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***“ Judge shall be faithful to the law...”***

*Cal Code Jud Ethics 3B(2)*

***“ The rule of law must never be confused with tyranny of the courts”***

*Anonymous*

KENNETH D. LEWIS

Chairman, Chief Executive Officer and President, Bank of America Corporation

KEITH BANKS

President, Global Wealth & Investment Management, Bank of America Corporation  
Risk & Capital Committee and Management Operating Committee

AMY WOODS BRINKLEY

Global Risk Executive, Bank of America Corporation  
Risk & Capital Committee and Management Operating Committee

JOE L. PRICE

Chief Financial Officer, Bank of America Corporation  
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TERESA M. BRENNER

Associate General Counsel

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Deputy General Counsel  
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Chief Accounting Officer

BANK OF AMERICA CORPORATION

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Charlotte, North Carolina 28255

**RE: Request for immediate intervention and curbing of Sandor Samuels. Time is of the essence!**

Sir, Madam:

My records show that in early February 2008, I sent each of you a certified letter, informing you of my abuse at the hands of Countywide, prior to your takeover. I expected that following the take over my abuse would be stopped. This is the fourth year that I am the subject of abuse by Countrywide. It started on September 2004 when Nivie Samaan presented me with a fraudulent prequalification letter, then filed fraudulent loan applications with Countrywide, while engaging throughout the transaction in wire/.fax fraud against me and against Countrywide (but in collusion with Branch Manager Maria McLaurin) by impersonating a loan broker – Victor Parks in fax communications:

<http://inproperinla.com/04-09-07-samaan-s-prequalification-letter.pdf>

<http://inproperinla.com/04-09-07-opinion-letter-fraud-in-prequalificaion-letter-s.pdf>

<http://inproperinla.com/04-09-27-doc-40-samaan-fraudulent-loan-applications-s.pdf>

<http://inproperinla.com/04-09-27-opinion-letter-fraud-in-loan-applications-signature-s.pdf>

<http://inproperinla.com/04-09-27-samaan-countrywide-fraudulent-loan-application.pdf>

<http://inproperinla.com/04-10-14-countrywide-underwriting-letter-s.pdf>

<http://inproperinla.com/04-10-18-9-emails-in-re-wire-fax-fraud.pdf>

The transaction never materialized as a result of such frauds. But Samaan, McLaurin, and others had a back-up plan - to obtain the property through a court fraud..

A totally new history was invented for the loan applications, in a process that involved Maria McLaurin – Branch Manager, Nivie Samaan - Borrower, Victor Parks – Loan Broker, Mohammad Keshavarzi (Sheppard Mullin) – counsel, and Jae Arre Lloyd – the brains behind the scheme. Maria McLaurin provided fraudulent declarations, and the Legal Division provided fraudulent subpoenas of documents:

<http://inproperinla.com/.0Heading-132-doc-38-countrywide-mclaurin-false-declarations.pdf>

On October 25 2005, Nivie Samaan, a straw buyer, who failed to get her fraudulent loan applications approved, sued me for Specific Performance, or damages. The fraudulent claims in the complaint were entirely made up. But nobody in his or her right mind would have filed such complaint, unless she knew fully well, how to connect with the right judge and that that Countrywide, at all levels would support such an endeavor. In short, review of the case is likely to lead to the conclusion that Samaan had consulted with Judge Connor even before filing the complaint.

Similarly, the conduct of Bryan cave, LLP, and Sheppard Mullin indicates that they too knew exactly what they were doing, and were fully coordinated with the judges. In short – a civil court system, which just like its sister the criminal court system in Los Angeles, is entirely corrupt. Moreover, I hold that such a system was part of the infrastructure that allowed Countrywide, and the sub-prime crisis to fully develop in Southern California.

