

Date: May 08, 2017 6:10 PM.

To: Diane P. Craig
Attorney, Swenson & Wesson
dpc@swenson.com (415) 677-5530

From: Renee S. Yamagishi aka Renee S. Ramos

Re: This PDF of:


- Your email Reply of April 27, 2017.
- Exhibits to the active Complaint*
 - 04/30/2014 Notice of Default; active, Recorded
 - 10/02/2014 Notice of Trustee's Sale, active, Recorded
 - 11/29/2016 Notice of Trustee's Sale, active, Recorded

Referencing * Case No. RG-17852775
Yamagishi v. Nationstar Mortgage LLC
Verified Complaint for Quiet Title

Hello Ms. Craig,

In your 04/27/2017 email you refer to "the Recorded Notice of Trustee's Sale. [Wilmington Trust, N.A. is the Successor Trustee to Citibank, N.A.]." However, there exists no such "Notice of Trustee's Sale" which is active and recorded against my property, the subject property; nor referencing either my former or current legal name, in any recorded document in the County of Alameda Clerk Recorder's office, which names the entity your firm represents, i.e. "Wilmington Trust, N.A." nor the entity "Wilmington Trust, N.A. as Successor Trustee... MLMI Trust Series 2006-HE5".
PLEASE CLARIFY THE EXACT NAME OF ALL YOUR CLIENTS, whom you and/or your firm represents in the active above-referenced case.

Thank you,


Renee S. Yamagishi
Plaintiff in the case



Yamagishi v. Nationstar Mortgage LLC, et al. - Alameda County Superior Court, Case No. RG17852775

1 message

Diane P. Cragg <dpc@severson.com>
To: Renee Yamagishi <ryamagishi@gmail.com>

Thu, Apr 27, 2017 at 5:01 PM

Ms. Yamagishi,

You are suing Wilmington Trust, N.A. in its capacity as trustee for the **Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificate, Series 2006-HE5**, which is sometimes referred to in shortened form as **MLMI 2006-HE5**, or **Merrill Lynch Mortgage Investors Trust, Series 2006-HE5**. Wilmington Trust, N.A., as Trustee for the **Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificate, Series 2006-HE5** is the beneficiary under the DOT. This is the same beneficiary stated on the recorded Notice of Trustee's Sale. [Wilmington Trust, N.A. is the successor trustee to Citibank, N.A.]

The shortened form of the trust name was provided in response to your RFI letter.

I will go ahead and move forward with our Demurer. Our clients may be amenable to participating in some form of ADR in the future.

Thank you,

Diane P. Cragg
Severson & Werson
(415) 677-5530

From: Renee Yamagishi [mailto:ryamagishi@gmail.com]
Sent: Thursday, April 27, 2017 1:19 PM
To: Diane P. Cragg
Subject: Re: Yamagishi v. Nationstar Mortgage LLC, et al. - Alameda County Superior Court, Case No. RG17852775

(copy)

WHEN RECORDED MAIL TO:

Aztec Foreclosure Corporation
3636 N. Central Ave., Suite #400
Phoenix, AZ 85012

Trustee Sale No. 14-001158 CXE
02-14011702
APN 054 -1740-029

Space above this line for recorder's use only

NOTICE OF TRUSTEE'S SALE

ATTENTION RECORDER: THE FOLLOWING REFERENCE TO AN ATTACHED SUMMARY IS APPLICABLE TO THE NOTICE PROVIDED TO THE TRUSTOR ONLY - PURSUANT TO CIVIL CODE SECTION 2923.3(a)

NOTE: THERE IS A SUMMARY OF THE INFORMATION IN THIS DOCUMENT ATTACHED

注：本文件包含一个信息摘要

참고사항: 본 첨부 문서에 정보 요약서가 있습니다

NOTA: SE ADJUNTA UN RESUMEN DE LA INFORMACIÓN DE ESTE DOCUMENTO

TALA: MAYROONG BUOD NG IMPORMASYON SA DOKUMENTONG ITO NA NAKALAKIP

LƯU Ý: KÈM THEO ĐÂY LÀ BẢN TRÌNH BÀY TÓM LƯỢC VỀ THÔNG TIN TRONG TÀI LIỆU NÀY

YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 06/26/06. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

