

RESIDENTIAL FUNDING CO., L.L.C., f/k/a
RESIDENTIAL FUNDING CORPORATION,
Plaintiff-Appellant,

v

SC: 143178
COA: 290248
Kent CC: 08-011138-AV

GERALD SAURMAN,
Defendant-Appellee.

BANK OF NEW YORK TRUST COMPANY,
Plaintiff-Appellant,

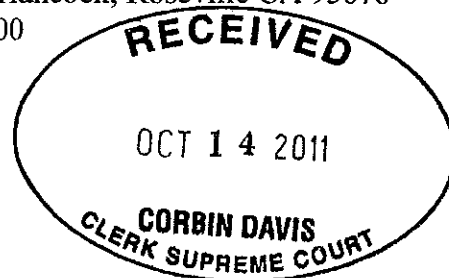
v

SC: 143179
COA: 291443
Jackson CC: 08-003406-AV

COREY MESSNER,
Defendant-Appellee.

**GREGORY V. ALKEMA, REALTOR®
BRIEF AMICUS CURAE IN OPPOSITION
TO THE APPLICATION/APPELLANTS,
RESIDENTIAL FUNDING COMMpany, LLC
AND BANK OF NEW YORK TRUST COMPANY**

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STATEMENT OF PURPOSE

As a REALTOR® I saw a statement in another case that said this case should be expedited and the Michigan Association of REALTORS® Amicus Brief was referenced as one of the reasons to expedite it. However, in my opinion as a long time REALTOR®, nothing is further from the truth and my Amicus Brief is filed with this Honorable Court for clarification.

STATEMENT AND CLARIFICATION OF FACTS ON WHO THE MICHIGAN ASSOCIATION OF REALTORS® REPRESENTS

When I first became a REALTOR® in the 1970's, the Grand Rapids Board of REALTORS® ran a simple ad in the Grand Rapids Press seven days a week. The ad read:

REALTOR: A name that protects you.

Although that ad was designed to make the public believe REALTORS® protected them, I quickly discovered the YOU actually referred back to the REALTOR® and NOT to the public.

When I got and read a copy of the "bylaws" of the Association, the Association of REALTORS® had a mandate to protect the public over and above itself. The REALTOR® Code of Ethics also said the same thing: **Protect the public you serve!**

However, as it can clearly be seen in the Michigan Association of REALTORS® Amicus brief, exactly the opposite is true. And, although they claim to protect the public, the bottom line truth is they, the "one-stop-shopping" brokers, are protecting themselves instead of the public.

THE SOCIAL POWER POSITION OF A REAL ESTATE BOARD

Many years ago I discovered a Doctorate Thesis done on the Grand Rapids Board of REALTORS® and published (now in the public domain) March 24, 1961. **It is still true today.**

The thesis by Dr. Donald Bouma taught me about social power, how power is applied, and how power ceases to be power when it can't accomplish its' objective. And, in this current

case, the Michigan Association of REALTORS® is attempting to “project power” based on a **perceived position of power**; however, when that power is examined, it is clear the Amicus Brief of the Michigan Association represents the views of a few BIG BROKERS who control it. It is NOT the view of all of the members who, if they knew the truth, would feel exactly the way I feel. In truth, the public should be served and **helping MERS does NOT serve the public.**

Why am I able to make that statement and know I am not libeling the Association? It is because I have studied “one-stop-shopping” and I have openly opposed it over the years.

When I got into the real estate business the Association was controlled by small brokers; however, over the years the power shifted to BIG BROKERS who have diversified from pure real estate brokerage into the ownership of Mortgage and Title Companies. And, when the truth is told, it is their self-serving interest in their other companies that causes them to abandon their “duties to the public” and present their self-serving Amicus Brief to this Honorable Court.

HOW DID I COME TO MY POSITION TO OPPOSE MERS?

Like the average REALTOR®, I knew nothing about MERS. Then a client called and told me to “pick up my signs” because the bank was “selling his house” and he “had to” move.

When I found out the foreclosure had just been filed, I advised him he had a six month redemption period and he could continue to live in the house. **I also started to study.**

At first I focused on the robo-signing; however, one day the question “**Why are they doing the robo-signing?**” came into view in my mind’s eye. It was from that day forward the pieces of the puzzle fell into place and I could see the truth. In their rush to “securitize the mortgages” they never developed a method or considered the fact “case law” would not let them restructure the NOTE they had abandoned in the securitization process. The robo-signing was a device designed to trick the Courts and make Judges believe they had a lawful right to foreclose.

