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Fraudulent Substitution et al.....

10-3-14

This Judicial Conflict/Corruption encompassing Forty Six (46) Courts in Nine (9) States involving a minimum of 2,500 Beneficiaries and the 'Slight of Hand Shell Game'

Substitution of Fiduciary under New York State (NYS) Banking Law Section 154. Purpose to '***Substitute***' a non-felon banking entity (***Bankers Trust Company of New York*** dated 9-7-99) for the convicted Federal Felon (as of July 26, 1999 at 4:15 P.M.) ***Bankers Trust Company Now Known As Deutsche Bank Trust Company Americas*** in this continuing and ongoing Fraudulent action. ***Deutsche Bank*** is a Foreign Bank. This was necessitated since Felons are Prohibited from acting in any Fiduciary Capacity whatsoever -

All of the following Exhibit Numbers contained herein are all keyed to My Sworn Affidavit (Affidavit of Suzanne McCormick) dated June 19, 2013 that may be viewed via a Google search <<http://mccormickestatefraud.wordpress.com>> and then opening the Affidavit with the attached evidentiary Exhibits - '***McCormick Estate Doc***' -

Exhibit # 13 - Certified Copy of NYS Department of Financial Services (formerly NYS Banking Dept.) Certificate dated 5-21-2012 - for ***BANKERS TRUST COMPANY*** (3-24-1903) now known as ***DEUTSCHE BANK TRUST COMPANY AMERICAS*** (3-14-2002) - 5 pp.

Exhibit # 14 - Certified Copy of NYS Department of Financial Services (formerly NYS Banking Dept.) Certificate dated 6-4-2012 - for ***BANKERS TRUST COMPANY OF NEW YORK*** (9-7-1999) now known as ***DEUTSCHE BANK TRUST COMPANY NEW YORK*** (3-14-2002) - 1 pp.

Exhibit # 15 - Copy of ***Deutsche Bank Private Banking*** letter dated 5-1-2002 - Subject regarding the various 'Legal Banking Entities' and their 'New Names' due to the name changes - 1 pp.

Note - Bankers Trust Company (Now Known As Deutsche Bank Trust Company Americas ('New Name') See Exhibit # 13 and Bankers Trust Company of New York (Now Known As) Deutsche Bank Trust Company New York ('New Name') See Exhibit # 14 - Also note that this document (***Exhibit # 15***) was obtained from a friend and was never mailed to Suzanne McCormick by ***Bankers Trust Company*** or their attorneys ***White & Case***.

Exhibit # 17 - Certified Copy of US District Court for the Southern District of New York (SDNY) - Criminal Docket For Case #: 1:99-cr-00250-JGK-1 - ***USA v. Bankers Trust Co.*** - Date Filed: 03/11/1999 - Date Terminated: 07/26/1999 - This document gives the details of the Criminal Case in the Federal Court - 4 pp.

Exhibit # 18 - Copy of the filed Criminal Information dated 3-11-1999 - Case # 99CRIM.0250 - ***USA v. Bankers Trust Company*** - Three Felony Counts - Filed by the US Attorney Mary Jo White for the SDNY - 14 pp.

Exhibit # 19 - Copy of letter dated 3-11-1999 from the US Attorney for the SDNY to Samuel W. Seymour, Esq (Sullivan & Cromwell) and Carey R. Dunne, Esq (Davis Polk & Wardwell) regarding the understanding on the Criminal Guilty Plea deal agreement and the 'arrangements' concerning same - the attached Exhibit (A) to this letter is a copy of "**Bankers Trust Company Allocution**" dated 3-11-1999 that gives a narrative of the Felony Crimes and their time frames *going back to 1989*. - Total of 10 pp.

Exhibit # 20 - Certified Copy of Sentencing Transcript dated 7-26-1999 at 4:15 p.m. for Case # 99 Cr. 250 - **USA v. Bankers Trust Company** - Filed 9-10-1999 whereby, **Bankers Trust Company** became a Convicted Federal Felon (All Felony Convictions carry through to the new name **Deutsche Bank Trust Company Americas on 3-14-02**) - 13 p.

Note - Deutsche Bank purchased Bankers Trust Company on 6-4-99

Exhibit # 31 - Copy of letter (addressee redacted) dated 11-15-1999 from **Bankers Trust Private Banking** (signed by William J. Wilkie, Managing Director - 1 pp) with attached copy of the allegedly innocuous 'NOTICE OF PETITION' ('Our Plan of Action' per William J. Wilkie) dated 10-29-1999 (2 pp.) by the law firm of **White & Case** regarding the 'Substitution of Fiduciary Relationships' for **BANKERS TRUST COMPANY OF NEW YORK AND BANKERS TRUST COMPANY** pursuant to NY Banking Law Section 154 - Mr. Wilkie's letter starts with the fact that **Deutsche Bank** and **Bankers Trust Company** officially joined forces on 6-4-1999 (Fact is that **Deutsche Bank** purchased **Bankers Trust Company** (and the Bank Holding Corporation) for approximately \$10 billion) and no where in this letter does it mention that the 'Bank' (**Bankers Trust Company**) became a convicted Federal Felon on 7-26-1999 (*See Exhibit # 20 - 'Sentencing Transcript'*) which is the sole reason for the 'Substitution' (*See 'Verified Petition' Exhibit # 34*) in which the law firm of **White & Case** was forced to admit the Federal Criminal Felonies, since Felons are prohibited from acting in a 'Fiduciary Capacity' whatsoever. It is interesting to note that the 'Verified Petition' had extremely limited distribution and the copy that we have was provided to us several years after the fact by Jonathan Manny Place who attended the Court hearing on 12-19-99 despite the attempts of a senior attorney from the law firm of **White & Case** at the Court Room door to block his attendance at that Court Hearing. - Total of 3 pp

