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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SOUTHERN DIVISION – SANTA ANA**

11 Billie Rene` Frances Lillian Powers) Case No. 8:17-cv-01386-DOC-KES
12) District Judge: Hon. David O. Carter
13 Plaintiff,) Courtroom: 9D
14 vs.) **NOTICE OF MOTION AND PLAINTIFF’S**
15) **MOTION FOR JOINDER OF BANKING**
16) **FRAUD VIOLATIONS OF 18**
17) **U.S. CODE §1005, BANK ENTRIES,**
18) **REPORTS AND TRANSACTIONS; 18 U.S.**
19) **CODE §1006, FEDERAL CREDIT**
20) **INSTITUTION ENTRIES, REPORTS AND**
21) **TRANSACTIONS; 18 U.S. CODE § 1341,**
22) **FRAUDS AND SWINDLES; 18 U.S. CODE §**
23) **880, RECEIVING THE PROCEEDS OF**
24) **EXTORTION; 18 U.S. CODE § 1957,**
25) **ENGAGING IN MONETARY**
26) **TRANSACTIONS IN PROPERTY**
27) **DERIVED FROM SPECIFIED UNLAWFUL**
28) **ACTIVITY, RICO; MEMORANDUM OF**
) **POINTS AND AUTHORITIES;**
) **DECLARATION OF Billie Rene` Frances**
) **Lillian Powers; [PROPOSED ORDER] IN**
) **SUPPORT THEREOF**
)
) Third Amended Complaint Filed: 3/19/2018
) Hearing Date: July 30, 2018
) Hearing Time: 8:30 a.m.

MOTION FOR JOINDER OF CLAIMS

1 **TO ALL PARTIES AND THEIR ATTORNEY(S) OF RECORD:**

2 **PLEASE TAKE NOTICE** that on July 16, 2018 at 8:30am or as soon
3
4 thereafter as the matter may be heard in Courtroom 9D, of the above-entitled court,
5 located at 411 West 4th Street, Santa Ana, California 92701, Plaintiff Billie Rene`
6 Frances Lillian Powers, will and hereby does move this Court for Joinder of
7
8 Banking Fraud Violations of 18 U.S. Code §1005, Bank Entries, Reports and
9 Transactions; 18 U.S. Code §1006, Federal Credit Institution Entries, Reports and
10 Transactions; 18 U.S. Code § 1341, Frauds and Swindles; 18 U.S. Code § 880,
11 Receiving The Proceeds of Extortion; 18 U.S. Code § 1957, Engaging In Monetary
12 Transactions In Property Derived From Specified Unlawful Activity, RICO
13 (“Motion for Joinder of Banking Fraud Violations”) to Plaintiff’s Third Amended
14
15 Complaint.
16

17 Said Motion will be made on the grounds of Federal Rules of Civil
18 Procedure, rule 18, Joinder of Claims, based on the claims resulting from the same
19 dispute and involving the same parties. The joining of the claims will make the
20 process more efficient because everything can be handled at once.
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23 Also, said Motion will be made on the grounds of 12 U.S. Code §§ 503 and
24 631.
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1 Said Motion is made following the conference of opposing counsel pursuant
2 to Local Rule 7-3, which took place on June 19, 2018.

3
4 This Motion for Joinder of Banking Fraud Violations will be based on this
5 Notice of Motion and Plaintiff's Motion for Joinder of Banking Fraud Violations,
6 Memorandum of Points and Authorities, the records on file herein, and on such
7
8 documentary evidence and oral argument as may be presented at the hearing.
9

10 DATED: June 21, 2018

Respectfully submitted,

11 **THE LAW OFFICES OF ANGELA**
12 **SWAN, APC**

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15 BY: _____
16 Angela Swan,
17 Attorney for
18 Billie Rene` Frances Lillian Powers
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1 **MEMORANDUM OF POINTS AND AUTHORITIES INTRODUCTION**

