

MASS-PRODUCED AFFIDAVITS FILED BY FORECLOSURE FIRMS

*BY Lynn E. Szymoniak, Esq., Editor, Fraud Digest (szymoniak@mac.com),
April 13, 2010*

These highlights are from a Motion for Rehearing where the Court had granted summary judgment for the lender in a foreclosure case. The judge is Honorable Anthony Rondolino from Pinellas County, Florida. The hearing took place on April 7, 2010. The judge reversed his own ruling that had granted summary judgment to GMAC Mortgage. The Law Offices of David Stern represented GMAC.

The judge noted that in a recent foreclosure summary judgment hearing, there was a different plaintiff pursuing foreclosure on the same note and mortgage in a different county.

In both cases, there was a count to reestablish the [lost] note and "both of them had gone so far as to have affidavits filed in support of a summary judgment whereby an individual represented to the Court in the Affidavit that the separate plaintiffs had possessed the note and had lost the note while it was in their possession."

"Interestingly, both affidavits, although they were different plaintiffs, purported the same facts and they were executed by the same individual in alleged capacity as a director of two separate corporations, one of which was ultimately found to be an assignee of the original note.

So that really increased my interest in this subject matter, because I really honestly -- **I don't have any confidence that any of the documents the Court's receiving on these mass foreclosures are valid...**" (p.7)

**"I guess what you're telling me I've got the discretion to be - - continually be wrong."
(p.11)**

Then, (on page 15) regarding the affidavit in support of summary judgment submitted by GMAC:

Attorney for GMAC: Paragraph Two of our Affidavit says that based upon their

personal knowledge, they're authorized to make certain statements therein.

The Court: You know what I'd really like to see? I'd like to see in one of these cases where a defense lawyer cross-examines, takes a deposition of these people, **and we can see whether they out to be charged with perjury for all of these affidavits.**

(p.16) "I would love to see that because, I'm going to tell you the truth, I had a lawyer on the phone from Miami telling me that they've got **somebody in their office who is authorized by reason of a power of attorney filed as a public record. So that was supposed to be the support they have for their personal knowledge affidavits.**"

(The attorney for the homeowner/defendant was Michael Anthony Wasylik.)