

08-12-29 COVER NOTICE BY EMAIL TO ATT JENNA MOLDAWSKY

Date: Mon, 29 Dec 2008 19:30:23 -0800

To: "Jenna Moldawsky" <jenna.moldawsky@bryancave.com>

From: joseph zernik <jz12345@earthlink.net>

Subject: Demands 1) to report pursuant to Sarbanes-Oxley Act of 2002 307, 2) to immediately withdraw filings that must be deemed upon review in violation of the law, and 3) to cease and desist racketeering- RICO 18 USC 19611968.

December 29, 2008

Att Jenna Moldawsky
Bryan Cave, LLP
Appearing as Counsel for
Countrywide Home Loans, Inc
and Bank of America Corporation
By Email

RE: Demands 1) to report pursuant to Sarbanes-Oxley Act of 2002 307, 2) to immediately withdraw filings that must be deemed upon review in violation of the law, and 3) to cease and desist racketeering- RICO 18 USC 19611968.

Ms Moldawsky:

This notice and the attached letter are in demand to immediately withdraw Jan 13, 2008 motion papers filed in court in violation of the law. As usual, this motion is obstructive in nature, intended to cover up the fact that Bank of America office of the General Counsel never formally authorized you to appear in its name in court, while allowing you to continue such conduct without interference.

Your conduct in the previous year and a half was of similar nature or worse - intended to allow fraud conducted against me by Countrywide to continue, based on fraudulent records produced by Countrywide and filed in court as evidence by Samaan and Keshavarzi. Neither you, nor Mr Angelo Mozilo, nor Mr Sandor Samuels were willing to authenticate in the previous year and a half.

The two main fraud records were and are:

1) Real Estate Purchase Agreement

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

2) Underwriting Letter

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

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

This notice is a repeat demand to either authenticate these two Countrywide records, or immediately remove them from the records of the court.

Such fraud was part of the larger fraud, conducted in collusion with judges of the LA Superior Court, primarily: Jacqueline Connor, John Segal, and Terry Friedman, and also in collusion with Nivie Samaan, and Att Mohammad Keshavarzi of Sheppard Mullin. Together, you have conducted for over 3 years sham litigation in the LA Superior Court. The office of Presiding Judge and Clerk of the Court are unwilling to certify any of it.

Please notice that your conduct, upon review by a competent court must be deemed racketeering per RICO 18 USC 19611968. Such conduct involved what must be deemed numerous predicated acts per 18 USC 1961, including, but not limited to violation of the following:

- 1) Mail fraud per 18 USC 1341;
- 2) Wire fraud per 18 USC 1343;
- 3) Financial institution fraud 18 USC 1344;
- 4) Obstruction of justice 18 USC 1503;
- 5) Retaliating against a witness, victim, or an informant 18 USC 1513;
- 6) Engaging in monetary transactions in property derived from specified unlawful activity 18 USC 1957, and

7) Robbery per state law 18 USC 1961.

Such conduct must be reported per Sarbanes-Oxley Act of 2002 307 as material violations of the law the were committed, are being committed, and are going to be committed again in the near future. For example: Such violations of the law are going to be committed again in:

- a) Motion by Att Keshavarzi, noticed for November 21, 2008 and continued, where Countrywide's fraudulent contract record appears again as the main evidence, again unauthenticated.
- b) Motion by Att Moldawsky, noticed for January 13, 2008, where again fraudulent claims are made, and fraudulent evidence is presented.

Such violation of the law were material violations in Countrywide, since they directly involved:

- a) Branch Manger - Maria McLaurin
- b) Chief Legal Officer - Sandor Samuels
- c) President/CEO - Angelo Mozilo.

Such violations of the law were material violations in Countrywide, since they demonstrated in detail the collapse of any integrity in the operations of a banking institution, and its conduct as a corrupt organization:

- a) They involved the two main individuals who were vested with the duty to safeguard the integrity of operations - Mozilo and Samuels.
- b) They demonstrated corruption of the Legal Department, which actively participated in design of the fraudulent subpoena productions.
- c) They demonstrate the active involvement of a Branch Manager in the wholesale division in the production of fraudulent loan applications, and in forcing through the underwriting of such loans in violation of the law.
- d) They demonstrate the total collapse of any internal audit, external audit, internal legal oversight, external oversight by regulators.
- e) They demonstrated the role of Countrywide in the corruption of the Los Angeles Superior Court and its judges.

