

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATE HOLDERS CWABS, INC. ASSET-BACKED
CERTIFICATES, SERIES 2005-11
400 Countrywide way
Simi Valley, CA 93065,

Plaintiff,

-against-

JADE MCQUEEN, NEW YORK CITY ENVIRONMENTAL
CONTROL BOARD, NEW YORK CITY TRANSIT
ADJUDICATION BUREAUS, "JANE DOE", GWENDOLYN
TURNER

Defendant(s).

Index No.
7758/2008

AFFIDAVIT OF
BERNARD JAY
PATTERSON

1. I am the owner of Full Disclosure, LLC.
2. My business address is 646 Quapaw Ave., Hot Springs, Arkansas, 71901 and telephone number is 501-276-1108.
3. I have personal knowledge of the matters set forth in this affidavit, and I am prepared to testify under oath about the matter set forth herein.
4. I am a Certified Fraud Examiner ("CFE") and forensic accountant. My Curriculum Vitae is attached as **Exhibit #1**.
5. I have extensive knowledge and experience in the forensic investigation, examination and analyses of mortgage loans in the servicing and securitization areas. I have practiced as a forensic accountant since 2007 and as a Certified Fraud Examiner since November 2009. I provide forensic and investigative accounting, examination, and analyses related to the areas of mortgage loan servicing and securitization. I have testified as an expert witness in a variety of

jurisdictions, including both state and federal courts including The Supreme Court of the State of New York for the County of Kings. I have developed methodologies used in the examination of mortgage loan servicing transactions, securitization processes, and document examination. I am nationally recognized in these areas. I regularly teach attorneys, attorney generals, county recorders, judges, and bankruptcy trustees about mortgage loan servicing and securitization processes and procedures throughout the country.

6. I have been hired by Lawrence A. Garvey, Esquire in connection with the above styled case. Specifically, I was hired by counsel to conduct an investigation, examination and analysis to determine if any evidence exists as to whether or not America's Wholesale Lender is a New York Corporation.

7. America's Wholesale Lender is named on the McQueen Note and Mortgage as the Lender. These documents are attached as **EXHIBIT #2**. More specifically, the subject Mortgage at Section (D) states, **"Lender", AMERICA'S WHOLESALE LENDER will be called "Lender". Lender is a CORPORATION which exists under the laws of New York.**

8. The obvious and first part of my investigation was to conduct a search of the New York Department of State, Division of Corporations, State Records & UCC's Corporation and Business Entity Database.¹ The Corporation and Business Entity Database includes business and not-for-profit corporations, limited partnerships, limited liability companies and limited liability partnerships, as well as other miscellaneous businesses. The search criteria used was:

- a. Business Entity Name = "America's Wholesale Lender"
- b. Status Type = "All"
- c. Search Type = "Contains"

The results of this query returned one result: ²

Only one entity was found.

Entity Name

America's Wholesale Lender, Inc.

9. The America's Wholesale Lender, Inc. result indicates this corporation's initial Department of State's Filing Date was December 16, 2008. It is my belief this corporation is a completely separate and unrelated entity than the entity shown on the McQueen Mortgage as the "Lender". Even for argument's sake this is the same entity, it was not registered with the State of New York until 2008 however, the McQueen Mortgage was executed on September 6, 2005. (over three years earlier)

¹ This website is available at http://www.dos.ny.gov/corps/bus_entity_search.html

² See NSY query results attached as **EXHIBIT #3**.

10. It is therefore my opinion there is/was no corporation registered in the State of New York with the name “America’s Wholesale Lender”, a Corporation existing under the laws of New York.

11. My investigation further found a Final Judgment entered in The Circuit Court of the Eighteenth Judicial Circuit, in and for Seminole County, Florida on October 16, 2014. This Final Judgment was granted by Senior Judge Robert J Pleis.³ (NASH)

12. The Court found in paragraph 1, “The Mortgage dated May 24, 2005 was executed by the Borrower, Linda A. Nash, payable to the alleged Lender, America’s Wholesale Lender, which was recited to be a New York Corporation.”

13. The Court found in paragraph 7, “Plaintiff’s witness testified that he was aware that America’s Wholesale Lender was not incorporated in the year 2005 when the Note and Mortgage were signed, and that no such corporation was subsequently formed by either Countrywide Home Loans, or Bank of America, or any of their related corporate entities or agents.”

14. The Court found in paragraph 9(b), “The Note and Mortgage are void because the alleged Lender, America’s Wholesale Lender, stated to be a New York Corporation, was not in fact incorporated in the year 2005 or subsequently, at any time, by either Countrywide Home Loans, or Bank of America, or any of their related corporate entities or agents.

15. According to my investigation, examination, and analyses, I therefore conclude as follows:

a. The Lender shown in the McQueen Mortgage is “America’s Wholesale Lender, a Corporation existing under the laws of New York”

b. The New York Department of State does not show a corporation registered with the name “America’s Wholesale Lender”.

c. Evidence was discovered whereby a witness from Bank of America/Countrywide testified that America’s Wholesale Lender was NOT incorporated in 2005 or subsequently at any time by either Countrywide Home Loans or Bank of America.

16. It is my opinion; the Lender as shown in the McQueen Mortgage was/is NOT a corporation existing in the State of New York.

³ This judgment is attached as **EXHIBIT #4**. Case No. 5902011-CA-004389. Bank of America, N.A. successor by merger to BAC Home Loans Servicing, LP, FKA Countrywide Home Loans Servicing LP, vs. Linda A. Nash, et al.

Further Affiant Sayeth Not

Bernard Jay Patterson

Bernard Jay Patterson

Sworn to before me this 5th Day of December, 2014

Shena Dyer
Notary Public

