purposes of this Count, Plaintiff alleges that all Defendants acted with the knowledge and intent required to violate the statutes identified as racketeering activity below and/or were willfully blind to or deliberately ignorant of the falsity of the information and misinformation they conveyed to Plaintiff, to the general and investing public, and to the Clerks of the Courts of New Jersey.

54. Defendants violated the New Jersey Civil RICO statute by committing or conspiring (N.J.S.A. 2C:5-2) amongst themselves and others to commit a pattern of racketeering activity in violation of N.J.S.A. 2C:41-2(c) and -2(d).

The Enterprise

55. Defendants have committed a pattern of racketeering activity through their agreement to participate in and actual participation in an association-in-fact enterprise comprised

of the persons and entities that are or were employed by, under the control of, or contractually associated with Zucker, Goldberg & Ackerman LLC (“The Zucker Goldberg Enterprise”).

56. The Zucker Goldberg Enterprise included at least the following persons, businesses, or other legal entities that played the following discrete and well-defined roles in Defendants’s carefully planned, highly organized scheme:

(a) Michael Ackerman prepared and recorded the fraudulent recorded sham transfer of Plaintiff’s real estate property from Wells Fargo Bank to "US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1" (Exhibit B), and participated in, or was aware of other misdeeds, identified throughout this Complaint;

(b) James Murphy witnessed Michael Ackerman’s signature on the fraudulent recorded sham transfer of Plaintiff’s real estate property from Wells Fargo Bank to "US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1" (Exhibit B);

(c) Lilian Diaz notarized the signature of Michael Ackerman on the fraudulent recorded sham transfer of Plaintiff’s real estate property from Wells Fargo Bank to "US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1" (Exhibit B); and

(d) The Defendants and John Does 1-100 employed by, or under the control of Zucker Goldberg, or its related entities, prepared documents, made copies, prepared checks, sent postal and other mail, sent faxes, maintained files, managed individuals performing those tasks, appeared in Court, and performed other tasks related to the fraudulent recorded sham transfer of Plaintiff’s real estate property from Wells Fargo Bank to "US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1" (Exhibit B), and other misdeeds, identified throughout this Complaint.

57. The members of The Zucker Goldberg Enterprise played specific and well-defined roles in the process of misdeeds, as described above.

58. The members of The Zucker Goldberg Enterprise shared the common purpose of obtaining pecuniary gain, including contractual fees, salaries, bonuses, and other compensation or benefits relating to their employment or other association with Zucker Goldberg and its related entities.

59. At all relevant times, The Zucker Goldberg Enterprise was and remains engaged in trade or commerce and in activities affecting trade or commerce in connection with preparing and recording documents related to the titles of real estate properties in the State of New Jersey.

60. The ends-justify-the-means climate and working conditions of the early 2000's signaled to Michael Ackerman and Zucker Goldberg that there was little to fear in the area of detection and punishment. Discovery will reveal the extent to which Deep-6ing "problem" mortgages by using clandestine and illegal and fraudulent recorded sham transfers, was a pattern and practice engaged in by Michael Ackerman and others in responsible leadership/management positions at Zucker Goldberg. This egregious and blatant practice would adversely affect trade and commerce engaged in by the general and investing public, by concealing, misrepresenting, and confusing the status or title of real estate properties recorded in the offices of the Clerks of the Courts of New Jersey.

61. Such discovery might likewise implicate lenders and their related entities if there is evidence of knowledge, involvement, negligence, reckless disregard, or failure to exercise prudence, oversight and due diligence, of their legal representative and agent, Zucker Goldberg, and its related entities.

62. The Zucker Goldberg Enterprise is an enterprise within the meaning of N.J.S.A. 2C:41-1(c).

The Pattern of Racketeering Activity

63. The members of The Zucker Goldberg Enterprise engaged in a pattern of racketeering activity consisting of two or more separate and distinct acts of racketeering activity. Defendants committed this pattern of racketeering activity during at least 2006 to 2009 and beyond, and in connection with but not limited to the preparation and the fraudulent recording of a sham transfer of Plaintiff's real estate property from Wells Fargo Bank to "US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1" (Exhibit A), and other misdeeds identified throughout this Complaint.

