

CASE SUMMARY

Excerpt from USDCNJ Filing #99

INTRO FOR NEW COMPLAINT

The Defendants' fraud has been perpetuated by *at least* 13 entities over a 13 year period. To better explain the complexities of their actions, I have written this excerpt from the case files.

WITNESSES' IDENTIFIES PROTECTED

I have been careful not to identify the names of witnesses in this write-up for good reason. Some of my desired witnesses are afraid to testify. So far, 2 witnesses who have been threatened, are still willing to testify, and are not on my subpoena list. They are on my list of witnesses who are willing to testify without a subpoena.

SUMMARY OF FRAUD BY DEFENDANTS

Litton Loan ("Litton") kicked off this reign of fraud (2005) when it began falsely increasing the principal balance of my mortgage by failing to record payments received. Rather than become enthralled in Litton's deception, I decided to refi to get it out of their hands.¹ I had offers from Chase and Fremont Investment and Loan. I chose Fremont. The former Fremont employee who initiated the fraudulent mortgage was referred by a long-time colleague and friend. My requirement in a mortgage company was to provide a firm, fixed rate mortgage at a rate that was competitive with what Chase offered (~ 6%). That requirement was reaffirmed with Fremont and other contenders clearly and repeatedly. Only Chase and Fremont offered loans that met my requirements. I chose Fremont because Chase made costly loan errors in the past and the Fremont employee was a referral from a colleague. I had several communications with this person for about 3 months before meeting to execute the mortgage. I met the Fremont employee in their New Jersey office, greatly extending my bi-weekly drive between NJ and DC.

¹ REF: This is one of the items that was included in the case filings; many are referenced in this document.

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After signing the first page I immediately noticed that it was for an adjustable rate note at the 7% interest rate. I stopped immediately; confronting the Fremont employee and told this person I would continue to DC and refinance with Chase. This person apologized profusely. I refused to proceed unless this person called Fremont headquarters in California to reconfirm my deal. I waited a considerable amount of time and this person went to have the conversation and returned after a while with the mortgage we had agreed upon². When I asked for the page that I had signed, this person said they had already destroyed it. I signed the remaining pages and agreed to sign the [financials] page after this confirmed the approximately \$35K principal balance to be transferred and the amount to be advanced. This person thought Fremont could advance a larger amount.

I called Fremont in California a few days later, from DC, to confirm that the mortgage agreed upon had indeed been received. This was within the timeframe that the law allowed me to cancel the mortgage. Another Fremont employee, also on my subpoena list, confirmed that the correct loan agreement had been received. This person also told me that I would not receive the advance for several weeks and that the first bill would be sent soon after that.

When I received the first bill, I was irate. The payment amount did not match the principal or the interest rate. I called Fremont in California to let them know the problem and that I wanted to cancel the mortgage. The Fremont CA contact apologized profusely. This person told me it was not possible to cancel because funds had been transferred. They did offer to adjust and correct the rate with a refinance. After an extremely apology and explanation of how their error would be fixed, I learned that their solution would only cost me 1 month's interest. I agreed with one stipulation. I gave them a deadline to get it done and fax me the note. Little did I know then that Fremont was under investigation by the [Federal Deposit Insurance Corporation](#) (FDIC)!

As I dealt with the passing of my father (Jan. 2007); my property being listed with a new realtor (~2007); moving forward in the acquisitions process with multiple Federal agencies; and executing the mortgage (March 2007), I never imagined that this regulated financial services firm was facing a cease and desist order. I was assured that the mortgage had been corrected and filed. I had received a copy of the revised mortgage (without payoff and advance) and would receive the advance and payoff, then a copy of the filed document.

The next thing I knew, Litton Loan, the company that I escaped from with the refinance, contacted me to tell me that Fremont was out of business and they owned my mortgage again!

² First attempt to correct mortgage by Fremont included in USDCNJ Filing #41 <http://finfix.org/proof/USDCNJ/USDC-Doc41.pdf>.

LITTON LOAN BACK IN THE DRIVER'S SEAT

I explained to the new Litton Loan employees what happened with Fremont and with Litton Loan before that. They understood that I had names and copies of communications including the *corrected* mortgage. I told them that I would not pay until my mortgage had been properly corrected. Payment of the mortgage would have confirmed that I agreed with it. After some checking, Litton Loan had a different person contact me. I was told they would not change the principal amount but they would restructure the mortgage to fit the cash flow requirement for my budget. This let me know that they had inflated the principal balance because making the effort to correct it would prove their crime. I was now very close to receiving a Federal task order and Federal contract job offer that would allow my firm to receive strategic and lucrative task orders. This was a major step towards completing my retirement plan. One Federal senior contracting officer had told me that a small task order for my firm was \$5M. My firm had qualified for task orders in excess of \$20M³. So eating the \$300,000 loss from fraud by Litton Loan and Fremont was an unfortunate no brainer. Litton Loan committed that they would restructure my mortgage. I knew that I would be able to pay it off in less than 2 years.

