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COMBO Title and Securitization Search, Report, Documents, Analysis & Commentary “In its S.E.C. filing, Prommis alerted potential investors that it could face challenges from bar associations, prosecutors or homeowners that its relationship with its law firms constituted the “unauthorized practice of law” or involved “impermissible fee sharing” arrangements.” “The relationship between the Wall Street specialists [...]

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[Foreclosure Mess Draws in the Lawyers Who Handled Them](#)

Posted on October 17, 2010 by Neil Garfield |

October 15, 2010 By BARRY MEIER With the rash of foreclosures across the country in recent years, many lawyers have specialized in the lucrative business of handling cases for banks and loan servicers. And now that flaws are being acknowledged by big lenders in the processing of foreclosures, some of these lawyers are finding themselves [...]

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[FRONT PAGE FORGERY — NY TIMES](#)

Posted on October 4, 2010 by Neil Garfield |

SERVICES YOU NEED “Linda M. Tirelli, a lawyer in White Plains who represents Ms. Nuer in the case against Chase. “This is not about getting a free house for my client. It’s about a level playing field. If I submitted false documents like this to the court, I’d have my license handed to me.” “Judges [...]

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[The MERS Mortgage Twilight Zone- Judges Not Afraid to Do What’s Right](#)

Posted on July 18, 2010 by Neil Garfield |

GREAT POST BY MATT WEIDNER even if the instant motion was timely, the explanations offered by plaintiff’s counsel, in his affirmation in support of the instant motion and various documents attached to exhibit F of the instant motion, attempting to cure the four defects explained by the Court in the prior May 2, 2008 decision [...]

Filed under: [CASES](#), [CDO](#), [CORRUPTION](#), [Eviction](#), [evidence](#), [expert witness](#), [foreclosure](#), [foreclosure mill](#), [HERS](#), [Mortgage](#), [Motion Practice and Discovery](#), [Motions](#), [Pleading](#), [securities fraud](#), [Securitization Survey](#), [Servicer](#), [STATUTES](#), [trustee](#), [workshop](#) | Tagged: [fraud on the court](#), [MERS INC](#) | [7 Comments »](#)

[New York Judges Slam Baum Law Firm and JP Morgan Chase Citing Questionable Legal Work](#)

Posted on March 2, 2010 by Neil Garfield |

Liening on NY homeowners TRUSTEE SAYS “Chase filed documents that appear to be patently false or misleading” As pointed out in this article, 95% of foreclosures are NOT scrutinized. This is why homeowners need to go to forensic analysts, experts and lawyers. Most people are walking away from homes they still own on the basis [...]

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Homeowners and Attorneys...I am not
an attorney, and this information should
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consult a competent attorney.*

Search Results for: "steven j. Baum"

FORESLOSUREBLUES TOP POSTS 3.13.2011

Posted on [March 13, 2011](#) by [Foreclosureblues](#)

Title Views Home page 45,897 The Sum Of All Eviction Fears..."Families Exchange Homes to Stop Foreclosure." 1,879 Adam Levitin...Ibanez and Securitization Fail 1,655 CBS Reporter Lara Logan brutally raped by mob in Cairo's Tahrir Square 1,519 The Dirty Fed Quietly ... [Continue reading →](#)

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FORECLOSUREBLUES TOP POSTS THIS MONTH 2.26.2011

Posted on [February 26, 2011](#) by [Foreclosureblues](#)

2011-01-27 to Today Title Views Home page 17,415 CBS Reporter Lara Logan brutally raped by mob in Cairo's Tahrir Square 1,431 ROBO SIGNER LIST UPDATED JAN 25, 2011 843 ROBO SIGNERS AND CO-CONSPIRATORS CONTINUED-JAN 25, 2010 647 A Disillusioned 99'er ... [Continue reading →](#)

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Judge Schack Rips Into "Debt Collector" Steven J. Baum P.C., Cancels Notice of Pendency WELLS FARGO v. ZELOUF

Posted on [February 24, 2011](#) by [Foreclosureblues](#)

Judge Schack Rips Into "Debt Collector" Steven J. Baum P.C., Cancels Notice of Pendency WELLS FARGO v. ZELOUF Yesterday, February 23, 2011, 5:10:15 PM | dinsfla Wells Fargo Bank, N.A., Plaintiff, against David Zelouf, et. al., Defendants. 17524/09 Plaintiff Michael ... [Continue reading →](#)

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Bankruptcy Court Decision Sounds the Alarm – The USS MERS is Going Down

Posted on [February 14, 2011](#) by [Foreclosureblues](#)

Bankruptcy Court Decision Sounds the Alarm – The USS MERS is Going Down Today, February 14, 2011, 8 hours ago | Mandelman Preface... Before I jump into this decision by a U.S. Bankruptcy Court Judge in New ... [Continue reading →](#)

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FORECLOSURE BLUES MOST READ POSTS (30 DAYS) 2.01.2011

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Top Posts for 30 days ending 2011-02-01 (Summarized) 2011-01-02 to Today Title Views Home page 15,308 Adam Levitin...Ibanez and Securitization Fail 1,534 The Dirty Fed Quietly Rewrites Accounting Rules to Disallow Their Own Insolvency 1,435 IBANEZ DECISION ANALYZED 731 John ... [Continue reading →](#)

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2011-01-19 to Today Title Views Home page 3,784 The Dirty Fed Quietly Rewrites Accounting Rules to Disallow Their Own Insolvency 1,357 Reader Has Stumbled onto the Real Reason for the “MERS Paperwork Issue”...The Loans were used for Multiple Collateralizations. 397 ... [Continue reading →](#)

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The Reason Why The Florida Bar Cannot Nail Foreclosure Mill Lawyers

Posted on [January 23, 2011](#) by [Foreclosureblues](#)

The Reason Why The Florida Bar Cannot Nail Foreclosure Mill Lawyers Today, January 23, 2011, 13 hours ago | admin From Home Equity Theft Reporter: A recent story in the Sarasota Herald Tribune on The Florida Bar’s failure to take disciplinary ... [Continue reading →](#)

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FORECLOSUREBLUES TOP POSTS THIS WEEK 1.23.2011

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Top Posts for 7 days ending 2011-01-23 (Summarized) 7 Days | 30 Days | Quarter | Year | All time 2011-01-16 to Today Title Views Home page 3,250 Reader Has Stumbled onto the Real Reason for the “MERS Paperwork Issue”...The ... [Continue reading →](#)

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2011-01-14 to Today Title Views Home page 2,984 An Insider Spills Swiss Bank Secrets—and Wikileaks Gets The List 265 Utah’s “Quiet Title Law” Bypasses MERS, Awards Homes Free and Clear; One Homeowner Had \$417,000 Debt Erased 242 I Warned That ... [Continue reading →](#)

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Brooklyn Jurist Continues Slamming Sloppy Lenders, Foreclosure Mills; Charges Law Firm With “Delinquent Conduct”

Posted on [January 13, 2011](#) by [Foreclosureblues](#)

Thursday, January 13, 2011 Brooklyn Jurist Continues Slamming Sloppy Lenders, Foreclosure Mills; Charges Law Firm With “Delinquent Conduct” AOL Daily Finance columnist Abigail Field writes: On Oct. 20, New York state courts cracked down on robo-signing by ordering attorneys for ... [Continue reading →](#)

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JUDGE SCHACK| Dismisses Case With Prejudice Against Citibank Due To Counsel Failure To Comply

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JUDGE SCHACK| Dismisses Case With Prejudice Against Citibank Due To Counsel Failure To Comply Today, January 12, 2011, 2 hours ago | Neil Garfield JUDGE SCHACK| Dismisses Case With Prejudice Against Citibank Due To Counsel Failure To Comply – 2011-01-11 ... [Continue reading →](#)

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JUDGES GETTING ANGRY AT BANK LAWYERS

Posted on [January 11, 2011](#) by [Foreclosureblues](#)

JUDGES GETTING ANGRY AT BANK LAWYERS Today, January 11, 2011, 5 hours ago | Neil Garfield COMBO Title and Securitization Search, Report, Documents, Analysis & Commentary Neil F Garfield, Esq. Judge Arthur Schack, left, of New York State Supreme Court, ... [Continue reading →](#)

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JUDGE SCHACK| Dismisses Case With Prejudice Against Citibank Due To Counsel Failure To Comply Posted on 11 January 2011. Tags: administrative order, affidavit, Arthur M. Schack, cancelled, citibank, discharged, foreclosure fraud, Jennifer M. Mcann, Judge Ann T. Pfau, judge schack, Law ... [Continue reading →](#)

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New York Times...Judges Berate Bank Lawyers in Foreclosures

Posted on [January 10, 2011](#) by [Foreclosureblues](#)

Judges Berate Bank Lawyers in Foreclosures By JOHN SCHWARTZ Published: January 10, 2011 With judges looking ever more critically at home foreclosures, they are reaching beyond the bankers to heap some of their most scorching criticism on the lawyers. Enlarge ... [Continue reading →](#)

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US Trustee Sides With Borrowers in Foreclosures With Questionable Assignments, MERS

Posted on [January 7, 2011](#) by [Foreclosureblues](#)

