

IN THE CIRCUIT COURT FOR CECIL COUNTY, MARYLAND

L. Darren Goldberg  
David A. Kasuba

Substitute Trustees

Plaintiffs

v.

Theresa A Switalski and Joseph R Switalski

Defendant(s)

Civil No. *D04-876*

AFFIDAVIT OF DEBT

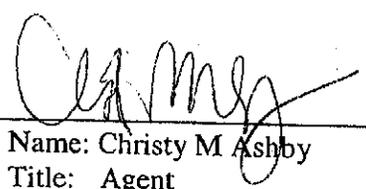
I Christy M. Ashby, agent of EMC Mortgage Corporation, the note holder herein solemnly affirm under the penalties of perjury that the contents of this foregoing paper are true to the best of my knowledge, information and beliefs. The indebtedness owed under the Deed of Trust filed in these proceedings is as follows:

Principal Balance	\$104,265.05
Interest from 11/05/2003 to 10/26/2004	\$8,516.88
Escrow Advances	\$313.94
Accrued Late Charges	\$462.66
Other Charges (itemize)	\$100.00
corporate advance	\$100.00
TOTAL	\$113,658.53
Per Diem	\$23.92
Current Interest Rate	8.375 %

D&G #: 79021  
Client #: 2809432 (3013689926 Old#)

*EX 1*

\* EMC Mortgage Corporation



By: Name: Christy M Ashby  
Title: Agent

STATE OF Virginia  
COUNTY OF Loudoun

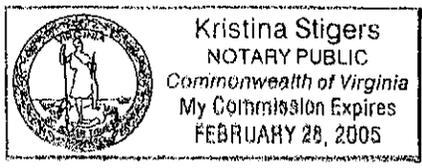
I hereby certify that on this 15<sup>th</sup> day of September, 2004  
before me, the subscriber, a Notary Public for the State and County aforesaid, personally  
appeared Christy M Ashby who acknowledged himself/herself to be the Agent of

\*  
and having been granted authority to do so, executed the above document by signing  
his/her name in my presence. He/She is personally known to me and did take an oath.



Notary Public

My Commission Expires:



AFFIDAVIT OF LOST NOTE

STATE OF Virginia

COUNTY OF Loudoun

THIS DAY, personally appeared before me, a Notary Public, in and for the City and State aforesaid, Christy M. Ashby, agent of EMC Mortgage Corporation, being duly sworn, deposed and says:

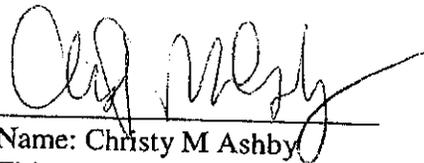
1. I solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true and correct to the best of my knowledge, information, and belief.
2. That the affiant is competent to testify to the matters stated herein and said affiant is duly authorized to make this Affidavit for and on behalf of the aforesaid Plaintiff.
3. That EMC Mortgage Corporation is the holder of a certain Deed of Trust Note in the original amount of \$108,000.00, dated October 31, 1997, made by Theresa A Switalski and Joseph R Switalski, a copy of which is secured by a Deed of Trust of even date therewith to , Trustee(s), and recorded in the Clerk's Office of the Circuit Court of Cecil County, Maryland, on November 10, 1997 in Book 0682 Page 045
4. That the original note has been lost, misplaced or destroyed and cannot be produced;
5. That at this time EMC Mortgage Corporation has undertaken diligent efforts to try to locate the note including but not limited to the following:
  - a. Reviewing its internal file of documents from the origination of the loan
  - b. Contacting the settlement attorney (if identifiable) which closed the loan, and
  - c. Consulting with prior counsel, if any, which may have had possession of the note in connection with a previous legal action, and
  - d. Reviewing the Bank's microfiche and electronic data files.
6. That at the time said note was lost, misplaced or destroyed, EMC Mortgage Corporation, has neither conveyed, assigned pledged, hypothecated, encumbered or otherwise transferred the Note or any of our interest therein to anyone and said Note is free and clear of all claims and encumbrances.

D&G #: 79021 Client #: 2809432 (3013689926 Old#)

242

Lost Note  
Affidavit of Debt  
L790211AD  
Page 2

\* EMC Mortgage Corporation



By: Name: Christy M Ashby  
Title: Agent

STATE OF Virginia  
COUNTY OF Loudoun

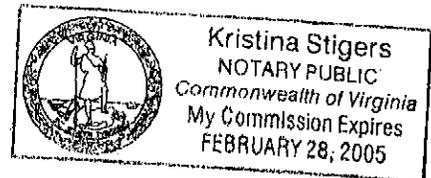
I hereby certify that on this 15<sup>th</sup> day of September, 2004  
before me, the subscriber, a Notary Public for the State and County aforesaid, personally  
appeared Christy M Ashby who acknowledged himself/herself to be the Agent of

\*  
and having been granted authority to do so, executed the above document by signing  
his/her name in my presence. He/She is personally known to me and did take an oath.



