

Joseph Zernik DMD PhD
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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

"THE JUDGMENT WAS SET AND THE BOOKS WERE OPENED" Daniel 7:10

Mr Timothy J. Mayopoulos, Executive Vice President and General Counsel
Bank of America Corporation (Bank of America)
100 N Tryon St
NC1-007-56-11
Charlotte, NC 28255
Phone: (704) 386-7484
Fax: (704) 370-3515

Date: Tue, 09 Dec 2008 15:27:28 -0800

To: "Mohammad Keshavarzi" <MKeshavarzi@sheppardmullin.com>, "Paul Malingagio" <PMalingagio@sheppardmullin.com>, "Ted Max" <tmax@sheppardmullin.com>

From: joseph zernik <jz12345@earthlink.net>

Subject: REPEAT FILING OF OFFENDING FRAUDULENT RECORDS IN COURT. YOUR RESPONSE REQUESTED BY WED, DEC 10, 2008, 5:00PM. Notice of start of Safe harbor period per CCP 128.7.

Cc: sandor_samuels@countrywide.com, samuels_sandor@Countrywide.com, angelo_mozilo@countrywide.com, mozilo_angelo@countrywide.com, maria_McLaurin@countrywide.com, bbianco@lasuperiorcourt.org, "Ted Max" <tmax@sheppardmullin.com>, "Van Cleve, Peter D." <pdvanclave@BryanCave.com>, soverton@cmda-law.com, kdicarolo@cmda-law.com, tfriedman@lasuperiorcourt.org, jsczuleger@lasuperiorcourt.org, jclarke@lasuperiorcourt.org, jclarke@lasuperiorcourt.org, Jconnor@lasuperiorcourt.org, jsegal@lasuperiorcourt.org, "David J. Pasternak" <jwp@paslaw.com>, "John Patton" <jwp@paslaw.com>, "Amberg, John W." <jwamberg@BryanCave.com>, jenna.moldawsky@bryancave.com, todd_Boock@Countrywide.Com, "attention Mayo" <patrick.c.ryan@bankofamerica.com>, "attention Mayo" <ocrates@bankkofamerica.com>, "attention Mayo" <joyce.schilling@bankofamerica.com>, <amayorkas@omm.com>

December 9, 2008

Mohammad Keshavarzi
Sheppard Mullin, LLP

**RE: REPEAT FILING OF OFFENDING FRAUDULENT RECORDS IN COURT.
RESPONSE REQUESTED BY WED, DEC 10, 2008, 5:00PM.
Notice of start of Safe Harbor period per CCP 128.7.**

Mr Keshavarzi:

You recently sent me copy of papers you filed in court under the name of Sheppard Mullin, LLP, for motion to establish recovery, scheduled for Nov 21, 2008.

1) No signatures were visible on my copy. I request that you forward to me copy bearing your visible

original signatures. In case the copy you filed in court does not bear your signatures, and you choose to keep that paper filed, I request that you correct that situation expediently, otherwise please withdraw such papers, and notice me accordingly.

2) Your most recent papers again included records produced in subpoena by Countrywide, which were the core of this litigation. I complained in the past that such papers constituted fraud on numerous accounts. Such records were repeatedly fraudulently misrepresented by you as the product of fax transmission from Victor Parks, loan broker, to Countrywide San Rafael, on Monday, October 25, 2004, 5:03 pm.

3) In fact, as made clear by Ms Samaan in her deposition, Mr Perks had nothing to do with any of it. Among other umpteen frauds, throughout the transaction in 2004, Ms Samaan impersonated Mr Parks in fax communications. This record was no exception.

4) This record also was never received by Countrywide on the date and time indicated above, as you misrepresented in court. In fact the transmission that generated that fax header imprint was from Samaan in Los Angeles to her husband in Los Angeles. I went through that issue in depth among other opportunities, on August 9, 2007, in open court.

5) You have never provided adequate authentication of that record when you introduced it as evidence. and I filed for sanctions against you per CCP 128.7 for filing of fraudulent records in court.

6) To avoid that hearing, you scheduled in conflict another "hearing" as you fraudulently called it, with retired Judge O'Brien, who had no authority at all to hold any "hearing" of any kind.

