

STATE OF NEW YORK  
SUPREME COURT COUNTY OF QUEENS

INDEX NO.: 13XXX/2009

DEUTSCHE BANK NATIONAL  
TRUST COMPANY AS TRUSTEE  
FOR AMERICAN HOME MORTGAGE  
ASSETS TRUST 2006-5, et al.,

Plaintiff,

vs.

PXXXXXX DXXXXX, et al.,

Defendants,

**AFFIDAVIT OF LYNN E. SZYMONIAK, ESQ., AS**  
**DEFENDANTS' EXPERT**

STATE OF NEW YORK  
COUNTY OF NASSAU

LYNN E. SZYMONIAK, Esq., having been duly sworn, does state the following:

1. I am an adult citizen of the United States, and have resided in Palm Beach County, Florida since 1979.
2. I am an attorney and was admitted to the Florida Bar in 1980.
3. For the past twenty years, my practice has primarily in cases involving white-collar crime allegations, particularly, in representing major insurance companies in claims that they have been defrauded by large policyholders.

4. In the last ten years, I have also served as an expert witness in civil and criminal cases. In criminal cases, I have served as an expert witness for the United States of America and the State of California. I have testified at trial in two federal court cases in Jacksonville, Florida, where the allegations involved false and fabricated documents including fabricated insurance policies and certificates of insurance. The two cases were United States v. Thomas King, Case No. 3:05-cr-52-J-99MMH, Middle District of Florida, Jacksonville Division and United States v. Donald Touchet, et al., Case No. 3:2007cr00090, Middle District of Florida, Jacksonville Division. The Eleventh Circuit Court of Appeals approved of my designation as an expert and the admission of my testimony in U.S. v. Jennings, Case No. 08-13434, (C.A. 11, Mar. 16, 2010). I also submitted an expert opinion for the government in a New York Northern District federal case that ended in a guilty plea: United States v. James Kernan, Case No. 5:2008cr00061. I have also submitted an expert opinion in a criminal case currently pending in the Middle District of Florida and in a state case currently pending in California, both involving fraudulent insurance documents.

5. I was formerly a Certified Fraud Examiner, and have had nine hours training by the National Association of Certified Fraud Examiners in identifying forged and fabricated documents, in a course taught by retired agents of the FBI. I have also written several articles on mortgage fraud, including *"An Officer of Too Many Banks"* and *"Mortgage Assignments As Evidence of Fraud"* and have lectured on fraudulent documents used in foreclosure actions.

6. I have examined a copy of the Assignment of Mortgage in the foreclosure action presently before this Court, a copy of which is attached hereto. In the upper left-hand corner of this document, the following statement appears:

Document Prepared By:  
**Ron Meharg 888-362-9638**

When Recorded Return To:  
**DOCX**  
**1111 Alderman Dr.**  
**Suite 350**  
**Alpharetta, GA 30005**

7. I have examined 1200 other Mortgage Assignments also bearing the same information as described directly above, indicating that the Assignments were prepared by a company operating as “DOCX” in Alpharetta, GA. I obtained copies of most of these Assignments by accessing them through Official Records online services of counties in Florida and Massachusetts. I have also examined such Assignments from New York, Arizona, California, Illinois, New York and other states. I have spent over 200 hours examining these documents and comparing the signatures and job titles thereon.

8. On at least 200 of these Docx-prepared Assignments, the signatures of Korell Harp and Tywana Thomas appear, as officers of various lending institutions or related mortgage-servicing companies, as they do in the Mortgage Assignment in the instant case. I personally called the offices of Docx, LLC in Alpharetta, Georgia and confirmed that Harp and Thomas were actually employed in clerical positions at Docx and were not officers of MERS or any other bank or mortgage company, despite their representations on recorded documents.

9. Although the Harp and Thomas signatures on most of these documents were witnessed and notarized, I have concluded the following:

- a)** Korell Harp and Tywana Thomas used a variety of conflicting job titles on Assignments of Mortgages in 2008 and 2009, holding themselves out to be officers of numerous different banks and mortgage-related entities, often using numerous conflicting titles in the same week. **Harp has claimed to be the following in 2008 and 2009:**

Vice President, American Brokers Conduit;

Vice President, American Home Mortgage Acceptance, Inc.;

Vice President, American Home Mortgage Servicing, Inc.;

Vice President, American Home Mortgage Servicing, Inc. as successor-in-interest to Option One Mortgage Corporation;

Vice President & Asst. Secretary, Argent Mortgage Company, LLC by Citi Residential Lending, Inc., as Attorney in Fact;

Vice President, J.S. Shirk and Associates, Inc. by American Home Mortgage Servicing, Inc., as Attorney-In-Fact;

Vice President, Mortgage Electronic Registration Systems, Inc.;

Vice President, Mortgage Electronic Registration Systems, Inc., as nominee for American Brokers Conduit;

Vice President, Mortgage Electronic Registration Systems, Inc., as nominee for American Home Mortgage Acceptance, Inc.;

Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for HLB Mortgage; and

Vice President, Sand Canyon Corporation, f/k/a Option One Mortgage.

