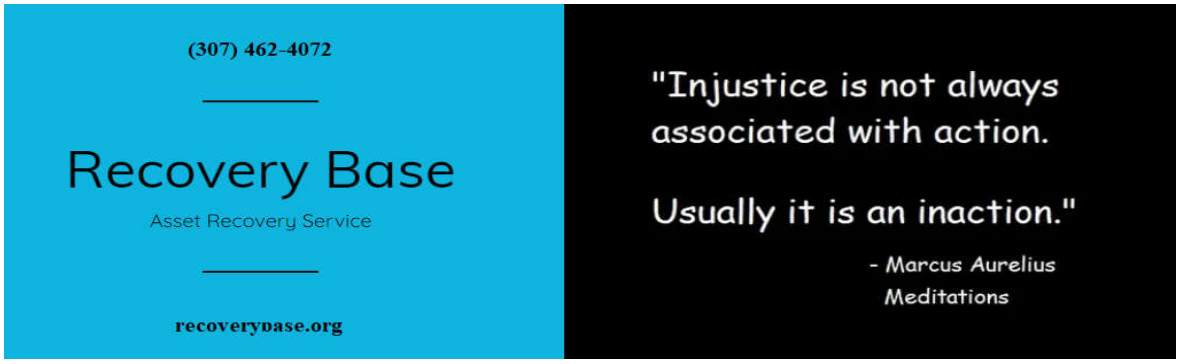


## 116th United States Congress

Dear Members,

Congress reconvenes on or by Monday, September 9, 2019. This letter is being emailed to members of both parts of the legislative branch on behalf of citizens of the United States who have been victimized in foreclosure and bankruptcy courts over the last two decades. We are not referring to those who speculated in real estate nor those who could not manage their lifestyles. The victims we plead for are honest, hardworking individuals and families that have been targeted by financial predators, banks, and their attorneys, as well as municipal, county and state officials, including judges who either aid and abet them unreasonably or are in on the defrauding. The first state we have reviewed is New Jersey. It is a corrupt state when it comes to real estate and foreclosures. We herein provide Congress with one case to analyze. It is arguably the *dirtiest* foreclosure case in the history of New Jersey. For starters, we provide a general overview of what goes on in New Jersey before going into more detail.

We have found in New Jersey that foreclosure victims either have lawyers too concerned about their standing with the judge to properly represent them, or they are self-represented. The outcome is a denial of civil, due process and property rights.

We have also found in many cases that the plaintiff-banks or loan servicing companies do not properly substantiate their right to foreclose. Instead, they make false and misleading statements and present counterfeit documents with forged signatures.

To counter these plaintiff's frauds upon the court, defendants ask for discovery, depositions, and trial by jury to hold the plaintiffs accountable and save their homes. Unfortunately, the typical New Jersey Chancery Court judge denies these motions, grants summary judgment and strikes the defendant's proofs of plaintiff fraud from the record. A final judgment quickly follows. That is only the start of the victim's problems.[2] If the defendant decides to fight the injustice, there are two paths: state appellate court or bankruptcy court. Many choose bankruptcy court because it automatically stays the sale of the house whereas in the appellate court the victim must file a motion for a stay and runs the risk of a quick sale at the Sheriff's Office. Unfortunately, once foreclosure victims seek bankruptcy protection, judges and trustees are not serving these victims properly. Fortunately for foreclosure and bankruptcy victims, things changed a bit on July 17, 2019: a case presently in Trenton bankruptcy court that promises to expose bank and judicial corruption in New Jersey.

After we review this case, we will present several vignettes of a national tragedy presently being ignored.

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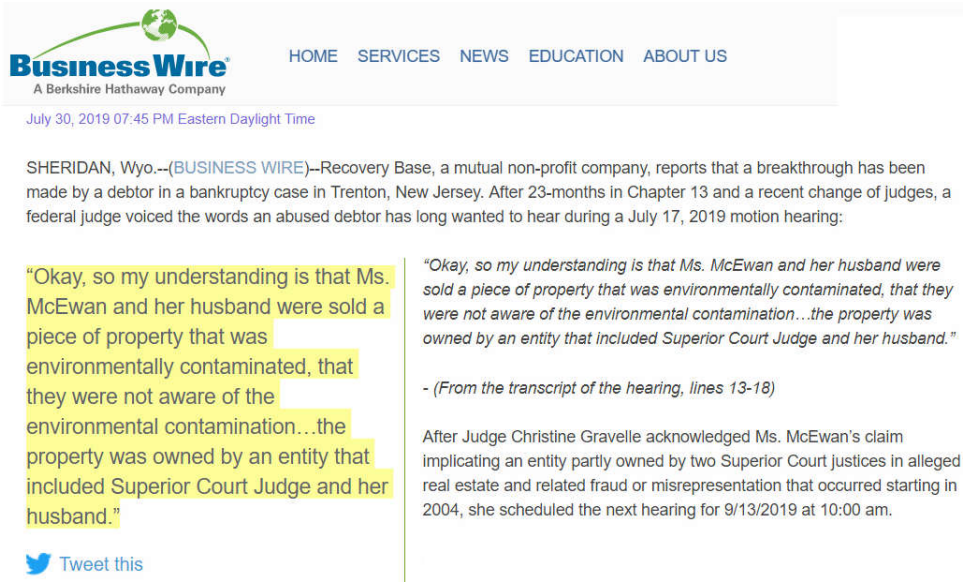
[1] Recovery Base is a mutual non-profit company formed to assist victims of fraud, criminality and fraudulent concealment in foreclosure, bankruptcy, and property theft cases. The assistance provided by Recovery Base to its clients will include investigating financial predators, attorneys, banks, and municipal, county and state officials that clients allege have victimized them. We will work to repatriate the cash or assets that have been stolen from them. The extent of involvement will vary with the nature of the case. We will provide free services to distressed families and small businesses from any fees earned by Recovery Base from a current case involving the recovery of $5 billion in cash and assets. We intend to hire lawyers, investigators and firms specializing in Freedom of Information Act requests to assist us in reviewing and handling cases,

[2] State Appellate Court is particularly dangerous due to judicial abuse of a precedent that should not be applied in the absence of at least a discovery and depositions of the plaintiff by the defendant. One objective of this paper is to ask Congress to close the loophole in the present law which permits appellate judges to rubberstamp questionable Chancery Court rulings in favor of plaintiffs. Oftentimes, defendants fail to act in time to save their homes from a quick Sheriff Sale.

