

**OPEN LETTER TO THE STATE OF NEW YORK --  
TIME TO HALT FORECLOSURES**

January 18, 2015

The Honorable Jonathan Lippman, Chief Judge  
State of New York Courts  
20 Eagle Street  
Albany, New York 12207

The Honorable Eric T. Schneiderman, Attorney General and  
Brian N. Lasky, Assistant Attorney General  
New York State Office of Attorney general  
120 Broadway  
New York, New York 10271

**RE: Misuse of RMBS to Disguise Statute of Limitations Deadlines**

Dear Sirs:

Wells Fargo Bank, US Bank, and other wannabee predatory lenders have “perfected” RMBS (Residential Mortgage Backed Securities) DEEP6FRAUD in order to sneak in cases that fall outside the 6-year Statute of Limitations. “Assignments” to and from RMBS obliterate the actual dates of default and acceleration. The banks rely on 95% of homeowners **not** responding to Court notices to significantly limit lenders’ chances of exposure. There are at least 6 types of DEEP6FRAUD categories. They are identified and illustrated on –

[www.HurtingHomeOwners.com](http://www.HurtingHomeOwners.com)

A recent decision by Judge Michael Kaplan cracked the code. Below is a summary and application of the well-reasoned, clear, and methodical analysis contained in *In re Gordon A. Washington* (Gordon A. Washington v. Specialized Loan Servicing, LLC, and The Bank of New York Mellon, Case No. 14-14573-TBA, Adv. Pro. No. 14-01319-TBA; US Bankruptcy Court New Jersey District; Decision -November 5, 2014) ---

N.J.S.A. § 12A:3-118(a) and N.J.S.A. § 2A:50-56.1(a) and (c), require that a foreclosure Complaint in New Jersey is filed within the six (6) year Statute of Limitations that commences with the acceleration of the Note, based upon the default date.

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Banks certainly can count to 6, but throughout New York, New Jersey, Florida, and nationwide they and their legal representatives have intentionally and systematically used and misused RMBS and other types of fraud, as mechanisms to confuse homeowners and the Courts, while ignoring the Statute of Limitations in states that have the shorter filing periods.

Predatory banks have adopted a “Catch-Me-If-You-Can” modus operandi. They have “successfully” masterminded an In-Your-Face, “DupedU” operation. It is therefore incumbent upon New York State Courts and law enforcement to identify the actual cases of recent and existing foreclosure filings that are void because they were filed outside the applicable New York State Statute of Limitations. Homeowners whose property has been fraudulently foreclosed and sold, etc., should be adequately compensated for their losses. Moreover, Attorneys demonstrating a pattern and practice of handling such malicious prosecution and abuse of the legal process, should be sanctioned.

Please investigate and correct these illegal misdeeds and egregious violations of the public trust, by demanding that banks amend their practices while making restitution to all defrauded homeowners.

If I can be of further assistance, feel free to contact me.

Sincerely,

/s/ Carolyn Bailey

<http://HurtingHomeOwners.com>

<http://Twitter.com/HurtinHomeOwner>

[HurtingHomeOwner@aol.com](mailto:HurtingHomeOwner@aol.com)

## **Links of Interest**

1) EMC MORTGAGE V PATELLA 279 A.D.2d 604 (2001); 720 N.Y.S.2d 161

[http://leagle.com/decision/2001883279AD2d604\\_1357.xml/EMC%20MORTGAGE%20CORPORATION%20v.%20PATELLA](http://leagle.com/decision/2001883279AD2d604_1357.xml/EMC%20MORTGAGE%20CORPORATION%20v.%20PATELLA)

<http://caselaw.findlaw.com/ny-supreme-court/1055442.html>

2) Deutsche Bank v. Beauvais, No. 3D14-575, Case No. 12-49315 (Fla. 3d DCA Dec. 17, 2014)