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6 Attorney for Plaintiff
7 MARGARET CARSWELL

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

11 MARGARET CARSWELL,)	No. CV10- 5152 GW (PLAx)
12 Plaintiff,)	
13 v.)	DECLARATION OF PLAINTIFF
14 JP MORGAN CHASE BANK N.A.,)	MARGARET CARSWELL IN RE:
15 CALIFORNIA RECONVEYANCE)	OFFER OF PROOF
16 CO., and DOES 1-150, inclusive,)	
17 Defendants.)	

18 Margaret Carswell declares:

19 1. I am the plaintiff in this Action, I have personal knowledge of the facts
20 contained in this declaration and I am willing and competent to testify to their truth if
21 called as a witness.

22 2. I am the owner and resident of the single-family residence located at 845 Sea
23 Ranch Drive, Santa Barbara, California (“Property”).

24 3. I made regular monthly payments to WaMu and Chase, and was never late
25 with a payment and I have no other debt. I stopped making payments to Chase Bank in
26 December 2009 when the research I had begun two months earlier started to reveal non
27 disclosed securitization of my mortgage and many irregularities departing from usual
28 mortgage procedure.

Declaration of Margaret Carswell

1 4. When I received a copy of my Loan Application from Chase in November
2 2009, I discovered the application stated that my income was \$50,300.00 per month
3 and my California nonprofit corporation, Earth First Construction, had a net worth of
4 \$1,000,000. I did not provide these fictitious figures to the broker or the bank.

5 5. In early 2010, I received in the mail a copy of the Adjustable Rate Note
6 (“Note”) in the amount of \$2,500,000.00 (**Exhibit 1**). The Note is not indorsed to
7 Chase, Bank of America, La Salle Bank, or anyone else pursuant to UCC 3-204. It
8 identifies the lender as WASHINGTON MUTUAL BANK, FA. Neither my name nor
9 initials appear in the body of the Note. The signature page is undated and separate
10 from all of the content of the Note.

11 6. In November 2010, I searched the records at the Santa Barbara County
12 Recorder’s Office and discovered only one document recorded on my Property
13 subsequent to the Deed of Trust—an Assignment of Deed of Trust "to Bank of
14 America, National Association as successor by merger to 'LaSalle Bank NA as trustee
15 for WaMu Mortgage Pass-Through Certificates Series 2007-OA1 Trust.'" It was
16 recorded on September 9, 2009. No Assignment of Deed of Trust from Bank of
17 America to back to CRC is listed in the Santa Barbara County Grantor-Grantee Index.

18 7. In 2010, I entered the phrase "WaMu Mortgage Pass Through Certificates
19 Series 2007-OA1 Trust" in Google's search engine. The search results are attached to
20 my Offer of Proof as **Exhibit 18**. The first item in the search results states: "Wamu
21 Mortgage Pass Through Certificates, Series 2007-OA1. Termination Date: October 15,
22 2010. Unrealized Appreciation, \$4626 ..." I am informed and believe that the WaMu
23 Mortgage Pass Through Certificates Series 2007-OA1 Trust was terminated on
24 October 15, 2010.

25 8. On January 29, 2010, I visited Jason MOUNTZOGLU, manager of the Santa
26 Barbara downtown branch of Bank of America, who informed me unequivocally that
27 Bank of America had no interest in my mortgage. Subsequent research into this
28 “Trust” revealed that my Note was bundled along with thousands of other mortgage

1 notes on or before January 1, 2007, securitized and then marketed by Pacific
2 Investment Management Company (PIMCO) and listed with at least two companies,
3 Transamerica Funds and Allianz Global Investors.

4 9. On April 30, 2010, I sent a Qualified Written Request (QWR) to defendant
5 CRC and WaMu, in care of Chase Bank, pursuant to §6 of the Real Estate Settlement
6 Procedures Act. I have yet to receive any of the requested items.

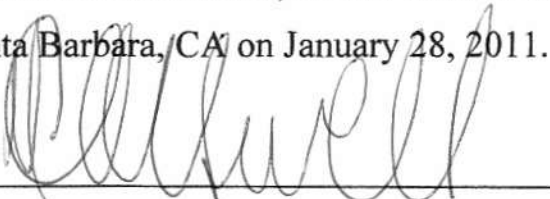
7 10. On July 1, 2010, Defendant CRC recorded a Notice of Trustee's Sale stating
8 that they intended to sell my property at public auction. On or about July 1, 2010, I
9 found a Notice of Trustee's Sale posted on my front door, which is marked Exhibit 6
10 and attached to my declaration filed in this case on July 14, 2010. I have discovered
11 that it is not a true copy of the NOTS recorded by CRC, which is attached to this Offer
12 of Proof as Exhibit 13.

13 11. If Chase has no interest in my mortgage, payments made by me to Chase
14 bank and a foreclosure of my residence by defendants would be unjust enrichment. In
15 good faith, I paid \$107,766.23 to Chase before realizing that they are not entitled.

16 12. I located the Pooling and Servicing Agreement on the SEC website, where
17 the REMIC Trust filed its PSA as the content of its Form 8-K Report, **Exhibit 19**.

18 13. IRS Publication 938 lists REMIC Trusts that file returns with the IRS. I
19 searched through the records of past years and located the REMIC Trust at issue here.
20 The REMIC Trust is not listed in the 2010 filings, showing that it has been terminated.

21
22 MARGARET CARSWELL declares: I am the Plaintiff in the above action. I declare
23 under penalty of perjury under the laws of California that the foregoing is true and
24 correct, except for matters stated on information and belief, and as to those matters, I
25 believe them to be true. Executed in Santa Barbara, CA on January 28, 2011.

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27
28 
Margaret Carswell