**Cleary et. al. v. Honest Homeowners**

A bankruptcy judge in Trenton, New Jersey spoke the words victims in that state have long wanted to hear:



Business Wire
A Berkshire Hathaway Company

HOME SERVICES NEWS EDUCATION ABOUT US

July 30, 2019 07:45 PM Eastern Daylight Time

SHERIDAN, Wyo.--(BUSINESS WIRE)--Recovery Base, a mutual non-profit company, reports that a breakthrough has been made by a debtor in a bankruptcy case in Trenton, New Jersey. After 23-months in Chapter 13 and a recent change of judges, a federal judge voiced the words an abused debtor has long wanted to hear during a July 17, 2019 motion hearing:

"Okay, so my understanding is that Ms. McEwan and her husband were sold a piece of property that was environmentally contaminated, that they were not aware of the environmental contamination…the property was owned by an entity that included Superior Court Judge and her husband."

Tweet this

*"Okay, so my understanding is that Ms. McEwan and her husband were sold a piece of property that was environmentally contaminated, that they were not aware of the environmental contamination…the property was owned by an entity that included Superior Court Judge and her husband."*

*- (From the transcript of the hearing, lines 13-18)*

After Judge Christine Gravelle acknowledged Ms. McEwan's claim implicating an entity partly owned by two Superior Court justices in alleged real estate and related fraud or misrepresentation that occurred starting in 2004, she scheduled the next hearing for 9/13/2019 at 10:00 am.

The entire press release needs to be read by all members of Congress, and all others interested in fighting bank and judicial corruption.[3] However, for this section of the letter, the highlighted portion of the release will suffice. The statement was voiced by a lower federal court judge who acknowledged the claim of a woman abused for the last 15-years by a criminal network of lawyers, judges, and their aiders and abettors, including major banks and loan servicing companies, operating in the state of New Jersey to defraud honest homeowners. The detailed motions she filed in Trenton bankruptcy court over the last two months presented her allegations in a form that left little to contest. The following paragraphs provide, literally, the dirty details.

***Sale of Contaminated Property***

In her recent filings in bankruptcy court, Ms. McEwan named two Superior Court judges as participants and beneficiaries in what she says was a scheme to defraud New Jersey homeowners: Judge Patricia Del Bueno Cleary and Judge Linda Grasso Jones. The filings evidencing her allegations can be downloaded here. These filings also name the financial predators, lawyers, law firms, major banks and their network of loan servicing companies, as well as local, county and state officials which Ms. McEwan collectively refers to as "Cleary et. al." because her abuse started with the law firm Cleary Alfieri & Grasso that sold the contaminated property to her through a nominee in 2004. An overview of this bankruptcy case (17-29242-CMG Lori F. McEwan) can be found on the Recovery Base website.

***Driven into Foreclosure***

Ms. McEwan asserts in her recent filings that after purchasing the contaminated property in 2004 she was driven into foreclosure after Howell Township almost doubled her taxes from around $10,000 per year - even though the town was aware that her property was contaminated when she purchased it and should have afforded her the tax reduction that federal laws provide for in such cases.

Unfortunately for Ms. McEwan, the principal partner in the law firm representing Howell Township was James J. Cleary of Cleary Alfieri & Grasso, former co-owner of the contaminated property. To make matters worse, her foreclosure judge Mr. Cleary's wife Patricia Del Bueno Cleary. According to Ms. McEwan's filings, instead of recusing herself since she profited from her husband's real estate transactions, Judge Cleary denied her a trial by jury, discovery, and depositions which would have exposed the various illegal transactions of Cleary et. al. starting with the sale of the contaminated property in 2004. Ms. McEwan also named the Bank of America for driving her into bankruptcy. Thankfully, as we will see below, she made sure she protected the truth.

[3] https://www.businesswire.com/news/home/20190730006113/en/%C2%A0Recovery-Base-Reports-New-Jersey-Superior-Court

***Long List of Creditors on This Contaminated Property***

Ms. McEwan claimed in her 2017 bankruptcy filing that **Bank of America Corporation**, **Shellpoint Mortgage Servicing** and other companies wrongfully foreclosed on her. A list of creditors in her case includes the following companies: **AMIP Management**, Bank of America**, Countrywide Bank FSB**, **Ditech Financial LLC**, **Green Tree Servicing LLC**, **MERS**, **MTGLQ Investors, L.P.**, Shellpoint Mortgage Servicing**, Stern Lavinthal & Frankenberg LLC**, **U.S. Bank Trust National Association**, **Residential Credit Opportunities**, **SN Servicing**, and **Wilmington Savings Fund Society, FSB**. These are basically the same cast of characters who have destroyed the lives of children, parents and grandparents that members of Congress represent in tens of thousands of other real estate and mortgage transactions over the last two decades.

***Debtor Tape Recorded Alleged Fraud and Misconduct***

Fortunately for Ms. McEwan, her recent filings indicate that she taped-recorded her conversations with the persons and companies that abused her and her family, including loan servicing companies and major American multinational investment banks such as Bank of America. On the morning of July 17th, Ms. McEwan presented the court with transcripts of an April conversation with a representative of a loan servicing company that went quite well regarding the need for a significant loan modification and reduction in taxes by Howell Township. Unfortunately for the lawyer of the loan servicing company, he never read the transcript and in the hearing held that afternoon, he continued his lies and misrepresentations to the court regarding Ms. McEwan's April conversation with his client. This type fraud upon the court is common in New Jersey foreclosure courts.

***Need for Federal Investigation***

Recovery Base will report this case to representatives of all three branches of the federal government, Attorney General William Barr and civil rights and public interest groups nationwide. In fact, a preliminary complaint has been filed with the national office of the United States Attorney General in Washington, District of Columbia. A federal investigation should be completed expeditiously since the taped-recorded conversations will save the government a significant amount of time and expense. Recovery Base will not attempt to contact Governor Phil Murphy or other state officials for reasons that can be reviewed **here**. Basically, Governor Murphy's former employer, Goldman Sachs, is on the list of creditors who have abused Ms. McEwan. During his two decades working for Goldman Sachs the governor reportedly built up a fortune estimated at several hundred million dollars. He is aware of this problem and has decided against helping those presently in foreclosure and bankruptcy court or those whose homes were stolen by his former employer and other major multinational firms that hide their activities through nominee firms.

