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PRESS RELEASE

Davison Attorney Rex Anderson Takes on Mortgage Fraud

Lender Forges Homeowners' Signatures and then Seeks Equitable Mortgage

Davison, October 10, 2011: Local attorney, Rex Anderson, will take on US National Bank and Saxon Mortgage Services before the United States Court of Appeals for the 6th Circuit in Cincinnati Ohio, this Wednesday, October 12, 2011, Case NO: 10-1656.

Mr. Anderson represents Lapeer homeowners that, six years ago, came to him after their bank attempted to foreclose on them. After filing Chapter 13 bankruptcy in order to stop the foreclosure, the bank submitted a proof of claim. The homeowners immediately realized that this was the first time they had ever seen their mortgage and that their signatures had been forged and notarized and then filed with the Lapeer Register of Deeds office. The mortgage was notarized in Oakland County, Michigan at the same time the homeowners were attending the closing in Sacramento California. The homeowners were never presented with a mortgage to review and sign.

On October 12, 2011, Mr. Anderson will address the three judge panel of the 6th Circuit Court to present oral arguments as to why the defendants in this case, should not be allowed to receive an equitable mortgage. This is after a court determination that the crime of forgery had been committed while the mortgage was in the possession of the lenders. The six-year battle began when the bankruptcy court gave the defendants an equitable mortgage holding that the homeowners' intent to give a mortgage outweighed the crime of forgery and the null and void mortgage. The homeowners do not contest that they owe the loan; they only insist that they should not be bound by a mortgage document, which they never had the opportunity to read, sign or agree to. Although they would still owe the loan, the loan would not be secured by the home.

This case and the forgery committed occurred about the time of the mortgage market meltdown in 2007. The bank's audacious demand that a mortgage be imposed on the homeowners' residence is emblematic of its cavalier, above the law sense of immunity. Instead, the bank should be worried about a

criminal investigation. This case is of first impression. There is no precedent in the United States Courts to give a Bank an equitable mortgage where the homeowners' signatures are forged while in the possession of the Lender. The bank could have simply placed a call to the homeowners and requested them to sign the mortgage, which was missing from the closing documents. Instead, somebody was directed to lie and commit a fraud on the homeowners. The bank is now asking the courts to reward its bad behavior and set a precedent that would encourage banks to disregard the law and the due process rights of its borrowers.

The granting of an equitable mortgage in this case would set a precedent that would say to homeowners that they have no recourse against lending institutions that break the law. This standard would tell the lending and banking industry that the courts condone their deceptions and that it's okay to forge a few documents to finalize the deal. Mr. Anderson hopes this case sets a precedent that will encourage lenders to obey the law. The prevalence of lender misconduct is exemplified by the recent scandal of notary "robo-signed" affidavits, which were never read just imprinted with a rubber stamp.

Mr. Anderson's arguments on Wednesday will help mold the future laws that will govern our lending institutions. If successful, his influences will have a long lasting impact on homeowners' rights and place the banks on notice that they will be held accountable.