

WHEN RECORDED MAIL TO:

See notes on 3rd page of this document.

Aztec Foreclosure Corporation
3300 N. Central Ave. Suite, 2200
Phoenix, AZ 85012

APN # 347-250-15

Trustee Sale No. [REDACTED]

Title Order No. [REDACTED]
[REDACTED]

Space above this line for recorder's use only

SUBSTITUTION OF TRUSTEE

WHEREAS, [REDACTED] **An Unmarried Woman**, was the original Trustor, Carriage Escrow Inc., was the original Trustee, and Mortgage Electronic Registration Systems, Inc., as Nominee for Stearns Lending, Inc., a California Corporation, was the original Beneficiary under that certain Deed of Trust dated October 17, 2005, Recorded on October 24, 2005, in Instrument No. 2005-[REDACTED] of official records in the office of the Recorder of **SAN DIEGO County, CA**, and

WHEREAS, The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, National Association as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust, Mortgage Pass-Through Certificates Series 2005-10, the undersigned, is the present Beneficiary under said Deed of Trust, and,

WHEREAS, the undersigned desires to substitute a new Trustee under said Deed of Trust in the place of and stead of said original Trustee thereunder.


Now, **THEREFORE**, the undersigned Beneficiary hereby substitutes **Aztec Foreclosure Corporation, 3300 N. Central Ave., Suite 2200, Phoenix, AZ 85012**, as Trustee of Said Deed of Trust.

Whenever the context hereof so requires, the masculine gender includes the feminine and/or neuter, and the singular number indicates the plural.

Substitution of Trustee

DATE: May 28, 2009

The Bank of New York Mellon formerly known as The Bank of New York as successor Trustee to JPMorgan Chase Bank, National Association as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust, Mortgage Pass-Through Certificates Series 2005-10 by EMC Mortgage Corporation as attorney in fact.



 VP Greg Allen

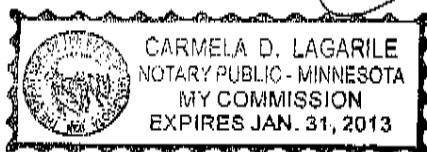
 Title

STATE OF MN }
 } ss
 COUNTY OF Dakota }

On 5/28/2009 before me, Carmela D. Lagarile, a Notary Public in and for said State, Personally appeared Greg Allen, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Carmela D. Lagarile



1. Aztec Foreclosure is the Trustee operation of LOGS for California, Nevada and Washington. Check them out at: <http://www.aztectrustee.com/company.html>. All of the foreclosure mills own their own Trustee operations so that they can recapture the Trustee's fee and the attorney's fee. I think this is a clear conflict of interest since the Trustee should be an independent third party with fiduciary duties to the consumer and the creditor.
2. Greg Allen is Not a VP of The Bank of New York Mellon. He is likely a Fidelity-LPS employee.
3. The signature does not look like Allen's to me.
4. The document was notarized in Dakota County, MN, so we know for sure it is a Fidelity-LPS document. The Bank of New York Mellon has no business operations in Dakota County.
5. Carmela Lagarile, the notary, no doubt violated the Minnesota Notary statute in executing this document.
6. No evidence attached that Bank of New York Mellon is the successor Trustee.
7. Aztec may be engaged in the unauthorized practice of law.
8. It says it was executed by EMC as "atty-in-fact", so they are saying that an actual Power of Attorney exists. More than mere "signing authority". In Virginia anyway, where a doc is executed using a POA, the POA also has to be recorded.
9. What does Page 1 of the underlying DOT say specifically as to what parties are the Lender and what exactly is MERS designated as? In the standard MERS DOT form they use in Virginia, the original lender is the "Lender" and MERS is the "beneficiary"- two distinct roles. If there is no such distinction in CA, then skip to the next issue. Otherwise, they may have mixed up the roles of "lender" and "beneficiary" .
10. Did MERS execute an Assignment to the foreclosing party? This is what they do in VA but I am not sure of what the process is in CA.
11. BNYM is "successor trustee" for JPMC. Check the PSA for the prescribed method for appointing a Successor Trustee. It probably requires documentation. Sometimes one bank can at least have an argument that becoming "successor" happened automatically by operation of law. But that is usually only where there has been a corporate merger or takeover of one bank by the other- and as far as I know JPMC is doing fine and has not been taken over by anybody- so there should be some documentation.
12. And last but not least, they should have to show evidence of how ownership of the Note, and rights as beneficiary, moved from the original lender to JPMC as original Trustee.