2 **I. INTRODUCTION**

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4 On Thursday, April 22, 2010, President of the United States Barack Obama
5 delivered an address on Economic Reform at The Cooper Union's Great Hall. In
6 his address, he stated: "One of the most significant contributors to this recession
7 was a financial crisis as dire as any we've known in generations. As you know, part
8 of what led to this crisis was firms like American International Group, Inc. and
9 others making huge and risky bets - using derivatives and other complicated
10 financial instruments. That's what led Warren Buffett to describe derivatives that
11 were bought and sold with little oversight as "financial weapons of mass
12 destruction."
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16 On July 2, 2007 a purported Deed of Trust ("DOT") was recorded against
17 what Plaintiff was led to believe was land and home upon her land, known here in
18 this case, and incorrectly referred to in the purported DOT as 40701 Ortega Hwy.
19 San Juan Capistrano, California 92530. The listed "lender" is COUNTRYWIDE
20 BANK, FSB a Federal Savings Bank. COUNTRYWIDE BANK, FSB, in
21 violation of Congressional Mandate, has no standing and from the moment the ink
22 was wet on the Plaintiff's autograph the theft of her equity had already occurred
23 and more theft was already in motion.
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1 Plaintiff was led to believe the transaction was a DOT on her home, but it
2 was actually turned into a derivative, which Warren Buffet stated was a “financial
3 weapon of mass destruction.”
4

5 6 **II. FACTUAL BACKGROUND**

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8 December 23, 1913 the FEDERAL RESERVE ACT was passed. Senator
9 Nelson W. Aldrich introduced the bill. What the bill did is add another chapter to
10 the National Bank Act, Chapter 6-Foreign Banking. In this chapter banking is
11 codified in its entirety to Title 12 USC.
12

13 On December 24, 1919 The EDGE ACT, codified in Title 12 USC 601,
14 creating the Edge Act Corporation, International Banking.
15

16 On June 13, 1933 The Homeowners Loan Act (“HOLA”) was passed. The
17 Homeowners’ Loan Corporation (formerly known as The Reconstruction Finance
18 Corporation), created Federal Savings Banks that are nonmember banks, which are
19 restricted to loans and advance from depository institutions listed in Title 12
20 U.S.C. 461(b), by definition an International Banking Facility, not accessible to an
21 American citizen.
22
23

24 ***Repeal of direct loans to Homeowner: In addition to providing for the***
25 ***establishment of federal savings and loan associations, the HOLA, by its § 3, 48***
26
27

1 *Stat. 129, repealed § 4(d) of the HOLA, 47 Stat. 727, which had authorized*
2 *federal home loan banks to make loans directly to homeowners. The HOLA, by*
3
4 *its § 4, 48 Stat. 129, instructed the Board to create the Homeowners' Loan*
5 *Corporation. Affirmed see Fidelity Fed. S. & L. v. De la Cuesta, 458 U.S. 141*
6 *(1982).*
7

8 On June 16, 1933 The EMERGENCY BANKING ACT was passed. It is
9 codified in Title 12 USC section 375a, "loans to executive officers of a bank".
10 Under this Act it amended the restriction of transactions with member banks.
11

12 On July 21, 2010 The Dodd Frank Wall Street Reform Bill amended Title
13 12, Section 25b of Subsection J under the Title Enforcement Actions and it says,
14 "The ability of the Comptroller of the Currency to bring an enforcement action
15 under Title 12 does not preclude any private party from enforcing rights granted
16 under Federal or State laws in the courts."
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18

19 **III. LEGAL ARGUMENT**

20 **A. Legal Standard for Joinder of Claims**

21 Federal Rules of Civil Procedure, rule 18 states: "(a) In General. A party
22 asserting a claim, counterclaim, cross claim, or third-party claim may join, as
23 independent or alternative claims, as many claims as it has against an opposing
24 party."
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1 **B. Derivative Transactions**

2 12 C.F.R. § 223.33. What rules apply to derivative transactions?