64. The acts of racketeering include, but are not limited to, those set forth below:

Continuing pattern of fraudulent activities

a) The fraudulent recording of a sham transfer of Plaintiff's real estate property from Wells Fargo Bank to "US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1" (Exhibit A) continued a pattern of wrongdoing commenced during the initial litigation. (See Exhibit A). Those misdeeds included:

i) Pursuing and continuing proceedings after Plaintiff repeatedly pointed out the fatal flaw (i.e. 19 month gap) in the purported September 26, 2005 transfer that was not notarized until May 1, 2007. And if that were not enough, the transfer was "executed" by a VP of Wells Fargo Bank acting as an Attorney-in-Fact for a defunct organization !!! (See Exhibit D) That case was dismissed when no attorney from Zucker Goldberg dared to come to Court to "explain" the glaring discrepancies.

ii) Intentionally failing to notify Plaintiff of a Court hearing, in a foiled attempt to obtain a devious default judgment. Upon learning of the Notice omission, the Court immediately rescheduled the hearing.

iii) Repeatedly and purposefully cutting Plaintiff's response time for motions, etc., by falsely and intentionally certifying service for one date, and postmarking the document several days later.

iv) Knowingly failing to sign a certification of service.

b) Deceptive Business Practices

(N.J.S.A. 2C:21-7h and -7i)

65. On two or more occasions, Defendants committed, attempted to commit, solicited another to commit, conspired to commit, or engaged in intentional acts involving deceptive business practices.

66. As alleged throughout this Complaint and in the Exhibits, Defendants in the course of their business made false or misleading statements relating to fraudulently recorded sham transfers of real estate properties, or omitted material information required by law to be disclosed therein.

67. Defendants knew that the fraudulently recorded sham transfers of real estate properties included those untrue statements of fact or material omissions.

68. The fraudulently recorded sham transfer of Plaintiff's real estate property by Defendants are "written document[s] relating to securities" and "false or misleading written statement" within the meaning of N.J.S.A. 2C:21-7h and -7i.

69. Defendants made these misrepresentations and omissions for the purpose of misleading Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey for their own pecuniary gain.

70. Defendants' violations of N.J.S.A. 2C:21-7h and -7i constitute racketeering activity pursuant to N.J.S.A. 2C:41-1(a)(o).

c. Falsifying Records

(N.J.S.A. 2C:21-3(b) and -4(a))

71. On two or more occasions, Defendants committed, attempted to commit, solicited another to commit, conspired to commit, or engaged in acts involving falsifying or tampering with records with the intention of deceiving or injuring Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey .

72. As alleged in details throughout this Complaint and in the Exhibits, Defendants repeatedly made false and misleading to knowingly falsify, remove, or conceal material facts relevant to the chain of title of real property, from the knowledge of Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey.

73. The fraudulent recorded sham transfer and other misdeeds identified within this Complaint created and utilized by Defendants constitute “writing or record” within the meaning of N.J.S.A. 2C:21-4(a).

74. Defendants’ violations of N.J.S.A. 2C:21-3(b) and -4(a) constitute racketeering activity pursuant to N.J.S.A. 2C:41-1(a)(o).

e. Relatedness of the Acts of Racketeering Activity

75. The incidents of racketeering activity committed by the Defendant/members of The Zucker Goldberg Enterprises had, among other things, the same or similar intents, results, victims, and methods of commission.

76. The acts of racketeering activity committed by Defendants relating to the fraudulent recorded sham transfer and other misdeeds identified within this Complaint affect Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey.

77. The acts of racketeering activity committed by Defendants relating to the fraudulent recorded sham transfer and other misdeeds identified within this Complaint, have the same or similar intents in that they sought to conceal, disguise, and confuse the chain of title to real estate property, through illegal means.

