

PARKER POE

PARKER POE ADAMS & BERNSTEIN LLP

Attorneys and Counselors at Law

RECORDED

Robert C. Byrd
Partner

2006 JAN 11 PM 2:19

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bobbybyrd@parkerpoe.com

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

January 11, 2006

1201 Main Street
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P.O. Box 1509
Columbia, SC 29202-1509
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VIA HAND DELIVERY

The Honorable James C. Campbell
Sumter County Clerk of Court
141 N. Main St., Rm 308
Sumter, SC 29150-4965

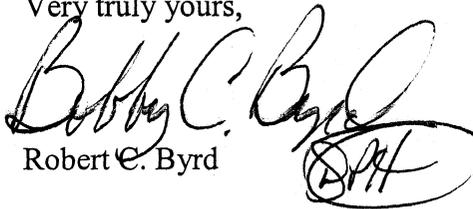
RE: Mortgage Electronic Registration Systems, Inc. vs. Leonard F. Girdvainis, Jr., et al.; Case No. 2005-CP-43-278

Dear Mr. Campbell:

Enclosed please find an original and two (2) copies of an Affidavit in the above-referenced matter. Please file the original with the Court and return the filed copies to me by way of courier.

Please do not hesitate to contact me should you have any questions. With best regards, I remain

Very truly yours,


Robert C. Byrd

RCB:mlr

Attachment

cc: **VIA HAND DELIVERY**

The Honorable Linwood S. Evans (w/attachment)

This is pretty good stuff. First Kimberly Dawson executes an affidavit declaring MERS the owner and holder of a note. Then an attorney executes an affidavit saying the first affidavit was his mistake regarding MERS' status. Then Kimberly Dawson executes another affidavit purporting to "correct" the first one.

CHARLOTTE, NC
COLUMBIA, SC
RALEIGH, NC
SPARTANBURG, SC

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED

2006 JAN 11 PM 2:19

IN THE CIRCUIT COURT

JAMES C. CAMPBELL
CLERK OF COURT

Mortgage Electronic Registration Systems, Inc. COUNTY, S.C. Case No. 2005-CP-43-0278

Plaintiff,

vs.

AFFIDAVIT

Leonard F. Girdvainis, Jr. a/k/a Leonard
Girdvainis, Jr.; Charles Edwin Norris, Julia
Norris; and South Carolina Department of Motor
Vehicles,

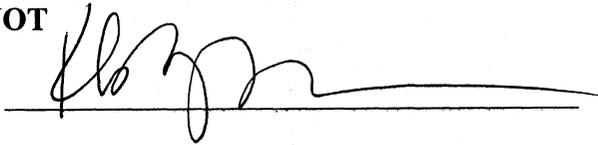
Defendants.

PERSONALLY APPEARED BEFORE ME, Kimberly Dawson, first being duly sworn
deposes and states as follows:

1. I am First Vice President for Mortgage Electronic Registration Systems, Inc. ("MERS"), the Plaintiff herein, and I am duly authorized to execute this Affidavit on its behalf.
2. On or about March 20, 2002, Defendant Girdvainis executed a note and mortgage to evidence and secure a loan made by Axtion, Inc. ("Axtion") to Girdvainis.
3. Thereafter, Axtion assigned the subject note and mortgage to Guaranty Residential Lending, Inc. ("Guaranty").
4. Thereafter, Guaranty assigned the subject note and mortgage, for valuable consideration, to MERS, which is the owner and holder thereof.
5. Throughout the loan purchase transaction, MERS followed proper procedures, conducted itself honestly and acted at all times in good faith.
6. At no time during the loan purchase transaction did MERS have any notice that the note or mortgage were subject to any defenses or claims by Girdvainis.

7. At no time did MERS have any notice of any defects in the mortgage or grounds for not enforcing it.

FURTHER AFFIANT SAYETH NOT

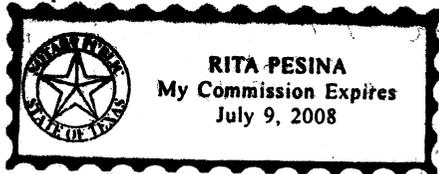
A handwritten signature in black ink, appearing to be "Rita Pesina", written over a horizontal line.

