
Notices of Rescission recently recorded by Aztec FC Corp.

1 message

Renee Yamagishi <ryamagishi@gmail.com>

Wed, Aug 16, 2017 at 2:54 PM

To: Angie Marth <amarth@logs.com>, "Darlene P. Hernandez, Esq." <dhernandez@logs.com>, Aztecnotices <AztecNotices@logs.com>, Elaine Malone <emalone@logs.com>

Cc: "Diane P. Cragg" <dpc@severson.com>, Brandye Foreman <BrandyeF@bdfgroup.com>, darlenev@bdfgroup.com

Good day Ms. Marth and Ms. Hernandez and Aztec FC Corp. staff:

This email is to formally acknowledge three Notices of Rescission recently filed by Aztec Foreclosure Corporation and now active in the County Clerk Recorder's Office, i.e., a Notice of Default recorded in 2014 and two Notices of Trustee Sale originally recorded in 2014 and 2016 are now formally rescinded as per the public record; scans of certified copies of the same are attached below.

The PDF of scanned documents below also shows the still-active Substitution of Trustee document filed into the County of Alameda Clerk Recorders' Office, recorded on 04/30/2014, Doc # [2014103214](#); which on its face is a publicly recorded notice, entitled Substitution of Trustee, that as of its signing by a Raymond Burke an "Assistant Secretary" of "Wilmington Trust Company, as Trustee for the Merrill Lynch Mortgage Investors Trust, Series 2006-HE5 by Nationstar Mortgage LLC as attorney in fact" does state that the "present Beneficiary under [said] Deed of Trust is "Wilmington Trust Company, as Trustee for the Merrill Lynch Mortgage Investors Trust, Series 2006-HE5" and that the "undersigned Beneficiary" substitutes "Aztec Foreclosure Corporation" with a Phoenix AZ address, as "Trustee of Said Deed of Trust."

Counselors, your client (and company) Aztec Foreclosure Corporation has retained public recordation of this Substitution of Trustee document in my County records even while having rescinded the other three documents (the NOD and two NOTS described above.)

Please review carefully the content of the Substitution of Trustee document in its entirety: Is Aztec Foreclosure Corporation's **current** legal position consistent with the statements made on the face of this document and is Aztec Foreclosure Corporation prepared to attest to the accuracy of the statements made thereon, and attest to the authority of entities and persons designated thereon and affixing their signatures thereon?

- If so please reply that your current legal position is consistent therewith, and that this publicly recorded Substitution of Trustee documents needs no revisions, corrections or alterations, and therefore as such DOES reflect accurately Aztec Foreclosure Corporation's CURRENT legal position as a currently accurate public notice regarding the subject property.
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- If, however, there is any revision, correction, comment or other issue regarding this publicly recorded document presented for filing by your organization in April 2014, then please reply consistent with the latter position and clarify your next steps therefrom.

As you are aware, Aztec Foreclosure Corporation has been sued and is a named Defendant in a complaint active in [Sup.Ct.CA](#) for Alameda County, Case no. RG-17852775 YAMAGISHI v. NATIONSTAR MORTGAGE LLC et al. Aztec

has filed a "claim of non-monetary status" and that it is a "non-participating defendant." I make no comment here in response to your filing this response to date.

This email's request for your legal position, however, is specifically with regards to the publicly recorded document whose recording was presented and requested by your organization Aztec Foreclosure Corporation; a document still active in my County regarding my property, a Substitution of Trustee (SOT) filed under my former legal name Renee S. Ramos [aka Renee S. Yamagishi]. Therefore with or without active litigation and/or your Defendant status, I am tasking Aztec Foreclosure Corporation to review your legal position on an active publicly recorded document, and thereby to provide a meaningful reply to my inquiries below.

Below you will see two PDF scans: 1) SOT and three Notices of Rescission; and 2) Four Assignments of Deed of Trust (DOT), the 4th assignment being UNRECORDED followed by page one of a Motion filed in a related BK case with which the 4th unrecorded assignment was exhibited in support of.

My position as party in interest and plaintiff in the active complaint is two-fold:

1) Taken on their faces the three RECORDED Assignments of Deed of Trust (recorded in 2009, 2012 and 2013) **all fail to document** an Assignee and "Beneficiary under Deed of Trust" named ""Wilmington Trust Company, as Trustee for the Merrill Lynch Mortgage Investors Trust, Series 2006-HE5" which would be consistent with your Substitution of Trustee document filed months and years later on 04/30/2014. (Please review all four assignments in the scanned PDF below.)