3
4 (a) Market terms requirement. Derivative transactions between a member bank and
5 its affiliates (other than depository institutions) are subject to the market terms
6 requirement of § 223.51.

7
8 (b) Policies and procedures... The policies and procedures must at a minimum
9 provide for:

10 (1) Monitoring and controlling the credit exposure arising at any one time from the
11 member bank's derivative transactions with each affiliate and all affiliates in the
12 aggregate (through, among other things, imposing appropriate credit limits, mark-
13 to-market requirements, and collateral requirements); and
14

15
16 (2) Ensuring that the member bank's derivative transactions with affiliates comply
17 with the market terms requirement of § 223.51. The term "financial instrument"
18 does not include mortgages.
19

20 12 C.F.R. § 32.2 Definitions.

21
22 k) Derivative transaction includes any transaction that is a contract, agreement,
23 swap, warrant, note, or option that is based, in whole or in part, on the value of,
24 any interest in, or any quantitative measure or the occurrence of any event relating
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1 to, one or more commodities, securities, currencies, interest or other rates, indices,
2 or other assets.

3
4 (p) Financial instrument means stocks, notes, bonds, and debentures traded on a
5 national securities exchange, Over-The-Counter (“OTC”) margin stocks as defined
6 in Regulation U, 12 C.F.R. part 221, commercial paper, negotiable certificates of
7 deposit, bankers' acceptances, and shares in money market and mutual funds of the
8 type that issue shares in which national banks or savings association may perfect a
9 security interest. Financial instruments may be denominated in foreign currencies
10 that are freely converted to U.S. dollars. The term "financial instrument" does not
11 include mortgages.
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15 12 C.F.R. § 32.3 Lending limits (secured by a segregated deposit account in
16 the lending national bank or savings association)

17
18 (6) Loans secured by segregated deposit accounts. Loans or extensions of credit,
19 including portions thereof, to the extent secured by a segregated deposit account in
20 the lending national bank or savings association, provided a security interest in the
21 deposit has been perfected under applicable law.
22

23 **C. Federal Savings and Loan Associations Provisions**

24 Federal Savings and Loan Associations and Federal Credit Unions are not
25 organized under the National Bank Act or under the laws of any State or of the
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1 District of Columbia, and therefore are excepted on that ground irrespective of
2 whether they are "banks" or "banking associations" within the meaning of the
3 statute.
4

5 Federal Savings and Loan Associations and Federal Credit Unions, Federal
6 Savings Banks, however denominated, as "banks" or "banking associations", were
7 regulated by the "Office of Thrift Supervision," a division of the "Bank for
8 International Settlement," (Federal Home Loan Bank), created by the "Bank for
9 International Settlement," Federal savings association. Transactions limited to
10 International Banking. The following regulations apply:
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13 **12 C.F.R. § 141.11** Federal savings association. The term Federal savings
14 association means a Federal savings association or Federal savings bank chartered
15 under section 5 of the Act.
16

17 **12 C.F.R. § 560** Lending and investment. Borrower is a financial institution
18 or member bank CHAPTER V—OFFICE OF THRIFT SUPERVISION,
19 DEPARTMENT OF THE TREASURY. Authority:12 U.S.C. §1462, §1462a,
20 §1463, §1464, §1467a, §1701j-3, §1828, §3803, §3806, §5412(b)(2)(B); 42 U.S.C.
21 § 4106.
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1 **12 C.F.R. § 560.10** A Federal Savings Association may make home loans
2 subject to the provisions of §§ 560.33, 560.34, and 560.35.

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4 **12 C.F.R. § 560.11** Loans secured by savings accounts and other time
5 deposits may be made without limitation, provided the Federal savings bank
6 obtains a lien on, or a pledge of, such accounts. Such loans may not exceed the
7
8 withdraw able amount of the account.