To fully grasp the nature of the problem and what is at stake, all members of Congress should review the press releases, the links, and the recent filings of Ms. McEwan which can be downloaded **here** from our **website**. In addition to this letter, we have included a copy of the latest McEwan pleadings in Trenton bankruptcy court where she has continued her pro se battle for equal protection under the law and the recovery of her civil, due process and property rights.

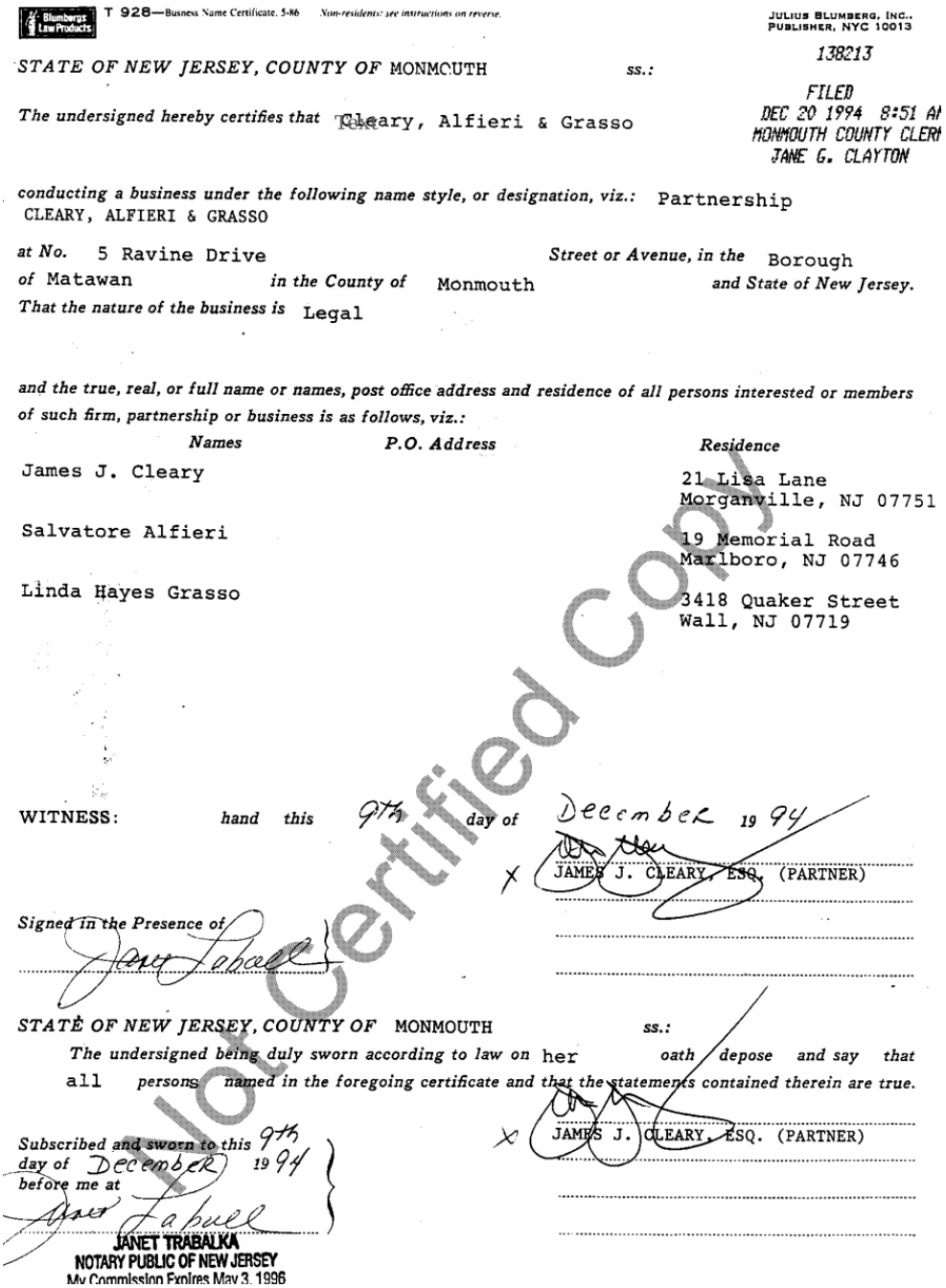
Ms. McEwan and other victims are not the only ones that have been victimized by these major banks, their nominees and aiders and abettors.

The IRS is being denied an enormous amount of tax revenue in this ongoing defraudment of the United States government and her citizens.

Focusing on *McEwan, Debtor v. Cleary et. al.* and prosecuting each level of the downstream fraud that is occurring after the signing and commencement of each of the tens of thousands of mortgage contracts entered into over the last two decades in New Jersey alone would set in motion what is required to deal with this problem nationwide.

**Cleary et. al. v. State and Federal Taxpayers**

One hard-working couple with school-aged children victimized by Judge Cleary did a bit of research on her husband's law firm, Cleary Alfieri & Grasso, and came up with an interesting take on their activities. Here are several pages with their comments:



Blumbergs Law Products T 928—Business Name Certificate. 5-86 *Non-residents: see instructions on reverse.*

JULIUS BLUMBERG, INC., PUBLISHER, NYC 10013

138213

FILED
DEC 20 1994 8:51 AM
MONMOUTH COUNTY CLERK
JANE G. CLAYTON

*STATE OF NEW JERSEY, COUNTY OF* MONMOUTH *ss.:*

*The undersigned hereby certifies that* Cleary, Alfieri & Grasso

*conducting a business under the following name style, or designation, viz.:* Partnership
CLEARY, ALFIERI & GRASSO

*at No.* 5 Ravine Drive *Street or Avenue, in the* Borough *of* Matawan *in the County of* Monmouth *and State of New Jersey.*

*That the nature of the business is* Legal

*and the true, real, or full name or names, post office address and residence of all persons interested or members of such firm, partnership or business is as follows, viz.:*

| *Names* | *P.O. Address* | *Residence* |
|---|---|---|
| James J. Cleary | | 21 Lisa Lane<br>Morganville, NJ 07751 |
| Salvatore Alfieri | | 19 Memorial Road<br>Marlboro, NJ 07746 |
| Linda Hayes Grasso | | 3418 Quaker Street<br>Wall, NJ 07719 |