Notary Public

My Commission Expires:



Prepared By:  
Draper & Goldberg, P.L.L.C.

## DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES

THIS DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES is made this September 15, 2004 by EMC Mortgage Corporation ("Beneficiary").

WHEREAS, the Beneficiary is the holder of a promissory note, repayment of which is secured by a Deed of Trust dated October 31, 1997, from Theresa A Switalski and Joseph R Switalski to certain trustees named therein ("Trustees"), and recorded among the land records of Cecil County, Maryland on November 10, 1997, at Book 0682, Page 045 ("Deed of Trust");

WHEREAS, the Deed of Trust encumbers real property known as:

SEE ATTACHED LEGAL DESCRIPTION

And generally known as 45 Drier Drive, Port Deposit, MD 21904.

WHEREAS, the Deed of Trust grants to the beneficiary the unconditional power to appoint substitute trustees in place and stead of the original trustees named in the Deed of Trust; and

WHEREAS, the Beneficiary as the holder of the Note, desires to exercise the power to appoint substitute trustees in place and stead of the Trustees and to vest the substitute trustees with the same rights, powers, title and estate as are vested in the Trustees.

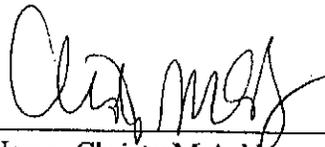
NOW, THEREFORE, in consideration of the sum of five dollars (\$5), and other good and valuable consideration, the Beneficiary does hereby appoint, L. Darren Goldberg, and David A Kasuba as Substitute Trustees, who may act either independently or jointly, under the Deed of Trust, with identically the same title and estate in and to the land, premises and property conveyed by the Deed of Trust, and with all rights, powers, trusts and duties of the Trustees.

Return To:

Draper & Goldberg, P.L.L.C.  
803 Sycolin Road, Suite 301  
Leesburg, VA 20175

Sub  
Affidavit of Debt  
L 79021MD  
Page 2

\* EMC Mortgage Corporation



By: Name: Christy M Ashby  
Title: Agent

STATE OF Virginia  
COUNTY OF Loudoun

I hereby certify that on this 15<sup>th</sup> day of September, 2004  
before me, the subscriber, a Notary Public for the State and County aforesaid, personally  
appeared Christy M Ashby who acknowledged himself/herself to be the Agent of  
\*

and having been granted authority to do so, executed the above document by signing  
his/her name in my presence. He/She is personally known to me and did take an oath.



Notary Public

My Commission Expires:



IN THE CIRCUIT COURT FOR CECIL COUNTY, MARYLAND

L. Darren Goldberg  
et. al

Substitute Trustees

Plaintiffs

Civil No. DAH-876

v.

Theresa A Switalski and Joseph R Switalski

Defendant(s)

AFFIDAVIT OF NON MILITARY STATUS OF MORTGAGOR(S)

I hereby certify upon personal knowledge as follows:

That I am the agent of EMC Mortgage Corporation, the secured party herein.

That none of the Defendant(s) in this proceeding are in the military service of the United States of America.

That none of the Defendant(s) in this proceeding are in the military service of a nation allied with the United States of America.

That none of the Defendant(s) in this proceeding have been ordered to report for induction under the Selective Training and Service Act of 1940.

That none of the Defendant(s) in this proceeding is a member of the enlisted corps who have been ordered to report for military service.

I personally have knowledge of the above facts as a result of my interaction with the Debtor in attempting to collect the underlying debt herein.

I hereby declare and affirm under the penalties of perjury that the matters and facts contained herein are true and correct.

D&G #: 79021  
Client #: 2809432 (3013689926 Old#)

EX 4

Non-Military  
~~Affidavit of Debt~~  
L 7902140  
Page 2

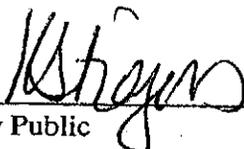
\* EMC Mortgage Corporation

  
By: Name: Christy M Ashby  
Title: Agent

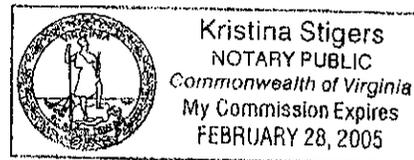
STATE OF Virginia  
COUNTY OF Loudoun

I hereby certify that on this 15<sup>th</sup> day of September, 2004  
before me, the subscriber, a Notary Public for the State and County aforesaid, personally  
appeared Christy M Ashby who acknowledged himself/herself to be the Agent of  
\*

and having been granted authority to do so, executed the above document by signing  
his/her name in my presence. He/She is personally known to me and did take an oath.