**1) In December 2006 – I discover the fraud in Countrywide subpoena production, and soon after that – that it was a corrupt organization coordinate activity, not incidental work of an individual**

I was not supposed to know any of it. In fact, I never had any business with Countrywide, and did not even recognize the name. But in November 2006 I got suspicious that my counsel for a year and a half, Charles Cummings, was dishonest, and in December 2006 I went to his office, and asked to review the discovery files (since I had no knowledge of the law, I did not find any use for reading the legal pleadings). Within 15-30 minutes I realized that Countrywide, a mortgage lender was colluding with Samaan in producing fraudulent records, and that my counsel did not tell me any of it. Eventually he offered me a \$25,000 fees waiver to leave his office.

A sample of Countrywide subpoena (one of 5, almost identical, all including numerous fraudulent records), can be seen at:

<http://inproperinla.com/07-02-08-countrywide-fraudulent-subpoena-production-c-s.pdf>.

In December 2006 I started by calling the Legal Division, the Custodian of Records, the Attorneys – **Todd Boock** and later **Sanford Shatz**, and the San Rafael Branch Manager - **Maria McLaurin**. Pretty fast it became obvious that it was not a case of one person, e.g., the Branch Manager, who mislead the attorneys. Instead, the picture that emerged was that half a year or a year earlier, before I even knew the name Countrywide, I was targeted for real estate fraud, and they all worked as a well rehearsed team in producing the fraudulent subpoena records to support Samaan’s fraudulent claims. The connection was that her husband, Jae Arre Lloyd, apparently a career white collar crime expert, was a “loan originator” for San Rafael Branch.

2) **Early 2007 – complaints to FBI are rebuffed.**

I had no background in law, in banking in mortgages or in real estate, but I had to learn it all. By January 2007, I filed the first complaint with the FBI, against Countrywide and Samaan. Among other claims I made was the claim that the wholesale branch was involved in massive fraud against the U.S. Government. The scope of it I was not sure of.

By March 2007, I made first estimates that the liability to the U.S. government was in the hundreds of billions, and that was when the FBI told me to stop filing papers at all. I also figured out some specific fraud methods used in such wholesale branches relative to the operation of Edge, an relative to the operation of the fax servers.

By January, and again by March 2007, I filed complaints with Office of Thrift Supervision an Federal Trade Commission. Both agencies handled the complaints dishonestly, trying to cover up Countrywide's unlawful conduct, but the Office of Federal Trade Commission was unabashed in this conduct.

By March 2007, I also managed to locate the original Underwriter of Samaan's loans, Diane Frazier, who was laid off in early 2005. I figured out from the underwriting records, the struggle between Maria McLaurin, Branch Manager, and the Branch Senior Underwriter – Diane Frazier and Corporate Underwriting Officer – Demetrio Gadi, in a situation where McLaurin was blatantly pushing them around in her determination to perpetrate fraud on the U.S. Government an on Countrywide share holders as well (Samaan was offered no fees on a loan that required 0.75% fees).

3) **March 2007 – first , but not last death threat**

**Diane Frazier**, in a lengthy phone call on March 11, 2007 in the afternoon, confirmed what I have figured out from the underwriting records, and added much more to my understanding of the corrupt operations in San Rafael and the Legal Division, headed by **Sandor Samuels**. But there was no way that the Internal Audit Committee, headed by **Angelo Mozilo** was functional, if Samaan's loan applications were presented in January 2005 for funding to Countrywide Bank (and immediately denied).

But when I called again, on March 14, 2007, a man answered the phone for Frazier, and claimed that she was no longer there. Moreover, he explained to me that Frazier was never supposed to talk with me about Countrywide. She was prohibited from talking about the subject. He then told me matter of fact – ***"I you call her ever again – I will come down to LA and gun you down."*** When I tried to serve subpoena for deposition, my service people staked the house for days, Frazier, who was very happy to cooperate with me by phone disappeared, and they were told that she no longer lived there. I recently called the number again, and Frazier answered the phone again.

Obviously somebody was hiding a material witness in this case of corporate fraud on a grand scale.