Antidote du jour: Comments (5) US Trustee Sides With Borrowers in Foreclosures With Questionable Assignments, MERS Today, January 07, 2011, 7 hours ago | Yves Smith As we’ve suggested, a not-well-recognized effect of the widespread publicity on robo-signing abuses and ... [Continue reading →](#)

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FORECLOSUREBLUES MOST READ THIS WEEK 1.02.11

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2010-12-18 to Today Title Views Home page 2,381 The Sum Of All Eviction Fears...”Families Exchange Homes to Stop Foreclosure.” 1,622 Meredith Whitney, Chris Christie On 60 Minutes: Illinois & California Are Bankrupt, States Face Reckoning Day 356 Arizona Attorney General ... [Continue reading →](#)

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NY JUDGE DENIES 42 FORECLOSURE CASES “HAMP, AFFIDAVIT” ISSUES

Posted on [December 22, 2010](#) by [Foreclosureblues](#)

[NYSC] NY JUDGE DENIES 42 FORECLOSURE CASES “HAMP, AFFIDAVIT” ISSUES Posted on 22 December 2010. Tags: affidavit, bank of america, Bank of New York Mellon, Chase Home Finance, chief judge jonathan lippman, citimortgage, countrywide, CREDIT SUISSE, DENIED, DEUTSCHE BANK NATIONAL TRUST, ... [Continue reading →](#)

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[NYSC] JUDGE DISMISSES FORECLOSURE, ORDERS WELLS & FREDDIE TO MODIFY LOAN: Wells Fargo v. Meyers Posted on 21 December 2010. Tags: diana ruiz, Freddie Mac, hamp, jpmorgan chase, Judge Sweeney, Law Office Of Steven J. Baum, lvnv funding, michela meyers, modification, ... [Continue reading →](#)

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NY JUDGE DENIES 127 FORECLOSURES PURSUANT TO ADMINISTRATIVE ORDERS FROM CHIEF JUDGE, ROBO SIGNING

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MIND-BLOWING!! NY JUDGE DENIES 127 FORECLOSURES PURSUANT TO ADMINISTRATIVE ORDERS FROM CHIEF JUDGE, ROBO SIGNING Posted on 16 December 2010. Tags: Aurora, bank of america, Bank of New York Mellon, chief judge jonathan lippman, citimortgage, countrywide, DEUTSCHE BANK NATIONAL TRUST, fein, ... [Continue reading →](#)

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COMPILATION OF IMPORTANT FORECLOSURE DECISIONS and RULINGS

Posted on 11 March 2011. Tags: [appeals court](#), [bankruptcy](#), [Decisions](#), [foreclosure fraud](#), [foreclosures](#), [MERS](#), [MORTGAGE ELECTRONIC REGISTRATION](#)

SYSTEMS INC., ORDERS, remanded, reversals, reversed, Rulings, Supreme Court, victory

Check back as this will be updated weekly

MERS a Common Thread



BREAKING NEWS: AFFIRMED MASSIVE VICTORY RULING FOR HOMEOWNERS “IBANEZ, LaRACE”

FL 2nd DCA Reverses SJ, “Genuine Issues of Material FACT, Purported Assignment of Mortgage” SANDORO v. HSBC BANK

IL Appeals Court Vacates Judgment, Quash Service of Summons

‘NO PROOF’ MERS assigned BOTH Mortgage and NOTE to HSBC

OHIO JUDGMENT REVERSED FULL Payoff Rejected, Broken Entry (2), FDIC, as Receiver of WAMU v. TRAVERSARI

WI Appeals Court Reverses SJ “Affidavit Submissions, Do Not Authenticate Assignment and Note” PHH MTG v. KOLODZIEJ

CALIFORNIA Decisions Against MERS, NOT A CALIFORNIA CORPORATION, NOT A FOREIGN BANK MAKING MORTGAGES!

CA IMPORTANT NOTICE: TRO & Order To Show Cause On DEUTSCHE, AURORA LOAN SERVICES

BREAKING NEWS | NY Appeals Court Allows Damages For Legal Malpractice Against Steven J. Baum, P.C.

Interesting Appeals Court Reversal From 1950’s “Fourteenth Amendment, Due Process” Mullane v. Central Hanover Bank & Trust Co.

KENTUCKY APPEALS COURT VACATES SJ “DEUTSCHE BANK DID NOT HAVE STANDING” AUGENSTEIN v. DEUTSCHE BANK

TX Appeals Court “Raises Questions, Splitting of the Deed of Trust from the Note” MERS v. DiSANTI

OHIO APPEALS COURT REVERSAL “Breach of Contract, Fraud, and Misrepresentation Arising From a Forbearance Agreement” CitiMortgage, Inc. v. Slack

OHIO APPEALS COURT REVERSED “AFFIDAVIT = NO PROOF YOU OWN NOTE” DEUTSCHE BANK v. TRIPLETT

NY Appeals Court “Nail and Mail, Referee’s Deed, Insufficient” HOME LOAN SERVS., INC. v. Moskowitz

FL 2nd DCA Appeals Court Reverses Attorney Fees “NO STANDING, WRONG ASSOCIATION, IMPROPER FILINGS” Against WELLS FARGO and David J. Stern, P.A.

FL 5thDCA Appeals Court Reversal “PURCHASERS’ DUE PROCESS VIOLATED” GIANTHONY HOMES, INC. v. US Bank National Association

EXPLOSIVE | FL 4th DCA Sends Foreclosure Fraud Case To Florida Supreme Court PINO v. BANK OF NEW YORK

BOO-YAA!! NJ Appeals Court Reversal “LPS, LAURA HESCOTT, Assignment Fail, Affidavit Fail” DEUTSCHE BANK NATIONAL TRUST COMPANY v. WILSON

NJ Appeals Court Reverses SJ “Failed To Have Standing” WELLS FARGO v. SANDRA A. FORD

CA APPEALS COURT REVERSAL “PROMISSORY ESTOPPEL, CAN SUE FOR FRAUD” ACEVES v. U.S. BANK

NY 2nd Appellate Div. “NO STANDING” US Bank Natl. Assn. v Madero

Arizona Bankruptcy Court Denies BAC “No Docs To Show Ownership Of Loan Or Standing” In re: ZITTA

WISCONSIN ‘Flawed Affidavits, SJ Reversed” BANK OF NEW YORK (BONY) v. CANO

OHIO WELLS FARGO QUIET TITLE FAIL | GROVE COURT CONDOMINIUM UNIT OWNERS’ ASSN. v. Hartman

U.S. 3rd Circuit Court Of Appeals “FDCPA, CLASS ACTION” ALLEN v. LASALLE, FEIN, SUCH, KAHN AND SHEPARD, PC

2nd DCA- SMACKDOWN! Florida’s Court DENIES BAC Petition for Writ!

OHIO APPEALS COURT AFFIRMS “NO STANDING TO FORECLOSE” U.S. BANK v. DUVAL

FL APPEALS 2nd DCA “Unsupportable Claim, Lost Note Affidavit” COUNTRY PLACE COMM v. JPMORGAN

FL APPEALS 5th DCA REVERSAL “Race-Notice, Unrecorded Instrument” ARGENT v. WACHOVIA

FL APPEALS 4th DCA “FINDS NO ABUSE, AFFIRMS TRIAL COURT DECISION IN CLASS CERTIFICATION”: DAVID J. STERN V. BANNER, WELLS FARGO

NYSC APPELLANTE DIV. “A DEED BASED ON FORGERY IS VOID, MORTGAGE BASED ON SUCH DEED IS INVALID” GMAC v. CHAN

NYSC APPELLANTE DIV. REVERSAL “MORTGAGE MAY BE INVALID PENDING FRAUDULENT TRANSFER, FORGERY RESULTS” WARGO v. AIG

OHIO APPEALS COURT GIVE HSBC A BEAT DOWN! “AG CORDRAY AMICUS”, “MERS ISSUE”, “AFFIDAVIT ISSUES”, “UNATTACHED ALLONGE TO NOTE”: HSBC Bank USA v. Thompson

PA: Homeowners Appeal to Third Circuit in Foreclosure Fraud Class Action Against Countrywide, Wells Fargo and Phelan Hallinan & Schmieg

OK CIV. APPEALS COURT REVERSAL “CONFLICTS IN NOTE OWNERSHIP”, “MERS BIFURCATION” BAC HOME LOANS fka COUNTRYWIDE v. White

OHIO 2nd APPELLATE DIST. REVERSES SUMMARY JUDGMENT; BANK OF AMERICA v. LITTERAL

INDIANA APPEALS COURT “Abusive Debt Collection Practices”; LUCAS v. US BANK N.A, LITTON

D.C. Appeals Court REVERSAL: “TENANT AT WILL VICTORY” Banks v. Eastern Savings Bank

FL 4th DCA APPEALS COURT: “ATTORNEY FEES AWARDED” VALCARCEL v. CHASE BANK

IL 7th Circuit Appeals Court: “WHERE’S THE NOTE” COGSWELL v. CITIFINANCIAL MORTGAGE

FL 3rd DCA Appeals Court: “Process Service” OPELLA vs. Bayview Loan Servicing, LLC

Indiana Appeals Court Reversal: LACY-McKINNEY v. TAYLOR, BEAN & WHITAKER MORTGAGE CORPORATION

IA APPEALS COURT | "Sheriff's Sale Null and Void, Returning Legal Title to Owner" BANK OF NEW YORK v SMITH