  
Notary Public

My Commission Expires:



AMENDED AFFIDAVIT OF LOST NOTE

STATE OF Texas

Civil No. d-04-876

COUNTY OF Dallas

THIS DAY, personally appeared before me, a Notary Public, in and for the City and State aforesaid, Mary Jacque Thompson, Assistant Vice President of EMC Mortgage Corporation, being duly sworn, deposed and says:

1. I solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true and correct to the best of my knowledge, information, and belief.
2. That the affiant is competent to testify to the matters stated herein and said affiant is duly authorized to make this Affidavit for and on behalf of the aforesaid Plaintiff.
3. That EMC Mortgage Corporation is the holder of a certain Deed of Trust Note in the original amount of \$108,000.00, dated October 31, 1997, made by Theresa A Switalski and Joseph R Switalski, a copy of which is secured by a Deed of Trust of even date therewith to , Trustee(s), and recorded in the Clerk's Office of the Circuit Court of Cecil County, Maryland, on November 10, 1997 in Book 0682 Page 045
4. That the original note has been lost, misplaced or destroyed and cannot be produced;
5. That at this time EMC Mortgage Corporation has undertaken diligent efforts to try to locate the note including but not limited to the following:
  - a. Reviewing its internal file of documents from the origination of the loan
  - b. Contacting the settlement attorney (if identifiable) which closed the loan, and
  - c. Consulting with prior counsel, if any, which may have had possession of the note in connection with a previous legal action, and
  - d. Reviewing the Bank's microfiche and electronic data files.
6. That at the time said note was lost, misplaced or destroyed, EMC Mortgage Corporation, has neither conveyed, assigned pledged, hypothecated, encumbered or otherwise transferred the Note or any of our interest therein to anyone and said Note is free and clear of all claims and encumbrances.

D&G #: 79021 Client #: 2809432 (3013689926 Old#)

Ex 5

*Amended  
Last Note*  
L 79021 MD  
Page 2

EMC Mortgage Corporation

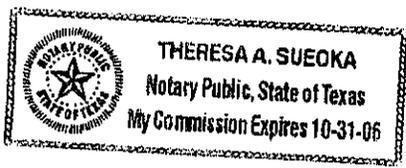
*Mary Jacque Thompson*  
By: Name: Mary Jacque Thompson  
Title: Assistant Vice President

STATE OF TEXAS  
COUNTY OF DALLAS

I hereby certify that on this 28<sup>th</sup> day of September, 2004, before me, the subscriber, a Notary Public for the State and County aforesaid, personally appeared Mary Jacque Thompson who acknowledged himself/herself to be the Assistant Vice President of EMC Mortgage Corporation and having been granted authority to do so, executed the above document by signing his/her name in my presence. He/She is personally known to me and did take an oath.

*Theresa A. Sueoka*  
Notary Public

My Commission Expires: 10/31/06



IN THE CIRCUIT COURT FOR CECIL COUNTY, MARYLAND

L. Darren Goldberg  
et. al

Substitute Trustees

Plaintiffs

Civil No. d-04-876

v.

Theresa A Switalski and Joseph R Switalski

Defendant(s)

**AMENDED AFFIDAVIT OF NON MILITARY STATUS OF MORTGAGOR(S)**

I hereby certify upon personal knowledge as follows:

That I am the Assistant Vice President of EMC Mortgage Corporation, the secured party herein.

That none of the Defendant(s) in this proceeding are in the military service of the United States of America.

That none of the Defendant(s) in this proceeding are in the military service of a nation allied with the United States of America.

That none of the Defendant(s) in this proceeding have been ordered to report for induction under the Selective Training and Service Act of 1940.

That none of the Defendant(s) in this proceeding is a member of the enlisted corps who have been ordered to report for military service.

I personally have knowledge of the above facts as a result of my interaction with the Debtor in attempting to collect the underlying debt herein.

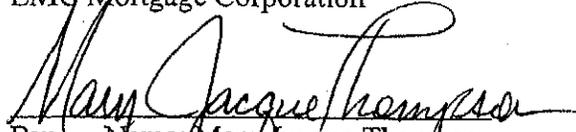
I hereby declare and affirm under the penalties of perjury that the matters and facts contained herein are true and correct.

