

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL CITY MORTGAGE CO.,)

Plaintiff,)

v.)

CREATIVE FINANCIAL SOLUTIONS, LTD.;)
EUGENE BENNETT; CHARLES WHITE;)
SHELLY V. ROLLINSON; and TOMMY G.)
PILILIMIS)

Defendants.)

CIVIL ACTION NO.: 07-C-6380

Judge Elaine E. Bucklo

Magistrate Judge Jeffrey Cole

PLAINTIFF NATIONAL CITY
MORTGAGE CO.'S MOTION FOR
ENTRY OF JUDGMENT

MOTION FOR ENTRY OF JUDGMENT

COMES NOW National City Mortgage Co. d/b/a Accubanc Mortgage Corporation (hereinafter referred to as "Plaintiff" or "National City"), by and through its undersigned counsel of record and requests this court enter judgment against Defendant, Shelly V. Rollinson ("Rollinson"), for failure to answer or otherwise plead. In support of its motion, Plaintiff states as follows:

1. On March 6, 2008, National City filed a Motion for Default Judgment Against Rollinson. Therein, National City demonstrated that it had filed a Complaint and asserted various causes of action against Rollinson for his wrongfully inflated appraisals of real property that secured the following six (6) loans purchased by National City from Defendant Creative Financial Solutions, Ltd. ("Creative Financial"): (1) The Harry Brales Loan; (2) The Pamela Bynum Loan; (3) The Amber Estes Loan; (4) The George Vasili Loan; (5) The Johnny Wilkins Loan; and (6) The Lakinya Woodland Loan (hereinafter referred to collectively as the "Subject

Loans"). National City further demonstrated that Rollinson had failed to answer or otherwise file an appearance in response to National City's Complaint.

2. On March 12, 2008, the court entered default judgment against Rollinson.

3. Due to Rollinson's fraudulent appraisals, National City has suffered a direct injury. Specifically, National City had transferred each of the Subject Loans to various investors. Because of the inflated appraisals, however, National City was required to repurchase the Subject Loans from said investors. After repurchase and because the underlying borrowers had defaulted on the Subject Loans, National City was forced to sell the real property securing said Loans (and fraudulently appraised by Rollinson) at a loss.

4. According to the Affidavit of Ed Gerding, attached hereto as Exhibit "A", National City suffered the following losses on the Subject Loans:

| Loans | Total Loss |
|-------------------|---------------------|
| Harry Brales | \$89,221.44 |
| Pamela Bynum | \$110,219.80 |
| Amber Estes | \$75,578.71 |
| Johnny Wilkins | \$80,360.538 |
| Lakinya Woodland | \$36,609.11 |
| George Vasili | \$153,886.00 |
| Total Loss | \$545,875.59 |

(Exh. A).

5. Based on the foregoing and the Affidavit of Ed Gerding, National City requests entry of judgment in the amount of \$545,875.59

WHEREFORE, PREMISES CONSIDERED, Plaintiff National City respectfully requests this Court to enter judgment in the amount of \$545,875.59.

Respectfully submitted this the 12th day of August, 2009.

NATIONAL CITY BANK

By: /s/ Ryan Taylor
One of Its Attorneys

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Burr & Forman LLP
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Birmingham, Alabama 35203
(205) 251-3000

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(312) 627-4000

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NATIONAL CITY MORTGAGE CO.,

Plaintiff,

v.

CREATIVE FINANCIAL SOLUTIONS, LTD.;
EUGENE BENNETT; CHARLES WHITE;
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PILILIMIS

Defendants.