9 Loans secured by savings accounts and other time deposits, are restricted to
10 insiders, the collateral deposit is restricted to an International Banking Facility
11 (“IBF”).

12
13 **12 C.F.R. § 204** Regulation D IBF. Individual Insiders Aggregate loans and
14 extensions of credit to each executive officer, director, or principal shareholder and
15 his or her related interests are limited to the single borrower.
16

17 **12 USC § 84.** The loan or advance is secured by a perfected security
18 interest in a segregated deposit account with the lending bank.
19

20 **12 C.F.R. § 501.12** A Federal savings association may only invest in these
21 loans if they are secured by obligations of, or by obligations fully guaranteed as to
22 principal and interest by, the United States or any of its agencies or
23
24 instrumentalities, the borrower is a financial institution insured by the Federal
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26 Deposit Insurance Corporation or is a broker or dealer registered with the
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1 Securities and Exchange Commission, and the market value of the securities for
2 each loan at least equals the amount of the loan at the time it is made.

3
4 **12 C.F.R. § 501.13** Affirming the Federal Reserve Act, restricted to Chattel
5 Mortgages (non-real property).
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7
8 **D. Basel Accord III Limited To International Banking**

9
10 **Publication ID: Fall 2014- BANKING PROVISIONS.** The Office of
11 Comptroller Currency (“OCC”) issued conforming amendments to its regulations
12 governing national banks and FSAs to make those regulations consistent with the
13 Basel III Capital Framework. Though The Basel on Bank Supervision (“BCBS”)
14 has no legal authority and their mandates are created by membership input. As part
15 of these technical amendments the OCC revised and clarified its regulations
16 governing subordinated debt applicable to national banks and FSAs. Documents
17 issued by the BCBS are available through the Bank for International Settlements
18 Website at <http://www.bis.org/>
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22 Regulations in reference to the aforementioned quote is inclusive of all of
23 **Title 12 C.F.R.**
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1 **1. Publication ID: Fall 2014-LENDING LIMITS**

2 12 C.F.R. 159 to 161, Lending and Loan Limit, 12 C.F.R. § 34 Real
3
4 Estate Loans for National Banking Associations, and the Home Owner Loan
5 Act, 12 USC 1442, 12 USC 1462a, 12 USC 1463, 12 USC 1463(a)(2), 12
6 USC 1464, 12 USC 1464(u), 12 USC 1465, 12 USC 1467a, are regulated by
7
8 the Basel Accord for International Banking.

9 Participation of the United States in the Basel Accord Capital
10 Framework for United States banks, including the Consumer Financial
11 Protection Bureau Organization for European Community Development, is
12 through agreements of OECD countries, not applicable in the several states,
13 limited to insular territory, source; United States signatory agreement.

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15
16 **2. Basel Accord III Jurisdiction:**

17 Declarations by certain Member Countries relating to the Convention
18 of the OECD, Communications by the United States concerning the
19 Convention on the OECD applies to Puerto Rico to the US Virgin Islands
20 and to all other territories under US authority and jurisdiction. The OECD
21 has no legal authority. Proceedings and all banking provisions, utilizing any
22 “international agreement”, under the color of law, in the several states, is
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1 usurpation of legitimate authority, despotism, and treason against the
2 American people.

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4 **E. The Federal Reserve Act Section 25 “Bank” Restriction**

5 Organizations or corporations operating under section 25 or 25(a) of the
6 Federal Reserve Act, are not banks, cannot receive deposits, and do not do
7
8 business within the United States, pursuant to Public Law 89-485, July 1, 1966:

9 **An Act to Amend the Bank Holding Company Act**
10 **of 1956, Section 3(c), which states: “Subsection**
11 **(c) of section 2 of the Bank Holding Company Act**
12 **of 1956 (12 U.S.C. 1811(c)) is amended to read as**
13 **follows: “(c) 'Bank' means any institution that**
14 **accepts deposits that the depositor has a legal right**
15 **to withdraw on demand, but shall not include any**
16 **organization operating under section 25 or section**
17 **25(a) of the Federal Reserve Act, or any organization**
18 **that does not do business within the United States.”**