D&G #: 79021  
Client #: 2809432 (3013689926 Old#)

Eyb

Amended  
~~Non-Military~~  
L 79021 MO  
Page 2

EMC Mortgage Corporation

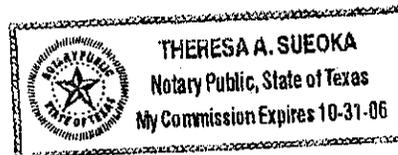
  
By: Name: Mary Jacque Thompson  
Title: Assistant Vice President

STATE OF TEXAS  
COUNTY OF DALLAS

I hereby certify that on this 28<sup>th</sup> day of September, 2004 before me, the subscriber, a Notary Public for the State and County aforesaid, personally appeared Mary Jacque Thompson who acknowledged himself/herself to be the Assistant Vice President of EMC Mortgage Corporation and having been granted authority to do so, executed the above document by signing his/her name in my presence. He/She is personally known to me and did take an oath.

  
Notary Public

My Commission Expires: 10/31/06



**AMENDED DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES**

THIS **AMENDED** DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES is made this September 28, 2004 by EMC Mortgage Corporation ("Beneficiary") to correct the signature page.

WHEREAS, the Beneficiary is the holder of a promissory note, repayment of which is secured by a Deed of Trust dated October 31, 1997, from Theresa A Switalski and Joseph R Switalski to certain trustees named therein ("Trustees"), and recorded among the land records of Cecil County, Maryland on November 10, 1997, at Book 0682, Page 045 ("Deed of Trust");

WHEREAS, the Deed of Trust encumbers real property known as:

SEE ATTACHED LEGAL DESCRIPTION

And generally known as 45 Drier Drive, Port Deposit, MD 21904.

WHEREAS, the Deed of Trust grants to the beneficiary the unconditional power to appoint substitute trustees in place and stead of the original trustees named in the Deed of Trust; and

WHEREAS, the Beneficiary as the holder of the Note, desires to exercise the power to appoint substitute trustees in place and stead of the Trustees and to vest the substitute trustees with the same rights, powers, title and estate as are vested in the Trustees.

NOW, THEREFORE, in consideration of the sum of five dollars (\$5), and other good and valuable consideration, the Beneficiary does hereby appoint, L. Darren Goldberg, and David A Kasuba as Substitute Trustees, who may act either independently or jointly, under the Deed of Trust, with identically the same title and estate in and to the land, premises and property conveyed by the Deed of Trust, and with all rights, powers, trusts and duties of the Trustees.

Return To:

Draper & Goldberg, P.L.L.C.  
803 Sycolin Road, Suite 301  
Leesburg, VA 20175

D&G #79021

CLIENT #2809432 (3013689926 Old#)

TRP FD SURE #	20.00
RECORDING FEE	20.00
TOTAL	40.00
Ref# CEBC	Ref# 46641
HLB AJL	SLK # 2206
Oct 20, 2004	00:26

CLERK  
PER WILLIAM L. BRUECKMAN  
DRAPER & GOLDBERG, P.L.L.C.

2004 OCT 20 AM 10:12

RECEIVED FOR RECORD  
& RECORDED

EX 7

Amended Sub  
L 7902140  
Page 2

EMC Mortgage Corporation

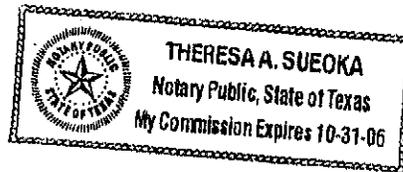
Mary Jacque Thompson  
By: Name: Mary Jacque Thompson  
Title: Assistant Vice President

STATE OF TEXAS  
COUNTY OF DALLAS

I hereby certify that on this 28<sup>th</sup> day of September, 2004 before me, the subscriber, a Notary Public for the State and County aforesaid, personally appeared Mary Jacque Thompson who acknowledged himself/herself to be the Assistant Vice President of EMC Mortgage Corporation and having been granted authority to do so, executed the above document by signing his/her name in my presence. He/She is personally known to me and did take an oath.

Theresa A. Sueoka  
Notary Public

My Commission Expires: 10/31/06



Prepared By:  
Draper & Goldberg, P.L.L.C.

Case # D-04-807

**AMENDED DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES**

THIS **AMENDED DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES** is made this September 16, 2004 by Bank One, National Association, as Trustee by HomeComings Financial Network, Inc. as its attorney in fact, by Fidelity National Foreclosure Solutions as attorney in fact ("Beneficiary") to correct the mortgagor's name.