Such evidence is material for investigations conducted at present by both the FBI and the Attorneys General of a number of several states, following collapse of the sub-prime industry that caused losses in the trillions of dollars. Critical evidence for such investigations is found in *Samaan v Zernik (SC087400)*.

Such conduct constitute material violations of the law in Bank of America for similar reasons:

- a) The President/Chair/CEO and other members of the Board were notified of the fraud already in February 2008, but they chose not to stop the fraud, but instead to continue it, by allowing Att Moldawsky to continue to appear in court, albeit, formally stating that such appearance was not authorized by BOA.
- c) Such conduct demonstrates breakdown of integrity by the General Counsel of Bank of America - Timothy Mayopoulos, a key figure in the safeguard of integrity of Bank of America.
- d) BOA took over from Countrywide their role in corruption of the LA Superior Court.
- d) Such conduct raises concern regarding the nature of guarantees provided to Bank of America by the Bush administration - short-sighted as it was, and eager to leave office with no financial collapse. Such guarantees may cause even bigger harm in the future, given the latitude allowed for growth of Bank of America.

For all the above reasons, you must immediately report the conduct of BOA and Countrywide in Samaan v Zernik (SC087400) as material violations of the law per Sarbanes Oxley Act of 2002, 307. so that the General Counsel of Bank of America Corporation report them with Q-IV of 2008 reports and in annual reports for 2008.

Joseph Zernik

CC:

- 1) Mr Mayopoulos
BOA - General Counsel
- 2) Mr Lewis
BOA - President/CEO/Chair
- 3) SEC
- 4) Office of Federal Trade Commission.

By email and by USPS Certified mail, return receipt.

Date: Mon, 29 Dec 2008 14:11:04 -0800

To: "Van Cleve, Peter D. - Managing Partner St. Louis" <pdvanclave@BryanCave.com>, "Amberg, John W." <jwamberg@BryanCave.com>, "Modisett, Jeffrey A, Managing Partner- LA" <jamodisett@bryancave.com>

From: joseph zernik <jz12345@earthlink.net>

Subject: Fwd: Demand to immediately withdraw filings that must be deemed upon review in violation of the law, and demand to cease and desist racketeering- RICO 18 USC 19611968.

Date: Mon, 29 Dec 2008 14:09:33 -0800

To: <jenna.moldawski@bryancave.com>

From: joseph zernik <jz12345@earthlink.net>

Subject: Demand to immediately withdraw filings that must be deemed upon review in violation of the law, and demand to cease and desist racketeering- RICO 18 USC 19611968.

Cc: <gruenberg@law.ucla.edu>, <ku@law.ucla.edu>, <rivera@law.ucla.edu>, <schill@law.ucla.edu>, <bank@law.ucla.edu>, , <mnookin@law.ucla.edu>, , <saunders@law.ucla.edu>, , <tbfriedman@lasuperiorcourt.org>, , <jacconnor@lasuperiorcourt.org>, , <jsegal@lasuperiorcourt.org>, , <bbianco@lasuperiorcourt.org>, , <jsczuleger@lasuperiorcourt.org>, , <jclarke@lasuperiorcourt.org>, , <Jconnor@lasuperiorcourt.org>, , "Attention General Counsel Mr Timothy Mayopoulos, and Chair, CEO, President, Mr Kenneth Lewis" <patrick.c.ryan@bankofamerica.com>, , <joyce.schilling@bankofamerica.com>, , "Former U.S. Attorney, lead attorney in City of LA Consent Decree of 2001" <amayorkas@omm.com>

Please see attached letter dated December 29, 2008.

Please notice information provided to Bank of America Mr Kenneth D Lewis, Chair, President , CEO, and also provided to Mr Timothy Mayopoulos, General Counsel, prior to the end of Q-4 of 2008 reporting period, to facilitate reporting of violations of the law per Sarbanes-Oxley Act of 2002, section 307, promulgated as 17 CFR 205.