CIVIL ACTION NO.:
07 C 6380
Judge Elaine E. Bucklo
Magistrate Judge Jeffrey Cole

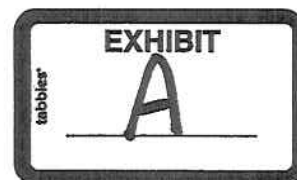
AFFIDAVIT OF ED GERDING IN
SUPPORT OF MOTION FOR ENTRY
OF JUDGMENT

PERSONALLY APPEARED before the undersigned officer, duly authorized to administer oaths, ED GERDING, who states under oath as follows:

1. I am over the age of nineteen years, and am competent to testify to the matters set forth herein. I am the Vice President and Fraud Operations Manager for the Special Investigations Unit for National City Mortgage Co. ("National City"). I have obtained personal knowledge of the facts set forth in this affidavit by reviewing business records and files kept in the ordinary course of National City's business. I have obtained personal knowledge of the attachments to this affidavit by reviewing said attachments, each of which are business records kept in the ordinary course of business by National City. Moreover, I have personal knowledge of how each of the various attachments to this affidavit is routinely created. All facts set forth below are true to the best of my knowledge.

2. On May 15, 2001, National City and Creative Financial entered into a Loan Purchase Agreement ("Agreement") whereby Creative Financial agreed to sell, and National City agreed to purchase, certain loans secured by real property, together with the servicing thereof.

1743988 v2



3. Pursuant to this Agreement, National City purchased (among others) the following six (6) mortgage loans from Creative Financial: (1) The Harry Brales Loan; (2) The Pamela Bynum Loan; (3) The Amber Estes Loan; (4) The George Vasili Loan; (5) The Johnny Wilkins Loan; and (6) The Lakinya Woodland Loan (hereinafter referred to collectively as the "Subject Loans").

4. Each of the Subject Loans was secured by real property whose value had been appraised by Defendant Shelly V. Rollinson ("Rollinson").

5. After purchasing the Subject Loans from Creative Financial, National City transferred said Loans to various investors.

6. Sometime thereafter, it was discovered that the appraised value of the real property that secured the Subject Loans had been fraudulently inflated. As such, the investors to whom National City had transferred the Subject Loans required that National City repurchase said Loans.

7. Because the underlying borrowers had defaulted on the Subject Loans, National City was forced to sell the real property that secured said Loans (and fraudulently appraised by Rollinson) at a loss.

8. In order to calculate its loss on each Subject Loan, National City examines the liquidation and acquisition expenses incurred on each Loan and subtracts from that total any income or credits that were received in connection with said Loan. Liquidation and acquisitions expenses include items such as the actual unpaid principal balance of the Loan, interest that has accrued on the unpaid balance, taxes, attorney's fees and other expenses. Credits may include the proceeds from the sale of the property, reimbursements from investors, escrow balances and any other revenue received from ownership of the debt. Subtracting the credits from the liquidation

and acquisition expenses provides National City with a "Total Realized Loss" on each Subject Loan.

9. With respect to the Harry Brales Loan, National City had liquidation and acquisition expenses totaling \$237,012.94. National City received \$147,791.50 in credits and revenue from the loan. Therefore, National City suffered a Total Realized Loss of \$89,221.44 on the Harry Brales loan. (See Exhibit 1, Calculation of Realized Loss (Harry Brales Loan)).

10. With respect to the Pamela Bynum Loan, National City had Liquidation and acquisition expenses totaling \$166,596.61. National City received \$56,376.81 in credits and revenue from the loan. Therefore, National City suffered a Total Realized Loss of \$110,219.80 on the Pamela Bynum Loan. (See Exhibit 2, Calculation of Realized Loss (Pamela Bynum Loan)).

11. With respect to the Amber Estes Loan, National City had liquidation and acquisition expenses totaling \$128,769.22. National City received \$53,190.51 in credits and revenue from the loan. Therefore, National City suffered a Total Realized Loss of \$75,578.71 on the Amber Estes Loan. (See Exhibit 3, Calculation of Realized Loss (Amber Estes Loan)).

12. With respect to the Johnny Wilkins Loan, National City had liquidation and acquisition expenses totaling \$123,100.35. National City received \$42,739.82 in credits and revenue from the loan without calculating payment from the primary mortgage insurance proceeds. Therefore, National City suffered a Total Realized Loss, of \$80,360.53 on the Johnny Wilkins Loan. (See Exhibit 4, Calculation of Realized Loss (Johnny Wilkins Loan)).