*WITNESS: hand this* 9th *day of* December *19* 94

X JAMES J. CLEARY, ESQ. (PARTNER)

*Signed in the Presence of*

*STATE OF NEW JERSEY, COUNTY OF* MONMOUTH *ss.:*

*The undersigned being duly sworn according to law on* her *oath depose and say that* all *persons named in the foregoing certificate and that the statements contained therein are true.*

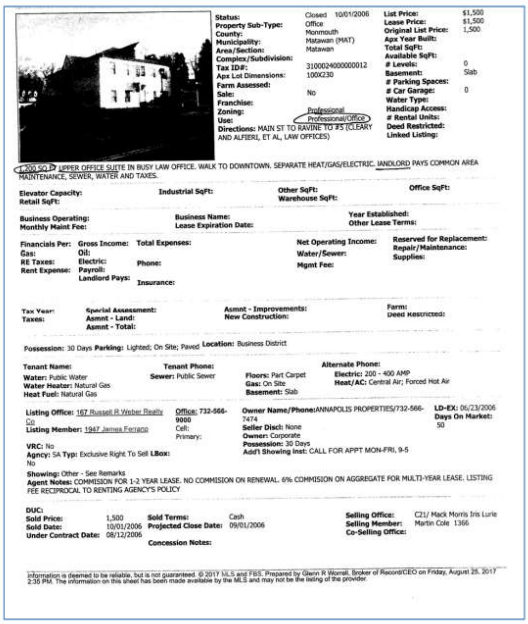
X JAMES J. CLEARY, ESQ. (PARTNER)

*Subscribed and sworn to this* 9th *day of* December *19* 94 *before me at*

JANET TRABALKA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 3, 1996

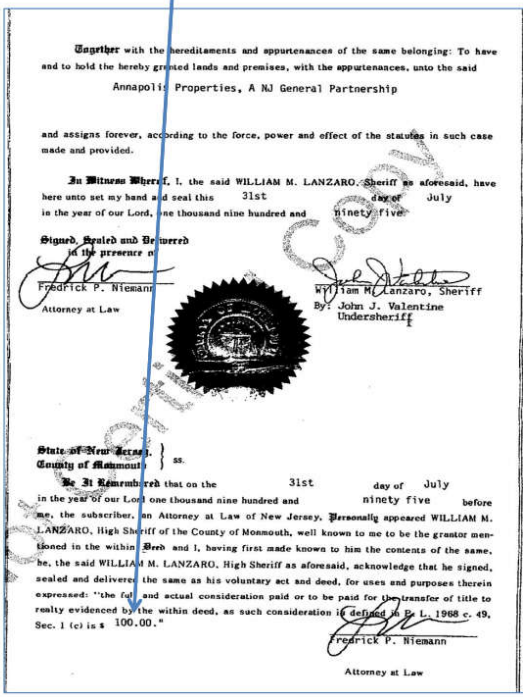
5 Ravine Drive, Matawan, NJ 07747. This is the Tommasello foreclosure of $668,000.00

**This building hosts 3 real estate companies, owned and operated by Monmouth Courthouse judges, friends & family**

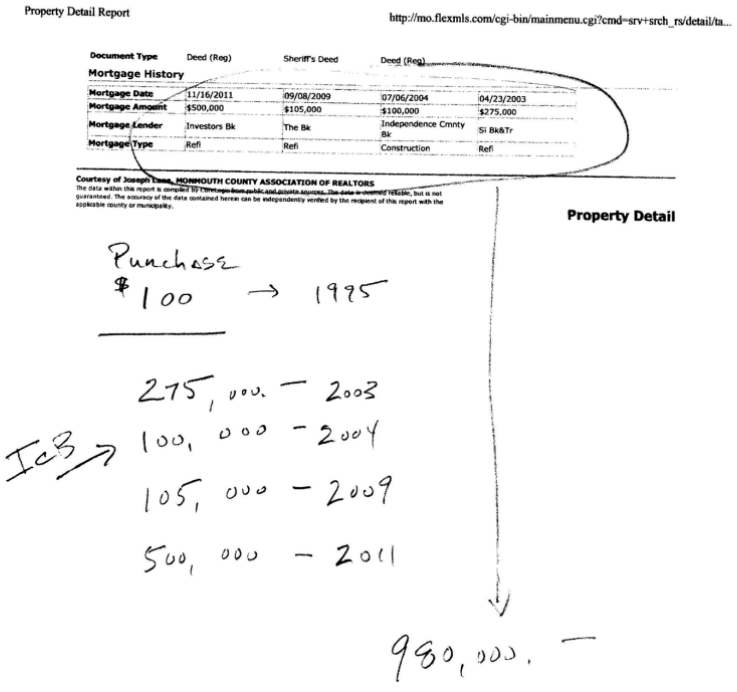


The sheriff is not a real estate agent

**The judges purchased this office building directly from the sheriff for $100.00**



**Over a period of 8 years, the judges took $980,000.00 in "refinances" on their $100.00 investment. The word "refinance" is used in predatory lending by those employing tax evasion to table fund this "loan". This is a money laundry.**




So, on one hand, we have a law firm, judges and others defrauding honest, hard-working New Jerseyans and on the other hand we have speculation and a bit of evidence that there is more going on, i.e. money laundering and tax evasion.[4]

[4] There is no shortage or persons, bloggers or investigators claiming that the United States mortgage market is being used to launder drug moneys or facilitate tax evasion. The foreign-based laundering involves the repatriation of a pool presumably in the trillions in offshore bank accounts and cash. We may find that domestic-based laundering and tax evasion could extend into the offices of county sheriffs.

This is all very interesting. However, Recovery Base is about assisting innocent victims recovering property that was stolen or lost during foreclosure or bankruptcy cases where there was no equal protection under the law for individuals and families and their civil, due process or property rights were denied.

All the above will be sorted out by the U.S. Attorney General in Washington or by public interest groups doing their own investigating and fact-checking. One thing is clear: we have a very dirty situation that needs the attention of the Congress, SCOTUS, and the Executive Branch.

As indicated in our last press release, a federal investigation should be completed expeditiously since the taped-recorded conversations and other unimpeachable evidence of fraud, criminality, and official misconduct presents the truth plainly and simply which will save the government a significant amount of time and expense. *Since there are many allegations like the one above, a federal investigation would serve to benefit all parties, including those that have been named in these investigations.*

All that is needed is the will to act in Washington. It will not be done in Trenton since there are conflicts of interest and dirty hands that do not want this operation exposed or the public to know who is benefitting from it.

