



# The Due Process Advocate

*"No Person shall be . . . deprived of life, liberty, or property without the due process of law"  
- Fifth Amendment of the United States Constitution*

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## IT'S TIME TO END THE "CRONY CRISIS" AND RESTORE DUE PROCESS IN THE COURTS

The information in this article is not a product of hearsay, speculation, unsubstantiated conclusion or third-party reporting. All of the following observations are based my personal attendance at legal proceedings and my direct, personal knowledge of what I saw and heard. I can tell you that, if court systems in other states operate with the same modus operandi as New Hampshire courts, the American legal system is going to be sliding down a long, slippery slope. Already,

millions of people across the country are catching on to the fact that favoritism, nepotism, and cronyism are the real building blocks upon which local, state, and federal courts are built.

Perhaps the first thing to wrap your mind around when you enter the legal arena is the simple fact that justice is a secondary objective. By no means is it the first objective - and anyone that tells you that is not playing with a full deck!

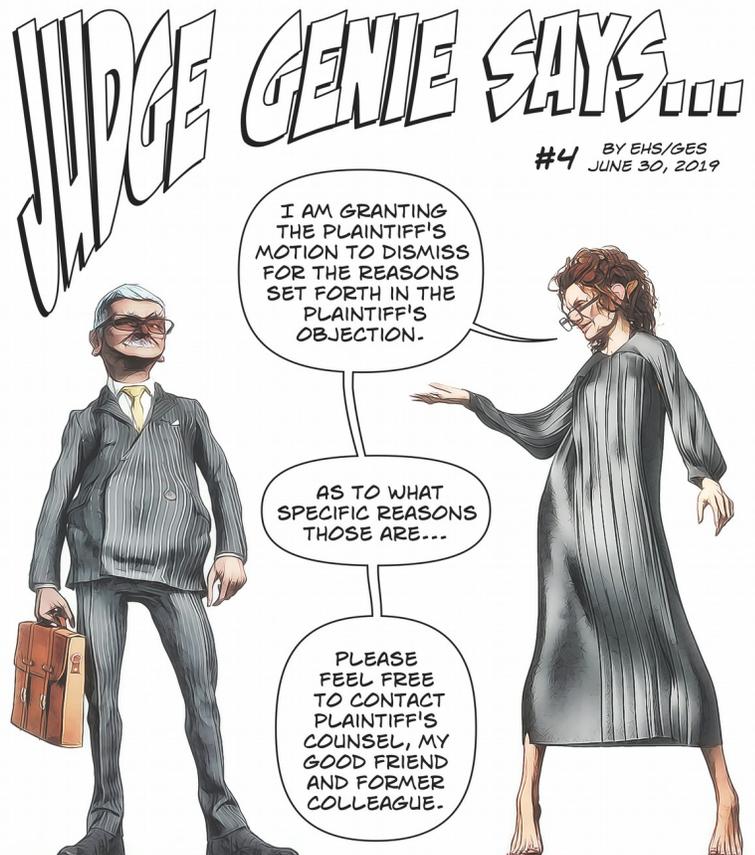
Here are my conclusions after observing many court proceedings, at many levels, in many jurisdictions:

1. Most judges are prejudiced against pro se (self-represented) litigants.
2. The merits of a case are often secondary to prevailing protocols and political agendas in a local court system.
3. Highly improper collusions between judges and attorneys are commonplace in many courtrooms.
4. The court system is more about money, politics, and power - not justice with due process as originally envisioned by the framers of the United States Constitution.

One of the many, somewhat "mind-boggling" court proceedings that contributed to these conclusions involved a father and son who purchased a home, in 2007, in the wake of the national housing crisis. They put up \$50,000 and the son obtained a mortgage for \$200,000 from one of the largest mortgage originators in the country. However, unknown to the father and son until 3 years later, the mortgage originator actually filed for bankruptcy a few weeks after the closing - and there was a question as to whether or not the loan was even funded! The mortgage loan was then shuffled around on the secondary market and eventually wound up in the hands of one of the largest banks in the country. In traditional style, the bank sold the loan (without telling the homeowner) to Fannie Mae; and Fannie Mae (through one of New Hampshire's more notorious foreclosure mills) tried to foreclose the mortgage based on an alleged

*"A conspiracy of silence shrouds the American justice system. Most insiders - lawyers and judges - won't talk. Most outsiders - law professors and journalists - don't really know. Few of those who are outside the club get close enough to the day-to-day operations of the system to appreciate how it really works...."*

*- Alan Dershowitz  
Former Harvard Law Professor*



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default. The son filed a petition to enjoin the foreclosure sale; arguing in part that (a) he never received any notice from any party, including the alleged original lender, that the subject mortgage was allegedly assigned to Fannie Mae, (b) Fannie Mae had no recorded interest in the property whatsoever at the time the foreclosure was commenced, and (c) the foreclosure proceeding was being conducted, in its entirety, by a local foreclosure mill (law firm) who represented the alleged servicer for the mortgage, the alleged mortgagee, and Fannie Mae - all at the same time!

At the court hearing held on the homeowner's petition to enjoin the foreclosure, the presiding New Hampshire Superior Court judge declared the following (shown here verbatim as taken from the official court transcript):

*"THE COURT: I think if you got a lawyer, the money that you would spend -- you know, you have an asset here, and, you know, if you're really sick and you go to a doctor -- you go to a pharmacy instead of a doctor, there's lots of medicine there, but you might get the wrong medicine. And my obligation is to be fair to both sides. I can't give you legal advice. What I can tell is what you've presented doesn't suggest to me that there's a basis for foreclosure. But there is a possible remedy for you. And I can give you that remedy.*

*I can -- I can issue an order staying the foreclosure for days to give you the opportunity to see if you can work this out. Now, I'm not saying you don't have a case. Based on what you've shown me, you don't have a case. If there's something else out there, I mean, I can't give you -- I not only can't give you advice, I can't give advisory opinions on what might constitute a case. It's just not -- I mean, it's -- I'm not allowed to do that, and I'm sure you understand why. Okay? It doesn't mean I -- I'm not trying to just throw you, bully you out the door, but I can't be your lawyer. You understand that, sir?"*

Two days after this bewildering hearing, the same judge issued a ruling that ordered the homeowner to:

- (a) apply for a mortgage modification with HAMP (which this judge identified as "Home Assistance Mortgage Program");
- (b) forward the HAMP application papers to an attorney from the foreclosure mill;
- (c) forward all mortgage payments to the same attorney who would hold them in escrow, and
- (d) communicate with the same attorney via email only!

The legal battle continued for years and, a little more than 7 years from the date the property was purchased, the family was forcefully removed from the property with a writ of possession that was secretly obtained by the court's "crony" from the foreclosure mill - without notice to the homeowner or other members of his family.

Sadly enough, this story's ruthless adjudication has repeated itself THOUSANDS of times in the wake of the national housing and foreclosure crisis that precipitated the 2007 recession. Again, this is about money and power for the judges and their cronies who could care less about due process (i.e. the right to be heard in fair legal proceedings) as mandated in the 5th and 14th Amendments to the United States Constitution.

These people are all out for themselves. They are not public servants by any stretch of the imagination and they need to be removed from public service.

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