

DECLARATION OF JOANN BREITLING

I JoAnn Breitling (“Declarant”) declare that I am over the age of eighteen (18) years and have personal knowledge of the facts set forth in this declaration, am not a party to this action, and if called as witnesses, could and would competently testify to the facts set forth herein. I make this declaration under penalty of perjury.

I make this Declaration to this Honorable Appeals Court to support of the Writ of Mandamus filed by Ms. Denise Subramaniam. I have an interest in the outcome of this case because like Denise Subramaniam, I and my home were targeted for a fraudulent foreclosure by Daniel Andrew Beal (“Andy Beal”) who owns and fully controls:

- (i) Beal Bank USA;
- (ii) LNV Corporation (“LNV”);
- (iii) MGC Mortgage, Inc. (“MGC”);
- (iv) Beal Bank SSB; (v) LPP Mortgage Inc. (“LPP”);
- (v) Beal Financial Corporation; and numerous other corporate fictions established with intent to defraud; collectively referred to as the “Beal entities”.

I have read LNV’s response to Denise’s Emergency Writ of Mandamus. Denise asked me and some of the other LNV/Beal victims to read it for her because she became sick to her stomach after reading the first few pages. It seems to me that much of LNV’s response is nothing more than an attack on Denise and a minimization of her disabilities. Ms. Richards maintains that this is not a final remedy, that Denise has filed an appeal and can wait in line just like everyone else.

That is not true. Denise suffers from chronic MCS which causes her to suffer severe reactions when she is exposed to even small amounts of chemicals. I’ve had many conversations with Denise about her MCS over the years that I’ve known her. At first I didn’t really understand her MCS or how much it limits her life activities; what she can do and where she can go. So many times I’d suggest something and she’d tell me “I can’t do that because I can’t be that close to other people; their perfumes and laundry products will make me sick.” Or “I can’t stay at a motel because of the cleaning products they use and carpet shampoo make me sick.” Or “I can’t ride in someone else’s car or take public transportation because...” etc.

Denise spent years making her home chemically free and a safe environment where she could live. LNV now has her home listed for sale with a realtor. If her home is sold during the one to two years it takes for a normal appeal Denise may never get her home back in the condition it was in when LNV stole it from her. Monetary damages cannot replace what she lost because it will no longer be a home that is safe for Denise to occupy. It has been difficult for others, even in our group to understand how limited Denise's life is and how important her home is to her health.

My husband, Samuel Breitling is an honorably retired Dallas Police Officer of 33 years and we have raised six daughters and our only son Matthew who has Down syndrome in our home we bought 34 years ago. I'm 66 years old and my husband is 70 years old. In 1998 I went on disability. My husband had his first bi-pass surgery in 1994, then in 1998 he had major surgery with bone grafts, and was off work for many months. We had a lot of medical bills and decided to refinance and take out some of our equity to help pay for them. We refinanced our home in 2000. At the time we only owed around \$88,000 and our home was worth around \$163,000. Our new mortgage was for \$129,000. We had no idea we'd be targeted for a predatory loan.

Although I'm married I had to sign for my husband with a power of attorney because he was too ill to come with me so it was as if I was signing as a single woman; and the broker said they could give us a better loan because I was disabled but the interest rate was switched on us to a higher rate. I was told if we paid that for two years we'd get a lower rate. This turned out to be a lie. We felt cheated but we paid our mortgage on time every month. Not counting our insurance and property taxes which we paid separately we paid \$153,000 since 2000, and more than \$500,000 since 1982 when we bought our home.

We had refinanced with Aames Home Loans in 2000 but within a couple months we were told to pay Weyerhouser then a couple months later we were told to pay Countrywide and we paid them for around seven years. Then in October 2007 we were told to pay Wilshire Credit. In June 2008 we were approved to refinance at a much lower interest rate. Unfortunately this is when our Wilshire told us our mortgage was sold to MGC Mortgage Inc. We immediately asked MGC for a payoff balance, but they failed to provide one and we lost our opportunity to refinance. No one ever answered the phone at MGC. The lady at the bank where we tried to refinance would wake up and call them at 2 AM thinking maybe they were in India! We had to re-apply, but because MGC doesn't report to credit reporting agencies it looked like we had not made a mortgage payment in two months so our

credit scores had dropped 100 points. We no longer qualified to lower our interest rate. We were trapped. Feeling we had no other choice we attempted a loan modification with MGC but this was a complete nightmare. They kept losing our documents and we had to resend them.

We received no welcome letter from MGC and we had no loan number so we mailed our first payment to MGC at 15770 Dallas Parkway, Dallas Texas using our social security numbers. Our payment was misapplied to someone else's loan and it took two months to get that straightened out. We sent our second payment with a courier to insure that it was received and it was never cashed so we sent another payment. Once that was cashed we stopped payment on the eariler check; and they tried to cash it after we stopped payment. They sent us a modification packet and said NOT TO MAKE ANY MORE PAYMENTS. In November 2008 MGC said they were putting me into their "new system" in Sudbury MA and I thought "Great! I was never in their old system."

