

TRUTH-IN-LENDING VIOLATION

COMPLAINT

DISPUTE OF DEBIT/VALIDATION OF DEBT

COMPLAINT

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

Comptroller of the Currency
Administrator of National Banks
1301 McKinney Street, Suite 3450
Houston, TX 77010-9050

RE: Case # 1263610 & 1278836
Bank of America National Association

Certified Mail # 7196 9009 2720 0905 4716
Date: November 6, 2010

Dear Madam or Sir:

On Saturday, October 30, 2010, I was listening to the Alex Jones show (recorded on Thursday, October 28, 2010) which featured Randy Kelton. During the show, Randy spoke about Truth-in-Lending Violations during the mortgage origination process. Randy suggested that homeowners compare the annual percentage interest rate as well as the financed amount on the Truth-In-Lending disclosure document to what is stated on the mortgage note. I would never have thought to look at this on my own documents until I watched this interview with Randy.

For my first mortgage, **the Truth-in-Lending disclosure statement (marked Final) shows an annual percentage rate of 6.597% and the amount financed is \$143,581.43. On the mortgage note, the amount promised to pay states \$145,350.00 and the yearly interest is 6.050%.** This is on a 40 year fixed rate conventional loan. Why is the interest rate as well as the principal amount different on these documents? Where was the oversight on this by First Horizons Home Loans, the originators of this loan?

And for my second mortgage, **the Truth-In-Lending disclosure statement shows an annual percentage rate of 5.05% and the amount financed is \$7,648.94. On the mortgage note, the amount promised to pay states \$7,650.00 and the yearly interest is 5.050%.** This is on a 20 year fixed rate conventional loan. Why is the principal amount different on these documents? Again, where was the oversight on this by First Horizons Home Loans, the originators of this loan?

First Mortgage (40 years)				Second Mortgage (20 years)			
Truth-in-Lending Disclosure		Promissory Note		Truth-in-Lending Disclosure		Promissory Note	
A.P.R.	Financed	Int. Rate	Principal	A.P.R.	Financed	Int. Rate	Principal
6.597%	\$143,581.43	6.050%	\$145,350.00	5.05%	\$7,648.94	5.05%	\$7,650.00

I ran an amortization schedule just on my first mortgage based on the interest rate and financed amount shown on the Truth-In-Lending disclosure. It calculated to \$264,681.99 that would be paid in interest over 40 years. Then, I ran an amortization schedule on my first mortgage based on the interest rate and

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principal shown on the Promissory Note. It calculated to \$240,957.59 that would be paid in interest over 40 years. So, if I take the \$264,681.99 calculated on the Truth-In-Lending disclosure and subtract the \$240,957.59 calculated on the Promissory Note, **there is a difference of \$23,724.40 that would I would have over-paid if the term of the loan is fulfilled and adhering to the Truth-In-Lending terms.** All calculations were performed using the mortgage calculator at bankrate.com.

I can't go back to First Horizon Home Loans to discuss this issue because they no longer exist (they were acquired by Met-Life). Nor, can I go back to Countrywide Home Loans to discuss this issue (because they were acquired by Bank of America). **Now, I'm just strung along month after month trying to get a real person at Bank of America to recognize my issues.** I feel so defrauded by this un-American organization. I suppose this is typical of how daily business is conducted within Bank of America as to just ignore their customers in the hope that the customer "gives up". Eventually they can steal their home using those robo-signers we all hear about these days in the media.

As I've previously stated, there are no mortgage assignment transfers from Countrywide Home Loans to Bank of America with the Clark County, Nevada Recorder's Office to date. The chain of title to my property is effectively broken. Yet, I have been making mortgage payments to Bank of America (never late, always on time, a good decent customer), including the most recent payments on October 29, 2010 for the November 1st payment. So now I have nowhere else to turn for answers, but to you, the federal regulator and get your approval **to rescind these mortgages serviced by Bank of America and file a quiet title with the State of Nevada to clean this mess up once and for all.**

And finally, it's apparent by Bank of America's typical response to a homeowner, in their own words **"you have no legal authority that supports your claim that you are entitled to view the original note"**. I've attached that most recent correspondence by Bank of America to me. Bank of America can't even get my name or address correctly on their correspondence to me. **It appears Bank of America does not have my original paperwork** which means, upon request; I can't go into any local Bank of America branch here in Las Vegas and review my "original" loan documents that are on file with this bank. **So who has my "original" loan documentation?**

Please feel free to contact me at work between 8 AM to 5 PM, Monday through Friday or at home (after 6 PM) to discuss my matter pertaining to this **violation under the Federal Truth-in-Lending Act (TILA).**

My contact information is as follows:

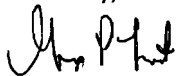
Work:

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

Home:

(702) 556-3635

Sincerely,



Gregory P. LaPorta
Homeowner

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CC:

Bank of America Corporate Center
Attn: Bank of America Home Loans /
Countrywide Home Loans
100 North Tryon Street
Charlotte, NC 28255

Federal Trade Commission
600 Pennsylvania Avenue NW,
Washington, DC 20580

US Attorney, Daniel G. Bogden
333 South Las Vegas Blvd.
Lloyd George Federal Building
Las Vegas, NV 89101

The White House
Attn: President Barack Obama
1600 Pennsylvania Avenue NW
Washington, DC 20500

U.S. Senator Harry Reid
Lloyd D. George Building
333 Las Vegas Boulevard
South, Suite 8016
Las Vegas, NV 89101

Fannie Mae
3900 Wisconsin Avenue, N.W.
Washington, DC 20016

Cogburn Law Offices
Jamie Cogburn, Esq.
Peter Rinato, Esq.
9555 South Eastern Ave
Suite 280
Las Vegas, NV 89123

*Customer Service Department, CA6-919-01-41
450 American Street
Simi Valley, CA 93065-6298*

October 28, 2010

Gregory Laporta
7260 Early Pioneer Avenue
Las Vegas, NV 08912

Subject: Bank of America Home Loan Number ending in: 8651
Property Address: 7260 Early Pioneer Avenue, Las Vegas, NV 08912

To Gregory Laporta:

Thank you for contacting our office with your correspondence dated October 17, 2010, wherein you request that you or one of your representatives view the original Note.

You cite no legal authority that supports your claim that you are entitled to view the original Note, and we are not aware of the existence of any such authority. Accordingly, BAC Home Loans respectfully declines this request. If you wish to pursue this matter further, please provide such legal authority.

In lieu of allowing inspection of the original copy of the Note, we have enclosed herewith a true and correct copy of the original Note dated February 27, 2008. Please be advised that this document was also enclosed with this office's October 03, 2010 response to your letter dated July 25, 2010 regarding qualified written request ("QWR") made pursuant to the Real Estate Settlement Procedures Act.

In providing the above response, BAC Home Loans is not limiting or waiving any rights or remedies it may now or hereafter have, whether arising under the Loan documents, at law or in equity, all of which rights and remedies are expressly reserved.

The remainder of your requests will be addressed under separate cover, pursuant to Real Estate Settlement and Procedures Act guidelines.

For all other questions, please contact the Customer Service Department at (800) 669-6607. Thank you for the opportunity to be of service.

Sincerely,

Qualified Written Request (QWR) Group

Enclosure



Home Loans

Customer Service Department, CA6-919-01-41
450 American Street
Simi Valley, CA 93065-6298

October 28, 2010

Gregory Laporta
7260 Early Pioneer Avenue
Las Vegas, NV 08912

Subject: Bank of America Home Loan Number ending in: 9401
Property Address: 7260 Early Pioneer Avenue, Las Vegas, NV 08912

To Gregory Laporta:

Thank you for contacting our office with your correspondence dated October 17, 2010, wherein you request that you or one of your representatives view the original Note.

You cite no legal authority that supports your claim that you are entitled to view the original Note, and we are not aware of the existence of any such authority. Accordingly, BAC Home Loans respectfully declines this request. If you wish to pursue this matter further, please provide such legal authority.

In lieu of allowing inspection of the original copy of the Note, we have enclosed herewith a true and correct copy of the original Note dated February 27, 2008. Please be advised that this document was also enclosed with this office's October 03, 2010 response to your letter dated October 01, 2010 regarding qualified written request ("QWR") made pursuant to the Real Estate Settlement Procedures Act.

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For all other questions, please contact the Customer Service Department at (800) 669-6607. Thank you for the opportunity to be of service.

Sincerely,

Qualified Written Request (QWR) Group

Enclosure

Bank of America 

Home Loans

*Customer Service Department, CA6-919-01-41
450 American Street
Simi Valley, CA 93065-6298*

October 18, 2010

Gregory P. Laporta
7260 Early Pioneer Avenue
Las Vegas, NV 89129

Re: Bank of America Home Loan Number ending: 9401 & 8651
Property Address: 7260 Early Pioneer Avenue, Las Vegas, NV 89129

Dear Gregory P. Laporta:

I am writing in response to your most recent letter regarding the above referenced loan with Bank of America Home Loans, Inc. ("Bank of America"). We take any feedback from our customers very seriously and appreciate your patience while we researched your concerns.

We regret that you were dissatisfied with your loan transaction with Bank of America. However, the previous letter that was sent to you sufficiently states Bank of America's position regarding this matter. We feel that Bank of America has been responsive and thorough and we have responded to all the questions raised in your previous letter. Upon further review, there is nothing to add to our previous response and our position remains unchanged.

In the event you require further assistance, please contact our Customer Service Department at 1.800.669.6607, Monday to Friday, 6 a.m. to 6 p.m., Pacific. Thank you for this opportunity to be of service.

Sincerely,

Customer Service
