



Serving Maryland Agents of Chicago Title, Commonwealth Land Title, and Fidelity National Title

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## BULLETIN NO. 2010-08

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**TO:** *MARYLAND AGENTS, APPROVED ATTORNEYS, OFFICERS & EXAMINERS*

**FROM:** *MARYLAND COUNSEL*

**DATE:** *October 18, 2010*

**SUBJECT:** *Corrective Affidavits used By Trustees in a Foreclosure and a Lawsuit against Bierman, Geesing, Ward and Wood LLC*

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As many of you are aware, there have been numerous developments concerning the validity of certain foreclosure actions and documents prepared by lending institutions leading up to the foreclosure across the country. Several banks have placed a temporary moratorium on foreclosures in certain states where judicial foreclosures are performed. Maryland is not a judicial foreclosure state.

More recently, several newspaper articles have questioned the practices of several trustees in the state of Maryland, specifically alleging that certain affidavits or other documents filed in certain foreclosure cases have not been executed by the person whose name appears on these documents. A few trustees have filed "corrective affidavits" within the foreclosure as an attempt to remedy this situation. You may view the article in the Baltimore Sun at <http://www.baltimoresun.com/business/real-estate/bs-bz-foreclosure-attorneys-20101012,0,52982.story>.

It is the position of this company that no agent is authorized to issue a title policy for a current transaction where title is being conveyed by a foreclosure trustee in which a corrective affidavit similar in form to the one attached to this bulletin has been filed. This includes transactions where you are being asked to insure the transfer from the trustee to a third party or where the bank has bought the property back at foreclosure and is now reselling to a third party.

Another recent development is a lawsuit filed against Bierman, Geesing, Ward and Wood, LLC, one of Maryland's largest foreclosure law firms. The complaint was filed in the United States District Court for the District of Maryland as Case 8:10-cv-02822, styled as Marjorie Stewart et al v. Howard Norman Bierman, et al. The complaint contains numerous allegations regarding the authenticity of signatures on documents in "hundreds if not thousands" of foreclosures in Maryland. This includes orders to docket and trustee's deeds and everything in between.

Remember that you are still required to conduct a proper examination of every foreclosure prior to issuing title policies and that all relevant documents in the foreclosure are to be reviewed, not just the docket entries. This has been and remains the company's underwriting requirement. This includes a review of all documents signed by foreclosure trustees to ascertain whether there are any discrepancies in the signatures on same, paying particular attention to the deeds executed by the trustees, regardless of whether a corrective affidavit appears in the foreclosure file or not.

As always, should you have any concerns about these signatures or any other issue the examination of the file reveals, please contact your underwriter.

Bulletin No. 2010-08  
October 18, 2010

These developments appear to be part of an evolving issue and you may receive additional instructions from our office in the near future.

*Please make certain that this Bulletin and communications are disseminated to your staff.*

Thank you for letting us be your premier provider of title insurance products in Maryland.

IN THE CIRCUIT COURT FOR WORCESTER COUNTY, MARYLAND

Jacob Geesing, et al  
Substitute Trustees  
Plaintiffs

vs.

SHANE M. LANGDON  
CHARLES M. LANGDON  
MARY A. LANGDON  
721 D 94th Street, 0JJ4  
Ocean City, MD 21842  
Defendant(s)

Case No. 23C09001701

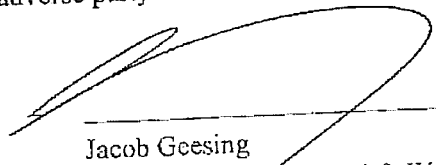
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CORRECTIVE AFFIDAVIT

Jacob Geesing, Substitute Trustee, does hereby affirm, under penalties of perjury, that the following statements are based on his personal knowledge, and are true and accurate:

1. I have previously filed certain papers/affidavits in this case bearing my signature.
2. The facts contained therein are true and correct; however, notwithstanding the signature and notarization, I neither signed, nor personally appeared when certain of those documents were being signed.
3. The aforesaid papers were prepared under my supervision and signed at my direction. The process was implemented through an inappropriate view that it would be sufficient.
4. I hereby declare and affirm that the contents of the prior papers and affidavits are true and correct. I further declare and affirm that I have caused a copy of this corrective affidavit to be mailed, postage prepaid, to the adverse party in this matter.

2/20/10  
Date

  
Jacob Geesing  
Bierman, Geesing, Ward & Wood, LLC  
4520 East West Highway, Suite 200  
Bethesda, MD 20814  
(301) 961-6555, ext. 3354

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STEPHEN V. HALES  
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