

BANK OF AMERICA MORTGAGE FRAUD

COMPLAINT

DISPUTE OF DEBIT/VALIDATION OF DEBT

RICO VIOLATIONS

Gregory P. LaPorta
7260 Early Pioneer Ave
Las Vegas, NV 89129

Nevada Attorney General
Attn: Catherine Cortez Masto
Grant Sawyer Building
555 E. Washington Ave, Suite 3900
Las Vegas, NV 89101

RE: State of Nevada vs. Bank of America Corporation, Bank of America National Association, BAC
Home Loans Servicing LP, Recontrust Company NA
Nevada Deceptive Trade Practices Act Violations
District Court, Clark County, Nevada
Case No: A-10-631557-B, Dept No: XXV

Certified Mail # 7196 9009 2720 0905 9230

Date: April 9, 2011

Dear Catherine:

I have received and read your letter dated March 21, 2011 pertaining to Bank of America and the State of Nevada lawsuit to cease the defendant(s) from engaging in illegal practices pertaining to state law.

Catherine, this is why Bank of America is an epic failure and continues with **RICO** violations beyond all imagination:

1. My initial contact to Bank of America back on July 1, 2009 was to obtain refinancing of my property located at 7260 Early Pioneer Ave, Las Vegas, NV 89129. I was particularly interested in the federal HARP (Home Affordable Refinance Program) to obtain better terms and interest rates.
 - a. Mr. Gary G. Ware, Bank of America Home Loans (Mortgage Loan Officer) emailed me on July 1, 2009 6:17 PM on my first attempt at refinancing with Bank of America. **I was told my home was too far "underwater" and could not be refinanced.**
 - b. Ms. Gladys White, Bank of America Home Loans (Lead Management Department) emailed me on July 24, 2009 9:00 AM on the second attempt at refinancing with Bank of America. **I was told my home was too far "underwater" and could not be refinanced.**
 - c. Ms. Ternisha Baldwin, Bank of America Home Loans (Lead Management Department) emailed me on July 25, 2009 2:20 PM based on the third attempt at refinancing with Bank of America. **Again, I was told my home was too far "underwater" and could not be refinanced.**
 - d. Mr. Gary G. Ware, Bank of America Home Loans (Mortgage Loan Officer) stated in an email on July 27, 2009 11:49 AM "The introduction of Phase II on the Making Home Affordable Plan has been postponed to the first two weeks of August."

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- e. Mr. Gary G. Ware stated in another email October 3, 2009 "As I reviewed your 1st and 2nd mortgage, I found the 1st to be a conventional loan and the 2nd to be a Home Equity Line Of Credit". **The loan documents I have with my originating lender (First Horizon Home Loans) state my 2nd mortgage as being a conventional loan consistent with the 1st. Mr. Ware is a liar.**
 - f. Mr. Gary G. Ware stated in a final email October 3, 2009 "**Bank of America does not have any other financing options available in refinancing your loan at this time.**"
 - g. Mr. Gary G. Ware, Ms. Gladys White and Ms. Ternisha Baldwin *must have known* during my attempts at refinancing that there were no mortgage assignments made by Countrywide Bank FSB to Bank of America Home Loans recorded with the Clark County, Nevada Recorder's Office.
2. Sent numerous qualified written requests to the corporate offices at Bank of America on inquiries regarding Federal Truth in Lending Violations (the principal and interest rates did not match on the Truth in Lending Statements or Promissory Notes), requests for loan modifications to get into better terms (as well as possible principal reductions).
 - a. I, the consumer, came to the table with the facts, issues and remedies (including a well laid out remedy to Senator Harry Reid back on July 2010 of which Bank of America's corporate offices were copied on and not one counter offer by Bank of America was ever received to date.
 3. All the scanned documents Bank of America sends to me are originating loan documents for First Horizon Home Loans but **I never received any letter from Countrywide Bank FSB stating my mortgages are being assigned to Bank of America.**
 4. Bank of America is just waiting for me to default so they can collect on the PMI (Personal Mortgage Insurance) I've been paying on their behalf just so they can *dupe* their investors since my home was purchased for \$153,000 but is valued at less than half this amount currently.
 - a. My former next door neighbor (a Las Vegas Metropolitan Police Officer) conducted a short sale of his house in the summer of 2010 for \$78,500.
 - b. It was discovered as far back as December 2009, Bank of America was showing my property valued at just under \$75,000 on their valuation website.
 - c. **Bank of America is just keeping an inflated asset on its financial statements leaving me hostage without any upward mobility to refinance or sell.**
 - d. Any intelligent person will tell you it doesn't make economic sense to keep paying on my mortgages but I continue to do so because I have *integrity* and work in the public sector.
 5. **Bank of America fails to answer my inquiries as to why there is no mortgage assignments recorded with the Clark County, Nevada Recorder's Office.**
 6. The media reports that Bank of America uses these so called "robo-signers" to back-date paperwork and induces further fraud upon homeowners.
 - a. I assume that Bank of America will try to make up fraudulent mortgage assignments, back-date them and file them with the Clark County, Nevada Recorder's Office as a remedy to fix the lack of assignments to the mortgage debt.
 7. **Bank of America Home Loans sent me a letter on December 14, 2010 stating "The total due to bring your loan current does not include any fees that may have been assessed on your loan as a result of the default".**
 - a. I have all statements from my credit union showing payments to Bank of America for my mortgages right up until present date.
 - b. **I was never in default (nor ever have) but Bank of America Home Loans stated I was.**