WHEREAS, the Beneficiary is the holder of a promissory note, repayment of which is secured by a Deed of Trust dated November 30, 2001, from Jessica M. Weyandt and Christopher J. Weyandt, aka Christopher Weyandt to certain trustees named therein ("Trustees"), and recorded among the land records of Cecil COUNTY, Maryland on December 4, 2001, at Book 1080, Page 743 ("Deed of Trust");

WHEREAS, the Deed of Trust encumbers real property known as:

SEE ATTACHED LEGAL DESCRIPTION

And generally known as 124 John Street, Perryville, MD 21903.

WHEREAS, the Deed of Trust grants to the beneficiary the unconditional power to appoint substitute trustees in place and stead of the original trustees named in the Deed of Trust; and

WHEREAS, the Beneficiary as the holder of the Note, desires to exercise the power to appoint substitute trustees in place and stead of the Trustees and to vest the substitute trustees with the same rights, powers, title and estate as are vested in the Trustees.

NOW, THEREFORE, in consideration of the sum of five dollars (\$5), and other good and valuable consideration, the Beneficiary does hereby appoint, L. Darren Goldberg, and David A. Kasuba as Substitute Trustees under the Deed of Trust, with identically the same title and estate in and to the land, premises and property conveyed by the Deed of Trust, and with all rights, powers, trusts and duties of the Trustees.

Return To:

Draper & Goldberg, P.L.L.C.  
803 Sycolin Road, Suite 301  
Leesburg, VA 20175

D&G #96748

CLIENT #0433697661

TWP FD SURE \$	20.00
RECORDING FEE	20.00
TOTAL	40.00
Rec'd CE01	Rec'd # 97462
WLB JCH	BR # 1219
Sep 27, 2004	12:13 PM

CLERK  
PER WILLIAM L. BRUECKMAN  
CECIL COUNTY MD.

2004 SEP 27 PM 1:14

RECEIVED FOR RECORDS  
& RECORDED

Ex 8

*Amended Sub*  
*L96748MD*  
Page 2

Bank One, National Association, as  
Trustee by HomeComings Financial  
Network, Inc. as its attorney in fact, by  
Fidelity National Foreclosure Solutions  
as attorney in fact



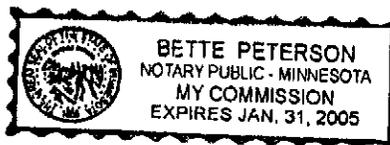
By: CHRIS ANDERSON  
Title: MANAGER

STATE OF Minnesota  
COUNTY OF Dakota

I hereby certify that on this 16<sup>th</sup> day of September, 2004  
before me, the subscriber, a Notary Public for the State and County aforesaid, personally  
appeared CHRIS ANDERSON who acknowledged himself/herself to be the MANAGER  
of Fidelity national Foreclosure Solutions and having been granted authority to do so,  
executed the above document by signing his/her name in my presence. He/She is  
personally known to me and did take an oath.

*Bette Peterson*  
Notary Public

My Commission Expires:



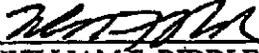
SCHEDULE A

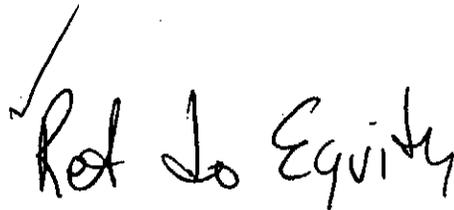
All that lot or parcel of land situate in the Seventh Election District of Cecil County, State of Maryland, and which is more particularly described as follows:

BEING KNOWN AND DESIGNATED as Lot NO. 12, as shown on the Plat entitled "Perryville Manor" which Plat is recorded among the Land Records of Cecil County in Plat Book W.A.S. No. 5, folio 8. The improvements thereon being known as 124 John Street.

BEING the same lot or parcel of land which was conveyed unto Christopher J. Weyandt and Jessica M. Weyandt, his wife, by Deed of Janet Y. Fye, his wife, dated of eventdate herewith and recorded or intended to be recorded among the Land Records of Cecil County immediately prior hereto.

In accordance with Real Property Section 3-104 (f) (1) this is to certify that the foregoing instrument was prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

  
WILLIAM F. RIDDLE



Prepared By:  
Draper & Goldberg, P.L.L.C.

Case # D-04-807

**AMENDED DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES**

THIS AMENDED DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES is made this October 4, 2004 by Bank One, National Association, as Trustee by HomeComings Financial Network, Inc. as its attorney in fact, by Fidelity National Foreclosure Solutions as attorney in fact ("Beneficiary") to correct the mortgagor's name.

