**UNITED STATES DISTRICT COURT FOR THE**

**NORTHERN DISTRICT OF GEORIGA**

**ATLANTA DIVISION**

**Wekesa O. Madzimoyo,
Plaintiff,**

**v. THE BANK OF NEW YORK**

**MELLON TRUST COMPANY, NA., formerly known as The Bank of New
York Trust Company, N.A., JP MORGAN
CHASE BANK, NA, GMAC MORTGAGE, LLC
and ANTHONY DEMARLO, Attorney,**

**McCurdy and Candler, LLC**

**Defendants.**

**CIVIL ACTION FILE**

**No. 1:09-CV-02355-CAP-GGB**

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**AFFADAVIT IN SUPPORT OF PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

**AFIYA C. MADZIMOYO,** wife of the Plaintiff Wekesa O. Madzimoyo affirms the following to be true under penalties of perjury:

1. My legal name is Carolyn C. Madzimoyo. I go by the first name of Afiya. I have been married to Plaintiff Madzimoyo since 1988, and we have resided together at 852 Brafferton Place in Stone Mountain, GA30083 since our closing with FT Mortgage Companies on March 23, 1999 as husband and wife.
2. I was not co-borrower on the loan for our property, however I am fully familiar with this matter based upon my first hand knowledge, and I assert the following: that “the matters started herein are true to the best of my information, knowledge and belief.”
3. I also submit this affirmation in support of Plaintiff’s Motion for Summary Judgment.
4. As Plaintiff Madzimoyo was preparing to file his Motion of Summary Judgment on Monday, December 13, 2010, I suggested that he check once more in the DeKalb County Court House to see if any assignments or any other instruments had been filed showing proper evidence of the chain of title on our property at 852 Brafferton Place, Stone Mountain, GA 30083.
5. I accompanied the Plaintiff, my husband, Wekesa Madzimoyo to the DeKalb County Courthouse at approximately 3:05 PM EST to the Real Estate Records area and prepared to record any evidence found.
6. The Administrative Clerk who assisted us identified herself as January Jackson. She searched our records and eventually came up with an assignment that was filed and recorded on February 18, 2010.
7. Ms. Jackson copied the document and charged Plaintiff Madzimoyo $1.00
8. Upon examination of the document, we saw that the assignment to The Bank of New York Trust Company, N.A., as Trustee for RAMP 2006RP2 was made on February 8, 2010. Our Notice of Foreclosure Sale came July 3, 2009 listing the Creditor as: The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JP Morgan Chase Bank N.A. as Trustee for RAMP 2006RP2.
9. This assignment proves that the DEFENDANTS moved to foreclose on our property before recording (or creating) the assignment of the security deed in our county courthouse in violation of OCGA-44-14-162.2.
10. “When I looked closely at the Feb. 8, 2010 ASSIGNMENT OF NOTE AND SECURITY DEED to determine who executed the documents, I saw what amounted to scribble marks to represent the signature of the “Limited Signing Officer, Jeffrey Stephan.” The name seemed familiar. It was – he has been identified as a key “robo-signer.” Little did I know of how much so and for how many companies Mr. Stephan assumes “signing, review and vice presidential duties.” According to my research, they include: GMAC, MERS, JP Morgan Chase, Bank of America, and now The Bank of NY Mellon Trust, Company, National Association fka The Bank of New York Trust Company, NA as successor to JP Morgan Chase Bank, N.A. as Trustee s/b/m to Bank One, NA . The latter is evidenced by this Feb. 8th, 2010 “Assignment.”
11. I also researched, read and even viewed his video-taped depositions available online.
12. They prove that Wekesa was correct in asking for debt verification in March of 2009. Stephan has testified under oath that he signs between 400-1000 per day. When asked if he actually reviewed or verified those documents he said: “no”; adding that he just signs them. And though the Assignment file on our property has a notary stamp, Mr. Stephan has testified via deposition that he routinely signs this without a notary present.
13. We have received no other validation of the debt or validation of the Defendants as secured creditors, debt collectors, etc.

Dated: December 27, 2010

Decatur, GA

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 Afiya Carolyn Madzimoyo