If some members of Congress are not fully acquainted with money laundering in real estate and in foreclosure and bankruptcy courts, the following should help.

***Laundering of Drug and Tax-Evasion Moneys***

There is no shortage or persons, bloggers or investigators claiming that the United States mortgage market is being used to launder drug moneys or facilitate tax evasion. The tax evasion could be domestic or foreign based, i.e. repatriation of presumably trillions in offshore bank accounts.

We recently did a search on the topic and came up with this link to a website run by former or present officials connected to the United States Army War College:

https://warroom.armywarcollege.edu/articles/money-laundering-in-real-estate/

The search also came up with a recent article that discusses a recent survey of financial institutions:

https://www.law.com/corpcounsel/2019/05/29/new-survey-shows-financial-institutions-still-losing-the-war-on-money-laundering/

This is all very interesting. However, Recovery Base is about assisting innocent victims recovering property that was stolen or lost during foreclosure or bankruptcy cases where their civil, due process or property rights were denied.

Unless there is direct evidence that money laundering, tax evasion or related acts can be tied directly to a litigant a victim is fighting in court or has a direct bearing on a particular case, Recovery Base will continue to focus on what matters: the fraud, criminality and fraudulent concealment alleged by foreclosure defendants and bankruptcy debtors, including misconduct by state and federal judicial officials.

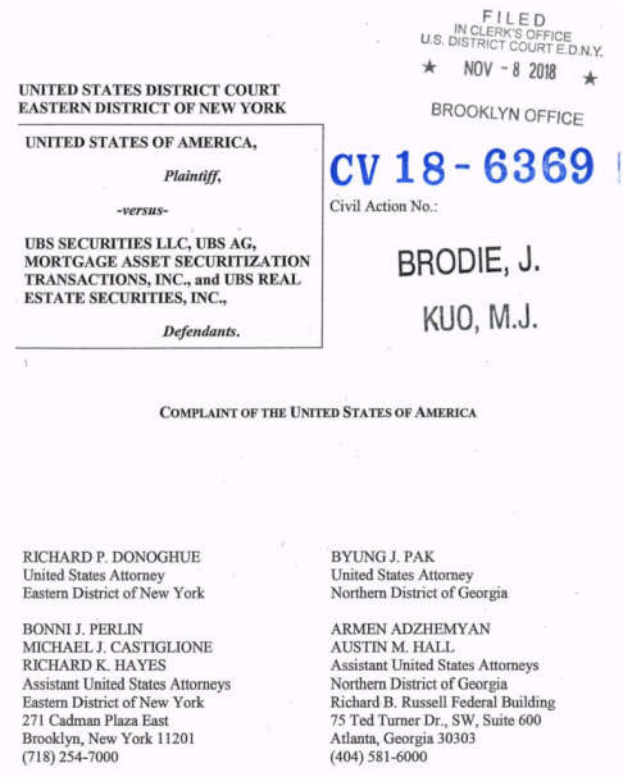
This approach does not preclude us from reviewing and filing for future use allegations or evidence of money laundering and tax evasion tied to mortgage fraud or mortgage securitization fraud.

In one interesting case in New Jersey, a victim researched particulars of his case through a public records search after losing his home. He claims to have evidence of two separate title searches that were sworn to by attorneys. The first document listed his property location in the county where he lives. The second document listed his property location in a county on the other side of the state. One of his many comments was that the counterfeiting was sloppy. Again, where enigmas like this one can help a case, we will have no hesitation in using it to assist victims.

The final disturbing thought was that documents like the one where the person's home is certified to be in another county on the other side of the state are sworn to by lawyers licensed by the state and practicing within the New Jersey state court system.

**What is Going On?**

Many people opine on what is happening in the real estate market and in our nation's foreclosure and bankruptcy courts. Here is the opinion of one person fighting against banks and loan servicing companies. He presents a cohesive account of what he finds disturbing. It coincides with many of the complaints we hear from those who have responded to our website and press releases. The passage below refers in part to this case filed by the United States of America against UBS Securities et al. in the Eastern District of New York on November 8, 2018.



FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV - 8 2018 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

*Plaintiff,*

*-versus-*

UBS SECURITIES LLC, UBS AG, MORTGAGE ASSET SECURITIZATION TRANSACTIONS, INC., and UBS REAL ESTATE SECURITIES, INC.,

*Defendants.*

CV 18 - 6369

Civil Action No.:

BRODIE, J.

KUO, M.J.

COMPLAINT OF THE UNITED STATES OF AMERICA

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United States Attorney
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(404) 581-6000

As we indicated in a previous section, Recovery Base was formed to assist victims of fraud, criminality and fraudulent concealment in foreclosure, bankruptcy, and property theft cases. To do this properly, all aspects of the case must be reviewed. So, after reading the passage below, members should review the 2018 lawsuit through this link: https://www.justice.gov/usao-edny/press-release/file/1109561/download. This case will go into the backstory that underlies the abuse of homeowners.

We firmly believe that a national movement to right the wrong to tens of thousands of innocent homeowners can start with a federal investigation and prosecution of wrongdoing starting with the case of Ms. McEwan v. Cleary et al. That means starting with the sale of property in 2004 known to be contaminated by two future Monmouth County judges, Patricia Del Bueno Cleary and Linda Grasso Jones and continuing with the abuse and victimization of Ms. McEwan that has continued to the present day in Trenton bankruptcy court where the fraud, criminality and official misconduct has been ignored by the presiding judge over the last two years. This case is a microcosm of all that is wrong in the American real estate market and foreclosure and bankruptcy courts. With banks and loan servicing companies committing civil and criminal acts and their lawyers filing documents and making statements that border on and often exceed perjury, and with Ms. McEwan holding an extensive library of taped conversations, - - - - victims of these creditors have a light at the end of what could be a very short tunnel. Congress has its role and needs to act on this matter as soon as possible. First, it requires becoming acquainted or re-acquainted with the problem. That is why we have included a reference to the above case and the comments in the post below in addition to the other vignettes throughout this short, informal letter that provide a view of the problem from several angles.

