



Commonwealth of Massachusetts

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WILLIAM FRANCIS GALVIN, SECRETARY

FOR IMMEDIATE RELEASE
Salem, MA (December 7, 2010)

***Register of Deeds John L. O'Brien sends letter to the National Association of County
Recorders requesting them to join in MERS battle***

Today, Essex County Register of Deeds John O'Brien announced that he has sent a letter to President. Jack Cunningham of National Association of County Recorders, Election Officials and Clerks (NACRC) requesting that he send out a letter asking other registers across the country to solicit an official opinion from their Attorney's General as to, whether or not the Mortgage Electronic Registration Systems, Inc. has failed to pay the proper recording fees required when a lender assigns a mortgage to another entity. The so called MERS system includes such banking conglomerates as Bank of America, Countrywide Home Loans, Wells Fargo Bank, and others.

O'Brien also is asking the national group of land recorders to be vigilant and follow Congress "it is my understanding that Washington may attempt to find a legislative answer to the MERS debacle, and as it is our responsibility as the keeper of records that we have a seat at the table when any recommendations for a federal legislative solution are put forward" O'Brien said. On December 2 after the United States Senate banking committee hearing discussed such plans O'Brien reached out to Board of Governors of the Federal Reserve member Daniel K. Tarullo to schedule a call to ask for assurances that the registers of deeds will be part of the process.

O'Brien said it has come to his attention that a number of states have alleged in court filings that MERS intentionally failed to pay recording fees, and failed to disclose the transfer and assignments of interest in property, solely to avoid and decrease the recordation fees owed to the counties and the states. In addition MERS may have wrongfully bypassed state recording requirements thereby frustrating the borrower's right to know the true identity of the holder of their mortgage thus causing a national calamity about the validity of titles in all 50 states.

O'Brien last month in a November 18, 2010 letter asked Attorney. General Martha Coakley to investigate MERS practices in Massachusetts and "if these allegations are proven true, then I would request that a lawsuit immediately be filed against MERS to recoup any and all fees, penalties and interest" O'Brien said.

John O'Brien was recognized by the National Association of County Recorders as "Public Official of the Year" in 2000