→ On 11/29/16 at 12:30 pm, Aztec Foreclosure Corporation as the duly appointed Trustee under and pursuant to the power of sale contained in that certain Deed of Trust executed by Renee Shizue Ramos, a single woman as to an undivided 99% interest, and Avelino Ramos, an unmarried man who acquired title as surviving joint tenant as to an undivided 1% interest as tenants in common, as Trustor(s), in favor of Mortgage Electronic Registration Systems, Inc., solely as Nominee for Aegis Lending Corporation, a Delaware Corporation, as Beneficiary, Recorded on 07/03/06 in Instrument No. 2006253815 of official records in the Office of the county recorder of ALAMEDA County, California; **WILL SELL AT PUBLIC AUCTION TO THE HIGHEST BIDDER FOR CASH** (payable at time of sale in lawful money of the United States, by cash, a cashier's check drawn by a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state), **At the Fallon Street entrance to the County Courthouse, 1225 Fallon Street, Oakland, CA 94612**, all right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County, California described as:
2703 MATHEWS STREET, BERKELEY, CA 94702

The property heretofore described is being sold "as is".

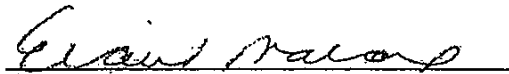
Notice of Trustee's Sale
T.S. #: 14-001158 CXE
ORDER #: 02-14011702

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, if any, under the terms of the Deed of Trust, estimated fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to-wit: \$607,494.04 (Estimated good through 10/31/16)

Accrued interest and additional advances, if any, will increase this figure prior to sale.

The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located and more than three months have elapsed since such recordation.

DATE: November 3, 2016
AZTEC FORECLOSURE CORPORATION



Elaine Malone
Assistant Secretary / Assistant Vice President
Aztec Foreclosure Corporation
949 South Coast Drive, Suite 475
Costa Mesa, CA 92626
Phone: (877) 257-0717 or (602) 638-5700
Fax: (602) 638-5748
www.aztectrustee.com

NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call or visit the Internet Web site, using the file number assigned to this case 14-001158. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale.

www.homesearch.com 800-758-8052	Or	Aztec Foreclosure Corporation (877) 257-0717 www.aztectrustee.com
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Recording requested by
and
WHEN RECORDED MAIL TO:



2014209473 08/26/2014 10:18 AM
OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 28.00

Aztec Foreclosure Corporation
3636 N. Central Ave., Suite #400
Phoenix, AZ 85012



2 PGS

Trustee Sale No: 14-001158 CXE
Title Order No: 02-14011702
APN 054-1740-029

Space above this line for recorder's use only

NOTICE OF TRUSTEE'S SALE

YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 06/26/06. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDINGS AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

NOTE: THERE IS A SUMMARY OF THE INFORMATION IN THIS DOCUMENT ATTACHED

注: 本文件包含一个信息摘要

참고사항: 본 첨부 문서에 정보 요약서가 있습니다

NOTA: SE ADJUNTA UN RESUMEN DE LA INFORMACION DE ESTE DOCUMENTO

TALA: MAYROONG BUODING IMPORMASYON SA DOKUMENTONG ITO NA NAKALAKIP

LUUUY: KEM THEO DAY LA BAN TRINH BAY TOM LUOC VE THONG TIN TRONG TAI LIEU NAY

On 10/02/14 at 9:00 A.M. Aztec Foreclosure Corporation as the duly appointed Trustee under and pursuant to the power of sale contained in that certain Deed of Trust executed by Renee Shizua Ramos, a single woman as to an undivided 99% interest and Avelino Ramos, an unmarried man who acquired title as surviving joint tenant as to an undivided 1% interest as tenants in common as Trustor(s) in favor of Mortgage Electronic Registration Systems, Inc. solely as Nominee for Aegis Lending Corporation, a Delaware Corporation, as Beneficiary. Recorded on 07/03/06 in Instrument No. 2006253815 of official records in the Office of the county recorder of ALAMEDA County, California; Wilmington Trust Company, as Trustee for the Merrill Lynch Mortgage Investors Trust, Series 2006-MES, as the current Beneficiary WILL SELL AT PUBLIC AUCTION TO THE HIGHEST BIDDER FOR CASH (payable at time of sale in lawful money of the United States, by cash, a cashier's check drawn by a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state), Scottish Rite Center, 1547 Lakeside Dr., 3rd Floor Lodge/Banquet Room, Oakland, CA 94612, all right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County, California described as:
2703 MATHEWS STREET, BERKELEY, CA 94702

The property heretofore described is being sold "as is"

T.S.#: 14-001158 CXE
ORDER#: 02-14011702

The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made, but without covenant or warranty expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, if any, under the terms of the Deed of Trust, estimated fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to wit: \$550,021.88 (Estimated good through 9/4/14)

Accrued interest and additional advances, if any, will increase this figure prior to sale.