## 2018 DOJ Lawsuit Reveals Securitization Equivalent to "Leprosy" According to Wall Street Insiders

Posted on August 13, 2019 by Neil Garfield

Although the US Department of Justice has never filed criminal charges against anyone, they clearly wanted to do so. Having been limited by some sort of executive direction, they have been filing civil complaints. Such cases often bear the name of an entity not publicly known as a player in securitization scheme that started 20 years ago.

If you read the complaint you will see how it was widely known and accepted that loans were being sold to consumers under circumstances where repayment would most likely never occur and where the value of the collateral was far less than the ultimate value of the loan. In my opinion, this demonstrates the fact that the original loan contract was not representative of the entire transaction. Nobody makes a loan knowing that it won't be repaid. In fact, if they do something like that, it can't be considered actually a loan. It is either a gift or it is part of a larger transaction.

No reasonable person could conclude that the intent of Wall Street was to give a gift to every one of the homeowners who received money as a result of their scheme. That leaves only one possible conclusion, to wit: that the loan origination was only one part of a much larger undisclosed scheme, the existence of which was intentionally obscured and withheld from the borrower, whose name, signature reputation and home were not just material, but absolutely essential requirements for the success of the scheme.

The intent was clearly not to receive repayment of a loan. In fact, all evidence currently available suggests that any money that has been received as a result of the "loans" to consumers was actually revenue disguised as principal, interest, or the proceeds of property sales – voluntary or involuntary. The current evidence strongly suggests that there was a complete conversion of the loan receivable from the category of "asset" to "income."

All attributes of the debt and all revenue streams or profits from treating indirectly on the debt were sold for profit in which the participants in that revenue stream received at least 11 times the amount of the purported "loan."

As part of the cover-up, most of the revenue stream was reported as a return of capital, implying that the conversion to income had never occurred. This enabled avoidance of substantial income taxes on regular trading income. The taxes lost to State and Federal Government were far in excess of the cost of various packages that were used to stimulate the economy after the crash caused by the very same investment bankers who had cheated the government out of the receipt of tax revenues, cheated homeowners, and cheated investors.

In order to maintain the illusion, which required concealment of the conversion of the apparent loan receivable from asset to income, it was necessary to bring foreclosure actions on those consumers who had stopped making payments. This was true even though the parties to whom they were making payments, were not collecting on behalf of any party who owned the debt by virtue of having paid money for ownership of the debt and the rights to enforce it.

But since the loan receivable had been converted from asset to income they had to create the appearance that the conversion had never occurred. And that is why we saw widespread fabrication, forgery and Robo signing of backdated documents that referred to nonexistent transactions. In reality, it is simply not possible that anyone in the chain of title could have paid any money for ownership of the debt and the rights to enforce it; this was simply because none of those parties had ever funded the origination or acquisition of the debt.

As I stated in 2008 the process of securitization as it was being practiced by Wall Street, was roughly the equivalent of placing a variety of fruits into a food processor and blending the fruits into a fruit smoothy. The process of fabricating documents for foreclosures was the equivalent of taking this fruit smoothy and extracting the original fruits.

> Somehow investment bankers convinced people who had controls over the levers of power in our government that the pain of the scheme should be borne entirely by homeowners and investors whose only role was that they were victims of the scheme and continue to be deprived of any participation in the revenue stream that could never have been produced but for investment bankers successfully deceiving both the investors and the homeowner's into signing on to agreements that were essentially irrelevant to the actual scheme in play.
>
> As you will see from reading the complaint filed by the Department of Justice against UBS, the insiders who were trading digitized certificates and contracts deriving value from an index that referred to a group of loans that were not owned by any of the participants, referred to the "pooling" and the derivatives as a bag of shit whose value was something less than leprosy.
>
> And that is what is being enforced in foreclosure courts across the country. And somehow most homeowners continue to experience feelings of shame and regret for not giving even more revenue to players who will already profit in pornographic proportions to any money that was loaned. Those homeowners think that they are either paying a debt if they are making monthly payments, or they are giving up their house to pay a debt. If that was true, that none of the fabrication of documents, forgery or Robo signing would have been necessary.

***Final Thought on the Above***

If one questions this interpretation of the real estate and mortgage market, as well as what is happening in foreclosure and bankruptcy courts, remember that the United States of American has filed a suit against a major multinational bank in connection with these representations.

More than anything else, let's keep our focus. The Trenton bankruptcy judge finally voiced the words that Ms. McEwan and tens of thousands of other foreclosure victims have long wanted to hear:

> "Okay, so my understanding is that Ms. McEwan and her husband were sold a piece of property that was environmentally contaminated, that they were not aware of the environmental contamination…the property was owned by an entity that included Superior Court Judge and her husband."
>
> Tweet this

One correction to the above, both Patricia Del Bueno Cleary and Linda Grasso Jones, future judges in Monmouth County Superior Court, directly benefitted from the fraudulent activities of *Cleary et. al*. *prior* to assuming their positions on the court. As a result, judicial immunity will not apply if this ever goes to court in a bankruptcy adversary suit filed by Ms. McEwan or if the United States Attorney General acts to shut this operation down. There is one more point to clarify.

Judge Cleary should never have handled foreclosure cases especially one where her husband's law firm and their nominees were directly and questionably involved. However, what about Judge Grasso Jones? She was not a Chancery Court judge.[5]

Well, although that might be true, what if an investigation of the *Family Law Division* cases she handled indicates either a statistically higher incidence of foreclosures from her rulings in Family Court or one or more cases where she ruled in matters where she had a clear conflict of interest? Well, we will have to wait and see. Judge Grasso Jones is presently in the Civil Division.

---

[5] https://www.facebook.com/RemoveJudgePaulEscandonOffTheBench/posts/judge-linda-grasso-jones-under-investigation-monmouth-county-courthousein-2011-r/1187626381264736/ ---- and ---- http://rebelpundit.com/governor-christie-reappoints-controversial-judge-despite-protests/

**What Congress Can Do**

There are many things that Congress in general and its individual members can do. After all, we are talking about their constituents who own homes. As the 2020 election fast approaches, it would be nice if members can set aside their internecine conflicts and think for once about American citizens who appear to be nothing but pawns in the hands of investment bankers, banks and loan servicing companies that serve as their proxies to conceal from the American public the interest of the major banks who have been using and abusing them. If anyone in Congress doubts that this occurs, let us know and we will no problem issuing a press release requesting that the thousands upon thousands of victims with recordings of their conversations with representatives of major banks and loan servicing companies. How many of these companies advised American homeowners to "miss three consecutive payments" to qualify for loan modifications and then turned around and proceeded to foreclose on their overly trusting clients? The following sections provide Congress as lawmakers with a guide to several types of abuse that routinely occur in state and federal courts.

