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## Register questions role of mortgage servicing firm

By Julie Manganis

Staff writer

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SALEM — Essex County Register of Deeds John O'Brien has joined a growing chorus of officials around the country questioning whether a company set up to service mortgages, including during foreclosures, is violating the law.

Mortgage Electronic Registration Systems Inc. handles mortgages for many major lenders.

The problem, O'Brien said in a statement, is that the company does not file paperwork with local registries of deeds or pay the appropriate filing fee when it takes over a mortgage. That could be costing the state needed revenue, he said.

It also, Assistant Register Kevin Harvey said, makes it more difficult for homeowners to figure out who actually holds the mortgage on their home.

O'Brien is asking Attorney General Martha Coakley to look into whether MERS, as it is often referred to in foreclosure notices, has violated state laws requiring the disclosure of transfers and assignments of interest in property.

O'Brien questioned whether it is being done specifically to avoid having to pay those filing fees.

"Every day, hardworking people come into the Registry to record their documents, and they pay the proper fees," O'Brien said in a statement. "It troubles me greatly that these major lenders may have devised a scheme to avoid paying what the average citizen is legally required to pay."

So far, 17 states have been involved in litigation over the same issue.

Amie Breton, a spokeswoman for Coakley, said the office has received O'Brien's letter and is reviewing the matter.