CA APPEALS COURT REVERSES BK STAY ORDER FOR BAC HOME LOANS FOR LACK OF STANDING

ANOTHER FL WIN! FLORIDA 4th DCA APPEALS COURT SERVEDIO v. US BANK

Kluge v. Fugazy, 145 AD 2d 537 – NY: Appellate Div., 2nd Dept. 1988

FL 4th DCA COURT OF APPEALS REVERSES SUMMARY JUDGMENT: ALEJANDRE v. DEUTSCHE BANK TRUST COMPANY

'MERS' HAS NO STANDING: A Judge Who sees the TRUTH

"FLORIDA REVERSAL" Rusalleda vs Hsbc Bank

NY BK Court SHREDS MERS "NO RIGHT TO TRANSFER MORTGAGES" In Re: FERREL L. AGARD

MERS is NOT in FACT a "MORTGAGEE" | MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. v. SAUNDERS

"Cat Out Of the Bag" (Trade Secrets) in CAPITAL ONE, NA v. Forbes, Fla: Dist. Court of Appeal, 2nd Dist. 2010

TILA 'VIOLATION' TIMELY FILED REVERSAL & REMAND: Luce Frazile v. EMC Mortgage Corporation, 09-15560

MASSIVE RULING TO PROTECT CALIFORNIA HOMEOWNERS FROM NON JUDICIAL FORECLOSURE: MABRY v. THE SUPERIOR COURT OF ORANGE COUNTY CODE 2923.5

REJECTED, REVERSED, LACK OF STANDING, ASSIGNMENT ERROR: Bank of New York v. GINDELE, 2010 Ohio 542 – Ohio: Court of Appeals, 1st Dist., Hamilton

"Fla. 3rd DCA REVERSED" Mortgage Electronic Registration Systems, Inc., Appellant, vs. Oscar Revoredo, et al., Appellees. 2007

REVERSED Patricia A. Arango of the Law Offices of Marshall C. Watson, P.A., Fort Lauderdale, for Appellee-Aurora Loan Services, LLC., MERS “FINAL JUDGMENT REVERSED”!!

GMAC v Visicaro Case No 07013084CI: florida judge reverses himself: applies basic rules of evidence and overturns his own order granting motion for summary judgment

EXCLUSIVE | NYSC COMMERCIAL (CMBS), MERS and a \$65 MILLION NOTE

NO EXCUSE | Why MERS Should've Been Stopped Long Time Ago!

WHOA!! NYSC Order To Show Cause “EXPUNGE SAID MORTGAGE & IT’S ASSIGNMENT” Alfred Lewis Enerprises. v. U.S. BANK

Judge Schack Rips Into “Debt Collector” Steven J. Baum P.C., Cancels Notice of Pendency WELLS FARGO v. ZELOUF

Judge SCHACK Dismisses Case W/ PREJUDICE, Cancels Notice of Pendency Due To Counsel Failure to Comply NYCTL 2008-A Trust, BONY v. HOLAS

NYSC Gives EMC The Boot For Not Having Standing, Vacates Judgment of Foreclosure, Sale Due To Retroactive Assignment

[NYSC] Judge Spinner “Plaintiff’s Papers Raises Disturbing Issues”, “Appears To Run Counter To New York’s Statute of Frauds” BENEFICIAL HOMEOWNER SERV. CORP v. STEELE

NY 2nd Appellate Div. “NO STANDING” US Bank Natl. Assn. v Madero

NY Judge Markey Uses Recent MA SJC “U.S. Bank v. Ibanez” in DEUTSCHE BANK v. RAMOTAR

OUTRAGEOUS |NYSC Judge Suspends 30 Cases From Steven J. Baum PC for Intentional Failure of Improper and Inadequate Submissions

Mind Blowing | Judge Schack Names Robo-Signers In Many Foreclosure Cases [GREATEST HITS]

SANCTIONS! STEVEN J. BAUM PC For Practice of Fraud, Deception, and Misrepresentation Upon the Court

NY Law Offices of Steven J. Baum P.C. may get sanctions for False Representations

[NYSC] STEVEN J BAUM PC UNABLE TO LOCATE WELLS FARGO AUTHORITY TO EXECUTE TRANSFER OF ANY LOAN DOCUMENTS

STEVEN J. BAUM PC, HSBC Mtg Corp “EX PARTE”, “MILITARY DEFENDANT”
While Defending Nation

JUDGE SCHACK| Dismisses Case With Prejudice Against Citibank Due To Counsel
Failure To Comply

[NYSC] JUDGE SCHACK Tears up WaMU’s Counsel For “Defective Verification,
Phony NY House Counsel” WAMU v. PHILLP

[NYSC] JUDGE SPINNER LETS U.S. BANK HAVE IT “HAMP FAIL” U.S. Bank
Natl. Assn. v Mathon

[NYSC] Judge Orders JPMorgan Chase “TO SHOW CAUSE”: JPMORGAN CHASE
v. SCISSURA

MIND-BLOWING!! NY JUDGE DENIES 127 FORECLOSURES PURSUANT TO
ADMINISTRATIVE ORDERS FROM CHIEF JUDGE, ROBO SIGNING

[NYSC] JUDGE SCHACK SLAMS CITI FOR NOT COMPLYING WITH NEW
RULE “COURT DOES NOT WORK FOR CITI” CitiMortgage, Inc. v Nunez

[NYSC] Judge Finds Issues With “NOTE AMOUNTS”, Robo Signer “ROGER
STOTTS” Affidavit: ONEWEST v. GARCIA

[NYSC] DISMISSED “NO EVIDENCE MERS TRANSFERRED INTEREST IN
NOTE” LNV CORP v. MADISON REAL ESTATE LLC

FIVE (5) NYSC CASES INVOLVING ROBO-SIGNER TAMARA PRICE

JUDGE SCHACK BLOWS ‘MERS’ & Bank Of New York (BNY) OUT THE DOOR!

FORECLOSURE FRAUD Personally CAUGHT by JUDGE SCHACK! Dismissed
with PREJUDICE!

NYSC Judge Karen V. Murphy Calls Out Robo-Signer Margaret Dalton, EMC, MERS

[NYSC] JUDGE SCHACK TAKES ON ROBO-SIGNER ERICA JOHNSON SECK:
DEUTSCHE BANK v. MARAJ (1) (64.591)

[NYSC] JUDGE SCHACK TAKES ON ROBO-SIGNER ERICA JOHNSON SECK:
DEUTSCHE BANK v. HARRIS (2) (70.24)

[NYSC] JUDGE SCHACK TAKES ON ROBO-SIGNER ERICA JOHNSON SECK:
ONEWEST BANK v. DRAYTON (3)

VICTOR PARISI ROBO-SIGNER CALLED OUT BY [NYSC] JUDGE LAURA JACOBSON: Equity One v. James 2006 (1)

VICTOR PARISI ROBO-SIGNER CALLED OUT BY [NYSC] JUDGE ARTHUR SCHACK: HSBC Bank USA v. Perboo 2008 (2)

VICTOR PARISI ROBO-SIGNER CALLED OUT BY [NYSC] JUDGE JEFFREY ARLEN SPINNER: JPMORGAN v. MUNOZ 2009 (3)

VICTOR PARISI ROBO-SIGNER CALLED OUT BY [NBKDC] JUDGE LINDA B. RIEGLE: MITCHELL v. MERS 2009 (4)

[NYBKC] WELLS FARGO ASSIGNMENT, STEVEN J. BAUM P.C. COUNSEL UNABLE TO ANSWER QUESTIONS IN SUPPORT

NYSC FINDS BNY FAILED TO SUBMIT ADMISSIBLE EVIDENCE: Bank of New York v. Elserafy 2010

NYSC AGREES TO SUBPOENA OF CUSTODIAL RECORDS FOR PENDING CA CASE: MBIA INSURANCE CORPORATION v. INDYMAC ABS et al.

“indorsement” on a separate page ‘I DON’T THINK SO’! IndyMAC BANK FSB v. Garcia, 2010 NY Slip Op 51127 – NY: Supreme Court, Suffolk 2010

[NYSC] Standing is a threshold issue, pathway to the courthouse is blocked: WELLS FARGO v. CAMPBELL

NO MENTION OF DEBT OR NOTE ON ASSIGNMENT, DISMISSED WITH PREJUDICE: WACHOVIA v. VARGAS NYSC

Judge ARTHUR SCHACK’s COLASSAL Steven J. BAUM “MiLL” SMACK DOWN!! MERS TWILIGHT ZONE!

NEW YORK COURT DISMISSES FORECLOSURE WITH PREJUDICE ON ILLEGAL MERS ASSIGNMENT EXECUTED BY COUNSEL FOR THE FORECLOSING PLAINTIFF

ONEWEST BANK GETS THE BOOT, MERS ASSIGNMENT MAKES NO REFERENCE TO NOTE

CASE EVERYONE SHOULD READ: DEUTSCHE BANK TRUST AMS. AS TRUSTEE v. McCoy, 2010 NY Slip Op 51664 – NY: Supreme Court, Suffolk

Lasalle Bank N.A. v Smith 2010: NY Slip Judge Schack does it again! Slams BAUM Law Firm!

