**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**

**WEKESA O. MADZIMOYO,**  affirms the following to be true under penalties of perjury:

1. My legal name is Wekesa O. Madzimoyo. I resided at 852 Brafferton Place in Stone Mountain, GA30083 since our closing with FT Mortgage Companies on March 23, 1999.
2. I was the sole borrower on the loan for our property, 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 I was preparing to file his Motion of Summary Judgment on Monday, December 13, 2010, my wife- Afiya suggested that I check once more in the Federal Records and 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. We arrived at the DeKalb County Courthouse at approximately 3:05 PM EST and proceeded to the Real Estate Records area section.
6. On December 20, 2010, I searched both the State and Federal Records to see if the Defendants had complied with Judge Barrie's order, or have placed anything in the case or real estate file for our home at 852 Brafferton Place Stone Mountain, GA. To my surprise Clerk, January Jackson, of the Superior Court Real Estate Division searched, found and printed out - at my request – a document entitled ASSIGNMENT OF NOTE AND SECURITY DEED.

7. This document purports that: [The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. as Trustee s/b/m to Bank One, N.A.NYT as Trustee s/b/m to Bank One **(Assignor)**] assigned Subject Property to [The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. as Trustee for RAMP 2006RP2 **(Assignee)**]
7. I noticed several problems with this document. The first of which is the date of execution. It reads: "This Assignment of Note and Security Deed is executed on this **8th day of February, 2010.** Even if this document were legitimate, it comes 8 months after the DEFENDANTS commenced foreclosure actions against me and my house, and 11 months after I asked for verification.
8. It is absolutely illegal for The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. as Trustee for RAMP 2006RP2 when they have not been established as secured creditors for my home at 852 Brafferton Place Stone Mountain, GA 30083.” OCGA §44-14-162 (b).
9. Upon researching, I found that there are other problems with the retroactive “Assignment” including the signature of the “Limited Signing Officer.” Judge Kenneth A. Powers (Maine District Court) in Federal National Mortgage Assoc. Vs. Nicolle Bradbury has referred to – Jeffrey Stephan’s saying - “Plaintiff does not dispute that its affiant, Jeffery Stephan, in his role as limited signing officer for GMAC, Plaintiff’s servicing agent, signed the affidavit which Plaintiff submitted in support of its Motion for Summary Judgment without even reading it and without signing in the presence of a notary.”
10. Jude Powers refers to the June 7, 2010 deposition of Mr. Jeffrey Stephan. I have no reason to believe that Mr. Stephan changed his behavior specially for the signing of this document when his testimony comes 4 months after he was supposed to have verified the assignment of my home’s note and security deed.

Dated: December 26, 2010

Decatur, GA

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 Wekesa O. Madzimoyo