After several weeks, Litton Loan representatives told me that they would get me a HAMP⁴ refinance of my mortgage but it would take a little longer. When I expressed concern about the longer time and my ability to qualify, I was assured that Litton Loan would refi the mortgage themselves if HAMP was not approved⁵. At this point, I needed the refi to pass the Federal security clearance required to finalize the contract job offer that I was going to receive from the U.S. Department of Homeland Security. It was too late to refi with another firm. Besides, Litton Loan representatives assured me that now they were owned *and backed* by Goldman Sachs⁶. They assured me that their bad reputation was behind them because Goldman Sachs *ensured they would deliver*⁷. I confirmed that Litton Loan was fully held by Goldman Sachs. Accepting their overstated refi mortgage was the best course of action that would not interfere with what I needed to do to secure my firm's task orders that I had worked decades to obtain.

³ See commitment letter from financier submitted to Federal government on page 9 of http://www.fifix.org/proof/ADDL/Proposal-Part%20II%20v4_SHARE.pdf

⁴ HAMP is the Home Affordable Mortgage Program initiated in 2009 and delivered by the U.S. Federal government. <https://www.makinghomeaffordable.gov/pages/default.aspx>

⁵ In response to Litton Loan's assurances that they would offer a modification if the Plaintiff was not accepted by HAMP, Plaintiff submitted several responses including [Ex9](#) and [Ex10](#) and [Ex11](#) and [Ex12](#) and [Ex13](#) and ZZ (from the Discovery first filed I 2014).

⁶ See p. 18 of <http://www.fifix.org/US-Case-No-2-16-cv-05301-ES-JAD.pdf>

⁷ Ibid.

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I proceeded, doing everything that Litton Loan required⁸. Despite many verbal and even a written assurance⁹, Litton Loan took my money, foreclosed, and then illegally cashed my checks all while they contended the refi papers were being processed. I then began to lose everything¹⁰

As the underwriter of my troubled mortgage, I tried to enlist the help of HSBC. I made several phone calls to HSBC employees followed by a letter on June 10, 2010 to [Brendan McDonagh, HSBC CEO, asking that they intervene](#). I had many conversations, explaining the responsibility of the underwriter and questioning the directives given to mortgage originators. I had just visited the State of New Jersey Hall of Records for Essex County and knew that the mortgage had not been filed. I knew that HSBC had a responsibility to uphold errors with mortgages they had underwritten and were likely carrying on their balance sheet. This was more important since Fremont had been put out of business by the Federal Deposit Insurance Corporation (FDIC). I had appealed to HSBC's business motives in my letter to McDonagh rather than threaten them by pointing out their responsibility. [McDonagh left HSBC in 2010](#). The following year, [HSBC laid off 30,000 employees](#). The U.S. Senate named McDonagh in a [report on HSBC's compliance failures](#) in 2012. Clearly, problems with HSBC's operations ran deep. After many calls and over a year after receiving my letter, [HSBC declined](#) to intervene on August 3, 2011. This is particularly devious now that HSBC is paying the legal fees for all Defendants.

Not too long after that response, I began receiving collection notices and calls from Ocwen. After Litton Loan and Goldman Sachs failed to show up at our court hearing at New Jersey Superior Court, I learned that Goldman Sachs had sold Litton Loan to Ocwen. Now I was faced with having to restart the process of fixing errors in my mortgage with Ocwen. This was weeks after HSNC declined to intervene. I made many calls to Ocwen in an effort to identify who had the authority to rectify my problem. I sent facsimiles and emails to Ocwen's Executive Office. Finally, on September 24, 2012 I received a confirmation email from [Erby, Ocwen CEO](#) but no one has responded. Ocwen was added as a defendant in the complaint filed in 2013. Their *collection efforts continue*¹¹ to stop me from obtaining credit necessary to effectively run my business. Experian affirmatively confirmed¹² in January 2018 that Ocwen *will not* be removed from my credit report.

⁸ Ibid footnote #103 REF.

⁹ Ibid footnote #103 REF.

¹⁰ Ibid footnote #103 REF.

¹¹ A few calls were listed in the 2014 Discovery document filed with the State of New Jersey, [voicemails from Ocwen](#).

¹² Letter will be provided upon request from authorized party. [Click if you have been approved](#).