WHEREAS, the Beneficiary is the holder of a promissory note, repayment of which is secured by a Deed of Trust dated November 30, 2001, from Jessica M. Weyandt, aka Jessica M. Weyandt and Christopher J. Weyandt, aka Christopher Weyandt to certain trustees named therein ("Trustees"), and recorded among the land records of Cecil COUNTY, Maryland on December 4, 2001, at Book 1080, Page 743 ("Deed of Trust");

WHEREAS, the Deed of Trust encumbers real property known as:

SEE ATTACHED LEGAL DESCRIPTION

And generally known as 124 John Street, Peryville, MD 21903.

WHEREAS, the Deed of Trust grants to the beneficiary the unconditional power to appoint substitute trustees in place and stead of the original trustees named in the Deed of Trust; and

WHEREAS, the Beneficiary as the holder of the Note, desires to exercise the power to appoint substitute trustees in place and stead of the Trustees and to vest the substitute trustees with the same rights, powers, title and estate as are vested in the Trustees.

NOW, THEREFORE, in consideration of the sum of five dollars (\$5), and other good and valuable consideration, the Beneficiary does hereby appoint, L. Darren Goldberg, and David A. Kasuba as Substitute Trustees under the Deed of Trust, with identically the same title and estate in and to the land, premises and property conveyed by the Deed of Trust, and with all rights, powers, trusts and duties of the Trustees.

Return To:

Draper & Goldberg, P.L.L.C.  
803 Sycolin Road, Suite 301  
Leesburg, VA 20175

D&G #96748-3rd Party  
CLIENT #0433697661

CLERK  
PER WILLIAM L. BRUECKMAN  
CECIL COUNTY, MD.

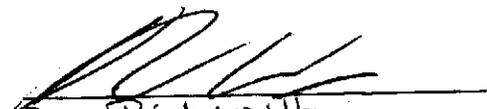
2004 DEC -6 AM 11:21

RECEIVED FOR RECORD  
& RECORDED

Efg

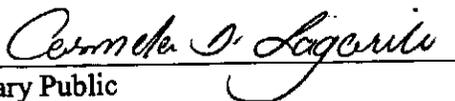
Amended Sub  
L96728MD  
Page 2

Bank One, National Association, as  
Trustee by HomeComings Financial  
Network, Inc. as its attorney in fact,  
by Fidelity National Foreclosure  
Solutions as attorney in fact

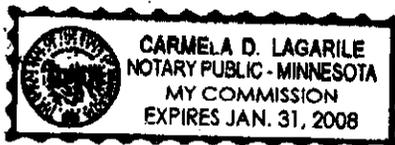
  
By: Rick Wilken  
Title: Asst. Vice President

STATE OF Minnesota  
COUNTY OF Dakota

I hereby certify that on this 4<sup>th</sup> day of October, 2004  
before me, the subscriber, a Notary Public for the State and County aforesaid, personally  
appeared Rick Wilken who acknowledged himself/herself to be the  
AVP of Homecomings Financial Network Inc and having been  
granted authority to do so, executed the above document by signing his/her name in my  
presence. He/She is personally known to me and did take an oath.

  
Notary Public

My Commission Expires:



SCHEDULE A

All that lot or parcel of land situate in the Seventh Election District of Cecil County, State of Maryland, and which is more particularly described as follows:

BEING KNOWN AND DESIGNATED as Lot NO. 12, as shown on the Plat entitled "Perryville Manor" which Plat is recorded among the Land Records of Cecil County in Plat Book W.A.S. No. 5, folio 8. The improvements thereon being known as 124 John Street.

BEING the same lot or parcel of land which was conveyed unto Christopher J. Weyandt and Jessica M. Weyandt, his wife, by Deed of Janet Y. Fye, his wife, dated of evendate herewith and recorded or intended to be recorded among the Land Records of Cecil County immediately prior hereto.

In accordance with Real Property Section 3-104 (f) (1) this is to certify that the foregoing instrument was prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

  
WILLIAM F. RIDDLE

IMP FD SURE &	30.00
RECORDING FEE	20.00
TOTAL	40.00
Reg# CEBC	Reg# 4 48631
HLB JUL	BL# 4 566
Dec 06 2004	11:02

Prepared By:  
Draper & Goldberg, P.L.L.C.

BOOK 1792 PAGE 606

✓ Return to: Equity  
D-04-1099

### DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES

THIS DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES is made this November 17, 2004 by Chase Manhattan Bank, as Trustee, in trust for the Holders of IMC Home Equity Trust Series 1997-5, by Select Portfolio Servicing, Inc. as attorney in fact ("Beneficiary").