The undersigned caused said Notice of Default and Election to Sell to be recorded in the county where the real property is located and more than three months have elapsed since such recordation.

DATE: August 22, 2014


Elaine Malone
Assistant Secretary & Assistant Vice President
Aztec Foreclosure Corporation
20 Pacifica, Suite 1460
Irvine, CA 92618
Phone: (877) 257-0717 or (602) 638-5700
Fax: (602) 638-5748
www.aztectrustee.com

NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property.

NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy, to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call or visit the Internet Web site, using the file number assigned to this case, 14-001158. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale.

www.Auction.com or call (800) 280-2832	Or	Aztec Foreclosure Corporation (877) 257-0717 www.aztectrustee.com
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NOTICE OF SALE
SUMMARY OF KEY INFORMATION

The attached notice of sale was sent to Renee Shizue Ramos, a single woman as to an undivided 99% interest and Avelino Ramos, an unmarried man who acquired title as surviving joint tenant as to an undivided 1% interest as tenants in common,

(trustor)

in relation to 2703 MATHEWS STREET, BERKELEY, CA 94702.

YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 06/26/06. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE.

IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER.

The total amount due in the notice of sale is \$607,494.04.
(total amount due)

Your property is scheduled to be sold on 11/29/16 at 12:30 pm At the Fallon Street entrance to the County Courthouse, 1225 Fallon Street, Oakland, CA 94612.

However, the sale date shown on the attached notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call or visit this Internet Web site address

www.aztctrustee.com
(877) 257-0717
OR
www.homesearch.com
800-758-8052

using the file number assigned to this case 14-001158.
(case file number)

Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale.

If you would like additional copies of this summary, you may obtain them by calling (877) 257-0717.
(telephone number)

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

AZTEC FORECLOSURE CORPORATION
3636 N. Central Ave., Suite #400
Phoenix, AZ 85012



2014103215

04/30/2014 10:55 AM

OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 34.00



4 PGS

Space above this line for recorder's use only.

APN # 054 -1740-029

Property Address: 2703 Mathews Street, Berkeley, CA 94702

Trustee Sale No. 14-001158CXE Title Order No. 02-14011702

NOTE: THERE IS A SUMMARY OF THE INFORMATION IN THIS DOCUMENT ATTACHED

注：本文件包含一个信息摘要

참고사항: 본 첨부 문서에 정보 요약서가 있습니다

NOTA: SE ADJUNTA UN RESUMEN DE LA INFORMACIÓN DE ESTE DOCUMENTO

TALA: MAYROONG BUOD NG IMPORMASYON SA DOKUMENTONG ITO NA NAKALAKIP

LƯU Ý: KÈM THEO ĐÂY LÀ BẢN TRÌNH BÀY TÓM LƯỢC VỀ THÔNG TIN TRONG TÀI LIỆU
NÀY

NOTICE OF DEFAULT AND ELECTION TO SELL UNDER DEED OF TRUST

IMPORTANT NOTICE

IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION, and you may have the legal right to bring your account in good standing by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of your account, which is normally five business days prior to the date set for the sale of your property. No sale date may be set until approximately 90 days from the date this notice of default may be recorded (which date of recordation appears on this notice).

The amount is \$173,248.73 as of April 4, 2014 and will increase until your account becomes current.

While your property is in foreclosure, you still must pay other obligations (such as insurance and taxes) required by your note and deed of trust or mortgage. If you fail to

See Attached Declaration

T.S. #: 14-001158CXE
ORDER #: 02-14011702
Notice of Default - Aztec

make future payments on the loan, pay taxes on the property, provide insurance on the property, or pay other obligations as required in the note and deed of trust or mortgage, the beneficiary or mortgagee may insist that you do so in order to reinstate your account in good standing. In addition, the beneficiary or mortgagee may require as a condition to reinstatement that you provide reliable written evidence that you paid all senior liens, property taxes, and hazard insurance premiums.

Upon your written request, the beneficiary or mortgagee will give you a written itemization of the entire amount you must pay. You may not have to pay the entire unpaid portion of your account, even though full payment was demanded, but you must pay all amounts in default at the time payment is made. However, you and your beneficiary or mortgagee may mutually agree in writing prior to the time the notice of sale is posted (which may not be earlier than three months after this notice of default is recorded) to, among other things, (1) provide additional time in which to cure the default by transfer of the property or otherwise; or (2) establish a schedule of payments in order to cure your default; or both (1) and (2).