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23 *The Federal Reserve Board stated, “The Board has never had to rule on the*
24 *limited nature of the Federal Reserve Act, being all loans and credit are restricted*
25 *to “bank affiliates,” the issue has never been raised.”*

1 **F. Bank Holding Company**

2 **12 U.S. Code § 1843**, (F) (III) The Term “Bank Holding Company” shall
3
4 include a bank which (I) is organized solely to do business with other banks and
5 their officers, directors, or employees; (II) is owned primarily by the banks with
6 which it does business; and (III) does not do business with the general public.
7

8 “If any doubt remains as to the meaning of the statute, that doubt is removed
9 by the legislative history”. *Bank-America Corp. v. United States*, 462 U.S. 122
10 (1983).
11

12 **G. Supervision of U.S. Operations of Foreign Banks and Other**
13 **International Banking Entities**

14
15 **Foreign Banking Organizations;** “Many foreign banks have operations in
16 the U.S. These institutions are known in the U.S. bank regulatory community as
17 Foreign Banking Organizations (FBOs). The banking offices of FBOs can
18 generally be divided into bank subsidiaries, branches, agencies, Edge and
19 Agreement Corporations, commercial lending companies, and representative
20 office. Jurisdiction for Foreign Banking Organizations remains in the domicile of
21 origin.
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23

24 **12 C.F.R. § 250.143**, Member bank purchase of stock of foreign operations
25 subsidiaries.
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1 (d) as part of the original Federal Reserve Act, national banks were, with the
2 Board's permission, given the power to establish foreign branches. In 1916,
3 Congress amended the Federal Reserve Act to permit national banks to Invest in
4 international or foreign banking corporations known as "Agreement" Corporations,
5 because such corporations were required to enter into an agreement or
6 understanding with the Board to restrict their operations. Subject to such
7 limitations or restrictions as the Board may prescribe, such Agreement
8 corporations may principally engage in International or foreign banking, or
9 banking in a dependency or insular possession of the United States...
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13 **H. Edge Act Corporations/Foreign Banking Entities**

14 **12 U.S. Code §601.** Authorization; (conditions and regulations) is section 25
15 of the Federal Reserve Act. Section 25A, added Dec. 24, 1919, ch. 18, 41 Stat.
16 378, created the Edge Corporations.
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19 **1. Examples of Edge Act Corporations or Foreign Banking Entities**

- 20 a. COUNTRYWIDE BANK, FSB, is the purported lender on
21 Plaintiffs Deed of Trust.
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1 b. RECONTRUST COMPANY, N.A., a Banking Organization,
2 restricted to “foreign” banking, was listed as the Trustee inclusive
3 of all recorded, collateral deposit account.
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5 c. In 2008, BANK OF AMERICA, N.A. (“BOA”), an Edge Act
6 Corporation, not permitted to conduct “banking” in the several
7 states, purchased the failing COUNTRYWIDE Federal Savings
8 Bank, inclusive of all recorded, collateral deposit accounts.
9

10 d. THE BANK OF NEW YORK MELLON F/K/A THE BANK OF
11 NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS
12 OF THE ALTERNATIVE LOAN TRUST 2007-HY9,
13 MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-
14 HY9B (“BONYM”) as Trustee for August 8, 2016 Credit Bid sale,
15 a Bank Holding Company, is not permitted to conduct “banking”
16 in the several states.
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20 1) Duetshe Bank, AG The New York Branch is the named
21 "Swap counter Party and Put Counterparty" on the ALT
22 2007-HY9 prospectus. Deutsche Bank, AG is a "Foreign
23 Banking Organization", not permitted to conduct “banking”
24 in the several states.
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1 **12 C.F.R. § 211.6** Permissible activities of Edge and Agreement