**Thomas has claimed to be the following in 2008 and 2009:**

Asst. Vice President, American Home Mortgage;

Asst. Vice President, American Home Mortgage Acceptance, Inc.;

Asst. Vice President, American Home Mortgage Servicing, Inc.;

Vice President & Asst. Secretary, American Home Mortgage Servicing, Inc., as servicer for Ameriquest Mortgage Company;

Vice President & Asst. Secretary, American Home Mortgage Servicing, Inc., as servicer for Argent Mortgage Company, LLC;

Asst. Vice President, American Home Mortgage Servicing, Inc. as successor-in-interest to Option One Mortgage Corporation;

Vice President & Asst. Secretary, Argent Mortgage Corporation, LLC by Citi Residential Lending, Inc., as Attorney in Fact;

Asst. Vice President, Deutsche Bank National Trust Company as Indenture Trustee for American Home Mortgage Investment Trust 2005-2 Mortgage-Backed Notes, Series 2005-2 by American Home Mortgage Servicing, Inc, as Attorney-in Fact;

Vice President & Asst. Secretary, Inc., as servicer for Deutsche Bank National Trust Company, as trustee for, Ameriquest Mortgage Securities, Inc., asset-backed pass-through certificates, series 2004-R7, under the pooling and servicing agreement dated July 1, 2004;

Asst. Secretary, Mortgage Electronic Registration Systems, Inc.;

Asst. Secretary, Mortgage Electronic Registration Systems, Inc., as nominee for American Brokers Conduit;

Asst. Secretary, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for American Home Mortgage;

Asst. Secretary, Mortgage Electronic Registration Systems, Inc., as nominee for American Home Mortgage Acceptance, Inc.;

Asst. Vice President, Mortgage Electronic Registration Systems, Inc., as nominee for Family Lending Services, Inc.;

Asst. Secretary, Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for HLB Mortgage;

Asst. Vice President, Mortgage Electronic Registration Systems, Inc., as nominee for Homestar Mortgage Lending Corp.;

Asst. Vice President, Mortgage Electronic Registration Systems, Inc., A Separate Corporation that is acting solely as Nominee for Lender and Lender's successors and assigns [Beckman Mortgage Corporation];

Asst. Vice President, Nationwide Home Loans, Inc, by American Home Mortgage Servicing, Inc., as Attorney-In-Fact;

Asst. Vice President, Option One Mortgage Corporation;

Asst. Vice President, Sand Canyon Corporation f/k/a Option One

Mortgage Corporation; and

Asst. Vice President, Wells Fargo Bank, N.A., as Trustee for First Franklin Mortgage Loan Trust 2002-FF1, Asset-Backed Certs., Series 2002-FF1.

b) The signatures of Korell Harp and Tywana Thomas vary significantly on the Mortgage Assignments, making it very unlikely that the same person signed these documents, despite the information in the notary's statement. Some of the many variations appear on the Assignments attached hereto, and illustrate the significantly different signatures of Harp and Thomas appearing on these Assignments that support my conclusion that these signatures and job titles are forgeries and fabrications.

10. Based on the above conclusions, I reported this concern over the DOCX Assignments to the State Attorney in Palm Beach County, to Florida Treasurer Alex Sink, to the Florida Attorney General, to the U.S. Justice Department, to the FDIC, to Phil Angelides, the Chairman of the Financial Crisis Inquiry Commission and others.

11. I am also familiar with the mortgage securitization process and I have written several articles regarding mortgage securitization. The trust referenced on the Assignment in this case would have had a closing date or cut-off date, the final date when properties could have been added to the trust under the terms of the Pooling and Servicing Agreement that governed the trust, in 2006. Because this Assignment purports that the effective date of the Assignment to the trust was May 12, 2009, I have further concluded that the information on this assignment is false.

12. In my review of the Docx-prepared Assignments, I have found at least 12 Assignments where the Grantor or Grantee is listed as "Bogus Assignee for Intervening Assts." I have also found two Assignments where the Grantor or

Grantee is listed as "A Bad Bene." I have also found at least 12 Assignments where the effective date is listed as 9/9/9999. I have also found numerous assignments where MERS is listed as the original lender, when I know that MERS never acted as a lender. I have also found many Assignments where the original loan amount is listed as \$0.00 or \$0.01. Based on all of the above, I have concluded that Assignments prepared by Docx, including the Assignment in the present case, contain forged, false and fabricated information.

FURTHER AFFIANT SAYETH NOT.

---

LYNN E. SZYMONIAK, ESQ.  
[szymoniak@mac.com](mailto:szymoniak@mac.com)  
The Szymoniak Firm, P.A.  
The Metropolitan, PH2-05  
403 S. Sapodilla Ave  
West Palm Beach, FL 33401

AN ATTORNEY, NOT LICENSED TO  
PRACTICE IN NEW YORK

COUNTY OF NASSAU  
STATE OF NEW YORK

Before Me, the undersigned authority, on this \_\_\_\_ day of March, 2010, personally appeared LYNN E. SZYMONIAK, identified to me to be the person whose name is subscribed to the foregoing Affidavit, and acknowledged that she executed the same for the purposes therein contained.

In witness whereof, I here unto set my hand and official seal.

---