

COUNTY OF PALM BEACH

STATE OF FLORIDA

Before Me, the undersigned authority, on this 19TH day of October, 2010, personally appeared LYNN SZYMONIAK, known to me to be the person whose name is subscribed to the foregoing Affidavit, and acknowledged that she executed the same for the purposes therein contained.

In witness whereof, I have unto set my hand and official seal.

Robert V. Brownlee

ROBERT V. BROWNLEE



ROBERT V. BROWNLEE
MY COMMISSION # DD 720814
EXPIRES: October 1, 2011
Bonded Thru Budget Notary Services

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

Case No. 3:10CV00011

DARRYL HAYNES,

Plaintiff,

vs.

JP MORGAN CHASE BANK, N.A., et al.,

Defendants.

AFFIDAVIT OF LYNN E. SZYMONIAK, ESQ.,
AS DEFENDANTS' EXPERT

STATE OF FLORIDA
COUNTY OF PALM BEACH

LYNN E. SZYMONIAK, Esq., having been duly sworn, deposes and states that if sworn as a witness she can testify competently to the facts stated in this affidavit, based upon her personal knowledge:

1. I am an adult citizen of the United States, and have resided in Palm Beach County, Florida since 1979.
2. I am an attorney and was admitted to the Florida Bar in 1980. My business address is: The Szymoniak Firm, P.A., The Metropolitan, PH2-05, 403 S. Sapodilla Avenue, West Palm Beach, Florida 33401.

Telephone: (561) 630-6928. I have practiced law in Palm Beach County for 31 years. I am a graduate of Bryn Mawr College in Bryn Mawr, Pennsylvania, and Villanova Law School in Villanova, Pennsylvania.

3. For the past twenty years, my practice has primarily been in cases involving white-collar crime allegations, particularly, in representing major insurance companies in claims that they have been defrauded by large policyholders.

4. In the last ten years, I have also served as an expert witness in civil and criminal cases. In criminal cases, I have served as an expert witness for the United States of America and the State of California. I have testified at trial in four federal court cases including two in Jacksonville, Florida, where the allegations involved false and fabricated documents including fabricated insurance policies and certificates of insurance. The two Jacksonville cases were United States v. Thomas King, Case No. 3:05-cr-52-J-99MMH, Middle District of Florida, Jacksonville Division and United States v. Donald Touchet, et al., Case No. 3:2007cr00090, Middle District of Florida, Jacksonville Division. My designation as an expert and the use of my testimony were affirmed in an 11th Circuit opinion, United States v. Robert D. Jennings, Case No. 08-13434 (11th Cir. Jan. 5, 2010). I also submitted an expert opinion for the government in a New York Northern District federal case that ended in a guilty plea: United States v. James Kernan, Case No. 5:2008cr00061. I have also been designated an expert on insurance regulatory matters in Florida and testified at trial in April, 2010, in a federal criminal trial involving financial guaranty insurance, United States v. Michael Zapetis, et al., Case No.

8:2006cr00026, Middle District of Florida, Tampa Division. This case also resulted in a guilty verdict. On July 19, 2010, I testified in a criminal insurance fraud trial in Charleston, South Carolina, that also ended in a guilty verdict, United States v. Robert Kohn, Case No. 2:2009cr01127. I have also worked as a consultant/expert for the South Carolina Department of Consumer Affairs and the South Carolina Department of Insurance. I also submitted an expert opinion in a California state case involving fraudulent insurance practices and documents that resulted in a guilty plea in March, 2010, the People of the State of California v. Mitchell Zogob, Orange County, California. I have testified as an expert in a foreclosure case in Harris County, Texas.

5. I have written several articles on mortgage foreclosures and residential mortgage-backed securitized trusts, including the following: "An Officer of Too Many Banks," *Fraud Digest*, January 14, 2010; "Too Many Jobs," *Fraud Digest*, January 19, 2010; "Mortgage Assignments As Evidence of Fraud," *Fraud Digest*, February 9, 2010; "Inroads on Foreclosure Fraud by Mortgage Servicers" *Fraud Digest*, April 7, 2010; "Mass-Produced Affidavits Filed by Foreclosure Firms," *Fraud Digest*, April 13, 2010; "How Lender Processing Services, Inc. Solves Deutsche Bank's Missing Paperwork Problem in Foreclosures," *Fraud Digest*, April 16, 2010 and "The Real Employers of the Signers of Mortgage Assignments to Trusts," *Fraud Digest*, May 14, 2010.

6. I was formerly a Certified Fraud Examiner, and have had nine hours training by the National Association of Certified Fraud Examiners in identifying forged and fabricated documents, in a course taught by retired agents of the FBI.

7. I have examined a copy of an Assignment of Mortgage in the action presently before this Court, a copy of which is attached hereto as Exhibit A, signed by Margaret Dalton and notarized in Duval County, Florida.

8. I have examined over 5,000 other Mortgage Assignments, including at least 200 signed by Margaret Dalton. I have spent over 100 hours examining these documents and comparing the signatures and job titles thereon.

9. The signature of Margaret Dalton appears on at least 200 of these Assignments, as on Exhibit A. On approximately half of these Assignments, Dalton signs as a Vice President of JP Morgan Chase Bank.

10. On many other Assignments, Margaret Dalton uses many different job titles, including the following:

- Vice President, Bank of America, N.A. as successor-by-merger to LaSalle Bank, N.A. as trustee for WMALT 2006-AR03 Trust, by JP Morgan Chase Bank, N.A., as attorney-in-fact;
- Vice President, Deutsche Bank National Trust Co., as Trustee for Long Beach Mortgage Trust 2006-1, by JP Morgan Chase Bank, N.A., under Limited Power of Attorney;
- Vice President, Deutsche Bank National Trust Co., as Trustee for WAMU Mortgage Pass-Through Certificates, Series 2005-AR6 Trust, by JP Morgan Chase Bank, N.A., under Limited Power of Attorney;
- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Amstar Mortgage Corp.;

- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for CTX Mortgage Company, LLC;
- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Everbank;
- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for First Magnus Financial Corp.;
- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Homeside Lending, Inc.;
- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Irwin Mortgage Corporation;
- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Pinnacle Financial Corp.;
- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for Transland Financial Services, Inc.;
- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for UBS AG, Tampa Branch; and
- Vice President, Mortgage Electronic Registration Systems, Inc., acting solely as nominee for United Financial Mortgage Corp.

Copies of Mortgage Assignments executed by Margaret Dalton as an officer of various entities are attached hereto as Composite Exhibit B.

11. On many Mortgage Assignments, Dalton signs as a MERS officer to assign mortgage TO JP Morgan Chase, without disclosing she is actually working FOR JP Morgan Chase.

12. On the Assignment in this case, Dalton signs as the attorney-in-fact for the FDIC to assign a mortgage to JP Morgan Chase Bank when she is an officer of that same bank. In other words, she signs as both the grantor and grantee. As the basis of her authority to transfer

mortgages to JP Morgan Chase, a Power of Attorney is attached, signed by Janice Hearn, who is identified as the Manager of Customer Service for the FDIC. The Resolution from the FDIC referenced therein is not attached, nor is any explanation of why Hearn, who is identified as a Manager of Customer Service, may sign as an OFFICER of the FDIC.

13. Because of the many discrepancies in the titles used by Margaret Dalton, and for the other reasons set forth above, I consider the Assignment in this case to be unreliable.

FURTHER AFFIANT SAYETH NOT.


LYNN E. SZYMONIAK