I was in a Kroger parking lot and I got a gut feeling that said scam all over it. Why transfer our loan 2000 miles away? I live in the Dallas area and I saw that MGC Mortgage posted help wanted ads online for "high school graduates." This was a red flag to me. I thought a legitimate mortgage company would be looking for people with experience and college degrees so I thoughtt there was something very wrong with MGC Mortgage.

I called MGC's modification department every week. It was in South Carolina and there were three people who worked at that office: Sandra, Phillip, and Renda who knew I wanted a lower interest rate. One time Renda told me they were working on my request as we spoke. Then a week later Phillip said our modification packet had been "lost" I went ballistic and told him I was calling my Congressman. Sandra IMMEDIATELY called me back and said, "Don't call your congressman, we will give you PRIORITY treatment." I sent in a second modification packet with all of our financials and then they wanted a BPO done. I said "What is that?" They said, "Someone comes and takes pictures of your house."

I finally agreed, and they called back and said the investor wants two separate BPO's done. I said who is the investor? Sandra said they did not know. By March of 2009 MGC was still not taking our mortgage payments. We demanded they do so I called Sudbury back and I said I need to bring my account current. "MGC" said we can't take your payment. I said YOU WILL TAKE MY PAYMENT OR I AM GOING TO THE AUTHORITIES. They called me back the next day and I paid "Graystone" six payments. My account was current. I called Sandra back in South Carolina and

she told me my modification file had been closed and I was labeled “uncooperative.” I started looking for an attorney that same week.

In 2008 I did not understand how deep the fraud ran but after six years of litigation I would write a book about it now.

I have been retaliated against because I have fought back and helped organize other LNV/Beal victims. In the past two years the Beal entities drug my family and I through SEVEN different courts. He has hired six major law firms to go against us, and it is not about our humble home which is valued at \$200,000. He has spent MANY TIMES more than the cost of our home to take it away from us and to harm us. Sadly I have come to accept that many judges have helped him to carry out his debt scam. In my JP Court, Judge Gerry Cooper intentionally hid a Motion in Limine/Motion to Exclude from us so that no evidence could be presented to a jury.

Andy Beal and his attorneys keep sayng we are deadbeats who want a free house. Nothing could be farther from the truth. We have lived in our home for 34 years, we have paid over \$500,000 in “installments” (why are they calling these installments and not payments) and we have lost all equity until a court decision can be reversed. There is nothing free about our home. We have spent the last eight years of our life trying to expose the crimes Andy Beal has committed.

Two former employees of MGC have come forward to speak with authorities (this has not been revealed before, and their statements are confidential because they fear for their lives) but they said that Daniel Andrew Beal went into a room about once a week and personally went through the loan files. He then personally selected which homes he wanted to “target”. Yes----target.

We were probably targeted because our 2000 application for refinance states that I am a disabled woman. Beal went after homeowners he thought did not have the resources to fight back. He targeted the disabled (like Denise, me, and Dana Brinton), single women and single mothers (like Denise, Cammy Depew, Catherine Gebhardt, Robynne Fauley, Tuli Molina-Wohl, Becky Gentry-Youngblood, Joceline Angelot, Bobbette Cota, Claudia Jurado, Carmen O’Rourke, Amanda Jones, Lida Cestro, Maria Resto and Rhonda Hardwick), minorities (like Toya and Harry Smith, Terry Howard, Michael and Tarnetta Sadler, Ramon Hernandez Moreno, Jaun Rogelio Martinez and Aleyda Castillo, Jose and Lydia Feliciano, Robert Allison, Veronica Valdez, Joaquin and Jolie

Garcia, Esteran Fernandez and Onell Castro), and the elderly who would die soon so he would then sue their estates (like me and my husband, the Sarichs, David Gates and Nick Riggione).

Ms. Richards makes light of the fact that Denise claims we've been reporting Beal's activities to authorities. Although I am sure I will have something horrible happen to me now for speaking out in this declaration, I must do so. I was the first one to contact the FBI and others in our group across the country have followed suit.

Ms. Richards is putting her career on the line by continuing to represent someone whom she must by now know has forged not just Denise's mortgage note, allonges and deed of trust and assignments but has forged numerous such mortgage documents and passed them off to courts as genuine to give himself the illusion of standing. If this court has any doubt about whether or not the FBI has received numerous complaints about Andy Beal and his sham corporations then by all means contact me and I can give you information that cannot be written here that will allow you to verify these facts.

Like Denise and many of the others targeted for fraudulent foreclosures by Andy Beal I was forced to represent myself as a pro-se litigant after paying thousands of dollars to attorneys; and like Denise I feel like I've been further victimized by the courts.

Daniel Andrew Beal's wealth has grown from \$2 Billion to over \$20 Billion dollars while most Americans are losing their retirements and watching their 401K's plummet. The public interest is not served by courts that allow such a criminal to continue to commit his crimes and steal homes and destroy people's lives so he can lose \$50 Million dollars in a single high-stakes poker game.

I so declare under penalty of perjury that the facts stated herein are true and correct to the best of my knowledge and personal experience.

Dated: April 18, 2016 Respectfully submitted,

JoAnn Breitling

A handwritten signature in dark ink, reading "JoAnn Breitling", written over a horizontal line.

Declarant