Frazier's contact information was and still is:

4329 Gloria Ct  
Rohnert Park, CA 94928  
(707) 586-1479

4) **Attempts to asked for Mozilo's and Samuels' help in stopping the fraud were left unanswered, and Countrywide's fraud records became the foundation of Samaan's fraudulent litigation.**

Some of the records that were obviously fraudulent, and served as the foundation for the fraudulent claims by Samaan were:

- a) **Underwriting Letter dated October 26, 2004**, which Countrywide and Samaan fraudulently represented in court as a valid underwriting letter dated October 14, 2004. In fact, it was never part of the true loan application file. That record with some explanatory material can be viewed at:

<http://inproperinla.com/04-10-26-doc-44-countrywide-fraud-underwriting-letter.pdf>

By now, my assertion of fraud relative to the dating of this record is also supported by the opinion letter of nationally acclaimed fraud specialist:

<http://inproperinla.com/04-10-26-opinion-letter-countrywide-underwriting-letter-oct-26-s.pdf>

b) **Copy of a real estate contract that was the product of fax transmission marked as of Oct 25 2004, 5:03pm.**

None of the records was ever authenticated, and in this case, the record was fraudulently represented as faxed from Loan Broker Parks to Countrywide at the time indicated above. In fact, at that time it was faxed from Samaan to her husband Lloyd, as part of a convoluted fax/wire fraud scheme against a financial institution, but in collusion with the Branch Manager – Maria McLaurin. In fact, most of the records in Samaan’s loan file that bear an unidentified fax header imprint belong to that scheme. They are made to appear as if they arrived at Countrywide at that time from Parks. But in fact, Samaan was impersonating Parks in fax communications during that whole period, and the time that these records arrived in Countrywide (by email, not by fax) was much later (weeks later at times). All of this was of course in violation of “sound banking principles” and **Regulation B** of the **Federal Reserve**. For example, judging by the Underwriting Letters, the record in 2) above, was not part of the Loan Application file even by November 3, 2004.

The real estate contract record can be viewed at:

<http://inproperinla.com/04-10-25-doc-45-countrywide-fraud-contract-record.pdf>

By March 2007, I also sent the first letters, directly to Sandor Samuels and Angelo Mozilo, as the two individuals in whom the integrity of the operations was most clearly vested, and demanded that they authenticate or repudiate some of the most clearly fraudulent records. They never responded, and the Legal Division was engaged in manipulation to avoid an honest and complete production. For example – the Legal Division decided that email were exempt... and Judge Jacqueline Connor (best known for derailing the Rampart trial in 2000, which led to the appointment of a civil rights Overseer for Los Angeles), cut my discovery time short.

By June 2007, I found out that Mr Samuels was the President of a charity that goes by the name “House of Justice”, and that he was advertising on the web a campaign against frauds.

That advertisement can be viewed at:

<http://inproperinla.com/07-06-20-bet-tzedek-web-pages-w-samuels.pdf>

Therefore, by late June, 2007 I followed up on the suggestion in the advertisement: I left a seal brown envelope in the offices of Bet Tzedek addressed to:

Sandor Samuels  
President of the Board  
Bet Tzedek  
**Personal and Confidential.**

In the envelope I left a letter, with copies of a couple of the fraud records listed above, and asked that he help stem the fraud against me by either authenticating or repudiating the records as falsely represented in court.

The response was swift. The web site of Bet Tzedek disappeared within 48 hours, and a week or so later, when it re-appeared there was no trace of Samuels and his campaign against fraud in it anymore. The web site was actually an older version from 2005:

<http://inproperinla.com/07-06-20-countrywide-bet-tzedek-&-abuse-s.pdf>

At the same time, **Angelo Mozilo** also had a web site in which he announced his commitment to fraud prevention, and that he operate a 24/7 Fraud Hot Line. I tried to call that line numerous times, to fax to Mozilo, etc. But the never got any response, and when I tried to follow up, it turned out that my letters, faxes always disappeared.

I then decided to email directly to both Mozilo and Samuels. I did not know their email address, but I constructed it in accordance with the syntax of other email addresses in Countrywide.

5) **July 2007 – start of retaliation, harassment, and severe abuse of my civil rights by counsel for Countrywide - Bryan Cave, LLP**

The response was swift:

On July 3, 2007, I received the first letter of many, from **Jenna Moldawsky** and **John Amberg, (Bryan Cave, LLP)** and I was told to appear on July 6, 2007 for an ex parte application by Countrywide for a Protective Order, which was a) Not allowed at that time, since discovery had already been terminated, and b) Was a not so veiled cover for a gag order against me.