7) This court refuses to even confirm that Samaan v Zernik was ever a case of the Superior Court of California. Regardless, you were fully aware that such records were, are, and always will be fraud, and therefore any purported order, decree, judgment, or any other outcome of such litigation was is, and always will be null and void.

8) In the most recent papers you omitted the fraudulent transmittal cover sheet. Regardless, this record is the product of fraud, and it was introduced by you as part of fraudulent evidence.

9) Therefore, I request that you immediately remove this record from your most recent pending papers.

10) Therefore, I also request that you submit a request for a nunc pro tunc order:

a) to mark all instances where such paper appears in the court file as instances of fraud.

b) to vacate all orders, decrees, judgments that were based on such fraudulent real estate contract record.

10) Please consider this notice per CCP 128.7 for start of Safe Harbor period.

MR KESHAVARZI & MR MALINGAGIO: RESPONSE REQUESTED BY WED, DEC 10, 2008, 5:00PM.

11) This message is copied to Att John Amberg and Att Jenna Moldawsky, who claims to be authorize to represent Countrywide Home Loans, Inc, a subsidiary of Bank of America. Countrywide Home Loans, Inc too is requested to file request in court for the withdrawal of such fraudulent records produced by Countrywide Home Loans, Inc as part of subpoena productions that were replete with fraudulent records, and which tried to entirely fabricate Samaan's fraudulent loan applications underwriting

history.

MR AMBERG AND MS MOLDAWSKY: RESPONSE REQUESTED BY WED, DEC 10, 2008, 5:00PM.

12) This notice is also forwarded to Att Todd Boock, Countrywide Home Loans, Inc, who was part of the team under Mr Samuels, who devised the subpoena fraud in 2006, and repeatedly provided fraudulent responses to questions in Meet and Confer in 2007, then claimed religious observance to void appearance in motion to compel. Mr Boock is requested to authenticate the real estate contract record, otherwise, to withdraw it from the record, and with it the entire countrywide fraudulent subpoena, and to notice the parties and the court accordingly. Mr Book is according to Bank of America Office of General Counsel the only one authorized to represent Bank of America Corporation. That office had no record of Bryan Cave LLP as authorized to represent Bank of America in this matter. **MR BOOK: RESPONSE REQUESTED BY WED, DEC 10, 2008, 5:00PM.**

13) This notice is also forwarded to:

Mr Timothy J. Mayopoulos, Executive Vice President and General Counsel
Bank of America Corporation (Bank of America)
100 N Tryon St
NC1-007-56-11
Charlotte, NC 28255
Phone: (704) 386-7484
Fax: (704) 370-3515

With the demands:

- a) that Bank of America corporation put an end to this fraudulent litigation and farce of a court, progressing in its name in the past six months,
- b) that it withdraw the fraudulent subpoenas produced by Sandor Samuels, Todd Boock and their colleagues in the corrupt Legal Division of Countrywide ,
- c) that they take action to mitigate damages,
- d) that they report in the quarterly report for Q-IV of 2008 such material deficiency - the compromise of the legal team of Bank of America Corporation resulting from incorporation of the Legal Division of Countrywide Financial Corporation to its ranks pursuant to

Section 307 of Sarbanes-Oxley

Since material violation of law has occurred, is occurring and is about to occur again, as set forth in Section 307 of the Sarbanes-Oxley Act of 2002 and the SEC Rule promulgated there under (17 CFR 205), the general counsel must inform his superiors and the authorities. This notice may be in any form, but should conspicuously state that it is being made under Section 307 of the Sarbanes-Oxley Act.

MR MAYOPOULOS: RESPONSE REQUESTED BY WED, DEC 10, 2008, 5:00PM.



Joseph Zernik
Fax: 801 998 0917
Tel: 310 435 9107

Mr Mayopoulos:

I believe that you re n honest man. Your help is very much needed in setting the justice system in LA straight. I just came back from Washington DC, where I met senior legal staff to senators and congressmen, requesting that they initiate hearings on the corrupt justice system of LA County. Mr Samuels and Countrywide had more than bit to do with it. You're in a unique position, where you could improve the safeguard of the civil rights of the 9.5 millions who live here, where even an Overseer, U.S. Judge, appointed in 2001 as part of the Consent Decree (2:2000cv11769-GAF-RC) could not make any difference.