78. The acts of racketeering activity committed by Defendants relating to the fraudulent recorded sham transfer and other misdeeds identified within this Complaint, have the same or similar results, in that Defendants actually transferred title to Plaintiff's property, through illegal means.

79. The acts of racketeering activity committed by Defendants relating to the fraudulent recorded sham transfer and other misdeeds identified within this Complaint have the same or similar victims: real estate property owners (including Plaintiff), the general and investing public, and the Clerks of the Courts of New Jersey.

80. The methods by which Defendants committed the incidents of racketeering activity relating to the fraudulent recorded sham transfer and other misdeeds identified within this Complaint, were the same or similar, including by way of example and not limitation, inducing and seducing Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey, to detrimentally rely on the lack of customary notice as an indication that the title to Plaintiff's property remained unchanged.

81. The acts of racketeering committed by the Defendants serving as members of The Zucker Goldberg Enterprise, are interrelated by distinguishing characteristics and are not isolated incidents. The acts involve the same or similar methods of commission, the same or similar types of misrepresentations or omissions, the same or similar benefits to Defendants, the same or similar injuries to Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey, and utilized the same or similar efforts by Defendants' to conceal their misconduct.

Defendants' Violations of the New Jersey RICO Statute

82. Defendants violated N.J.S.A. 2C:41-2(c) by associating with an enterprise and conducting or participating, indirectly or indirectly, in that enterprise through a pattern of racketeering activity.

83. Defendants also violated N.J.S.A. 2C:41-2(d) by conspiring with others, including but not limited to the other members of The Zucker Goldberg Enterprises, to violate N.J.S.A. 2C:41-2(c). In furtherance of that conspiracy, Defendants committed overt acts that include but are not limited to the racketeering activity alleged above.

Proximate Cause of Injury to Plaintiff by Defendants' New Jersey RICO Violations

84. Defendants' behavior directly targeted and affected Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey, by fraudulently misrepresenting the chain of title to Plaintiff's real estate property and failing to give notice. Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey had no reason to question or attempt to correct the status of title.

85. Defendants' misrepresentations and omissions have adversely affected the timeliness and opportunity to seek correction and redress.

86. As a result, the injuries to Plaintiff, to the general and investing public, and to the Clerks of the Courts of New Jersey flow directly from acts of racketeering activity committed by Defendants that constitute part of the pattern of racketeering activity.

87. Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey have been injured by reason of these violations of N.J.S.A. 2C:41-2 and are entitled to recover three times the actual damages they have sustained pursuant to N.J.S.A. 2C:41-4(c).

Plaintiff, in her individual capacity, is also entitled to recover pursuant to N.J.S.A. 56:8-19, for violations of N.J.S.A. 56:8-2.

89. Pursuant to N.J.S.A. 2C:41-4(c), Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey are entitled to recover legal fees in the trial and appellate courts, and costs of investigation and litigation reasonably incurred. Plaintiff, in her individual capacity, is also entitled to recover pursuant to N.J.S.A. 56:8-19.

90. Pursuant to N.J.S.A. 2C:41-4(a), Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey are also entitled to such other and further relief that this Court may deem just and proper, including but not limited to the dissolution or reorganization of Defendants' RICO enterprise; the denial, suspension, or revocation of Defendants' licenses to do business in the State of New Jersey; and any and all appropriate cease and desist orders necessary to discontinue Defendants' acts or conduct.

PRAYER FOR RELIEF

WHEREFORE Plaintiff, in her individual capacity and in her role as Private Attorney General, prays for relief as follows:

An award in favor of Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey, against the Defendants, jointly and severally, for all damages sustained as a result of their wrongdoing, in an amount to be proven at trial, but including at a minimum:

- a. Plaintiff's monetary losses;
- b. Treble damages;
- c. Rescission and recissory damages;
- c. Legal fees and costs;
- d. Prejudgment interest at the maximum legal rate; and
- e. Such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated: October 21, 2013

Signature: /S/ _____

Carolyn Bailey, Plaintiff

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: October 21, 2013

Signature: /S/ _____

Carolyn Bailey, Plaintiff