But only much later, I realized that the procedure was conducted when the Court of Judge Connor was “dark”, both figuratively and literally, there was no clerk present, and there was no other person there for court business but us. In short – it was a procedure off the record and off the calendar.

Judge Connor did not award the requested gag order on that day, or so I was told. Judge Connor was never to be seen. A person I have never seen before or after came out to tell us the outcome. No minute order was issued for that procedure in the paper court file, and in the secretive LA Superior Court computers systems it is written with the comment “**Procedure not recorded**”.

Months later, when I demanded that Bryan Cave, LLP, explain how such procedure was scheduled, out of compliance and in violation of the law, and in severe abuse of my civil rights, the only response I got was that nothing improper was done.

6) **Countrywide assumed a status above the law in the Los Angeles Superior Court with permission to engage in criminal conduct with the blessing of the Court itself.**

Judge Connor of her own volition scheduled another hearing, for July 23, 2007 to continued that request, and she allowed Countrywide to re-file a new request, since the first one was so outrageously abusive that she probably felt uncomfortable with it at all. But she never set a deadline for Countrywide to file the new moving papers, while she did set a deadline on me for July 12, 2007. At the end I realized that the new moving papers were sent by email, on the evening of July 11, 2007. I noticed a message on my email that a large package could not be delivered.

In court Judge Connor stated that she would sign a protective order for Countrywide, but in fact, months later, when for the first time I was allowed to access the Court file, I realized that she never issued such an order, on the contrary, she deliberately recorded denial of the Proposed Orders of Countrywide.

In Los Angeles Superior Court – neither I nor my counsel were allowed any access or any notice of any court file papers for almost 2 years. I was allowed to see some of the court file for the first time only in August 2007, almost two years since the start of litigation, and day prior to summary judgment hearing, based on fraudulent Countrywide records. To this very day I am not allowed to inspect the computer court file in this case, in violation of the California Court Rules, and the law of California and the United States.

The basic idea was that I was not allowed to ask Countrywide anything about the fraud they were perpetrating against me. I was also denied the right to file compulsory fraud claims against Countrywide in Connor’s court. In fact to this very date, it is not clear what Countrywide status was in that court.

Countrywide claimed to be “Non-Party”, but the court interchangeably designated it Plaintiff, Defendant, Intervenor, Objector, Cross-defendant, with no reason or legal foundation at all. Court records were written in a manner that was clearly meant to hide the presence of Countrywide in the court room.

7) **In a series of frauds by the Samaan, Countrywide, and the Court, I was dispossessed of my home.**

**a) Statute of Frauds Fraud**

Samaan filed her complaint in October 2005 with no contract in it. On January 30, 2007, Judge Connor overruled my demurrer on statute of frauds.

In late July 2007, over a year and a half later she allowed Samaan to enter as evidence, for the first time, the contract described above, which was only produced by Countrywide, and no other party, as the contract that was the subject of the litigation, in Reply brief to summary judgment motion by Samaan.

**b) Fraudulent Summary Judgment Hearing**

On August 9, 2007 Judge Connor purportedly heard a motion for summary judgment. The standard of adjudication in such motion is that the finding is required of “**no disputable material facts**”. At the time of the hearing, I had on the court calendar for Sept 10, 2007, a hearing on sanctions against Sheppard Mullin counsel, for knowingly filing in court the fraudulent records from Countrywide, such as the underwriting letter of Oct 26, 2004, misrepresented as of Oct 14, 2004, and the contract misrepresented as arriving at Countrywide on Oct 25, 2004. Obviously the very core facts in this case were disputable.