SWORN to and subscribed before me
this 10th day of January, 2006

Rita Pesina (L.S.)

Notary Public for Texas

My Commission Expires: July 9, 2008



PARKER POE

PARKER POE ADAMS & BERNSTEIN LLP

Attorneys and Counselors at Law

Robert C. Byrd

Partner

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Direct Fax: 843.727.2680

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RECORDED
2006 MAY 30 AM 11:30

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, SC
May 26, 2006

200 Meeting Street (29401)

Suite 301

Post Office Box 160

Charleston, SC 29402-0160

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The Honorable James C. Campbell
Sumter County Clerk of Court
141 N. Main St., Rm 308
Sumter, SC 29150-4965

**RE: Mortgage Electronic Registration Systems, Inc. vs. Leonard F. Girdvainis,
Jr., et al.; Case No. 2005-CP-43-278**

Dear Mr. Campbell:

Enclosed herewith please find an original and two (2) copies of the Corrective Affidavit and Affidavit of Robert C. Byrd in the above-referenced matter. Please file the originals with the Court and return the filed copies to me in the self-addressed, stamped envelope provided.

Please do not hesitate to contact me should you have any questions. With kindest regards, I remain

Sincerely,



Robert C. Byrd

RCB:mlr

Enclosures

cc: The Honorable Linwood S. Evans

CHARLOTTE, NC
COLUMBIA, SC
RALEIGH, NC
SPARTANBURG, SC

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

RECORDED

2006 MAY 30 AM 11:30

IN THE CIRCUIT COURT

Mortgage Electronic Registration Systems, Inc.,

Plaintiff,

vs.

Leonard F. Girdvainis, Jr. a/k/a Leonard
Girdvainis, Jr.; Charles Edwin Norris, Julia
Norris; and South Carolina Department of Motor
Vehicles,

Defendants.

JAMES W. CAMPBELL
CIRCUIT COURT
SUMTER COUNTY, S.C.

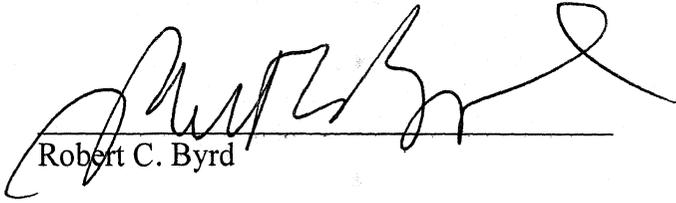
Case No. 2005-CP-43-0278

AFFIDAVIT

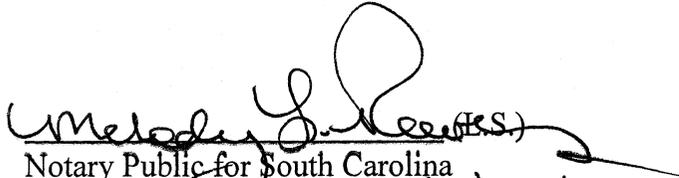
PERSONALLY APPEARED BEFORE ME, Robert C. Byrd, who first being duly sworn
deposes and states as follows:

1. I am one of the attorneys for Mortgage Electronic Registration Systems, Inc. ("MERS"), the plaintiff herein.
2. On January 11, 2006, I filed an Affidavit with the Court on behalf of MERS stating that MERS is the "owner and holder" of the subject mortgage loan. The statement that MERS is the "owner and holder" of the loan is incorrect. MERS is the mortgagee of record, but holds the subject mortgage solely in its capacity as nominee for Federal National Mortgage Association ("FNMA"), the beneficial owner of the loan.
3. The mistake was the result of a misunderstanding on my part about MERS's role in the transaction.

FURTHER AFFIANT SAYETH NOT


Robert C. Byrd

SWORN to and subscribed before me
this 26th day of May, 2006


Melody J. Lewis (N.S.)
Notary Public for South Carolina
My Commission Expires: 5/11/2014

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED
2006 MAY 30 AM 11:30

IN THE CIRCUIT COURT

Mortgage Electronic Registration Systems, Inc.,

Plaintiff,

vs.