***A Question That We Ask in Bankruptcy Cases***

A key question we will answer in assisting bankruptcy victims is;

*Did the bankruptcy judge address or fail to address the fraud and criminality alleged by bankruptcy debtors, including misconduct by state judicial officials?*

If not, there is a need to know why.

***Impediment in Lower Federal Courts***

A significant number of bankruptcy court judges claim that they are barred from aiding foreclosure victims by the Rooker-Feldman Doctrine, a legal precedent that bars losers in state court from relitigating in lower federal courts.

As a result, injustices in state court carry over to bankruptcy courts as trustees and judges refuse to investigate creditor claims that might be erroneous and in need of significant reduction in the size of the claim or fraudulent and in need of elimination entirely.

***The United States Supreme Court***

The United States Supreme Court (SCOTUS) has placed limits on the application of the Rooker-Feldman Doctrine in lower federal courts to avoid abuse of the precedent. SCOTUS needs to address certain problems that arise in bankruptcy court. Unfortunately, bankruptcy judges and trustees often ignore the right of pro se litigants to object to the size of claims attributable to errors, misconduct or perjuries in state court.

***A Conundrum***

What happens when a final judgment in state court result entirely or substantially from fraudulent or criminal acts by one litigant against another and is aided and abetted by the misconduct of municipal, county and state government officials, including judges?

***For Example***

Debtors in bankruptcy court often ask the judge and the trustee to investigate their objections to the size of claims attributable to fraud, misconduct or perjuries by plaintiffs in state courts that were ignored or concealed by municipal, county, or state officials, including the judiciary.

If a foreclosure victim's Congressionally intended rights were totally *denied* in state court, does Congress want trustee's and judges citing the Rooker-Feldman Doctrine to shut down debtor's right to object to claims that might be false or fraudulent? While victim's care about state court final judgments that were obtained through corruption, they object to creditor claims so that money that is rightfully theirs can be directed to bona fide creditors or the care of their children or parents?

***The Tragic Outcome***

Unfortunately, the lower federal courts cite the Rooker-Feldman Doctrine and rule that the debtor is attempting to relitigate a final judgment when in fact they are merely seeking to reduce the size of false or fraudulent claims. If they are not represented by an attorney, they are in trouble.

The result is that lower court misconduct and criminality gets swept under the federal rug. Is this the intent of Congress?

Should these victims hit SCOTUS with 100,000+++ Writs of Mandamus each year?

**State Appellate Courts and *District Courts Often Dispense Appeals of these Rulings Thoughtlessly***

District Court judges often cite *Revel AC, Inc., et al., Debtors. Idea Boardwalk, LLC* when denying bankruptcy appeal motions by debtors seeking a stay of the proceedings to permit a debtor forced into Chapter 7 a reasonable amount of time to pay their creditors or to secure the services of an attorney.

The above is like what State Appellate Court judges do when defendants on appeal of questionable foreclosure final judgments in Chancery Court. Appellate Division judges cite *Crowe v. DeGioia, 90 N.J. 126 (1982)* to deny the same type motion for a stay to permit the debtor a reasonable time to pay their creditors, find an attorney or to file a motion requesting the restoration of civil, due process and property rights stripped by a biased, conflicted, or corrupt Chancery Court judge. Court transcripts from Monmouth County Chancery Judge Patricia Del Bueno Cleary forwarded by victims are extremely difficult to read. The abuse, the mocking and the self-righteousness is overwhelming. We will leave it at that.

The rationale to deploy the Crowe v. DeGioia and Revel AC precedents is basically the same.

The foreclosure defendant and the bankruptcy debtor have not demonstrated they would have any *likelihood of success* if granted the stay or that they would be irreparably harmed or that there is any legal right at issue or that they would be harmed greater than the bank or loan servicer.

In many cases, these court rulings are conclusionary and not supported by evidence. That often happens to pro se litigants.

The import of these denials can perhaps be better seen after members review the following analysis which describes an unfair abuse of pro se litigants that occurs in state and federal courts.

*In our opinion:*

No state appellate division judge handling a foreclosure case on appeal should ever be permitted to deploy Crowe v. DeGioia, 90, 126 (1982) and rule that the pro se Plaintiff-Appellant seeking stay relief should be denied the opportunity for a stay if the following conditions persist:

(1) the pro se foreclosure defendant was denied a trial, discovery and opportunity to present evidence, including depositions of bank and loan servicing company officials;

(2) the court record shows that the pro se foreclosure defendant made repeated attempts to pay his mortgage in full that the bank and the presiding judge rejected; and,

(3) there is evidence on the record that clearly demonstrates that the *Final Judgment and Order* on appeal were rendered in error.

Judges that cite Crowe v. DeGioia in state appellate court want the defendants buried. Judges in District Court citing *Revel AC* want them to stay buried.

The evidence against Cleary et. al. is unimpeachable: state and federal laws were violated. On the other hand, this issue of judges thoughtlessly denying stay motions is another matter involving opinion and weighing factors that are not so well defined.

Whether these two precedents can be abused by banks and judges to unreasonably disadvantage pro se litigants is subject to debate.

Our examples and analysis of what is presently wrong in Appellate Division and District Court rulings go a long way toward defining a path for a revision of current laws or a precedential ruling by SCOTUS.

Judges should not be denying motions in Appellate Division (foreclosure) and District Court (bankruptcy) in cases in where pro se litigants in state court were summarily denied equal protection under the law, had their civil, due process and property rights denied – and their evidence of bank or judicial misconduct had been "stricken from the record" by Chancery Court judges.[6]

Monmouth County Vicinage Chancery Court was ground zero for many of the obscenest foreclosure victimizations that ended up in higher state and lower federal courts.

***What Can Congress Do?***

Hopefully, at the very least, read and seriously consider the issues raised in this letter over the next several weeks before coming back to Washington.

There is fertile ground in the information and evidence reviewable in this letter for Congress itself or individual members interested in working for their constituents to temporarily place a halt on the internecine warfare that keeps interfering with member's assumption of their responsibility to the American public which includes, but is not limited to:

- lawmaking,
- representing the people,
- performing oversight,
- helping constituents, and
- educating the public.