- I would have expected there to be an appearing publicly recorded Assignment of Deed of Trust naming the entity above as Assignee prior to the recordation of your Substitution of Trustee document which states that the above is the "Beneficiary under the Deed of Trust" as of your presentation for recording on April 30, 2014; but such is not the case as per any public record.
 - Currently as such, this Substitution of Trustee document appears to be rogue or at least yet-to-be-substantiated and currently places a cloud on title to my property; therefore I am duly noticing your organization together with your agents and attorneys of the matter and of my objection to its causing cloud on my title to property.
 - Your organization is hereby tasked with correcting the record to be consistent with what is true and correct and explaining the SOT document filing in light of the record of Assignments of Deed of Trust active in my County Clerk Recorder's Office. Failing a correction or explanation that removes cloud caused by this SOT, I may be forced to motion for its expungement on lawful grounds; which would involve subpoenas, special interrogatories, depositions or any appropriate discovery methods to ascertain your true legal position relative to the document and actions taken in the past, currently, or in the future by your organization arising therefrom.

2) The fourth UNRECORDED Assignment of Deed of Trust dated by signatory on April 08, 2015, purports to name a **slightly different name** than that in your Substitution of Trustee document, i.e. this Assignee is named "Wilmington Trust, National Association, Successor Trustee to Citibank, N.A., as Trustee for Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2006 HE-5" with an address of 401 Plymouth Road, Plymouth Meeting, PA.

- This Assignment of Deed of Trust is NOT recorded but WAS filed into the public record of the U.S. Bankruptcy Court as shown, exhibited with a Motion(page one attached) and filed June 10, 2016.
- This document names an Assignee whose name starts off "Wilmington Trust ..." but differs from the exact entity named on your SOT.
- This document is dated as signed and entered on April 8, 2015 but never recorded into my County of Alameda Clerk Recorder's Office.
- The RECORDED Substitution of Trustee document PRE-DATES this UNRECORDED Assignment by one year.
- According to the research and inquiry of Severson & Werson attorney Diane P. Cragg, the two Wilmington entities are NOT interchangeable entities as named, prompting Nationstar and attorney Cragg to amend their formal reply to my March 2017 RESPA Notice of Error & Request for Information (NOE/RFI letter) from the "Wilmington Trust COMPANY, as Trustee" Assignee name to their amended reply letter stating "Wilmington Trust, National Association, as Successor Trustee ..." as the "current beneficiary under the Deed of Trust."

The only problem is, there is exactly ZERO ASSIGNMENTS naming EITHER Wilmington entity as Assignee and current "Beneficiary under the Deed of Trust" IN THE PUBLIC RECORD. And even if the April 8, 2015 unrecorded Assignment exhibited below WERE to be filed and recorded; it is dated almost exactly one year AFTER Aztec Foreclosure Corporation recorded the SOT - still leaving as unresolved the lack of Assignment to ANY Wilmington

entity prior to SOT filing.

I am copying attorney Cragg who states she and her firm are legal counsel for Nationstar, Wilmington Trust, N.A., M&T Bank, and Wilmington Trust, N.A. as Successor Trustee ...

I am also copying Ms. Brandye Foreman of the Barrett Daffin et al law firm, as noted in the BK case Motion and Assignment exhibited therewith.


Thank you counselors and staff of Aztec Foreclosure Corporation for your prompt attention and meaningful reply to this inquiry by email. Please note that the case has its next scheduled hearing date on November 14, 2017; a Case Management Conference and Hearing on Demurrer. Prior to that hearing both Ms Cragg as counsel for the four named Defendants is amenable to telephone conference, Meet & Confer, as per 430.41; therefore we will be discussing documents both public and private including this one, your Substitution of Trustee.

Your cooperation and assistance is greatly appreciated,

Cordially,

Renee S. Yamagishi aka Renee S. Ramos
Plaintiff in Pro Per in the above-referenced case

2 attachments

 **QT2017_SOT_and_3Rescissions.pdf**
783K

 **QT2017_Assignments_1to4.pdf**
816K