NY JUDGE SPINNER DENIES Deutsche & MERS for NOT Recording Mortgage, Make up Affidavit and Assignment!

NYSC LPS FORECLOSURE AFFIDAVIT 'NO PERSONAL KNOWLEDGE' & 'FAILURE IN SUPPORT'

Deutsche Bank National Trust Co. YOU HAVE NO STANDING: YOUR DISMISSED! Deutsche v. Stevens NY SLIP OP 50909(U) 5/18/2010

JUDGE QUESTIONS "DUAL ROLE" OF COUNSEL FOR MERS & CHASE HOME FINANCE

NY Judge Hammers "Foreclosure Mill" STEVEN J. BAUM For Failing To Comply

Don't mess with Judge Spinner...he will read you like a book! Emigrant Mtge. Co., Inc. v Fitzpatrick

"TRO" ISSUED ON MERS, MERRILL & STEVEN J. BAUM

HEY NY TIMES... 'NO PROOF' JEFFREY STEPHAN HAS AUTHORITY TO EXECUTE AFFIDAVIT FOR WELLS FARGO

IN 'DEED' | ROBO-SIGNER JEFFREY STEPHAN & MERS HAVE "PATTERN OF CONDUCT" HISTORY TOGETHER

GMAC, MERS & STEVEN J. BAUM PC...THE COURT IS AT LOSS ON A PURPORTED "CORRECTIVE ASSIGNMENT"

NY SUPREME COURT DENIES 'MERS' | NO CRYSTAL CLEAR INVOLVEMENT AS "NOMINEE"

NY SUPREME COURT JUDGE BASHES 'MERS' FOR SUING ITSELF...OWNS NOTHING!

NY SUPREME COURT: MERS "DEVOID OF PROOF" AS NOMINEE

MERS FAILS AS NOMINEE, AUTHORITY TO TRANSFER OWNERSHIP OF NOTE!

FINAL DISPOSITION| NO Evidence 'MERS' Owned The NOTE, Could NOT ASSIGN IT

INDYMAC, ONEWEST DENIED|'Lost Assignment' 'Break In Chain of Title'

RESTRAINED | 'MERS' and any of its attorneys, agents, successors and assignees by NY SUPREME COURT

NY SUPREME COURT finds RECORDING DEFECTS | Mortgage Electronic Registration Systems Inc., v. Lisser

IN RE MATTER OF THE FORECLOSURE OF TAX LIENS, 2010 NY Slip Op 30628 – NY: Supreme Court, Wayne 2010 MERS

MERS 'AGENT' PREVIOUS MTG FRAUD SCHEME| Mortgage Electronic Registration Systems, Inc. v. Folkes, 2010 NY Slip Op 32007 – NY: Supreme Court

WM SPECIALTY MORTGAGE v. JORGE RAMIREZ NO PROOF MERS OWNED THE MORTGAGE AND NOTE

MERS v. MAHENDRA RAMDOOLAR MERS IN NOT THE OWNER OF SUBJECT MORTGAGE AND NOTE

BANK OF NEW YORK V. JOSEPH CERULLO MERS NOT OWNER AND HOLDER OF NOTE MORTGAGE

THE BANK OF NY MELLON V. RICHARD BUSTRUC MERS IS NOT OWNER HOLDER OF MORTGAGE AND NOTE

NY SUPREME COURT: WELLS FARGO, MERS & STEVEN J. BAUM "FATAL DEFECT"

[NYSC] MERS HAS NO INTEREST, STANDING, OFFICER AFFIDAVIT HAS NO PROVATIVE VALUE

New York Judges Slam Baum Law Firm and JP Morgan Chase Citing Questionable Legal Work!

NYSC QUESTIONS MERS MOTIVE: MERS SATISFIED MORTGAGE, YET NO RECORDED ASSIGNMENT

MERS 'AGENT' PREVIOUS MTG FRAUD SCHEME| Mortgage Electronic Registration Systems, Inc. v. Folkes, 2010 NY Slip Op 32007 – NY: Supreme Court

AZ Bankruptcy Judge Eileen W. Hollowell Sanctions Tiffany & Bosco, Saxon Mortgage

Another ARIZONA BEAT DOWN from U.S. BK Judge EILEEN W. HOLLOWELL!
In RE: JULIA V. VASQUEZ

DEUTSCHE GETS AN ARIZONA BEAT DOWN! In RE: Tarantola

WEISBAND Case No. 4:09-bk-05175-EWH. BKR Tucson Judge HOLLOWELL Denies MLS for Lack of Standing

WASHINGTON STATE: QUIET TITLE & DAMAGES VICTORY

FLORIDA VICTORY: DAVID J. STERN FIRM SANCTIONS GRANTED! US BANK v. GARNER

Victory in Arizona Federal Court

BREAKING Florida judge denies Law Office of David J. Stern motion to quash subpoena

CALIFORNIA 'QUIET TITLE' VICTORY: PAUL NGUYEN V. CHASE et al

VICTORY IN MONTANA: PRELIMINARY INJUNCTION ISSUED AGAINST MERS, RECONTRUST, AND COUNTRYWIDE



Coming soon...



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BREAKING NEWS | NY Appeals Court Allows Damages For Legal Malpractice Against Steven J. Baum, P.C.

Posted on 25 February 2011. Tags: [Alan C. Stein](#), [appeals court](#), [foreclosure fraud](#), [Law Office Of Steven J. Baum](#), [malpractice](#), [new york](#), [ny](#), [Steven J. Baum p.c.](#), [U.S. Bank](#), [us bank](#)

Decided on February 22, 2011

SUPREME COURT OF THE STATE OF NEW YORK

APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
PLUMMER E. LOTT
ROBERT J. MILLER, JJ.
2010-02591
(Index No. 16919/08)

[*1]U.S. Bank National Association, etc., plaintiff,

v

Alan C. Stein, etc., et al., defendants third-party plaintiffs-respondents, et al., defendants; Steven J. Baum, P.C., third-party defendant-appellant, et al., third-party defendant.

Miller, Rosado & Algios, LLP, Mineola, N.Y. (Neil A. Miller and Christopher Rosado of counsel), for third-party defendant-appellant.
Babchik & Young LLP, White Plains, N.Y. (Marisa C. Woolridge of counsel), for defendants third-party plaintiffs-respondents.

DECISION & ORDER

In an action, inter alia, to recover damages for legal malpractice, the third-party defendant Steven J. Baum, P.C., appeals, as limited by its brief, from so much of an order of the Supreme Court, Nassau County (LaMarca, J.), entered December 10, 2009, as denied that branch of its motion, made jointly with the third-party defendant Steven J. Baum, which was pursuant to CPLR 3211(a)(7) to dismiss the third-party complaint insofar as asserted against it.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The plaintiff, represented by Steven J. Baum, P.C., and Steven J. Baum, commenced an action against, among others, Alan C. Stein, Gastwirth, Mirsky & Stein, LLP, and Law Office of Alan C. Stein, P.C. (hereinafter collectively the Stein defendants), to recover damages for, inter alia, legal malpractice in connection with the recording of a certain mortgage. The Stein defendants, who had previously represented the plaintiff's predecessor in interest, commenced a third-party action against Steven J. Baum, P.C., and Steven J. Baum for contribution and/or indemnification. Subsequently, the third-party defendants moved pursuant to CPLR 3211(a)(7) to dismiss the third-party complaint. The Supreme Court, among other things, denied that branch of the motion which was to dismiss the third-party complaint insofar as asserted against Steven J. Baum, P.C. We affirm the order insofar as appealed from.

“Upon a motion to dismiss [for failure to state a cause of action], the sole criterion is whether the subject pleading states a cause of action, and if, from the four corners of the complaint, factual allegations are discerned which, taken together, manifest any cause of action cognizable at law, then the motion will fail” (*Maurillo v Park Slope U-Haul*, 194 AD2d 142, 145; see *Guggenheimer v Ginzburg*, 43 NY2d 268, 275). “[T]he court must afford the pleading a liberal construction, accept all facts as alleged in the pleading to be true, accord the plaintiff the benefit of every possible inference, and determine only [*2]whether the facts as alleged fit within any cognizable legal theory” (*Breytman v Olinville Realty, LLC*, 54 AD3d 703, 703-704; see *Morales v AMS Mtge. Servs., Inc.*, 69 AD3d 691, 692).

The Supreme Court properly determined that the Stein defendants stated a cause of action against the third-party defendant Steven J. Baum, P.C., by asserting, among other things, that Steven J. Baum, P.C., failed to timely correct the legal errors allegedly committed by the Stein defendants in their representation of the plaintiff's predecessor in interest, despite having sufficient time and an opportunity to do. The third-party complaint alleged sufficient facts which, if true, would establish that Steven J. Baum, P.C., may be liable to the Stein defendants for causing or contributing to the plaintiff's alleged damages (see *Schauer v Joyce*, 54 NY2d 1, 6; see also *Frederick v Meighan*, 75 AD3d 528, 532).

PRUDENTI, P.J., RIVERA, LOTT and MILLER, JJ., concur.