WHEREAS, the Beneficiary is the holder of a promissory note, repayment of which is secured by a Deed of Trust dated May 16, 1997, from Reba Harriet Dixon, N/K/A Reba Harriet Green and Elizabeth Rebecca Scott to certain trustees named therein ("Trustees"), and recorded among the land records of Cecil County, Maryland on 5-23-97, at Book 654, Page 142 ("Deed of Trust");

WHEREAS, the Deed of Trust encumbers real property known as:

SEE ATTACHED LEGAL DESCRIPTION

And generally known as 155 Back Street, Cecilton, MD 21913.

WHEREAS, the Deed of Trust grants to the beneficiary the unconditional power to appoint substitute trustees in place and stead of the original trustees named in the Deed of Trust; and

WHEREAS, the Beneficiary as the holder of the Note, desires to exercise the power to appoint substitute trustees in place and stead of the Trustees and to vest the substitute trustees with the same rights, powers, title and estate as are vested in the Trustees.

NOW, THEREFORE, in consideration of the sum of five dollars (\$5), and other good and valuable consideration, the Beneficiary does hereby appoint, L. Darren Goldberg, and David A Kasuba as Substitute Trustees, who may act either independently or jointly, under the Deed of Trust, with identically the same title and estate in and to the land, premises and property conveyed by the Deed of Trust, and with all rights, powers, trusts and duties of the Trustees.

Return To:

Draper & Goldberg, P.L.L.C.  
803 Sycolin Road, Suite 301  
Leesburg, VA 20175

D&G 98727

CECIL COUNTY, MD  
PER WILLIAM L. BRUECKMAN  
CLERK

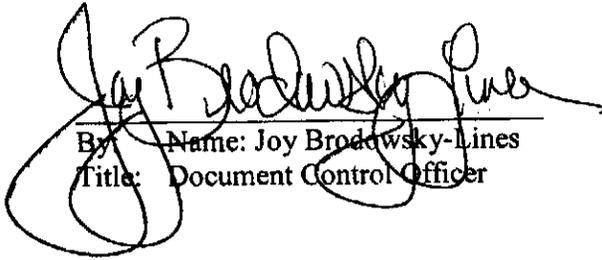
2004 DEC -6 AM 11:22

RECEIVED FOR RECORD  
& RECORDED

Ex 10

Sub  
L98727MD  
Page 2

Chase Manhattan Bank, as Trustee, in  
trust for the Holders of IMC Home  
Equity Trust Series 1997-5, by Select  
Portfolio Servicing, Inc. as attorney in  
fact

  
By Name: Joy Brodowsky-Lines  
Title: Document Control Officer

STATE OF UTAH  
COUNTY OF SALT LAKE

I hereby certify that on this 19<sup>th</sup> day of November, 2004  
before me, the subscriber, a Notary Public for the State and County aforesaid, personally  
appeared Joy Brodowsky-Lines who acknowledged herself to be the Document Control  
Officer of Select Portfolio Servicing and having been granted authority to do so, executed  
the above document by signing his/her name in my presence. He/She is personally  
known to me and did take an oath.

  
Notary Public

My Commission Expires: 4/22/07



File No. 97-07734

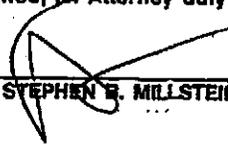
Exhibit "A"

BEGINNING at a point on the western side of Back Street at the northeast corner of land now or formerly of Dr. Edward Crawford, and running thence with the same the following three courses: North 44 degrees West, 10.12 perches; thence still with the same, North 31 1/2 degrees East, 9.76 perches; thence still with the same, 20 1/2 degrees East, 6.52 perches to a stone on a line of land now or formerly of Cochran; thence South 76 1/2 degrees East, 18.44 perches with Cochran's land to the west side of Back Side; thence South 46 1/2 degrees West, 25.40 perches with the West side of Back Street to the place of Beginning: CONTAINING 1 acre, 2 rods and 28 perches of land, more or less.

SUBJECT, HOWEVER, to restrictions, reservations and covenants of record.

THE BORROWER(S) HEREIN CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS DEED OF TRUST IS THEIR PRINCIPAL RESIDENCE, THAT THEY ARE THE ORIGINAL MORTGAGOR(S) AND THAT THE AMOUNT SECURE HEREIN WAS BORROWED FOR THE PURPOSE OF REFINANCING AN EXISTING DEED OF TRUST RECORDED IN LIBER NO. WLB 601, FOLIO NO. 448, ON WHICH REMAINS AN OUTSTANDING PRINCIPAL BALANCE OF \$ 59,801.50.