Following the expiration of the time period referred to in the first paragraph of this notice, unless the obligation being foreclosed upon or a separate written agreement between you and your creditor permits a longer period, you have only the legal right to stop the sale of the property by paying the entire amount demanded by your creditor.

To find out the amount you must pay, or to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact:

Wilmington Trust Company, as Trustee for the
Merrill Lynch Mortgage Investors Trust, Series
2006-HE5 c/o Nationstar Mortgage LLC
C/O Aztec Foreclosure Corporation, 3636 N.
Central Ave., Suite #400, Phoenix, AZ 85012,
(602) 638-5700 or (877) 257-0717.

If you have any questions, you should contact a lawyer or the governmental agency, which may have insured your loan. Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure.

**REMEMBER, YOU MAY LOSE LEGAL RIGHTS IF YOU
DO NOT TAKE PROMPT ACTION**

NOTICE IS HEREBY GIVEN THAT: Aztec Foreclosure Corporation is the duly appointed Substituted Trustee, or acting as agent for the beneficiary or trustee under a Deed of Trust dated 06/26/06, executed by Renee Shizue Ramos, a single woman as to an undivided 99% interest, and Avelino Ramos, an unmarried man who acquired title as surviving joint tenant as to an undivided 1% interest as tenants

T.S. #: 14-001158CXE
ORDER #: 02-14011702
Notice of Default - Aztec

in common, as trustor(s), to secure obligations in favor of Mortgage Electronic Registration Systems, Inc., solely as Nominee for Aegis Lending Corporation, a Delaware Corporation, as Beneficiary recorded on July 3, 2006 in Instrument No. 2006253815 of official records in the Office of the Recorder of ALAMEDA County, California, as more fully described on said Deed of Trust.

Including the Note(s) for the sum of \$392,700.00 that the beneficial interest under said Deed of Trust and the obligations secured thereby are presently held by the beneficiary; that a breach of, and default in, the obligations for which said Deed of Trust is security has occurred in that the payment has not been made of:

THE INSTALLMENT OF PRINCIPAL AND/OR INTEREST WHICH BECAME DUE 12/01/08 AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL AND/OR INTEREST, TOGETHER WITH LATE CHARGES, IMPOUNDS, INSURANCE PREMIUMS AND/OR OTHER ADVANCES, TAXES, DELINQUENT PAYMENTS ON SENIOR LIENS, ASSESSMENTS, ATTORNEY'S FEES AND COURT COSTS ARISING FROM THE BENEFICIARY'S PROTECTION OF ITS SECURITY, AND ANY OTHER FEES AND COSTS PERMITTED UNDER THE DEED OF TRUST, PROMISSORY NOTE, AND RELATED DOCUMENTS AND ALL OF WHICH MUST BE CURED AS A CONDITION OF REINSTATEMENT.

That by reason thereof, the present Beneficiary under such Deed of Trust has deposited with Aztec Foreclosure Corporation, a true and correct copy of such Deed of Trust and all documents evidencing the obligations secured thereby, and has declared and does hereby declare all sums secured thereby immediately due and payable and has elected and does hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby.

Where required by law, a declaration pursuant to California Civil Code Section 2923.5 or 2923.55 is attached to this notice.

DATE: 04/28/14

AZTEC FORECLOSURE CORPORATION
As Trustee or acting as Agent for the beneficiary



Robbie Weaver
Assistant Secretary & Assistant Vice President

Date: May 08, 2017 6:10 PM.

To: Diane P. Craig
Attorney, Swenson & Wesson
dpc@swenson.com (415) 677-5530

From: Renée S. Yamagishi aka Renée S. Ramos

Re: This PDF of:

- Your email Reply of April 27, 2017.
- Exhibits to the active Complaint*
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 - 10/02/2014 Notice of Trustee's Sale, active, Recorded
 - 11/29/2016 Notice of Trustee's Sale, active, Recorded

Referencing * Case No. RG-17852775
Yamagishi v. Nationstar Mortgage LLC
Verified Complaint for Quiet Title

Hello Ms. Craig,

In your 04/27/2017 email you refer to "the Recorded Notice of Trustee's Sale. [Wilmington Trust, N.A. is the Successor Trustee to Citibank, N.A.]." However, there exists no such "Notice of Trustee's Sale" which is active and recorded against my property, the subject property; nor referencing either my former or current legal name, in any recorded document in the County of Alameda Clerk Recorder's office, which names the entity your firm represents, i.e. "Wilmington Trust, N.A." nor the entity "Wilmington Trust N.A. as Successor Trustee... MLMI Trust Series 2006HE5".
PLEASE CLARIFY THE EXACT NAME OF ALL YOUR CLIENTS.