ENTER:

Matthew G. Kiernan

Clerk of the Court

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Judge Schack Rips Into “Debt Collector” Steven J. Baum P.C., Cancels Notice of Pendency WELLS FARGO v. ZELOUF

Posted on 23 February 2011. Tags: Abate, affirmation, Arthur M. Schack, chief judge jonathan lippman, David Zelouf, debt collector, foreclosure fraud, frivolous, judge schack, Law Office Of Steven J. Baum, Michael Joblonski, new york, notice of pendency, ny supreme court, Sanctions, Steven J. Baum p.c., wells fargo, withdraw

Wells Fargo Bank, N.A., Plaintiff,

against

David Zelouf, et. al., Defendants.

17524/09

Plaintiff

Michael Joblonski, Esq.

Steven J. Baum, PC

Buffalo, NY

Defendant

The defendant did not answer.

Arthur M. Schack, J.

In this foreclosure action, plaintiff, WELLS FARGO, N.A. (WELLS FARGO), moved for summary judgment and an order of reference and related relief for the premises located at 14 Stockholm Street, Brooklyn, New York (Block 3253, Lot 13, County of Kings). The Court received a notice of withdrawal of the instant motion, dated February 18, 2010, from plaintiff's counsel. There was no valid explanation or reason given by plaintiff's counsel for his request to withdraw the motion.

Further, plaintiff's counsel states in his notice of withdrawal, "[t]he Plaintiff will not be discontinuing the above referenced action." Moreover, in his cover letter to myself, plaintiff's counsel states that "[t]he law firm of Steven J. Baum, P.C. and the attorneys whom it employs are debt collectors who are attempting to collect a debt. Any information obtained by them will be used for that purpose." Since this statement was in a cover letter to me and does not appear to be preprinted on the letterhead of the Baum firm, **the Court would like to know what debt it [*2]personally owes to the Baum firm or its clients?** This statement borders upon frivolous conduct, in violation of 22 NYCRR § 130-1.1. Was it made to cause annoyance or alarm to the Court? Was it made to waste judicial resources? Rather than answer the above rhetorical questions, counsel for plaintiff is directed never to place such a foolish statement in a cover letter to this Court. If this occurs again, the firm of Steven J. Baum, P.C. is on notice that this Court will have the firm and the attorney who wrote this nonsensical statement appear to explain why the firm and the individual attorney should not be sanctioned for frivolous conduct.

With respect to the request of plaintiff's counsel to withdraw the instant motion for summary judgment and an order of reference, the Court grants the request to withdraw the motion. However, since plaintiff is not discontinuing the instant foreclosure action, the Court, to prevent the waste of judicial resources, dismisses the instant foreclosure action without prejudice. If plaintiff's counsel chooses to renew the instant motion and restore the instant case, plaintiff's counsel must comply with the new Rule, promulgated by the Chief Administrative Judge on October 20, 2010, requiring an affirmation by plaintiff's counsel that he communicated on a specific date with a named representative of plaintiff WELLS FARGO who informed him that he or she:

(a) has personally reviewed plaintiff's documents and records relating

to this case for factual accuracy; and (b) confirmed the factual accuracy of the allegations set forth in the Complaint and any supporting affirmations filed with the Court as well as the accuracy of the notarizations contained in the supporting documents filed therewith.

Further, plaintiff's counsel, based upon his or her communication with plaintiff's representative or representatives, "as well as upon my own inspection and reasonable inquiry under the circumstances, . . . affirm that, to the best of my knowledge, information, and belief, the Summons, Complaint and other papers filed or submitted to the Court in this matter contain no false statements of fact or law."

Counsel is reminded that the new standard Court affirmation form states that "I am aware of my obligations under New York Rules of Professional Conduct (22 NYCRR Part 1200) and 22 NYCRR Part 130." These Parts deal with disciplinary standards and sanctions for frivolous conduct.

Discussion

Real Property Actions and Proceedings Law (RPAPL) § 1321 allows the Court in a foreclosure action, upon the default of the defendant or defendant's admission of mortgage payment arrears, to appoint a referee "to compute the amount due to the plaintiff." In the instant action, plaintiff WELLS FARGO's application for an order of reference is a preliminary step to obtaining a default judgment of foreclosure and sale against defendant ZELOUF. (*Home Sav. of Am., F.A. v Gkanios*, 230 AD2d 770 [2d Dept 1996]). Plaintiff's request to withdraw its motion is granted. However, to allow this action to continue without seeking the ultimate purpose of a foreclosure action, to obtain a judgment of foreclosure and sale, makes a mockery of and wastes judicial resources. Continuing the instant action without moving for a judgment of foreclosure and sale is the judicial equivalent of a "timeout," and granting a "timeout" to plaintiff WELLS FARGO is a waste of judicial resources. Therefore, the instant action is dismissed without [*3]prejudice.

Further, the dismissal of the instant foreclosure action requires the cancellation of the notice of pendency. CPLR § 6501 provides that the filing of a notice of pendency against a property is to give constructive notice to any purchaser of real property or encumbrancer against real property of an action that "would affect the title to, or the possession, use or enjoyment of real property, except in a summary proceeding brought to recover the possession of real property." The Court of Appeals, in *5308 Realty Corp. v O & Y Equity Corp.* (64 NY2d 313, 319 [1984]), commented that "[t]he purpose of the doctrine was to assure that a court retained its ability to effect justice by preserving

its power over the property, regardless of whether a purchaser had any notice of the pending suit,” and, at 320, that “the statutory scheme permits a party to effectively retard the alienability of real property without any prior judicial review.”

CPLR § 6514 (a) provides for the mandatory cancellation of a notice of pendency by:

The Court, upon motion of any person aggrieved and upon such notice as it may require, *shall direct any county clerk to cancel a notice of pendency*, if service of a summons has not been completed within the time limited by section 6512; or *if the action has been settled, discontinued or abated*; or if the time to appeal from a final judgment against the plaintiff has expired; or if enforcement of a final judgment against the plaintiff has not been stayed pursuant to section 551. [*emphasis added*]

The plain meaning of the word “abated,” as used in CPLR § 6514 (a) is the ending of an action. “Abatement” is defined as “the act of eliminating or nullifying.” (Black’s Law Dictionary 3 [7th ed 1999]). “An action which has been abated is dead, and any further enforcement of the cause of action requires the bringing of a new action, provided that a cause of action remains (2A Carmody-Wait 2d § 11.1).” (*Nastasi v Nastasi*, 26 AD3d 32, 40 [2d Dept 2005]). Further, *Nastasi* at 36, held that the “[c]ancellation of a notice of pendency can be granted in the exercise of the inherent power of the court where its filing fails to comply with CPLR § 6501 (*see 5303 Realty Corp. v O & Y Equity Corp.*, *supra* at 320-321; *Rose v Montt Assets*, 250 AD2d 451, 451-452 [1d Dept 1998]; Siegel, NY Prac § 336 [4th ed]).” Thus, the dismissal of the instant complaint must result in the mandatory cancellation of plaintiff WELLS FARGO’s notice of pendency against the subject property “in the exercise of the inherent power of the court.”

Last, if plaintiff WELLS FARGO’s counsel moves to restore the instant action and motion, plaintiff’s counsel must comply with the new filing requirement to submit, under penalties of perjury, an affirmation that he or she has taken reasonable steps, including inquiring of plaintiff WELLS FARGO and reviewing all papers, to verify the accuracy of the submitted documents in support of the instant foreclosure action. According to the October 20, 2010 Office of Court Administration press release about the new filing requirement, Chief Judge Lippman said:

We cannot allow the courts in New York State to stand by idly and

be party to what we now know is a deeply flawed process, especially when that process involves basic human needs — such as a family home — [*4] during this period of economic crisis. This new filing requirement will play a vital role in ensuring that the documents judges rely on will be thoroughly examined, accurate, and error-free before any judge is asked to take the drastic step of foreclosure.

(See Gretchen Morgenson and Andrew Martin, *Big Legal Clash on Foreclosure is Taking Shape*, New York Times, Oct. 21, 2010; Andrew Keshner, *New Court Rules Says Attorneys Must Verify Foreclosure Papers*, NYLJ, Oct. 21, 2010).

Conclusion

Accordingly, it is

ORDERED, that the request of plaintiff, WELLS FARGO BANK, N. A., to withdraw its motion for an order of reference, for the premises located at 14 Stockholm Street, Brooklyn, New York (Block 3253, Lot 13, County of Kings), is granted; and it is further

ORDERED, that the instant action, Index Number 17524/09, is dismissed without prejudice; and it is further

ORDERED, that the notice of pendency in the instant action, filed with the Kings County Clerk on July 14, 2009, by plaintiff, WELLS FARGO BANK, N. A., to foreclose a mortgage for real property located at 14 Stockholm Street, Brooklyn, New York (Block 3253, Lot 13, County of Kings), is cancelled; and it is further

ORDERED, that if plaintiff, WELLS FARGO BANK, N.A., moves to restore the instant foreclosure action and motion for an order of reference for real property located at 14 Stockholm Street, Brooklyn, New York (Block 3253, Lot 13, County of Kings, counsel for plaintiff must comply with the new Court filing requirement, announced by Chief Judge Jonathan Lippman on October 20, 2010, and ordered by Chief Administrative Judge Ann T. Pfau on October 20, 2010, by submitting an affirmation, using the new standard Court form, pursuant to CPLR Rule 2106 and under the penalties of perjury, that counsel for plaintiff, WELLS FARGO BANK, N. A.: has personally reviewed plaintiff's documents and records in the instant action; confirms the factual accuracy of plaintiff's court filings; and, confirms the accuracy of the notarizations in plaintiff's documents.