THIS IS TO CERTIFY, that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

  
STEPHEN R. MILLSTEIN, ESQ.

IMP FD SURE \$	20.00
RECORDING FEE	20.00
TOTAL	40.00
Reef# CE03	Acct # 48634
HLB AJL	Blk # 572
Dec 26, 2004	11:15 am

Prepared By:  
Draper & Goldberg, P.L.L.C.

Case # 07-D-04-000298

**AMENDED DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES**

THIS AMENDED DEED OF APPOINTMENT OF SUBSTITUTE TRUSTEES is made this September 22, 2004 by Mortgage Electronic Registration Systems, Inc. as nominee for Chase Manhattan Mortgage Corporation ("Beneficiary") to correct the beneficiary.

WHEREAS, the Beneficiary is the holder of a promissory note, repayment of which is secured by a Deed of Trust dated November 27, 2002, from Scott Anthony Jenis to certain trustees named therein ("Trustees"), and recorded among the land records of Cecil COUNTY, Maryland on December 6, 2002, at Book 1271, Page 337 ("Deed of Trust");

WHEREAS, the Deed of Trust encumbers real property known as:

**SEE ATTACHED LEGAL DESCRIPTION**

And generally known as 112 Cherry Tree Lane, Elkton, MD 21921.

WHEREAS, the Deed of Trust grants to the beneficiary the unconditional power to appoint substitute trustees in place and stead of the original trustees named in the Deed of Trust; and

WHEREAS, the Beneficiary as the holder of the Note, desires to exercise the power to appoint substitute trustees in place and stead of the Trustees and to vest the substitute trustees with the same rights, powers, title and estate as are vested in the Trustees.

NOW, THEREFORE, in consideration of the sum of five dollars (\$5), and other good and valuable consideration, the Beneficiary does hereby appoint, L. Darren Goldberg, and David A. Kasuba as Substitute Trustees under the Deed of Trust, with identically the same title and estate in and to the land, premises and property conveyed by the Deed of Trust, and with all rights, powers, trusts and duties of the Trustees.

Return To:

Draper & Goldberg, P.L.L.C.  
803 Sycolin Road, Suite 301  
Leesburg, VA 20175

D&G #95727

CLIENT #1928147048

CLERK  
PER WILLIAM L. BRUECKMAN  
CECIL COUNTY, MD

2004 OCT -4 PM 2:41

RECEIVED FOR RECORD  
& RECORDED

AP FD SURE \$ 20.00  
RECORDING FEE 20.00  
TOTAL 40.00  
Res# CE03 Rcpt # 45851  
WLB AJL Blk # 312  
Oct 04, 2004 12:22 PM

Ex 11

*Amended*  
Substitution of Trustee  
L95727MD  
Page 2

BOOK 1751 PAGE 037

\* Mortgage Electronic Registration  
Systems, Inc. as nominee for Chase  
Manhattan Mortgage Corporation

*Christina Trowbridge*  
By: Name: Christina Trowbridge  
Title: ASSISTANT SECRETARY

STATE OF OHIO  
COUNTY OF FRANKLIN

I hereby certify that on this 22<sup>nd</sup> day of September, 2004  
before me, the subscriber, a Notary Public for the State and County aforesaid, personally  
appeared Christina Trowbridge who acknowledged himself/herself to  
be the ASSISTANT SECRETARY of \* and  
having been granted authority to do so, executed the above document by signing his/her  
name in my presence. He/She is personally known to me and did take an oath.

*Laura C Koch*  
Notary Public

My Commission Expires:



Laura C. Koch  
Notary Public-State of Ohio  
My Commission Expires  
March 24, 2007

SCHEDULE A

ALL that lot or parcel of land situate in the Third Election District of Cecil County, State of Maryland, and designated as Lot No. 86 as shown on a subdivision plat known as Washington Woods, Section 2, recorded among the Land Records of Cecil County in Plat Records PC 413-723,

BEING the same lot or parcel of land which was conveyed to Scott Anthony Jenis, his/her personal representatives, heirs and assigns, by deed from Miken Limited Partnership, dated of even date, and recorded, or to be recorded among the Land Records of Cecil County immediately prior hereto,

Certificate of Preparation

In accordance with Real Property Section 3-104 (f) (1), this is to certify that the foregoing instrument was prepared under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland or by one of the parties to the transaction

  
James B. Sherrard

AFTER RECORDATION REMIT TO:  
SHERRARD TITLE COMPANY LLC  
155 E MAIN STREET  
ELKTON, MD 21921

FILE # 6810

*Ref*  
*Red to Equity*