

JAMES F. GRAVELING
LORI J. GRAVELING

Real Property Located:
1670 SIMPSON ROAD
ODENVILLE, ALABAMA
35120

AFFIDAVIT OF WILLIAM McCaffrey

I William McCaffrey, declare as follows:

I am over the age of 18 years and qualified to make this AFFIDAVIT. I am a resident of the State of Arizona and formulate this AFFIDAVIT based on my own personal knowledge. I have no direct or indirect interest in the outcome of the case at bar for which I offer my observations, analysis, opinions, and testimony.

My experience in the Banking industry encompasses over 30 years employment for federally insured institutions including over ten years as Business Development Manager with Indy Mac Bank FSB and currently Consultant for Housing Mortgage Consultants Inc.

I have personal knowledge and experience to render opinions in the topic areas related to the securitization of mortgage loans, derivative securities, the securities industry, Uniform Commercial Code practices, predatory lending practices, Truth in Lending Act requirements, loan origination and underwriting, accounting in the context of securitization and pooling and servicing of securitized loans, assignment and assumption of securitized loans, creation of trusts under deeds of trust, and issuance of asset backed securities and specifically mortgage-backed securities by special purpose vehicles in which an entity is named as trustee for holders of certificates of mortgage backed securities, the economics of securitized residential mortgages during the period of 2001-2008, appraisal fraud, and its effect on APR disclosure, usury and foreclosure of securitized and non-securitized residential mortgages.

1 I have been qualified to testify in Maricopa County Superior Court, United States
2 Federal Court, Bankruptcy Court and numerous Civil and Criminal Courts including
3 Nevada, California, Texas, and Arizona. In the past few years, I have served as Expert
4 Witness in both civil and criminal cases. I have testified at trial in Superior Court Cases
5 include *Johnston v. Southstar Funding LLC*, *Marshall and Isley Bank v. Izzo*, *Slikker v.*
6 *Kondaur*, *Brokalakis v. National City Mortgage*, and *Wells Fargo Bank v. Dutson*.
7 United States Bankruptcy Judges Markel and Reigle, Superior Court Judges' Staffel,
8 Ronan, Garcia, and Budoff, and Commissioners' Davis, Ellis, and Hamner have all
9 affirmed my testimony.

10 I am also a Securitization Analyst and use specialty-licensed software which
11 permits investors and licensed users to access any "named Trust-Entity" which are The
12 Corporate/Trust Documents officially filed with the Securities and Exchange
13 Commission. I can find each Mortgage Note that is held by this named Trust-Entity, and
14 can verify its status at any given time. I have the knowledge and experience to perform
15 these searches with accuracy. At the request of The GRAVELING'S I submit this
16 **AFFIDAVIT and have personal first hand knowledge of the following facts:**

17 The subject property; 1670 SIMPSON ROAD ODENVILLE, ALABAMA 35120 was
18 secured by a Mortgage in favor of CASTLE MORTGAGE CORPORATION, organized
19 under the laws of Delaware on SEPTEMBER 28, 2001.

20 My research shows the corresponding Note has been securitized which is the
21 process of aggregating a large number of Notes in what is called a mortgage pool and
22 then selling security interests in that pool of mortgages to investors. These sales have
23 fractionalized possession of the Note over many different investors.

24 The subject NOTE or Loan of said property was bundled with many other loans,
25 sold to investors and ultimately placed into a FEDERAL NATIONAL MORTGAGE
26 ASSOCIATION (FANNIE-MAE) TRUST SERIES 2001-50 referred to as the ISSUING
27 ENTITY and formed pursuant to the Trust Agreement among the Seller, Depositor,
28 Servicer, the Trust Oversight Manager and the Trustee.

1 The Trust is also a REAL ESTATE MORTGAGE INVESTMENT CONDUIT
2 (REMIC) within the meaning of section 860D of the Internal Revenue Code as amended
3 in 1986 (The Code), which governs the rules of the subject trust. BANK UNITED
4 currently handles this REO property for FANNIE-MAE.

5 The only potential party to a foreclosure wherein the allege financial injury and
6 therefore a right to collect the obligation, enforce the note or enforce the security
7 instrument is either a party who has actually lost money or stands to lose money, or an
8 authorized representative who can show such authority and is answerable to the claims,
9 affirmative defenses and counterclaims of the borrowers for such causes of action or
10 defenses as might be applicable. BANK UNITED fits none of these descriptions.

11 The only potential holder in due course of a note falls within one or more of the
12 following classifications:

13 (1) Investors who purchased asset backed securities in which ownership of the
14 loans were described with sufficient specificity as to at least express the intent to convey
15 ownership of the obligation as evidenced by the promissory note and an interest in real
16 property consisting of a security interest held by an entity that was described as the
17 beneficiary of a Trust created by an instrument entitled Deed of Trust;

18 (2) Insurers that paid some party on behalf of said investors;

19 (3) Counterparties on credit default swaps;

20 (4) Conveyances or constructive trusts arising by operation of law through
21 cross collateralization and over-collateralization within the aggregate asset pools or later
22 within the Special Purpose Vehicle tranches "tranches" is an industry term of art referring
23 to the types of division within a Special Purpose Vehicle);

24 (5) Any other party that has traded in mortgage backed securities from the
25 aggregated pools or securitized tranches containing interests in the loans.

26 a. BANK UNITED and their successors in interest do not fall within any of
27 the classifications of holders in due course on the subject loan.
28

b. BANK UNITED and their successors in interest have not suffered any financial loss relating to the loan.

c. BANK UNITED and their its successors in interest, did not posses legal STANDING necessary to initiate or conduct this foreclosure;

THE only course of action available to challenge such foreclosure is a judicial lawsuit brought by the borrower/obligor. The judicial process by the foreclosing parties shifts the burden of proof to the borrowers in the loans to allege facts that are solely within the knowledge of the lenders and which facts are intentionally withheld from the borrowers.

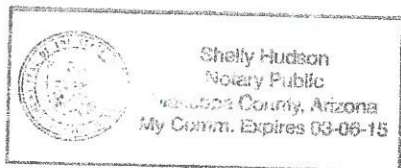
All factual testimony or statements made in this AFFIDAVIT are true and correct to the best of my knowledge and belief. All opinions stated herein are based upon a reasonable degree of probability or a high likelihood of probability, pursuant to the decades of relevant experience within the banking industry.

FURTHER AFFIANT SAYETH NAUGHT.


William McCaffrey

SWORN TO AND SUBSCRIBED before me, the undersigned notary public this

23 day of April 2013.




Notary Public

My commission expires:

3/06/2015