CHAIN OF FRAUD IN 1st 5 YEARS: LITTON TO FREMONT TO LITTON TO OCWEN

Litton Loan (2005 – 2007 & 2008 – 2011) and Fremont Investment and Loan, based on the documents submitted, *appeared to have collaborated* to increase my mortgage balance by over **\$261,000**. At the very least, they were each guilty of falsely inflating the principal balance of my mortgage. Fremont [forged](#) my signature and manipulated pages to create a fraudulent mortgage *and file it years later*. I do not know how much of the \$300K+ went to Fremont and how much went to Litton Loan. That may be revealed in the cross examination of witnesses or in the analysis of records received from subpoenas.

In response to a **sanction** from the Federal Reserve, Goldman Sachs stopped Litton Loan from originating mortgages in 2011. The Federal Deposit Insurance Corporation **put Fremont out of business in 2007**. Both companies repeatedly **promised** to correct the “error” until I was fed up. So I **filed a legal action** (in 2010 and again in 2013) with the NJ Courts. When the NJ Courts foreclosed in 2009 at a hearing that I could not attend (I abruptly ended a trip and was driving from Florida), I tried to encourage the defendants to admit the problem and cancel the foreclosure. I expected the first foreclosure would be delayed and rescheduled when I could attend. That did not happen. Soon afterwards I visited the Essex County Hall of Records in Newark, NJ and learned that the mortgage had not been filed as required. So I prepared to take legal action. This started 7 years of me being **denied due process by the NJ Courts**.

The Defendants ignored me and continued increasingly aggressive collection actions for a mortgage that I have since learned in 2017 was forged and fraudulent. This had been explained to all of my lawyers, to Mr. Seiden (at the time, the lawyer for all defendants), and has been explained throughout the case file. My recent count applies laws that fit what the Defendants’ did. Each group of lawyers that I hired should have applied the laws that underlie my recent count as well as appropriate laws cited in footnote #11¹³. My case reveals a pattern of property grand theft that is vastly different than the foreclosure legal defense that most attorneys seem to be boxed into. I reiterate that I am prepared to present my case and should be allowed to proceed to trial as soon as possible.

A narrative video (draft) that explains the process that enabled the fraud was filed with the USDCNJ on Feb. 9, 2018. To view and listen, [click to download](#). It will be delivered with the names of the Defendants at trial.

¹³ See Federal Laws – **18 U.S. Code §** – listed under Footnote 11 titled Federal Statutes of Limitations.

IN SHORT: DELIBERATE, SYSTEMIC FRAUD

Litton Loan and Fremont Investment and Loan each added unwarranted amounts – over \$200K – to the principal balance of my mortgage and then went out of business. The US DOJ gave Fremont a cease and desist order shortly after I moved my mortgage to them to get it out of the hands of Litton Loan. Goldman Sachs bought Litton Loan and they bought my mortgage from Fremont. Litton Loan assured me that they were reputable now that Goldman Sachs owned them. So rather than refinance with Chase, I agreed to refinance with Litton Loan to get a better rate and access equity easily. Choosing Litton also allowed me to proceed quickly without endangering the impending revenue for my firm. Litton Loan agreed several times to give me a modification. To my surprise and chagrin, days before my Federal security clearance was to be approved, Litton Loan foreclosed just in time for financial firms to be eligible for impending TARP funding and preferred treatment. In defiance of NJ laws, Litton cashed my mortgage payments *after* they foreclosed. I subsequently lost a Federal job, task orders, my firm's Federal Supply Schedules, committed financing and more. After trying to work out a resolution with Litton Loan and Goldman Sachs for over 3 years, I filed a complaint with the NJ Superior Court in 2010. This summary refers to Fremont Investment and Loan (Fremont) that is now out of business. The defendant, Fremont Home Loan Trust Mortgage Backed Certificates, continues to lay claim to fraudulent mortgage to which it is not entitled.

I was repeatedly denied due process by the State of New Jersey. Virtually all hearings were held without notifying me, my presence or my input. **U.S. certified mail was lost¹⁴** (filing #39) by the State of New Jersey Capital Post Office. The reasons for denying my appeals revealed administrative incompetence, or at the very least, a failure to disseminate information. Also, a Judge **denied me from attending a hearing** when I was representing myself!

¹⁴ See USDCNJ Filing #37 or [OL](#) & pp.3640 – 3647 of <http://www.fifix.org/US-Case-No-2-16-cv-05301-ES-JAD.pdf>

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My legal representation was subpar. The defendants' attorneys and my attorneys *appear to have* conspired to complete the theft of my home. Their failure to schedule mediation, and presenting me with a fake legal document, are just two examples of questionable behavior. A third is that neither my attorneys nor the defendants' attorneys (when I was Per Se) notified me of hearings and court decisions. As I was denied due process by the NJ Courts, Goldman Sachs **sold the fraudulent mortgage to Ocwen** (2011 – Now). Ocwen has **continued collection efforts** despite my complaints. So I **filed to remove my legal action to the U.S. District Court of New Jersey** in August 2016. Now, 13 years later, I am still fighting for my day in Court to have my case heard by a jury of my peers.