**c) Entry of Judgment Fraud**

On August 9, 2007 Judge Connor rendered a judgment for specific performance to compel me to sell the property to Samaan, for a price that exceeded market value, and with no attorney fees to be paid. The Judgment can be viewed at:

<http://inproperinla.com/07-08-09-judgment&order-granting-summary-judgment-s.pdf>

But it was clear to me for months by that time, that the litigation was entirely fraud, from A to Z. It was also clear to me, based on reading, that the target was my equity money, and that the method was specific performance for a couple of reasons:

- i. Derived from equity courts, it does not require a jury trial, making fraud much easier.
- ii. Given its unique nature, the execution exposes the escrow process to abuse by the court.

In the month that followed, Judge Connor engaged in fraud relative to the entry of the judgment. She never entered the judgment, but tried to make the record as convoluted as possible on that fact. Why she never entered the judgment? I have some good ideas. How could she do it? It is easy when litigants are never allowed to see the court records, as is the case in the LA Superior Court.

**d) Appointment of fraudulent “Escrow Referee” – Judge O’Brien**

On August 30, 2007, in open court, Judge Connor stated that she was going to issue an order appointing an escrow referee. In open court, by then knowing her fraud routines, I asked Judge Connor to be “**diligent**” and issue an order that was in compliance with the law. On the transcript she stated that she had no intention to do so.

Therefore, when the referee contacted me, I demanded that the referee present his appointment papers. As usual, Sheppard Mullin and Samaan were noticed by the court, but I was never allowed to see the papers. What the referee, a retired judge presented for the foundation of his authority can be seen at:

<http://inproperinla.com/07-09-07-obrien-s-papers-s.pdf>

I was amazed at the cooperation of retired Judge O'Brien in such a fraud. But he was not deterred, and continue his obstruction conduct until early October, when he resigned.

***e) Appointment of a fraudulent "Receiver" – Sandor Samuels' friend – David Pasternak***

By now, the file moved to Judge Segal, with no assignment order, after Judge Allan Goodman, almost a month after taking the case with no assignment order, recalled his "***long term close personal friendship with the chief legal officer [of Countrywide]***" and recused.

Att Keshavarzi (Sheppard Mullin) and the court then routinely blamed me for my objecting to their frauds relative to the purported execution of the judgment that was not acknowledged as a valid judgment by the court – e.g. – Judge O'Brien was never presented with the judgment for execution.

Judge Segal and Att Keshavarzi then gave a four day notice for a hearing on appointment of receiver on November 9, 2007. When I saw the moving papers I sent all notice that I considered it yet another fraud. The order appointing receiver never referenced any section of the code as the basis for his authority, he was not required to execute the judgment, which was not referenced either. And Keshavarzi again fraudulently replaced the Judgment with the Order Granting Summary Judgment in is moving papers.

The moving papers and the order can be seen at:

<http://inproperinla.com/08-06-24-exhibits-vol-v-receivership-introduction%5Bs%5D.pdf>

***f) Further abuse by Pasternak, threat of use of force to dispossess me, and fraudulent conveyance of title***

The order appointing receiver never included the judgment. Had the execution been per judgment, the court was obligated by law to distribute to me my equity within 30 days. Since there was no reliance on the judgment, the court could not issue a Writ of Execution, neither did it issue an Abstract of Judgment. Instead, the court relied on straight forward fraud.

On November 21, 2007 – David Pasternak and Judge John Segal threatened me with use of force if I did not vacate the property. But they could not issue an Unlawful Detainer, since they would not rely on the Judgment. I was exhausted, and I had a place that was renovated for me for several months finally ready. I finally did what I wanted to do since 2004 – and moved closer to my office.

In late November 2007 David Pasternak forcibly entered the property.

On December 7, 2007, I was subjected to two additional abusive ex part procedures and gag orders. This time by Escrow and Title companies. The court was in the process of perpetrating real estate fraud against me, and I explained that well enough to escrow, that the escrow officer refused to cooperate with the court. The solution, devised by Att David Pasternak, also a close friend of Mr Samuels was several-fold:

a) Gag orders on me, to prevent protected speech I defense of self. b) an indemnity agreement to compensate escrow, at my expense, of any liability from collusion in crime with the court, c) various retaliatory measures against me.

In the first of these procedures Attorney from Buchalter Nemer, Richard Ormond, appeared incognito. Neither he, nor the judge (Lisa Hart-Cole) would agree to disclose his name or the name of his client- Mara Escrow.