13. With respect to the Lakinya Woodland Loan, National City had liquidation and acquisition expenses totaling \$106,249.64. National City received \$69,640.53 in credits and revenue from the loan. Therefore, National City suffered a Total Realized Loss of \$36,609.11 on

the Lakinya Woodland Loan. (See Exhibit 5, Calculation of Realized Loss (Lakinya Woodland Loan)).

14. With respect to the George Vasili Loan, the property that secured the loan has not yet been sold. Therefore, a review appraisal has been used to determine National City's Estimated Loss. The review appraisal on the George Vasili Loan determined that the projected sale price would be \$110,000, far short of the \$196,345.95 that constituted the first principal balance of the loan. After calculating other expenses and credits, National City estimates that the Total Realized Loss on the George Vasili Loan will be \$153,886.00. (See Exhibit 6, Total Estimated Loss).

15. The chart below provides a summary of the loans at issue and the Total Realized Loss incurred by National City for each loan:

| Loans | Total Loss |
|-------------------|---------------------|
| Harry Brales | \$89,221.44 |
| Pamela Bynum | \$110,219.80 |
| Amber Estes | \$75,578.71 |
| Johnny Wilkins | \$80,360.53 |
| Lakinya Woodland | \$36,609.11 |
| George Vasili | \$153,886.00 |
| Total Loss | \$545,875.59 |

16. Therefore, the total loss suffered by National City due to Rollinson's fraudulent appraisals of the real property securing the Subject Loans is \$545,875.59

FURTHER AFFIANT SAYETH NOT.

By Ed Gerding, VP
Ed Gerding, Affiant

STATE OF OHIO)

MONTGOMERY COUNTY)

I, Jennifer A. Vance, a Notary Public in and for said County in said State, hereby certify that Ed Gerding, whose name is signed to the foregoing AFFIDAVIT OF ED GERDING, and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 12th day of August, 2009.



JENNIFER A. VANCE, Notary Public
In and for the State of Ohio
My Commission Expires Aug 4, 2012

Jennifer A. Vance
NOTARY PUBLIC

My Commission Expires:

MARKETING LOSS CALCULATION OF REALIZED LOSS

Prepared by: Carrie Reed Date: December 1, 2006
 Phone: 937-910-3969

Servicer Name
Servicer Address

NATIONAL CITY MORTGAGE CO.
3232 NEWMARK DRIVE
MIAMISBURG, OHIO 45345

Servicer Loan No. 1608579

Mortgagor(s) Name: Brales, Harry
 Property Address: 1648 N MENARD AVE
CHICAGO IL 60639

Liquidations & Acquisition Expenses:

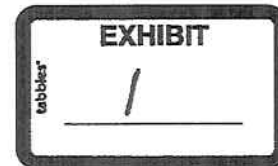
| | |
|--|----------------------|
| Actual Unpaid Principal Balance of Mortgage Loan | \$ 183,571.12 |
| Interest Accrued at Net Rate (UPB x 7.125% interest rate / 365 days/yr x 531 days) | \$ 19,027.90 |
| Attorney's Fees | \$ 2,600.44 |
| Taxes | \$ 899.40 |
| Property Maintenance | \$ - |
| MI Insurance Premiums | \$ 722.46 |
| Hazard Insurance Premiums | \$ 5,611.00 |
| Hazard Loss Expenses | \$ - |
| Other (itemize) | \$ - |
| BPO/Appraisal | \$ - |
| Property Inspections | \$ 52.32 |
| Other (itemize) | \$ - |
| Makewhole paid to prior investor (includes expenses) | \$ 24,528.30 |
| Total Expenses: | \$ 237,012.94 |