This constitutes the Decision and Order of the Court.

ENTER

HON. ARTHUR M. SCHACK

J. S. C.

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WHOA!! NYSC Order To Show Cause “EXPUNGE SAID MORTGAGE & IT’S ASSIGNMENT” Alfred Lewis Enterprises. v. U.S. BANK

Posted on 01 February 2011. Tags: Alfred Lewis Enterprises, assignment of mortgage, expunge, foreclosure fraud, freemont, Judge Michelle Weston, Law Office Of Steven J. Baum, mortgage, new york, ny supreme court, order to show cause, Stern & Stern, Steven J. Baum p.c., U.S. Bank, us bank, US BANK NATIONAL ASSOCIATION as Trustee for Credit Suisse First Boston Heat 2005-4

excerpt:

may be heard why and Order should not be made allowing Plaintiff the following relief:

1. Declaring the Mortgage dated March 2,2005 between Darie Edmundson and Fremont Bank and its' assignment to Defendant dated May 1,2006 placing a lien upon 522 Bainbridge Street Brooklyn, N.Y. Block 15 10 Lot 20
2. Directing the Clerk of the County of Kings to expunge said mortgage and it's assignment from the Kings County records.

SUFFICIENT CAUSE APPEARING HEREIN, Let personal service of this Order and the papers upon which it is based may be made to Steven J. Baum P.C.,

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Posted in STOP FORECLOSURE FRAUD4 Comments



NY Emergency Order To Show Cause, HSBC Stayed CO-OP Auction Shares

Posted on 26 January 2011. Tags: affirmation, auction, esq., HSBC, judge david vaughan, Lee M Nigen, new york, ny supreme court, stay, Steven J. Baum p.c., temporary restraining order, TRO, Zenaida Estaris

According to records:Attorney/Firm For Defendant: **STEVEN J. BAUM, P.C.**Attorney Type: **Attorney Of Record** Atty. Status: **Active****220 NORTHPOINTE PKWY SUITE G
AMHERST, NEW YORK 14228 716-204-2400**

excerpt...

NOW, IT IS ORDERED THAT EXECUTION OF ANY PUBLIC SHARES OF PLAINTIFF'S PROPERTY, LOCATED AT 135 OCEAN PARKWAY, UNIT 16-D, BROOKLYN, NEW YORK, 11218, SHALL BE STAYED PENDING THE HEARING OF THIS MOTION, AND SPECIFICALLY THAT DEFENDANT HSBC BANK USA, N.A. BE STAYED FROM EXECUTING A PUBLIC SALE OF PLAINTIFF'S SHARE OF STOCK ON JANUARY 13, 2011 at 2:00 P.M.

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Posted in STOP FORECLOSURE FRAUD 1 Comment

Daily Finance| Why a New York Judge Is Throwing Out Foreclosure Cases

Posted on 12 January 2011. Tags: Abigail Field, administrative order, affidavit, Arthur M. Schack, cancelled, citibank, discharged, foreclosure fraud, Jennifer M. Mcann, Judge Ann T. Pfau, judge schack, Law Office Of Steven J. Baum, Megan B. Szeliga,

new york, notice of pendency, ny supreme court, prejudice, Santiago Murillo, Steven J. Baum p.c.

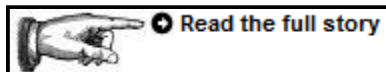
By ABIGAIL FIELD Posted 1:45 PM 01/12/11

On Oct. 20, New York state courts cracked down on robo-signing by ordering attorneys for foreclosing banks to swear that they had personally confirmed that the documents they are submitting are true and accurate. So far, attorneys haven't been able to file many of the necessary affirmations.

Now, Judge Arthur M. Schack of Brooklyn has taken things a step further. Since the banks in cases before him have yet to begin complying with the new court rules, he has started throwing out foreclosure cases. But the question isn't whether the banks will now choose to start complying with the rule: The question is: Will they even be able to?

“You Have to Obey Court Orders”

The first case Judge Schack tossed was Citibank, N.A. v. Murillo, which he dismissed with prejudice on Jan. 7, as the blog StopForeclosureFraud reported. The attorneys for Citibank (C) in that case were from the Steven Baum law firm, a foreclosure mill that has been sanctioned for its involvement in frivolous cases. If the Baum firm couldn't file a timely affirmation in the Murillo case, how many of its other cases will it be able to file affirmations in?



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Posted in STOP FORECLOSURE FRAUD1 Comment



JUDGE SCHACK| Dismisses Case With Prejudice Against Citibank Due To Counsel Failure To Comply

Posted on 11 January 2011. Tags: [administrative order](#), [affidavit](#), [Arthur M. Schack](#), [cancelled](#), [citibank](#), [discharged](#), [foreclosure fraud](#), [Jennifer M. Mcann](#), [Judge Ann T. Pfau](#), [judge schack](#), [Law Office Of Steven J. Baum](#), [Megan B. Szeliga](#), [new york](#), [notice of pendency](#), [ny supreme court](#), [prejudice](#), [Santiago Murillo](#), [Steven J. Baum p.c.](#)

Citibank, N.A. AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES TRUST 2007-SD3, ASSET BACKED CERTIFICATES, SERIES 2007-SD3, Plaintiff,

against

Santiago Murillo, et. al., Defendants

16214/08

Plaintiff: Megan B. Szeliga, Esq. and Jenneifer M. MCann, Esq., Steven J. Baum, P.C., Amherst, NY

Defendant: Paul E. Kerson, Esq., Leavitt, Kerson and Duane, Forest Hills, NY

Arthur M. Schack, J.

Excerpts:

The failure of plaintiff's counsel, Steven J. Baum, P.C., to comply with two court orders, my November 4, 2010 order and Chief Administrative Judge Pfau's October 20, 2010 order, demonstrates delinquent conduct by Steven J. Baum, P.C. This mandates the dismissal with prejudice of the instant action. Failure to comply with court-ordered time frames must be taken seriously. It cannot be ignored. There are consequences for ignoring court orders. Recently, on December 16, 2010, the Court of Appeals, in *Gibbs v St. Barnabas Hosp.* (___NY3d ___, 2010 NY Slip Op 09198), instructed, at *5:

<SNIP>

Conclusion

Accordingly, it is

ORDERED, that the instant action, Index Number 16214/08, is **dismissed with**

prejudice; and it is further

ORDERED that the **Notice of Pendency in this action**, filed with the Kings County Clerk on June 5, 2008, by plaintiff, CITIBANK, N.A. AS TRUSTEE FOR CERTIFICATEHOLDERS OF BEAR STEARNS ASSET BACKED SECURITIES TRUST 2007-SD3, ASSET BACKED CERTIFICATES, SERIES 2007-SD3 to foreclose on a mortgage for real property located at 41 Hill Street, Brooklyn, New York (Block 4165, Lot 40, County of Kings), **is cancelled and discharged**.

This constitutes the Decision and Order of the Court.

ENTER

HON. ARTHUR M. SCHACK
J. S. C.

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NYTimes| Judges Berate Bank Lawyers in Foreclosures

Posted on 11 January 2011. Tags: [anne reynolds copps](#), [Arthur M. Schack](#), [chief judge jonathan lippman](#), [craig robins](#), [florida](#), [foreclosure fraud](#), [foreclosure mills](#), [fraudulent documents](#), [HTFC Corporation](#), [jeffrey tew](#), [John Schwartz](#), [judge schack](#), [Judge Scott Fairgrieve](#), [law offices of david J. stern plantation florida 33324](#), [new york](#), [ny supreme court](#), [Stephen Gillers](#), [Sunny Eng](#)

“You want to call it God, you can call it God,” Mr. Eng said. “You want to call it luck, you can call it luck. We just followed the system, and thank God the system worked.”

By JOHN SCHWARTZ

Published: January 10, 2011

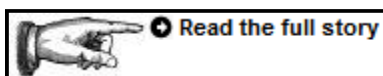
With judges looking ever more critically at home foreclosures, they are reaching beyond the bankers to heap some of their most scorching criticism on the lawyers.

In numerous opinions, judges have accused lawyers of processing shoddy or even fabricated paperwork in foreclosure actions when representing the banks.

Judge Arthur M. Schack of New York State Supreme Court in Brooklyn has taken aim at an upstate lawyer, Steven J. Baum, referring to one filing as “incredible, outrageous, ludicrous and disingenuous.”

But New York judges are also trying to take the lead in fixing the mortgage mess by leaning on the lawyers. In November, a judge ordered Mr. Baum’s firm to pay nearly \$20,000 in fines and costs related to papers that he said contained numerous “falsities.” The judge, Scott Fairgrieve of Nassau County District Court, wrote that “swearing to false statements reflects poorly on the profession as a whole.”

More broadly, the courts in New York State, along with Florida, have begun requiring that lawyers in foreclosure cases vouch for the accuracy of the documents they present, which prompted a protest from the New York bar. The requirement, which is being considered by courts in other states, could open lawyers to disciplinary actions that could harm or even end careers.