2 Corporations in the United States. (a) Activities incidental to international or
3 foreign business. An Edge or agreement corporation may engage, directly or
4 indirectly, in activities in the United States that are permitted by section 25A(6) of
5 the FRA (12 U.S.C. 615) and are incidental to international or foreign business,
6 and in such other activities as the Board determines are incidental to international
7 or foreign business. The following activities will ordinarily be considered
8 incidental to an Edge or agreement corporation's international or foreign business:
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12 (D) Consist of the proceeds of extensions of credit by the Edge or agreement
13 corporation (3) Credit activities. An Edge or agreement corporation may: (i)
14 Finance the following: (A) Contracts, projects, or activities performed
15 substantially abroad; (v) Provide credit and other banking services for domestic
16 and foreign purposes to foreign governments and their agencies and
17 instrumentalities, foreign persons, and organizations of the type described in
18 paragraph (a)(1)(ii)(G) of this section. (4) Payments and collections. An Edge or
19 agreement corporation may receive checks, bills, drafts, acceptances, notes, bonds,
20 coupons, and other instruments for collection abroad, and collect such instruments
21 in the United States for a customer abroad; and may transmit and receive wire
22 transfers of funds and securities for depositors. (v) Act as investment or financial
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1 adviser by providing portfolio investment advice and portfolio management with
2 respect to securities, other financial instruments, real-property interests, and other
3 investment assets,(3) and by providing advice on mergers and acquisitions,
4 provided such services for U.S. persons are with respect to foreign assets only.
5

6 (3)For purposes of this section, management of an investment portfolio does not
7 include operational management of real property, or industrial or commercial
8 assets.
9

10 **12 C.F.R** Banking Services For Employees. Provide banking services,
11 including deposit services, to the officers and employees of the Edge or agreement
12 corporation and its affiliates; however, extensions of credit to such persons shall be
13 subject to the restrictions of Regulation O (12 CFR part 215).
14
15

16 **12 C.F.R. § 211.7** Limited Operations In The United States. (c) Receipt of
17 deposits(vi) represents proceeds of collections abroad which are to be used to pay
18 for goods exported or Imported or for other direct costs of export or import, or
19 periodically transferred to the depositor's account at another financial institution, or
20 (iv) represents proceeds of extensions of credit by the Corporation. Such deposits
21 shall be subject to Parts 204 (Reg. D) and 217 (Reg. Q).
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24 **12 C.F.R. § 211.105** Acting in the United State as trustee, conversion agent,
25 and paying agent of securities issued to finance foreign activities and distributed
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27

1 only outside the United States. (a) Section 211.5(b)(2) of Regulation K provides
2 that a corporation organized under section 25(a) of the Federal Reserve Act (an
3 "Edge corporation") may not "act in the United States as trustee, registrar, or in any
4 similar capacity, with respect to securities distributed in the United States."(c)
5 Nothing in section 25(a) specifically authorizes an Edge corporation to act as
6 fiduciary. In fact, a grant of certain fiduciary powers so far as "necessary" in an
7 Edge corporation's International Business was deleted from the Edge Act prior to
8 its enactment as being unnecessary in relation to the purposes for which Edge
9 corporations were to be organized. It therefore seems clear that an **Edge**
10 **corporation does not have power generally to act as fiduciary in the United**
11 **States.**

12 (d) On the other hand, a primary Congressional objective in authorizing the
13 organization of Edge corporations was to facilitate the development of
14 international and foreign commerce. It would not therefore seem inappropriate for
15 Edge corporations to perform in the United States the limited functions connected
16 with acting as trustee, registrar, and in similar capacities with respect to securities
17 sold abroad to finance such commerce. Nor would it seem improper for Edge
18 corporations, as an incident of their power to receive deposits, to act as paying
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1 agent for such securities, even if the issuer happens to be organized and therefore
2 legally qualified to do business in the United States.