DECEPTIVE DEFENSE TACTICS

Since 2010, the defendants' attorneys have failed to show up at hearings, repeatedly failed to notify me of hearings they scheduled, blocked me from mediation and much more. When their lawyers were successful in being excused after not showing up for my hearing in 2010, I began notifying Federal agencies. The US Dept. of Justice opened an investigation into my case in May 2015. At least 3 law firms have been hired by the defendants to stop me. I have been denied due process by the NJ Courts, including appealing to the NJ Supreme Court with no response. Finally, on August 25, 2016 I filed to remove my case to the Federal District Court. My case files contain indisputable evidence; over 3,500 pages were submitted to the Federal Court. This represents only 2% of my documentation.

I did not know that Stern & Eisenberg had been retained to foreclose until just before retaining Denbeaux & Denbeaux. Rather than verifying that their client was entitled to foreclose, Stern & Eisenberg engaged in deceitful and fraudulent tactics to obtain the illegal foreclosure. Details are provided through the files of this case. Case files include files from NJ cases [F-000839-13](#)¹⁵ and [L-004753-13](#)¹⁶. I never received most of the correspondence alleged to have been sent to me in the Foreclosure case filings in [Attachment V](#). I thought the corrected mortgage agreement was in Litton Loan's files and knew that it had not been filed with Essex County New Jersey as of 2010. I expected Denbeaux and Denbeaux to resolve everything so I focused on my health after retaining this law firm.

¹⁵ Case files may be viewed at <http://finfix.org/proof/NJ-CASE-F-000839-13>.

¹⁶ Case files may be viewed at <http://finfix.org/proof/NJ-CASE-L-004753-13>

DAMAGES ARE CATASTROPHIC

The defendants' actions have prevented me from getting a job, from closing sustainable contracts, and proceeding with the contracts that I worked over 30 years to attain. The defendant's actions caused severe illness that almost took my life (attested to by doctors and medical reports). In short, the defendants' actions imposed severe damages for which I am seeking tens of millions of dollars.

The documents that have been filed with the NJ Courts and the US Dept. of Justice are included in my list of court documents. This document can be downloaded at http://www.finfix.org/COURT_List-of-Filings.docx. It includes links to download all documents that I have filed, or to which I been made privy. Highlights about my case can be found at www.FinFix.org. I will show how this case fits [RICO](#) laws. Since the defendants have stripped me of my assets and driven me to welfare, I have conducted virtually of this action per se. In short, damages to my finances and health are catastrophic.

REQUEST THAT THE COURT ACCEPTS MY COMPLAINT

Since the defendants have forced me to continue my pursuit of justice Per Se, after exhausting my financial resources, and pushed my health to the limit, I ask the Court to accept this **sixth filing** of my complaint since 2010. The 3rd complaint filed since 2016.

This explanation has been added and the paragraphs have been numbered. The original documents attached to the complaint submitted in August 2016 are also still included All filings and submissions filed since August 2016 are also included. This complete, revised complaint including all files are included on the enclosed, royal blue thumb drive labeled "U.S. Div. No. 2:16-cv-05301-ES-JAD, Documents filed May 4, 2018".

This response references over 4,000 pages of evidence and legal response that have been filed with the U.S. District Court of New Jersey and others. Also referenced is a narrative video (draft) that explains the process that enabled the fraud was filed with the USDCNJ on Feb. 9, 2018. To view and listen, [click to download](#). I now **battle life threatening, stress induced illnesses**; have exhausted my savings and retirement; and now am struggling to survive on public assistance.

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GETTING READY FOR TRIAL

I have found former employees of the Federal government, the State of New Jersey, Litton Loan, Fremont and others who were involved in or aware of the fraud and problems with the Defendants. Some are willing to testify, others require subpoenas.

I have found a few of the Litton Loan employees who worked on my account the first time Litton purchased my mortgage (2005) and a few who worked on my account the second time Litton acquired my mortgage (2008 – 2009). Some are included in my subpoena list. The others will be contacted if necessary. Many of my notes and documents that include their names have not been filed with the Courts.

I have tracked down and connected with several former Fremont employees and have spoken with at least one. Only 3 of those directly involved are on the subpoena list. The spouse of one of the Fremont employee's was in the referral chain. Both are on my subpoena list. The person who made the referral is willing to testify without a subpoena. If necessary, I can subpoena more former Fremont employees.

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View Fraud Timeline at <http://www.fifix.org/Fraud-Timeline.html>

View Legal Highlights at <http://www.fifix.org/Case-Highlights.html>

hyperlinks will be added