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[NYSC] JUDGE DISMISSES FORECLOSURE, ORDERS WELLS & FREDDIE TO MODIFY LOAN: Wells Fargo v. Meyers

Posted on 21 December 2010. Tags: [diana ruiz](#), [Freddie Mac](#), [hamp](#), [jpmorgan chase](#), [Judge Sweeney](#), [Law Office Of Steven J. Baum](#), [lvnv funding](#), [michela meyers](#), [modification](#), [new york](#), [ny supreme court](#), [paul meyers](#), [Steven J. Baum p.c.](#), [wells fargo](#)

Wells Fargo Bank, N.A. SUCCESSOR BY MERGER TO
WELLS FARGO HOME MORTGAGE INC., Plaintiff,

against

Paul Meyers, MICHELA MEYERS, DAIMLER CHRYSLER FINANCIAL SERVICES AMERICAS LLC, FORD MOTOR CREDIT COMPANY, JP MORGAN CHASE BANK, NA LVNV FUNDING LLC, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE TOWN SUPERVISOR OF THE TOWN OF BABYLON, and JOHN DOE, Defendants.

Steven J. Baum P.C.
Attorneys for Plaintiff
900 Merchants Concourse
Westbury, New York 11590

Diana Lozada Ruiz
Attorney for Defendants
PO Box 604
Mineola, New York 11501
Patrick A. Sweeney, J.

EXCERPTS:

Meyers testified that the defendants were not in default but were struggling to pay the mortgage. **She claimed that several representatives of the plaintiff told her that she could not apply for a modification until she was three months late with payments.** According to Meyers, **she was told to default on the mortgage in order to apply for a modification.** Meyers testified that she followed this advice, made a down payment and faxed over a hardship letter along with financial documentation. Meyers claimed that the plaintiff kept losing the documents and that she had to re-fax the information numerous times.

<SNIP>

In addition, the plaintiff has provided conflicting information regarding its denial of the modification. Less than one month after the initial denial, the defendants received another letter indicating that the plaintiff could not adjust the terms of the mortgage because the investor on the mortgage declined the requested modification. Within a week, the defendants were sent additional letters advising them of mortgage options and again directing them to apply to the Home Affordable Modification Program. This is inconsistent as the plaintiff takes the position that it cannot modify the loan without the approval of Freddie Mac but offered no evidence as to whether the initial modification was approved by Freddie

Mac

before it was sent to the defendants. Freddie Mac is not a party to this action and is not the party seeking to foreclose the mortgage. The plaintiff has failed to demonstrate any good faith basis for refusing to honor the terms of the trial modification or offering another similar proposal. The defendants complied with the all the requirements of the trial modification and have appeared at all the conferences in this action. The defendant Paul Meyers is gainfully employed and the defendants are trying to avoid losing their home. Under these circumstances, the Court finds that the plaintiff has acted in bad faith. In view of the Court's broad equitable powers, the Court finds that the appropriate remedy is to compel specific performance of the original modification agreement proposed by the plaintiff and accepted by the defendants (see e.g. EMC Mortgage Co v Gross, 289 AD2d 438 [2d Dept 2001]).

Accordingly, it is

ORDERED that the plaintiff is directed to execute a final modification based upon the terms of the original modification proposal, and it is further

ORDERED that the complaint to foreclose the mortgage is dismissed.

Read order below...

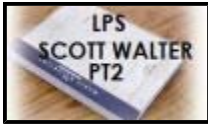
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FULL DEPOSITION TRANSCRIPT OF LENDER PROCESSING SERVICES SCOTT A. WALTER PART 2 “STEVEN J. BAUM, P.C.”, “O. MAX GARDNER”, “US TRUSTEE”

Posted on 18 December 2010. Tags: [1270 Northland Dr Ste 200 Mendota Heights](#), [April Charney](#), [deposition](#), [desktop](#), [DEUTSCHE BANK NATIONAL TRUST](#), [DOCX](#), [fidelity national](#), [foreclosure fraud](#), [GARDERE WYNN SEWELL](#), [greg allen](#), [Greg Zipes](#), [Gregory N. Allen](#), [indymac](#), [Jacksonville Area Legal Aid](#), [JAY TEITELBAUM](#), [Josh Rataezky](#), [jpmorgan chase](#), [Krisitn Bain](#), [Law Office Of Steven J. Baum](#), [Lender Processing Services Inc.](#), [LINDA M. TIRELLI](#), [Long Beach Mortgage Corporation](#), [Melissa A. Huelsman](#), [MERS](#), [metropolitan mortgage group](#), [MICHAEL CASH](#), [MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.](#), [new image](#), [new york](#), [O. Max Gardner](#), [Pillar Processing LLC](#), [Richard E. Spoonmore](#), [Ross Gloudeman](#), [Santa Clause](#), [seattle](#), [signature required](#), [Steven C. Bateman](#), [Steven J. Baum p.c.](#), [SYLVIA NUER](#), [the us trustee](#), [transcript](#), [Virginia T. Lee](#), [wamu](#)

EXCERPT:

Q. So this doesn't necessarily mean
3 that someone physically picked up the file
4 from LPS; correct?
5 A. My understanding is that this is
6 a note that automates when the attorney
7 has confirmed receipt through new image.
8 Whether that's manual or not, I couldn't
9 say based on the notes. And then new
10 image stamps into the LPS Desktop
11 confirming that NIE ID number 0966 and on
12 was pulled in, those documents were
13 received by the attorney.
14 Q. Does LPS have any employees at
15 the Steven J. Baum law firm?
16 A. Not that I'm aware of.

<SNIP>

Q. This is from the Steven J. Baum law firm; correct?

3 A. It appears to be.

4 Q. Would you have any reason to 5 doubt that?

6 A. No.

7 Q. And could you tell me what this 8 entry represents.

9 A. To the best of my understanding,

10 they have user has completed a POA

11 requisite data form, exactly what it says.

12 I guess I couldn't give you a full answer.

13 I don't manage this process, but it

14 appears they are requesting something.

15 Q. So just start me off, POA

16 underscore requisite, what does that stand

17 for?

18 A. I could guess.

19 Q. Is that a category or a type of

20 document?

21 A. Again, I could guess.

22 Q. I don't want you to guess, but

23 can you make an educated guess?

24 A. Power of attorney.

25 Q. Who at LPS would have a better understanding of this process? You said

3 it's not really you.

4 A. I don't know.

5 Q. Let's go to entry two hundred

6 fifty-one dated 11/4/08. User has updated

7 the system for the following. Power of

8 attorney requested, completed on 11/4/08.

9 Do you see that?

10 A. Yes.

11 Q. Can you tell me what that entry

12 is.

13 A. I could give you an educated

14 guess.

15 Q. Go ahead.

16 A. My educated guess would be the

17 attorney has requested a power of

18 attorney.

19 Q. From whom?

20 A. From that note, I couldn't say

21 for certain. But below the secondary
22 note, it seems to indicate JP Morgan to
23 Scott Walter.

24 **Q. Who is asking for that? It's**

25 **kind of written in the passive.**

Who's actually asking for the

3 **power of attorney?**

4 **A. Appears to me from the notes**

5 **that Steven J. Baum's office is making**

6 **this request.**

<SNIP>

A. **It appears to be Steven J. Baum**

3 **noting the file, memorializing that they**

4 **have prepared an assignment, they have**

5 **uploaded it into the LPS Desktop to be**

6 **reviewed and executed, and that it isn't**

7 **back yet.**

8 Q. What does it mean assignment was

9 received not signed, who's receiving that?

10 A. I wouldn't know.

11 Q. Well, do you read this as the

12 assignment is not signed?

13 **A. I read it as an assignment is**

14 **not signed or, let me better state what I**

15 **meant to say, is that a signed assignment**

16 **hasn't been received by Steven J. Baum.**

17 Which assignment though I couldn't tell

18 from this note.

19 **Q. Would this assignment be signed**

20 **by LPS; is that what this is saying?**

21 **A. It appears that the attorney is**

22 **stating that.** However, I can't tell you

23 whether LPS would have signed this

24 document or not without seeing the

25 document that the note's referencing.

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[NYSBK] Circa:08 JUDGE BLASTS BAUM, CHASE HOME FINANCE, PILLAR PROCESSING “ORDER TO SHOW CAUSE” In Re: SCHUESSLER

Posted on 17 December 2010. Tags: [affidavit](#), [affirmation](#), [bankruptcy](#), [BOBBI ANN SCHUESSLER](#), [Case No. 07-35608 \(cgm\)](#), [Chase Home Finance](#), [CHRISTOPHER W. SCHUESSLER](#), [deborah baker](#), [foreclosure fraud](#), [judge cecelia g. morris](#), [Law Office Of Steven J. Baum](#), [new york](#), [non-legal](#), [Pillar Processing LLC](#), [Steven J. Baum p.c.](#)

EXCERPTS:

On November 28, 2007, several months after this Court scheduled an evidentiary hearing and directed Chase Home Finance to submit the Policy Affidavit, a letter was filed on the Court docket in this case addressed to the Clerk of the Court from a legal assistant acting on behalf of “Pillar Processing, LLC,” an entity unknown to the Court that appeared to have no connection with this case or these Debtors. The letter stated:

Dear Sir or Madam:

Respecting captioned bankruptcy matter, please be advised that the 362 motion scheduled for December 7, 2007, at 10:30am [sic] has been withdrawn.