The filing of United States of America v. UBS Securities, LLC et al will pad the coffers of the treasury to an extent, but it will not help the tens of thousands of victims like Ms. McEwan that have been victimized within the vortex of state court corruption and lower federal court abdication of its responsibility to debtors - who have state court final judgments that have resulted from the financial predator and public official corruption.

As you will see upon further investigation, official corruption is endemic in the state of New Jersey when it comes to real estate and mortgages.

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[6] Requests for a stay can be made to delay the inevitable, but when the litigant has not had equal protection under the law from the start of the proceeding, and there are questionable circumstances and rulings in Chancery Court, including abusive judges, State Appellate Courts and District Court should not be permitted to deny meritorious motions or summarily close cases in which foreclosure defendants and bankruptcy debtors allege that final judgments and orders in Chancery Court came as a result of fraud or misconduct either on the part of banks or judges. Congress has provided for those that object to false or fraudulent claims in bankruptcy court. Debtors are entitled to *Additional Documents* from the creditor whose claim they object to. Requests for these *Additional Documents* are not to be summarily deemed as attempts to revisit Final Judgments in state court, or frivolous. *Christie's Auction House* is not happy when provenance details are lacking. The same should apply to objections to creditor claims in bankruptcy court, particularly if the creditor insists that a signed and stamped order by a questionable Chancery Court judge should suffice over a more empirically based approach. For guidance on this question, see the decision of one Appellate Division judge who told the Bank of New York Mellon what was and what was not a proper way to substantiate a claim: https://law.justia.com/cases/new-jersey/appellate-division-unpublished/2017/a1006-16.html

Lower federal courts, at least in the State of New Jersey, appear to have forgotten the intent of Congress in this regard. If a debtor objects to a claim, they are entitled to receive the Additional Documents they request, particularly if they provide the bankruptcy court with competent, unimpeachable evidence that the debtor incurred the precise dollar amount of the claim that the creditors asserts. This is not happening and the damage to pro se litigants is significant nationwide.

**Closing Statement**

If this letter has left you with the impression that there is a serious problem that needs to be immediately addressed it will have served its purpose.

The case in New Jersey I have highlighted is the perfect pathway to lay bare similar foreclosure and bankruptcy abuse that occurs nationwide.

All the major banks and servicing companies are involved.

***Will Your Protect Criminal Banks or Your Constituencies?***

Isn't it bad enough that the United States government caved in when HSBC at some level should have faced criminal proceedings?[7]

Let's review the links in the footnote below. If we are going to give major multinational banks immunity from prosecution, let's, at least, have the courage to go after their nominees and downstream enablers in the United States.

Who are these banks? We don't have far to go for the answer. Here are a few that rape American citizens and commit tax evasion and money laundering crimes that are far worse infractions of simple state and federal laws then Americans serve up to 10-years or more in prison for committing:

> ***Long List of Creditors on This Contaminated Property***
>
> Ms. McEwan claimed in her 2017 bankruptcy filing that **Bank of America Corporation**, **Shellpoint Mortgage Servicing** and other companies wrongfully foreclosed on her. A list of creditors in her case includes the following companies: **AMIP Management**, Bank of America, **Countrywide Bank FSB**, **Ditech Financial LLC**, **Green Tree Servicing LLC**, **MERS**, **MTGLQ Investors, L.P.**, Shellpoint Mortgage Servicing, **Stern Lavinthal & Frankenberg LLC**, **U.S. Bank Trust National Association**, **Residential Credit Opportunities**, **SN Servicing**, and **Wilmington Savings Fund Society, FSB**.

Courage by Congress and the other two branches of government is needed to protect Americans.

The Hongkong and Shanghai Banking Corporation (HSBC) was formed in 1865 to protect the interests of those who had exploited India and then targeted China with Indian opium to barter for goods. The bank was a source of funding for the giant trade of opium into the Chinese markets in the nineteenth century. An overview: http://blogs.bu.edu/guidedhistory/moderneurope/tao-he/.

Does it not click among members of Congress what is going on in international banking? If there is some "national interest" at stake in all this that justifies granting immunity to these banks, wouldn't it be fair to permit the American public, your constituents that trust you, in on some part of what is going on? If not, why is the American public being prosecuted for far less serious crimes that those that you are apparently permitting to steal from them? There is a double standard and unequal protection.

Meanwhile, Americans pay on average 19.4% on their credit card debt which can soar to over 30% if your late paying.

Is anyone in Congress aware that each time a home is flipped for $100 as part of the securitization process, the owner's credit rating drops significantly? Some homes are flipped five or more times. Look at the list of companies on Ms. McEwan's creditor list. Not only is the public unaware, the banks turn around and charge them significantly more to obtain other credit.

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[7] https://www.globalresearch.ca/fraud-money-laundering-and-narcotics-impunity-of-the-banking-giants-no-prosecution-of-hsbc/5317406

https://www.newyorker.com/magazine/2017/07/31/why-corrupt-bankers-avoid-jail

https://www.bloomberg.com/news/articles/2017-12-11/hsbc-s-u-s-deferred-prosecution-deal-ends-after-five-years

Who will protect the interests of American homeowners?

American homeowners who have not been given full disclosure by major banks as to the disposition of their homeowner equity in securitization schemes, a violation of SEC Disclosure Laws and Regulations…

American homeowners who suffer credit rating decimation each time their mortgage notes are flipped…

This letter is a road map to give each member of Congress an opportunity to truly serve their constituencies prior to the 2020 elections. Let's see what you do.

***Getting Back to the Topic at Hand***

The named judges in Monmouth County Vicinage have no immunity since their wrongdoing preceded their tenures on the court.

The rest of *Cleary et. al.* which includes, if you have forgotten, all the bank and loan servicing companies listed on the preceding page all need to be targeted, investigated and prosecuted

***Work on the Misapplied Precedents Previously Cited***

There is obviously work that needs to be done to make sure the three precedents cited do not continue to be unreasonably and unfairly used against abused foreclosure defendants and bankruptcy debtors. SCOTUS has the overarching responsibility to resolve that problem, but Congress and its members have their roles as well.

***Words of Wisdom***

Words worth repeating:

**"Injustice is not always associated with action. Usually it is in an inaction."**

Respectfully,

**Founder**
**Recovery Base**