Leonard F. Girdvainis, Jr. a/k/a Leonard
Girdvainis, Jr.; Charles Edwin Norris, Julia
Norris; and South Carolina Department of Motor
Vehicles,

Defendants.

Case No. 2005-CP-43-0278

CORRECTIVE AFFIDAVIT

PERSONALLY APPEARED BEFORE ME, Kimberly Dawson, who first being duly sworn deposes and states as follows:

1. I am an employee of Countrywide Home Loans, Inc. ("CHL"), where I work as a First Vice President responsible for managing the foreclosure process.
2. By way of a corporate resolution executed by Mortgage Electronic Registration Systems, Inc. ("MERS"), the plaintiff herein, I am duly authorized to execute this Corrective Affidavit on its behalf as Vice President or Assistant Secretary of MERS.
3. MERS appears as mortgagee of record for mortgage loans owned by members of the MERS[®] System. In doing so, MERS reduces the burden of filing costly mortgage assignments when the servicing rights to a loan are transferred from one member to another. The overall result is reduced costs to the mortgage banking industry, a more fluid secondary mortgage market which makes more cash available to fund mortgage loans to consumers, and more accurate lien records.
4. In my capacity as an officer of MERS, I am able to, among other things, examine loan records, confirm loan balances and execute lien releases for loans serviced by CHL or

Countrywide Home Loans Servicing LP (“Countrywide”) for which MERS is named as the mortgagee in a nominee capacity for the originating lender and that lender’s successors and assigns.

5. According to the documents in the possession of Countrywide and MERS, on or about March 14, 2002, defendant Girdvainis executed a certain promissory note (the “Note”), payable to the order of Axtion, Inc. DBA Action Mortgage (“Axtion”) in the original principal amount of \$78,600.00, together with interest as provided therein.

6. According to the documents in the possession of Countrywide and MERS, defendant Girdvainis executed and delivered to Axtion a real estate mortgage (the “Mortgage”), covering certain real property located in Sumter County, South Carolina.

7. According to the documents in the possession of Countrywide and MERS, Axtion thereafter assigned the subject Note and Mortgage, for valuable consideration, to Guaranty Residential Lending, Inc. (“Guaranty”) by written assignment dated March 14, 2002.

8. According to the documents in the possession of Countrywide and MERS, by written assignment effective April 30, 2002, Guaranty assigned the Mortgage to MERS in its capacity as nominee for Federal National Mortgage Association (“FNMA”), the beneficial owner of the loan.

9. **The loan is serviced on behalf of FNMA by Countrywide.**

10. Throughout the loan purchase transaction, FNMA (as owner), MERS (as mortgagee), and Countrywide (as servicer) followed proper procedures, conducted themselves honestly and acted at all times in good faith.

11. At no time during the loan purchase transaction did FNMA, MERS or Countrywide have any notice that the note or mortgage were subject to any defenses or claims by defendant Girdvainis.

12. At no time did FNMA, MERS or Countrywide have any notice of any defects in the mortgage or grounds for not enforcing it.

13. On January 10, 2006, I executed an affidavit in conjunction with the above-referenced lawsuit, and a copy of the affidavit is attached hereto as Exhibit "A." In the attached affidavit, I inadvertently stated that MERS was the owner and holder of the note and mortgage by virtue of an assignment from Guaranty. I instead should have indicated that MERS was assigned the mortgage from Guaranty, and was therefore the mortgagee as the nominee of the owner of the note, which was (and is) FNMA. MERS did not (and does not) own the note.

14. I relied on the advice of attorney Robert C. Byrd in executing the attached affidavit, and neither he nor I appreciated at that time the distinction between owning the note and mortgage as opposed to being the mortgagee of record as nominee for the owner and holder of the note.

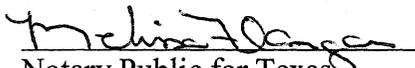
15. I in no way intended to mislead the court, and submit this affidavit to eliminate any confusion caused by the imprecise language in my attached affidavit.

FURTHER AFFIANT SAYETH NOT



Kimberly Dawson, Vice President

SWORN to and subscribed before me
this 22 day of March, 2006

 (L.S.)
Notary Public for Texas
My Commission Expires: _____