Once I understood they could not foreclose without the NOTE, I was able to see the depth of the fraud perpetrated on the American Public; and, it did not happen by accident.

Now, I was able to see the dots and I was able to start to connect them.

The first dot for me was the late 1980's Savings and Loan scandal when the S&Ls were looted and "we the people" were forced to BAIL THEM OUT with our taxpayer money. There were a lot of individuals that got away with a lot of money; however, there were also a lot of people that had "criminal charges" brought against them, something they (the criminals) did not like and something they decided to change.

The second dot is deregulation, especially the repeal of the Glass-Steagall Act, which was our "fire wall" between the Banking Industry and Wall Street Speculators. The Glass-Steagall Act was put into place as a result of abuses that contributed to the Great Depression and designed to stop what had happened from ever happening again. But, **GREED GOT IN THE WAY** and the Banking and Wall Street interests persuaded Congress to REPEAL the Glass-Steagall Act.

The third dot was, with Glass-Steagall out of the way, they were in a position to do it again without regulation and one only needs to read the Dallas County, Texas vs. MERS lawsuit to see exactly "how" they deliberately established MERS to cover-up what will be the worst banking/speculation fraud in our history and how they set-up MERS to destroy our County Register of Deeds system, a system that goes back to the founding of our Republic.

In truth, because they have turned the NOTES into a SECURITY and they can't turn the SECURITY back into NOTES, it proves there is a God in Heaven Who has them in derision.

And, although this Honorable Court is making a "narrower decision" on the question if MERS can foreclose in their own name (the truth is the Appeals Court was 100% right), the real

question is: “Is MERS anything more than a FRAUD created by large banks to cover their tracks and obfuscate the truth from the public they have LOOTED trillions of dollars from?”

IN CONCLUSION AND SUMMARY

Based on the ownership of Mortgage and Title Companies by the “BIG” REALTORS®, it can be extrapolated by this Honorable Court the REALTOR® Amicus Brief is self-serving and a decision in favor of MERS would NOT be a benefit to the public they claim to represent.

And, let’s go a little further and look at a couple of cases they failed to mention:

First, The Massachusetts Supreme Court has ruled the lenders had NOT properly assigned the mortgages and that the foreclosures were therefore invalid.

Second, the New York Supreme Court ruled the same and included the following:

“This Court is mindful of the impact that this decision may have on the mortgage industry in New York, and perhaps the nation. Nonetheless, the law must not yield to expediency and the convenience of lending institutions. Proper procedures must be followed to ensure the reliability of the chain of ownership, to secure the dependable transfer of property, and to assure the enforcement of the rules that govern real property.”

In truth, the Michigan Association of REALTORS® asks this Honorable Court to “yield to expediency and convenience” and sweep the behavior of the Banks and MERS under the rug. And, while that may serve the interest of big brokers with conflicts of interests, it is NOT in the interest of the public at large or the honest REALTORS® who serve them. That is my opinion and I trust the majority of REALTORS®, if they study like I have, will join me in that opinion.

WHERE DO WE GO FROM HERE?

This Amicus Brief would not be complete without laying the groundwork for solutions to the mess the Bankers and Wall Street and MERS have created by doing what they did to us.

First, the County Register of Deeds System **MUST BE RESTORED** so we have an honest basis of having “true abstracts of title” as we’ve had all during our 235 year history.

Second, the big banks are **NOT** too big to fail. **We the people are TOO BIG to fail.**


When it is understood the six largest banks have around 600 trillion in “derivative” or “gambling debts” and only have around 50 trillion in assets, their final demise becomes clear. Then, it needs to be understood there are other banks that will take up the slack when they go out of business, something that would have already happened without the massive BAIL OUTS that should have never happened. Then, without the burden of paying off gambling debts “we the people” were not involved in creating, the money lost will not be the deposits of the average American; but, the expected windfall profits the bankers expected we the people to pay them.

Third, I am thankful to our Creator for the Constitution of United States of America and the separation of powers. When the Executive and Legislative get off base and don’t fix the problems; the Courts are the last firewall to safeguard our laws and, in the end, our very freedom.

IT IS MY PRAYER

It is my prayer this Honorable Court will **NOT** grant the leave of appeal and will let the decision of the Michigan Court of Appeals stand. I don’t think that decision will be the last word on this matter; but, it will “correct our course” and get us headed back in the right direction.

Respectfully Submitted By


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