Very Truly Yours,
PILLAR PROCESSING, LLC.
By: Robin L. Brown
Legal Assistant

ECF Docket No. 23. Though no relationship was identified or explained in the body or letterhead, Pillar Processing and Chase Home Finance's bankruptcy counsel, Steven J. Baum, P.C., share the same address and telephone number, and ECF reflects that the letter was filed using a password issued to "Dennis Jose [a Steven J. Baum, P.C. attorney] on behalf of CHASE HOME FINANCE, LLC." Chase Home Finance's bankruptcy counsel, Steven J. Baum, P.C., has made no effort to address or explain this act, or the propriety of this action on the record.

<SNIPS>

Finally, the Attorney Affirmation made no effort to explain the relationship between the Steven J. Baum, P.C. law firm and Pillar Processing, LLC, the non-legal entity that attempted to withdraw the Lift-Stay Motion.

<SNIP>

The Court will issue a separate order denying the Lift-Stay motion and directing that neither Chase Home Finance, the current holder or owner of the note and mortgage, nor any of their successors-in-interest shall in any way seek or charge any attorneys' fees or other charges against Debtors, their property, or the mortgage, whether now or at the end of the mortgage, if such fees or charges are in any manner connected with the Lift-Stay Motion, the Order to Show Cause, or the Evidentiary Hearing.

This decision is published as a warning, not just to Chase Home Finance and other mortgage servicers, but to all individuals and entities involved in the process, along the line – analysts, supervisors and other personnel employed by mortgage servicers; third-party vendors; regional law firms; and local counsel – that the conduct identified here, in this Court's view, constitutes an abuse of process. Although the Court's focus in this case was on the mortgage servicer's conduct and did not order all of the participants to appear and respond to this Order to Show Cause, they will be included in future orders if such abusive conduct continues, and the Court will assume familiarity with this decision.

The Lift-Stay motion, which originated with a notation on an analyst's computer screen, has generated a 60-page decision and stress on the Debtors for the nine-month period that the Lift-Stay Motion was pending. The Court is not compensated according

to time spent on a particular case, but this Order to Show Cause has drawn time and resources away from other, meritorious cases. Judicial resources do not permit such a thorough examination of every case. This decision sanctions Chase Home Finance only for the actual costs incurred by the Debtors. In the Court's view, the sanction is an extremely mild one, because the Supreme Court instructs that a bankruptcy court should exercise its Section 105 powers with restraint and discretion. The Court does not regard the exercise of restraint in this case to be a limitation on the sanctions that might be imposed in the future against Chase Home Finance or another mortgage servicer if this abuse occurs again. If Chase Home Finance, other mortgage servicers and any employees, third-party vendors, or any attorneys involved in the process at any level exhibit the same type of abusive conduct in the future, this Court believes that Section 105(a) authorizes sanctions of increasing severity.

Dated: Poughkeepsie, New York
April 10, 2008

/s/ Cecelia Morris .
. CECELIA G. MORRIS
UNITED STATES BANKRUPTCY JUDGE

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'Twilight Zone' Foreclosure Law Firm Draws Fine, Suits in New York Courts

Posted on 08 December 2010. Tags: assignment of bid, assignment of mortgage, Brett A. Scher, Eviction, false representations, Federal Home Loan Mtge. Corp. v Raia (2010 NY Slip Op 51287(U)), FHLMC, foreclosure fraud, foreclosure mill, FRAUDULENT MISREPRESENTATION, Freddie Mac, gse, Hon. Scott Fairgrieve, judge arthur schack, Kaufman Dolowich Voluck & Gonzo LLP, MERS, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., new york, ny supreme court, paul raia, Pillar Processing LLC, Sanctions, Steven J. Baum p.c., twilight zone, wells fargo, with prejudice, Woodbury

By Thom Weidlich and Karen Freifeld – Dec 8, 2010 12:01 AM ET

Steven J. Baum's New York foreclosure law firm has attracted lawsuits and fines for its actions during the housing crisis, with one judge likening its conduct to something out of the "Twilight Zone."

As recently as last month, Baum's firm, which one lawyer for homeowners said processes about half the foreclosures in New York state, was ordered to pay \$14,532.50 in legal fees and costs and a \$5,000 fine by Nassau County District Court Judge Scott Fairgrieve in Hempstead, New York.

The judge said that when Paul Raia refused to vacate a Garden City co-op after foreclosure, Baum's firm filed an eviction petition that misidentified the lender.

"Falsities were contained in five paragraphs out of only ten paragraphs in the entire petition," Fairgrieve wrote in his Nov. 23 decision.

All 50 U.S. state attorneys general are investigating whether banks, loan servicers and law firms properly prepared documents to justify hundreds of thousands of foreclosures. The probe came after JPMorgan Chase & Co. and Ally Financial Inc.'s GMAC mortgage unit said they would stop repossessions in 23 states where courts supervise home seizures and Bank of America Corp. froze foreclosures nationwide.

Steven J. Baum PC, located in Amherst, New York, just north of Buffalo, has been accused of overcharging, filing false documents and representing parties on both sides of a mortgage transfer. Baum runs the firm his father founded in 1972, according to a fact-sheet provided by Earl V. Wells III, his spokesman.

Syracuse Grad

Baum is a graduate of Syracuse University, got his law degree from the State University of New York at Buffalo and was admitted to practice law in 1987, according to Martindale.com, a legal directory. Baum answered some questions via e-mails.

“Consumer activists and attorneys representing homeowners have their own agenda in this process, including degrading the legal work we conduct on behalf of our clients by using terms like ‘foreclosure mill’ which I find personally and professionally insulting,” he wrote.

At a continuing-education training session a couple of years ago, “Steven Baum himself said they did 49 percent of foreclosures” in the state, Rebecca Case-Grammatico, staff attorney at Rochester, New York-based Empire Justice Center, which represents poor people in foreclosures, said in a phone interview. A complaint in one lawsuit against Baum’s firm says it is “believed to be the largest foreclosure mill in the State of New York.”

Baum declined to comment on the size of his business.

Pillar Processing

A company that processes foreclosure documents shares an address with his law firm. That company, Pillar Processing LLC, is owned by Manhattan private-equity firm Tailwind Capital LLC, according to its website. Brooke Gordon, spokeswoman for Tailwind Capital, declined to comment.

“He’s opposing counsel for us on a huge percentage of our cases,” Meghan Faux, project director of the Foreclosure Prevention Project at South Brooklyn Legal Services, who represents homeowners in predatory-lending cases, said in a phone interview.

New York State Supreme Court Justice Arthur M. Schack in Brooklyn called the firm’s explanations in one case “so incredible, outrageous, ludicrous and disingenuous that they should have been authored by the late Rod Serling.”

Schack threw out the case in part because he said the assignment of the loan had been done improperly. The assignment was made by a Baum lawyer on behalf of Mortgage Electronic Registration Systems Inc. as the nominee for the mortgage bank, according to the judge’s opinion. The same day, the Baum firm represented the buyer of the loan by filing the foreclosure action, the judge said. Schack said it was a conflict for the firm to represent both sides.

‘Parallel Mortgage Universe’

“Steven J. Baum PC appears to be operating in a parallel mortgage universe, unrelated to the real universe,” the judge wrote in that May decision. “Next stop, the Twilight

Zone,” he said, quoting from Serling’s TV series about science fiction and the supernatural.



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FL 3rd DCA Appeals Court Reversal “PROVEST, LLC PROCESS SERVICE” BENNETT v. CHRISTIANA BANK & TRUST COMPANY

Posted on 02 December 2010. Tags: [3rd dca](#), [Christiana Bank & Trust Company](#), [Christopher P. Mas](#), [Debbie Bennett](#), [dinsfla](#), [FL 3rd DCA](#), [florida](#), [foreclosure fraud](#), [Golson Felderbaum Law firm, J.](#), [military](#), [process service](#), [provest llc](#), [SALTER](#)

BENNETT v. CHRISTIANA BANK & TRUST COMPANY

Debbie Bennett, Appellant, v. Christiana Bank & Trust Company, etc., Appellee.

Case No. 3D09-2653.

District Court of Appeal of Florida, Third District.

Opinion filed December 1, 2010.

Joseph J. Pappacoda, (Fort Lauderdale) for appellant.

Florida Foreclosure Attorneys, PLLC, and Klarika J. Caplano, (Clearwater) for appellee.

Before SUAREZ, CORTIÑAS, and SALTER, JJ.

EXCERPT:

SALTER, J.

Debbie Bennett appeals the denial of her emergency motion to vacate a final foreclosure judgment. Based on the record and our conclusion that there was no personal service of process on Ms. Bennett, we reverse the judgment and remand for further proceedings.

On November 20, 2008, Christiana Bank & Trust Company filed an action to foreclose the mortgage on Ms. Bennett's home. The plaintiff's attorneys, Golson Felberbaum Law Firm, **hired Pro-Vest LLC, a process service company**, to serve Ms. Bennett. Christopher P. Mas, a Pro-Vest employee, filed a verified return of service on December 29, 2008. The return indicated that individual service was accomplished on December 20 at 4:13 p.m. The return further indicated that "DEFENDANT REFUSED TO DISCLOSE MILITARY STATUS; PROPERTY IS NOT A MOBILE HOME. I asked the person spoken to if the person served is married and I received a negative reply."

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