



## *Commonwealth of Massachusetts*

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### **NEWS**

#### **FOR IMMEDIATE RELEASE**

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**Massachusetts Register of Deeds John O'Brien is first in the nation to say no to recording robo-signed documents; North Carolina Register of Deeds, Jeff Thigpen agrees.**

Saying "the buck stops here" Massachusetts Southern Essex District Register of Deeds, John O'Brien today rejected 2 robo-signed documents submitted to his Registry for recording and plans to continue doing so. "My Registry will not be a knowing participant in this fraud against homeowners. From today forward, lenders be on notice, the Southern Essex District

Registry of Deeds will not record robo-signed documents.” The rejected documents contain the signatures of three known robo-signers, Linda Green, Korell Harp and Linda Burton. According to O’Brien, in his Registry he has 22 different variations of Linda Green’s signature and 5 different variations between Korell Harp and Linda Burton. “I find this practice very troubling on many levels. It has completely jaded my understanding that a notarized document was something that could be relied upon.” stated O’Brien. In Massachusetts, notaries must take an oath of office, under the pains and penalties of perjury. “If these documents are signed by anyone other than the noted signatories, these notaries and those that employed them should be held accountable for the fraudulent documents that they have produced and the havoc they have caused to chains of title everywhere.”

O’Brien says that he will record the documents, at such time as the law firm and/or the lender presenting the documents for recording, sign a notarized affidavit, under the pains and penalties of perjury, that they certify the authenticity of the signatures, including the notary’s on the recording. O’Brien’s cover letter and requested affidavit call attention to the Massachusetts General Laws, Chapter 266, Section 35A, which makes it illegal to record a document that contains false information with a registrar of deeds. The affidavit that O’Brien is asking for, states that the signatory of the affidavit accept full responsibility, should any of the statements be incorrect which could corrupt or cloud the homeowner’s chain of title.

Register O’Brien is completing an internal investigation into robo-signed documents and expects to release a full report on the number of robo-signed documents recorded in his

office shortly. In May, Register of Deeds Jeff Thigpen in Greensboro, NC sent state and federal regulators over 4,500 robo-signed documents submitted by DocX. DocX is owned by Lender Processing Services which is used by Wells Fargo, Bank of America, and MERS amongst others. Those documents included 1,947 signed by Linda Green with 15 different signature variations and 373 documents signed by Korell Harp with 4 signature variations. Thigpen joins O'Brien's effort saying "The basic question here is whether we as Recordors are going to sit on our hands, in the face of what appears to be clear fraud or are we going to stand up for 400 years of integrity in land records? John is on the right side of this question and these are reasonable actions that he is taking."

Register O'Brien said, "Knowing what I now know, it would be a dereliction of my duties as the keeper of the records to record these documents and any other documents that contain questionable signatures. To do so, would make me a willing participant in a continuing scheme which has corrupted the chain of title of thousands of Essex County property owners. I have decided to put a stop to this reckless behavior and hold these lenders and their agents accountable for the authenticity of what they are attempting to record in my Registry. I do not believe this to be unreasonable."

O'Brien understands that this may be the first time that a Register of Deeds has refused to record a robo-signed document. However, he feels that someone must be accountable to the homeowners, especially the ones being foreclosed upon. He feels that if the lenders are not paying attention to preparing correct documents, then the individual notaries that are acknowledging these signatures must be aware that what they were doing was wrong and has

consequences. “Now that Register Thigpen has joined with me, I am hopeful that my other colleagues around the country will also take the same action. I strongly believe that this will send a message, loud and clear, that we as Registers and Recorders of Deeds, whose responsibility it is to protect the integrity of the land recordation system, will not be a party to any fraudulent scheme that may damage individual’s property rights” said O’Brien.