After December 7, 2007, the court file was moved to Judge Friedman, a personal friend of Mr Samuels, who refused to produce a statement on the record regarding his relationship with Countrywide, or financial benefits to him and/or family members living with him, as required by California law, and also refused to recuse.

Legal records and further description of what took place on December 7, 2007 , can be found at:

<http://inproperinla.com/08-06-24-exhibits-vol-v-receivership-introduction%5Bs%5D.pdf>

By December 17, 2007, Attorney Pasternak filed fraudulent grant deed on my property in the office of the Registrar/Recorder of LA County. To this very day I have not received a penny from the proceeds of the purported sale of my home. The fraud by Pasternak on behalf of the court was confirmed by veteran FBI agent, James Wedick, decorated by the U.S. Congress, by the U.S. Attorney General, and by the FBI Director. His opinion letter of the transaction by Pasternak for the court can be viewed at:

<http://inproperinla.com/07-12-17-opinion-letter-fraud-in-grant-deeds-s.pdf>

**8) Judge Friedman – a close friend of Sandor Samuels continues the abuse to this very day**

On January 11, 2008, Judge Friedman, in an unrecorded adjudication, with no judicial authority in this case at all (he never had any assignment order, - like all other judges in this case), issued an *ex post facto* order, that Judge Connor's gag order (which she had never issued) from July 23, 2007, was "*in full force and effect*".

He then proceeded in February –March, 2008, at the urging of Countrywide, to sanction me for \$22,500, for violations in 2007, of an order that he fabricated in January 2008. He also purportedly found me in contempt of the court, an threatened me with jail.

Abuse continues to this very day.

**9) Who is Bryan Cave LLP representing today? Is it Bank of America Corporation?**

The latest was a motion by Keshavarzi for Samaan to establish a "*Recovery*". In fact, the abuse could continue for ever, since there is no judgment in this case.

Of note, in recent months, I have sent Bryan Cave, LLP, notes demanding to know the identity of their client. They refused to answer. Given my experience with any possible fraud on me in this court, I assume that they never disclosed to Bank of America Corporation of what they were doing in the Los Angeles Court, and probably being funded by Sandor Samuels, who – I have no indication is authorized by Bank of America to do so.

Not surprising – the Court of Judge Friedman is in collusion in this fraud. On October 31, 2008, he issued a notice for a hearing on Nov 21, 2008. To hide Countrywide's participation, he issued a bizarre and invalid notice, and I refused to acknowledge it as a valid court notice.

I find it hard to believe that Bank of America Corporation would participate in such actions. I would like to believe that Bank of America Corporation would like to distance itself from the corrupt organization practices of Countrywide.

**I request that you inform me as soon as possible, but no later than Friday, December 12, 2008, 5:00pm who is allowed to represent Bank of America Corporation in negotiation for resolution of the current travesty.**

**10 What is Samaan v Zernik?**

In recent months I have been writing to the Presiding Judge of LA Superior Court Stephen Zculeger, and asking to explain to me:

a) What is *Samaan v Zernik*?

The evidence as a whole indicates that it is not a case of the California Superior Court.

b) Why is no judge appointed as required by law through an assignment order?

- c) Absent such assignment orders, what is the authority of Judge Friedman in this case, if any?
- d) Is there or isn't there a judgment that is entered, valid, and effectual in this case?

The office of the Presiding Judge is refusing to answer!

The answer that I have reached is simple: *Samaan v Zernik* is an *Enterprise Track* case of the Los Angeles Court. I believe that there are many cases like this one, but nobody managed to document it as carefully as I did.

**I know it is sounds as an absurd, but I have tried almost anything else by now, this is almost last resort:**

**I am pleading with the Board of Directors of a corporation to protect my civil rights pursuant to the Amendment to the Unite States Constitution, for Free Speech, for Due Process, and for Possession, and for the Common Law right to access judicial records, to inspect and to copy, affirmed by the U.S. Supreme Court in *Nixon v. Warner Communications*.**



12-4-08

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Date

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Joseph Zernik