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4 **12 C.F.R. §211.10** Permissible activities abroad. (a) Activities usual in
5 connection with banking. The Board has determined that the following activities
6 are usual in connection with the transaction of banking or other financial
7 operations abroad: (1) Commercial and other banking activities; (2) Financing,
8 including commercial financing, consumer financing, mortgage banking...

9
10
11 **I. Liability of Directors and Officers of Member Banks**

12 **12 U.S. Code § 503** The private right of action to bring all the crimes states:
13 “If the directors or officers of any member bank shall knowingly violate or permit
14 any of the agents, officers, or directors of any member bank to violate any of the
15 provisions of sections 375, 375a, 375b, and 376 of this title or regulations of the
16 board made under authority thereof, or any of the provisions of sections 217, 218,
17 219, 220,[1] 655, 1005, 1014, 1906, or 1909 of title 18, every director and officer
18 participating in or assenting to such violation shall be held liable in his personal
19 and individual capacity for all damages which the member bank, its shareholders,
20 or any other persons shall have sustained in consequence of such violation.
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1 **Preemption** [N]either the statute nor the regulations are complete without
2 the other, and only together do they have any force. In effect, therefore, the
3 construction of one necessarily involves the construction of the other.” *United*
4 *States v. Mersky*, 361 US 431, 437, 438 (1959) Emphasis added.
5

6 **J. False Representations as to Liability of United States for Acts of**
7 **Corporation; Punishment**

8 **12 U.S. Code § 631**, states: “*Whoever being connected in any capacity*
9 *with any corporation organized under this subchapter, represents in any way that*
10 *the United States is liable for the payment of any bond or other obligation, or the*
11 *interest thereon, issued or incurred by any corporation organized under this*
12 *subchapter, or that the United States incurs any liability in respect of any act or*
13 *omission of the corporation, shall be punished by a fine or [1] not more than*
14 *\$10,000 and by imprisonment for not more than five years.*”
15
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18 **K. Good Cause Exists for Joinder of Banking Fraud Violation Claims**

19 **1. Violation of 18 U.S. Code § 1005, Bank Entries, Reports and**
20 **Transactions**

21 “Whoever, being an officer, director, agent or employee of any
22 Federal Reserve bank, member bank, depository institution holding
23 company, national bank, insured bank, branch or agency of a foreign bank,
24 or organization operating under section 25 or section 25(a) [1] of the Federal
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1 Reserve Act, without authority from the directors of such bank, branch,
2 agency, or organization or company, issues or puts in circulation any notes
3 of such bank, branch, agency, or organization or company; or whoever,
4 without such authority, makes, draws, issues, puts forth, or assigns any
5 certificate of deposit, draft, order, bill of exchange, acceptance, note,
6 debenture, bond, or other obligation, or mortgage, judgment or decree; or
7 whoever makes any false entry in any book, report, or statement of such
8 bank, company, branch, agency, or organization with intent to injure or
9 defraud such bank, company, branch, agency, or organization, or any other
10 company, body politic or corporate, or any individual person, or to deceive
11 any officer of such bank, company, branch, agency, or organization, or the
12 Comptroller of the Currency, or the Federal Deposit Insurance Corporation,
13 or any agent or examiner appointed to examine the affairs of such bank,
14 company, branch, agency, or organization, or the Board of Governors of the
15 Federal Reserve System; or whoever with intent to defraud the United States
16 or any agency thereof, or any financial institution referred to in this section,
17 participates or shares in or receives (directly or indirectly) any money, profit,
18 property, or benefits through any transaction, loan, commission, contract, or
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1 any other act of any such financial institution—**Shall be fined not more**
2 **than \$1,000,000 or imprisoned not more than 30 years, or both.**

3
4 **2. Violation of 18 U.S. Code § 1006, Federal Credit Institution**
5 **Entries, Reports and Transactions**

6 “Whoever, being an officer, agent or employee of or connected in any
7 capacity with the Federal Deposit Insurance Corporation, National Credit
8 Union Administration, any Federal home loan bank, the Federal Housing
9 Finance Agency... with intent to defraud the United States or any agency
10 thereof... shall be fined not more than \$1,000,000 or imprisoned not more
11 than 30 years, or both.”