Credits:

| | |
|---|----------------------|
| Escrow Balance | \$ 815.07 |
| Hazard Insurance Premium Refund | \$ - |
| Rental Receipts | \$ - |
| Hazard Loss Proceeds | \$ - |
| Primary Mortgage Insurance Proceeds | \$ - |
| Pool Insurance Proceeds | \$ - |
| Proceeds frm Sale of Acquired Prop | \$ 139,770.00 |
| MI Rescission Funds | \$ 2,408.20 |
| Other (itemize) | \$ - |
| Other (itemize) | \$ - |
| Reimbursement from Investor for advances prior to makewhole | \$ 4,798.23 |
| Total Credits: | \$ 147,791.50 |

| | |
|----------------------------|--------------------|
| Total Realized Loss | \$89,221.44 |
|----------------------------|--------------------|

Last Paid Installement Due Date: 10/1/03
 REO Closing Held: 3/14/05
 Days from DDLPI to REO Closing: 531



Foreclosure Sale Date: 7/27/04

MARKETING LOSS CALCULATION OF REALIZED LOSS

Prepared by: Carrie Reed Date: December 1, 2006
 Phone: 937-910-3969

Servicer Name
Servicer Address

NATIONAL CITY MORTGAGE CO.
3232 NEWMARK DRIVE
MIAMISBURG, OHIO 45345

Servicer Loan No. 1315540

Mortgagor(s) Name: Bynum, Pamela
 Property Address: 7230 S PERRY AVE
CHICAGO IL 60621

Liquidations & Acquisition Expenses:

| | |
|--|----------------------|
| Actual Unpaid Principal Balance of Mortgage Loan | \$ 123,156.63 |
| Interest Accrued at Net Rate (UPB x 7.875% Interest rate / 365 days/yr x 765 days) | \$ 20,327.17 |
| Attorney's Fees | \$ 3,132.33 |
| Taxes | \$ 1,770.06 |
| Property Maintenance | \$ 7,117.50 |
| MI Insurance Premiums | \$ 481.68 |
| Hazard Insurance Premiums | \$ 4,955.00 |
| Hazard Loss Expenses | \$ - |
| Other (itemize) | \$ - |
| BPO/Appraisal | \$ 350.00 |
| Property Inspections | \$ 120.81 |
| Other (itemize) | \$ - |
| Makewhole paid to prior Investor (includes expenses) | \$ 5,185.43 |
| Total Expenses: | \$ 166,596.61 |

Credits:

| | |
|--|---------------------|
| Escrow Balance | \$ 201.96 |
| Hazard Insurance Premium Refund | \$ 1,705.00 |
| Rental Receipts | \$ 1,254.00 |
| Hazard Loss Proceeds | \$ - |
| Primary Mortgage Insurance Proceeds | \$ - |
| Pool Insurance Proceeds | \$ - |
| Proceeds from Sale of Acquired Prop (Price: 55,000.00 - Closing Costs: 6,635.25) | \$ 48,364.75 |
| MI Rescission Funds | \$ 1,043.64 |
| Other (itemize) | \$ - |
| Other (itemize) | \$ - |
| Reimbursement from Investor for advances prior to makewhole | \$ 3,807.46 |
| Total Credits: | \$ 56,376.81 |

| | |
|----------------------------|---------------------|
| Total Realized Loss | \$110,219.80 |
|----------------------------|---------------------|

Last Paid Installement Due Date: 9/1/02
 REO Closing Held: 10/4/04
 Days from DDLPI to REO Closing: 765



Foreclosure Sale Date: 8/14/03

MARKETING LOSS CALCULATION OF REALIZED LOSS

Prepared by: Carrie Reed Date: November 29, 2006
 Phone: 937-910-3969

Servicer Name
Servicer Address

NATIONAL CITY MORTGAGE CO.
3232 NEWMARK DRIVE
MIAMISBURG, OHIO 45345

Servicer Loan No. 2566834

Mortgagor(s) Name: Estes, Amber
 Property Address: 334 W 59TH PL
CHICAGO IL 60621

