HUFFPOST BUSINESS

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MASS Registry of Deeds: A Household Name in Foreclosure Households

Posted: 06/13/11 10:42 AM ET

With the exception of Elizabeth Warren, there are very few heroes fighting for the little guy when it comes to consumer rights and mortgage malpractice. Tom Miller, the Ohio Attorney General, had a brief moment of righteous advocacy until he received $261,445 in campaign contributions from out-of-state law firms and donors from the finance, insurance, and real estate sector shortly after he announced he was seeking criminal charges and retribution from the banks for mortgage fraud -- that's 88 times what he has received in the past decade.

Despite the severity of the situation in which many homeowners now find themselves and with millions of foreclosures predicted in the coming year, our elected officials seem to care very little about us and our plight. HAMP, the administration's pathetic attempt at rectifying the situation, has resulted in minimal help to homeowners and as Propublica's Paul Kiel reported earlier this month, even those lucky enough to receive a modification are continually subjected to unscrupulous behavior and practices by the banks and servicers.

Speaker John Boehner's own district in Ohio is riddled with foreclosures and when Democrats passed a separate foreclosure prevention bill, Boehner blasted it as "a bailout for scam artists and speculators."

Despite paperwork associated with mortgages being ripe with fraud, false information, and forged signatures no one in government seems to want to sack up and defend homeowners.

But heroes have a habit of popping up from unconventional places.

John O'Brien from the Southern Essex County Registry of Deeds in Salem, Massachusetts, is one such hero. At least to homeowners and homeowner advocates across the country he is. I can't tell you how many phone calls, e-mails, and conversations among those of us investigating and exposing foreclosure fraud has started with, "Did you see what O'Brien did today," referring to press releases and communications he and his right-hand man Kevin Harvey have let loose on the Massachusetts Attorney General, Treasury, and the media. He's become a household name among foreclosure households.

In a recent press release, O'Brien announced that he had rejected "robo-signed" documents submitted to his Registry for recording and that he plans to continue doing so.

"My Registry will not be a knowing participant in this fraud against homeowners. From today forward, lenders be on notice, the Southern Essex District Registry of Deeds will not record robo-signed documents."

According to O'Brien, the rejected documents contain the signatures of three known robo-signers, Linda Green, Korell Harp, and Linda Burton. The Essex County Registry has 22 different variations of Linda Green's signature and five different variations between Korell Harp and Linda Burton.

"I find this practice very troubling on many levels. It has completely jaded my understanding that a notarized document was something that could be relied upon," said O'Brien.

In April, O'Brien wrote to Massachusetts State Treasurer, Steven Grossman and asked that the Treasurer change depository banks. He specifically asked the Treasurer to place all deposits from his Registry into a local, non-MERS bank that follows the Massachusetts Land recordation rules.

According to O'Brien, the Southern Essex District Registry of Deeds deposits approximately $25 million dollars into Bank of America.

The press release reads:

[block] O'Brien, who is leading a nationwide effort against the Mortgage Electronic Registration System ("MERS"), of which Bank of America is a major shareholder asserts that Bank of America, along with the other MERS member banks have failed to record assignments and pay the associated fees and in doing so has deprived the taxpayers of millions of dollars in lost revenue. O'Brien estimates that in his county alone the amount is over $22 million dollars and that, he adds, is a very conservative estimate.

According to O'Brien, the loss of revenue to the Commonwealth of Massachusetts could be as high as $200 million dollars and to the nation, possibly in the billions. [block]

O'Brien's press releases have made it on to many of the more prominent foreclosure related blogs and sites and to many of us it seems he's the only one standing up for homeowners.

The Southern Essex County Registry of Deeds is about a mile from where I live and I've had the honor of speaking with O'Brien and his right-hand man, Kevin Harvey, on occasion. O'Brien is not physically imposing. In fact it looks fairly stereotypical of what I'd expect someone in his position to look like. Short, stocky, and generally harmless.

Beyond his physical appearance however, is the ethical and moral impetus we could only hope to see in our elected officials and those charged with the responsibility of overseeing and maintaining the paperwork of our single most important purchase and in most cases the only investment some of us have ever made.

The majority of the victims are unsuspecting targets of fraud and many believe that the simple act of paying their mortgage on time every month will somehow render them immune from a diseased mortgage.

In an open letter to O'Brien and North Carolina Register Jeff Thigpen (a hero in his own rights) Lynn Szymoniak, the Florida attorney who appeared on the *60 Minute*s segment "Mortgage paperwork mess: Next housing shock?" writes:

I want to remind you exactly who you stood up for yesterday. I get emails - hundreds each week - from sick, unemployed, elderly people, young families and veterans who are frightened, too broke to afford a lawyer, and being foreclosed by banks that are using badly forged documents to claim their homes.

This week, judges across the country will grant foreclosures - based on mortgage assignments signed by Linda Green, Korell Harp, Tywanna Thomas and others like them who were following orders from the banks.

A Miami judge said to me "I know who you are - you're that woman who thinks she can stop a foreclosure because the notary signed her name upside-down."

The hostility in the courtrooms is really amazing. I expect I will get thrown in jail in Miami some day for contempt for even suggesting a bank committed fraud.

Most days, it is my ragtag, never-say-die colleagues in foreclosure (wonderful people) and some non-bank-owned journalists who are willing to speak the truth about the bank documents used to steal homes.

You two were the first two public officials in the country who were willing to do more than "investigate" - who actually took action.

You will never know how much your act gave me encouragement when I needed it most.

Thank you from me, and on behalf of thousands of people across the country who doubted any public official would ever stand up, speak the truth and take action.

In his latest press release O'Brien brings attention to issues surrounding Sarah Palin's recent purchase of a $1.7 million home in Arizona . The title, according to the release, is tainted by the "robo-signer" scandal, proving that party affiliation will not protect anyone no matter how much campaign money the banks throw at a particular party.

"Sadly, Sarah Palin's misfortune will, however, hopefully shine the national spotlight on this issue," the release from O'Brien said. "Given her position in the country, I am sure that she will use her influence to stand up for homeowners and their property rights."

Property rights and fairness under the law are important to many Tea Partiers and O'Brien's actions have not gone unnoticed. In a conversation I had Sunday afternoon with Mary Mallone of the New Jersey Tea Party Coalition, she said, "They're living up to their heritage as New Englanders and fighting for the rights of ordinary citizens."

In both O'Brien's and Kevin Harvey's self-appraisal, they humbly contend, "We're just doing our job and making sure homeowners are protected."

And to that degree they're actually right. So the question really is: why aren't more registers doing their job?

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