12
13
14 **3. Violation of 18 U.S. Code § 1341, Frauds and Swindles**

15 “Whoever, having devised or intending to devise any scheme or
16 artifice to defraud, or for obtaining money or property by means of false or
17 fraudulent pretenses, representations, or promises, or to sell, dispose of,
18 loan, exchange, alter, give away, distribute, supply, or furnish or procure for
19 unlawful use any counterfeit or spurious coin, obligation, security, or...
20 affects a financial institution.”

1 **4. Violation of 18 U.S. Code § 880, Receiving the Proceeds of**
2 **Extortion**

3 “A person who receives, possesses, conceals, or disposes of any
4 money or other property which was obtained from the commission of any
5 offense under this chapter that is punishable by imprisonment for more than
6 1 year, knowing the same to have been unlawfully obtained, shall be
7 imprisoned not more than 3 years, fined under this title, or both.”
8

9
10 **5. Violation of 18 U.S. Code § 1957, Engaging in Monetary**
11 **Transactions in Property Derived from Specified Unlawful**
12 **Activity, RICO**

13 “(a) Whoever, in any of the circumstances set forth in subsection (d),
14 knowingly engages or attempts to engage in a monetary transaction in
15 criminally derived property of a value greater than \$10,000 and is derived
16 from specified unlawful activity, shall be punished as provided in subsection
17 (b). (b)(1) Except as provided in paragraph (2), the punishment for an
18 offense under this section is a fine under title 18, United States Code, or
19 imprisonment for not more than ten years or both...”
20
21

22 **IV. PRAYER FOR RELIEF**
23

24 Plaintiff prays remedy and relief for the return of possession of her property
25 and damages paid in treble, or more as the jury sees fit to award. The accounting of
26 the case is treble damages based on the amount of \$30,400,000.00 escrowed at the
27

1 time of credit bid. Treble award prayed for is \$91, 200,00.00, Ninety One Million
2 Two Hundred Thousand Dollars usd.

3
4 **V. CONCLUSION**

5 Based on the above legislative and Congressional intent, Plaintiff requests
6 that her Motion for Joinder of Banking Fraud Violations of 18 U.S. Code §1005,
7 Bank Entries, Reports and Transactions; 18 U.S. Code §1006, Federal Credit
8 Institution Entries, Reports and Transactions; 18 U.S. Code § 1341, Frauds and
9 Swindles; 18 U.S. Code § 880, Receiving the Proceeds of Extortion; 18 U.S. Code
10 § 1957, Engaging in Monetary Transactions in Property Derived From Specified
11 Unlawful Activity, RICO is granted.
12
13
14

15 DATED: June 21, 2018

Respectfully Submitted,

16 THE LAW OFFICES OF ANGELA
17 SWAN, APC
18

19 By: _____
20 Angela Swan,
21 Attorney for Plaintiff
22 Billie Rene` Frances Lillian Powers
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 21, 2018, I will electronically file the foregoing
3
4 with the Clerk of Court using the CM/ECF system, which will then send a
5 notification of such filing (NEF) to the following:
6

7 Mark Joseph Kenney: mjk@severson.com, mcl@severson.com

8 Rebecca L Wilson:
9 rebecca.wilson@kutakrock.com, kathy.powell@kutakrock.com

10 Robert James Gandy: rjg@severson.com, rjb@severson.com

11 Stephen Douglas Britt: sxb@severson.com, tph@severson.com

12 Steven M Dailey:
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