Liquidations & Acquisition Expenses:

| | |
|--|----------------------|
| Actual Unpaid Principal Balance of Mortgage Loan | \$ 126,678.67 |
| Interest Accrued at Net Rate (UPB x 6.50% interest rate / 365 days/yr x 60 days) | \$ 1,353.55 |
| Attorney's Fees | \$ 36.50 |
| Taxes | \$ - |
| Property Maintenance | \$ 165.50 |
| MI Insurance Premiums | \$ - |
| Hazard Insurance Premiums | \$ - |
| Hazard Loss Expenses | \$ - |
| Other (itemize) | \$ - |
| BPO/Appraisal | \$ 535.00 |
| Property Inspections | \$ - |
| Utilities | \$ - |
| Total Expenses: | \$ 128,769.22 |

Credits:

| | |
|-------------------------------------|---------------------|
| Escrow Balance | \$ 1,822.88 |
| Hazard Insurance Premium Refund | \$ - |
| Rental Receipts | \$ - |
| Hazard Loss Proceeds | \$ - |
| Primary Mortgage Insurance Proceeds | \$ 19,594.82 |
| Pool Insurance Proceeds | \$ - |
| Proceeds from Sale of Acquired Prop | \$ 31,772.81 |
| MI Rescission Funds | \$ - |
| Other (itemize) | \$ - |
| Other (itemize) | \$ - |
| Total Credits: | \$ 53,190.51 |

| | |
|----------------------------|--------------------|
| Total Realized Loss | \$75,578.71 |
|----------------------------|--------------------|

Last Paid Installement Due Date: 5/1/05
 Short Sale Closing Held: 6/29/05
 Days from DDLPI to Short Sale Closing: 60



MARKETING LOSS CALCULATION OF REALIZED LOSS

Prepared by: Brenda Barnett Date: February 20, 2008
 Phone: 937-910-4722

Servicer Name
Servicer Address

NATIONAL CITY MORTGAGE CO.
3232 NEWMARK DRIVE
MIAMISBURG, OHIO 45345

Servicer Loan No. 0002225446

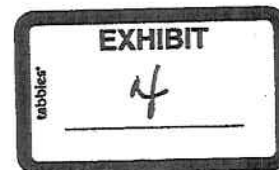
Mortgagor(s) Name: JOHNNY WILKINS

Property Address: 12054 S LOWE AV
CHICAGO IL 60628

| <u>Liquidations & Acquisition Expenses:</u> | |
|--|----------------------|
| Actual Unpaid Principal Balance of Mortgage Loan | \$ 96,578.85 |
| Interest Accrued at Net Rate (UPB x 6.875% interest rate / 365 days/yr x 814 days) | \$ 14,807.65 |
| Attorney's Fees | \$ 3,416.34 |
| Taxes | \$ 2,104.61 |
| Property Maintenance | \$ 2,908.00 |
| MI Insurance Premiums | \$ 471.90 |
| Hazard Insurance Premiums | \$ 2,162.00 |
| Hazard Loss Expenses | \$ - |
| Other (itemize) | \$ - |
| BPO/Appraisal | \$ 525.00 |
| Property Inspections | \$ 126.00 |
| Other (itemize) | \$ - |
| Total Expenses: | \$ 123,100.35 |
| | |
| <u>Credits:</u> | |
| Escrow Balance | \$ 94.25 |
| Hazard Insurance Premium Refund | \$ 116.00 |
| Rental Receipts | \$ - |
| Hazard Loss Proceeds | \$ - |
| Primary Mortgage Insurance Proceeds | \$ 27,882.05 |
| Pool Insurance Proceeds | \$ - |
| Proceeds from Sale of Acquired Prop (Price: 21,000.00 - Closing Costs: 6,352.48) | \$ 14,647.52 |
| MI Rescission Funds | \$ - |
| Other (itemize) | \$ - |
| Other (itemize) | \$ - |
| Total Credits: | \$ 42,739.82 |

| | |
|----------------------------|--------------------|
| Total Realized Loss | \$80,360.53 |
|----------------------------|--------------------|

Last Paid Instalment Due Date: 9/1/05
 REO Closing Held: 11/23/07
 Days from DDLPI to REO Closing: 814
 Foreclosure Sale Date: 12/29/06