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- c. **Bank of America Home Loans has lied.**
8. **Credit reports I obtained on January 8, 2011 with Equifax and Experian show the date opened for the credit reporting by Bank of America as February 2008.**
 - a. I originated my mortgages with First Horizon Home Loans on February 28, 2008.
 - b. **Bank of America has failed to tell me why they are showing that they had the mortgages since February 2008.**
9. It is evident that Bank of America is falsifying credit reporting of my mortgages in an attempt to hide the securitization fraud committed by Countrywide Bank FSB and to make it appear that Bank of America originated the mortgages.
10. Mr. Steve Pacheco, Bank of America Home Loans (Litigation Specialist) sent me a letter dated January 19, 2011 based on the TILA violations I reported on November 6, 2010 regarding the principal and interest rates did not match on the Truth in Lending Statements or Promissory Notes from my origination with First Horizon Home Loans.
 - a. Mr. Pacheco never failed to follow-up with me to see if the issues were resolved.
 - b. I do commend Mr. Pacheco with the wet ink signature on his letter since he was the first individual to come forward in several months since I have always received form letters from Bank of America Homes Loans signed "Customer Service", never an individual to associate the correspondence to.
11. Mr. Barron D. Delaney, Bank of America (Customer Advocate, Office of the CEO & President) sent a letter to me on February 8, 2011.
 - a. Mr. Delaney showed some soul in the letter stating that Ms. Bhagiya Goonetilleke would be assigned to me as the workout negotiator.
 - b. I do commend Mr. Delaney with the wet ink signature on his letter since he was the second individual to come forward.
12. Mr. Orlando Primentel, Bank of America Home Loans (no title) contacted me on the behalf of "Bugsy".
 - a. I presume "Bugsy" is Ms. Bhagiya Goonetilleke.
 - b. I did not return phone calls pending my own investigations into these ongoing matters.
13. Ms. Bhagiya Goonetilleke, Bank of America Home Loans (no title, taking Mr. Delaney's word she is a "workout negotiator") sent me a couple of form letters but no offers.
14. Ms. Goonetilleke failed to conduct a follow-up in writing with an offer by Bank of America to remedy the issues at hand.
15. Mr. Delaney failed to conduct a follow-up in writing to find out if Ms. Goonetilleke and I negotiated. We have not negotiated to this date due to the circumstances.
16. **Bank of America fails to answer my inquiries as to why they have stopped reporting my mortgage payments to the credit reporting agencies.**
17. **Bank of America fails to answer my inquiries as to why they show dates opened for reporting to the credit reporting agencies as February 2008.**
18. Bank of America had no intention to help homeowners after they took the \$45 Billion in TARP funding in 2008 through an act of Congress. We all know they gave themselves big fat bonuses and patted themselves on the back. If that's not financial treason, what is?
19. The most intriguing fact is that Bank of America finished it's acquisition of Countrywide on July 1, 2008 according to SEC records.
 - a. I find it particularly interesting that First Horizon Home Loans made recordings with the Clark County Recorder's Office on July 29, 2008 when Countrywide no longer existed at

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this time. An attorney friend once told me, "A dead man can't transfer ownership of his property."

- b. Bank of America employees must have been aware of this and are now trying to paper over everything to keep people like you from finding out.
- c. The State of Nevada should look into the PSA (Pooling Service Agreement) securitization on how Bank of America acquired my mortgages.

Catherine, this is why Blank Rome LLP, the attorney representing Bank of America with my issues is an epic failure beyond all imagination:

1. Mr. Michael N. DeAngelo sent a letter to me dated February 9, 2011. Mr. DeAngelo discusses the TILA issues pertaining to my mortgages and how I do not have the right to rescind them. Isn't this why we have laws to protect the consumer once a consumer reports the issue?
 - a. Mr. DeAngelo closes the letter with "The remainder of your correspondence has been, or will be, addressed by BAC Home Loans under a separate cover".
 - b. This is where Mr. DeAngelo begins the hand-off at his law firm because he must have known that Countrywide Bank FSB did not assign the mortgages to BAC Home Loans since there is no recording of this with the Clark County, Nevada Recorder's Office.
 - c. Mr. DeAngelo lacked integrity to recognize the core issue in this letter.
2. Mr. Michael N. DeAngelo sent a letter to me dated March 1, 2011. Mr. DeAngelo goes on to talk about the TILA issues again. He states "In providing this response, BAC Home Loans is making no admission of any TILA violations related to these transactions."
 - a. Mr. DeAngelo must be referring to those transactions (mortgage payments) his client has been collecting without any collateral recorded with the Clark County, Nevada Recorder's Office.
3. Mr. Jonathan K. Moore sent a letter to me dated March 15, 2011. Mr. Moore states in his letter "A QWR is not a vehicle for borrower to obtain confidential information concerning the lender's business practices, trade secrets or other proprietary information, nor can it be used to support a fishing expedition for documents that may support a claim or as a mechanism for seeking any other information which does not relate specifically to the borrower's loan".
 - a. Mr. Moore obviously just doesn't get it that the Attorney Generals of all 50 states are investigating his client. **Mr. Moore appears to be very arrogant and in deep denial of the financial crisis that his client helped cause throughout our country.** That's right Mr. Moore; you should put your head down reading this letter.
 - b. Mr. Moore responds with vague answers but doesn't include the questions so there's no correlation to understand what he is talking about.
 - c. Mr. Moore does a good job to try and confuse a borrower about his client's web of deceit.
 - d. Mr. Moore repeats himself over and over in his letter stating "This request is respectfully declined, as it seeks documentation and/or information beyond that which is available through a qualified written request made under 12 U.S.C. 2605."
 - e. Mr. Moore stated in reference to my Qualified Written Request "the Letter is overly broad, unduly burdensome and not in conformity with 12 U.S.C. 2605." Mr. Moore obviously has something to hide.

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4. Mr. Moore stated that Fannie Mae is the owner of the 1st note but there is no recording with the Clark County, Nevada Recorder's Office to back up his statement that Bank of America Home Loans has servicing rights to this mortgage.
5. Mr. Moore stated that Bank of America was the owner of the 2nd note but there is no recording with the Clark County, Nevada Recorder's Office to back up his statement that Bank of America Home Loans has servicing rights to this mortgage.
 - a. I have a letter dated October 30, 2010 from Bank of America Home Loans stating First National Bank was the owner of my 2nd mortgage.
 - b. I have an additional letter dated February 25, 2011 from Bank of America Home Loans stating NHD was the owner of my 2nd mortgage.
 - c. **Mr. Moore is a liar.**
6. Mr. Moore obviously doesn't watch the news including CBS's "60 Minutes" or read the newspaper to understand why my inquiries were made that do relate to my loans. What else would my inquiries for information relate to?

Since Bank of America has failed to correct the above issues so I could have upward mobility in my property, it is of my opinion that there is **an ongoing criminal conspiracy happening within Bank of America** so individuals can't sell or refinance their properties due to the inflated fraudulent mortgages Bank of America has on its financial statements.

I suggest you as well as state and local law enforcement agencies proceed with investigating Bank of America employees as well as attorneys representing Bank of America under the following state statutes for criminal prosecution:

- **NRS 205.372** "1. A person who, with the intent to defraud a participant in a mortgage lending transaction: (a) Knowingly makes a false statement or misrepresentation concerning a material fact or deliberately conceals or fails to disclose a material fact; (b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or deliberately uses or facilitates the use of another person's concealment or failure to disclose a material fact; (c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b); (d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or". Catherine, it is my opinion that the State of Nevada should enforce section 1(d) of that statute at this time so arrests can be made.
- **NRS 598.746** Receiving money before complete performance
- **NRS 598.782** Criminal Penalty
- **NRS 104.3501** Presentment (Dishonor)
- **NRS 598.110** Endless chains

The only resolution I see to this housing mess is the State of Nevada writing into legislation to force ALL banks to re-write loans at current market value as the initial penalty for their **violations of state law**.

Other penalties should include **awarding the homeowner with the home (along with a cash settlement of 3 times the mortgage amount on the bank's financial statements) and invalidating the debts if there are no mortgage assignments recorded throughout county recorder offices around in the State of Nevada, which require 3rd party signatures.** This is what I am seeking in my own case based on

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previous letters with proof I had sent to you as well as Bank of America. This would be a fair settlement for homeowners seeking criminal prosecution of these bankers, since the U.S. Department of Justice has also failed to prosecute individuals within Bank of America.

In closing, please contact me to be a witness for the State of Nevada and to assist with criminal prosecutions of Bank of America employees and their attorneys as you and the State of Nevada proceed forward.

My contact information is as follows:

Work:

Office of the District Attorney
Criminal Division – DAIT
Clark County, Nevada
Direct: (702) 671-0964

Home:

(702) 556-3635

Sincerely,



Gregory P. LaPorta
Homeowner

CC:

Bank of America Corporate Center
Office of the President & CEO
Attn: Brian T. Moynihan, CEO
100 North Tryon Street
Charlotte, NC 28255

Blank Rome LLP
Attn: Michael N. DeAngelo
Attn: Jonathan K. Moore
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Philadelphia, PA 19103-6998

Las Vegas Metropolitan Police Department
Attn: Douglas C. Gillespie, Sheriff
3141 Sunrise Avenue
Las Vegas, NV 89101

Office of the District Attorney
Clark County, Nevada
Attn: David Roger, District Attorney
200 Lewis Ave
Las Vegas, NV 89101

Clark County, Nevada Recorder's Office
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