PRAYER

The most outrageous part of the problem is that reports indicate that there are estimated thousands of people, mostly probably blacks and minorities, who were confirmed innocent already 10 years ago, but had been framed by corrupt police. Such findings were confirmed again and again by 3 or 4 investigative commissions after that. The latest of them is the Blue Ribbon report of 2006, referenced below. These people are still falsely imprisoned in LA County, under the Bill of Rights, and One Nation Under God.

Mr Mayopoulos, let me assure you, if you affect the release of these people, which I believe is within your powers, you would buy your place in U.S. History.

Please, I pray, let this be your personal *pro bono* project, please remove this blight from the name of the United States of America.

Joseph Zernik



EXCERPT (p48):

While the criminal justice system could sustain overturning scores of criminal prosecutions tainted by Rampart CRASH corruption, thousands could have meant the collapse of the entire LA County criminal justice apparatus. As one former federal prosecutor who assessed the magnitude of such a threat put it, Rampart was "Chinatown---potentially too big for the truth" (referring to the scandals of the Los Angeles water wars), Similar evidence of containment also emerged during interviews exploring the Board of Inquiry investigations. Members of the Board of Inquiry's work product working group reported that when they pursued the records of Rampart CRASH alumni who had graduated into Metro, they found sergeants' logs missing. When they asked to launch a broader inquiry into Metro, they were told it would not happen because Metro was untouchable.

Facing a choice between containment or catastrophic failure, the operators of any system- law enforcement. prosecutors and judges-inexorably choose containment. It is not that individuals or entities conspired to cover up corruption; it is that when a window on its true extent opened, they simply closed it.

REFERENCE:

<http://inproperinla.com/00-00-00-rampart-blue-ribbon-review-panel-2006-report.pdf>

ADDITIONAL REFERENCE

Additional documentation, including fraud experts opinion letters re: fraud in this litigation in *Samaan v Zernik* can be viewed at:

1. <http://inproperinla.com/04-10-26-doc-44-countrywide-fraud-underwriting-letter.pdf>
2. <http://inproperinla.com/04-10-26-opinion-letter-countrywide-underwriting-letter-oct-26-s.pdf>
3. <http://inproperinla.com/04-09-07-samaan-s-prequalification-letter.pdf>
4. <http://inproperinla.com/04-09-07-opinion-letter-fraud-in-prequalificaion-letter-s.pdf>
5. <http://inproperinla.com/04-09-27-doc-40-samaan-fraudulent-loan-applications-s.pdf>
6. <http://inproperinla.com/04-09-27-samaan-countrywide-fraudulent-loan-application.pdf>
7. <http://inproperinla.com/04-09-27-opinion-letter-fraud-in-loan-applications-signature-s.pdf>
8. <http://inproperinla.com/04-10-18-wire-fraud-p1.pdf>
9. <http://inproperinla.com/04-10-18-9-emails-in-re-wire-fax-fraud.pdf>
10. <http://inproperinla.com/04-10-25-countrywide-adulterated-branch-input-exception-request-s.pdf>
11. <http://inproperinla.com/04-10-25-doc-45-countrywide-fraud-contract-record.pdf>
12. <http://inproperinla.com/04-10-26-countrywide-fraudulent-underwriting-letter-s.pdf>
13. <http://inproperinla.com/06-07-10-samaan-deposition.pdf>
14. <http://inproperinla.com/07-02-08-countrywide-fraudulent-subpoena-production-c-s.pdf>
15. <http://inproperinla.com/06-11-09-doc-38-1-countrywide-mclaurin-false-declarations.pdf>
16. <http://inproperinla.com/06-11-09-doc-38-2-countrywide-mclaurin-false-declarations.pdf>
17. <http://inproperinla.com/07-06-20-bet-tzedek-web-page-with-samuels-before-letter.pdf> - Samuels
- the fraudster as "fraud buster"