MARKETING LOSS CALCULATION OF REALIZED LOSS

Prepared by: Carrie Reed Date: June 4, 2007
 Phone: 937-910-3969

Servicer Name
Servicer Address NATIONAL CITY MORTGAGE CO.
 3232 NEWMARK DRIVE
 MIAMISBURG, OHIO 45345

Servicer Loan No. 1944113

Mortgagor(s) Name: Woodland, Lakinya
 Property Address: 8121 S NORMAL AVE
CHICAGO IL 60620

Liquidations & Acquisition Expenses:

| | |
|---|----------------------|
| Actual Unpaid Principal Balance of Mortgage Loan | \$ 80,750.00 |
| Interest Accrued at Net Rate (UPB x 7.80% interest rate / 365 days/yr x 809 days) | \$ 10,509.00 |
| Attorney's Fees | \$ 2,925.01 |
| Taxes | \$ 1,186.63 |
| Property Maintenance | \$ 1,265.25 |
| MI Insurance Premiums | \$ 403.74 |
| Hazard Insurance Premiums | \$ - |
| Hazard Loss Expenses | \$ - |
| HOA/Condo Dues | \$ 298.00 |
| BPO/Appraisal | \$ 85.00 |
| Property Inspections | \$ 97.35 |
| Other (itemize) | \$ - |
| Makewhole paid to prior Investor (includes expenses) | \$ 8,729.66 |
| Total Expenses: | \$ 106,249.64 |

Credits:

| | |
|---|---------------------|
| Escrow Balance | \$ 65.50 |
| Hazard Insurance Premium Refund | \$ - |
| Rental Receipts | \$ - |
| Hazard Loss Proceeds | \$ - |
| Primary Mortgage Insurance Proceeds | \$ - |
| Pool Insurance Proceeds | \$ - |
| Proceeds frm Sale of Acquired Prop | \$ 63,480.00 |
| MI Rescission Funds | \$ 672.90 |
| Other (itemize) | \$ - |
| Other (itemize) | \$ - |
| Reimbursement from Investor for advances prior to makewhole | \$ 5,422.13 |
| Total Credits: | \$ 69,640.53 |

| | |
|----------------------------|--------------------|
| Total Realized Loss | \$36,609.11 |
|----------------------------|--------------------|

Last Paid Installement Due Date: 4/1/03
 REO Closing Held: 11/29/04
 Days from DDLPI to REO Closing: 609



Foreclosure Sale Date: 2/24/04

| NCM# | MORTGAGOR LAST NAME | NEXT PAYMENT DUE DATE | INT RATE | FIRST PRINCIPA L BALANCE | ACTUAL INT | 6-MOS INT | MAX INT | ESCROW ADVANCE BALANCE | RECOVE R CORP ADVANCE BALANCE | THIRD PARTY RECOV | ACTUAL ADVANCES | PROJ ADVANCES | MAX ADVANCES | EST TTL DEBT | ORI G LTV | MIS | MIS AFTER MI |
|------|------------------------|-----------------------------|-------------|-----------------------------------|---------------|-----------|---------|------------------------------|--|-------------------------|--------------------|------------------|-----------------|-----------------|-----------------|-----|-----------------|
|------|------------------------|-----------------------------|-------------|-----------------------------------|---------------|-----------|---------|------------------------------|--|-------------------------|--------------------|------------------|-----------------|-----------------|-----------------|-----|-----------------|

0002549198 VASILL 04/01/2008 6.375% 196,345.95 17,901.10 6,258.53 24,159.63 10,016.58 1,142.00 0.00 11,158.56 10,222.18 21,380.74 241,898.32 95% 30% 72,566 169,320

C

National City Confidential

<date>



| PROJ SALE PRICE | SOURCE | EST SALES PROCDS | EST LOSS W/INS | EST LOSS W/O INS | Comments |
|-----------------------|--------|------------------------|----------------|---------------------|----------|
|-----------------------|--------|------------------------|----------------|---------------------|----------|

110,000 Review Appr 88,000 81,320 153,886 Estimated Loss

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National City Confidential

<date>