Note - Mr. William J. Wilkie, Managing Director of **Bankers Trust Company** knowingly and willfully with intent committed **Perjury** in the course of a sworn Deposition regarding the McCormick Estate on 4-13-98 (*See Exhibit # 55 - See Page 39 of Deposition*) regarding existence of a '**Trust Manual**' (dated April 1997) at **Bankers Trust Company**. The fact of the Perjury was confirmed during a subsequent Deposition in the matter of Ralph P. Manny Trust on 6-20-01 during which time Mr. Wilkie testified that the Trust Department did in fact have a '**Manual**' (*See Exhibit # 56 - See Page 36 of Deposition*). **During the Manny Discovery process Bankers Trust Company produced the 'Manual' dated April, 1997 (See Exhibit # 57 - Face Page of 'Manual of Estate And Trust Memoranda' that has been 'Bates' numbered)**

Exhibit # 34 - Copy of 'Verified Petition' dated 9-28/29-1999 (Index # 99/121823 NYS Supreme Court) filed 10-29-1999 by the law firm of **White & Case** regarding the 'Substitution of Fiduciary Relationships' for **BANKERS TRUST COMPANY OF NEW YORK AND BANKERS TRUST COMPANY** pursuant to NY Banking Law Section 154 - This document (with attachments) gives the Bank's version of the narrative concerning the Federal Felony Convictions which is the sole reason for the 'Substitution' - 24 pp.

Exhibit # 109 - Report of the Guardian Ad Litem (Copy of Selected pages) dated 1-27-2000 (incorrectly states '1-27-1999') Index No: 99/121823 - with regard to the 'Substitution of Fiduciary Relationships' for **BANKERS TRUST COMPANY OF NEW YORK AND BANKERS TRUST COMPANY** pursuant to NY Banking Law Section 154 - 2 pp. (Please note the complete 'Report' is available if needed)

Exhibit # 114 - Exemplified Copy of the '*Affidavit of Service*' dated 12-13-1999 with regard to the 'Notice of Petition' (*See Exhibit # 31* for Copy - 2 pp) Index No. 121823/99 and the alleged mailing of the 'Notice of Petition' (*See Exhibit # 31*) to Forty Six (46) Surrogate/Probate/Orphan's Courts in a total of Nine (9) States concerning the 'Substitution of Fiduciary Relationships' for **BANKERS TRUST COMPANY OF NEW YORK AND BANKERS TRUST COMPANY** pursuant to NY Banking Law Section 154 - this '*Affidavit of Service*' was executed by one 'JOANN DISANTI who was employed by the law firm of **White & Case** who represented both of these Banks. - Total of 10 pp.

Exhibit # 115 - Certified Copy of an '*Affidavit of Regularity*' dated 12-16-1999 (Filed 5-22-2000) Index No. 99/121823 with regard to the various steps allegedly taken to satisfy the Requirements to secure the 'Substitution of Fiduciary Relationships' for **BANKERS TRUST COMPANY OF NEW YORK AND BANKERS TRUST COMPANY** pursuant to NY Banking Law Section 154 - The deponent David G. Hille, an attorney at the law firm of **White & Case** states on Page 3 of this 'Affidavit' under #5 - "*As set forth in the Affidavit of Service of JoAnn DiSanti, [See Exhibit # 114] sworn to December 13, 1999 (which is attached hereto as Exhibit 3), on November 4, 1999 the Notice of Petition was mailed by first class mail to the clerks of those courts where estates, guardianships or conservatorships were pending, such clerks being entitled to notice under NYBL Section 154(1)(ov) and being listed on Exhibit E to the Verified Petition [See Exhibit # 34].*" (*Emphases added*) - David G. Hille's Affidavit contains the time line and narrative that allegedly would have complied with the requirements under the applicable NY Banking Law et al. And this document was filed on behalf of his firm's client **Bankers Trust Company** et al. - **WE KNOW NOW THAT WAS NOT DONE!** - 6 pp.

Exhibit # 116 - See Selected Copies of letters that Suzanne McCormick (long version) and Jonathan Manny Place (short version) mailed (Total of 11 pp.) via the US Postal Service to the Clerks of the Courts listed on the alleged 'Affidavit of Service' (*See Exhibit # 114*) dated 12-13-1999 executed by JoAnn DiSanti of **White & Case** and duly recited in the

alleged '*Affidavit of Regularity*' (*See Exhibit # 115*) knowingly and willfully executed by David G. Hille an attorney at the law firm of **White & Case**. The nine (9) representative sample responsive letters all indicate that the 'Notice of Petition' (*See Exhibit # 31*) was not received, recorded or filed in their courts. (We have additional responses from other courts listed on the alleged JoAnn DiSanti 'Affidavit of Service' dated 12-13-1999 (*Exhibit # 114*) This Fraud includes but is not limited to US Mail Fraud!

The question we wrestled with was why would the seemingly innocuous two (2) Page 'Notice of Petition' (*See Exhibit # 31*) from the law firm of **White & Case** regarding the 'Substitution' *Not* be served via the US Postal Service as the JoAnn DiSanti alleged '*Affidavit of Service*' states to the Forty Six (46) courts located in Nine (9) individual states and thereby run afoul of US Mail Fraud? (*See Exhibit # 114*) A Chief Clerk of a Surrogate Court provided us with the answer to the conundrum and that is when a Fiduciary is changed or 'Substituted' - a Full Accounting is required and this would have required over 2,500 'Estates and Trusts' (All Existing Fiduciary Relationships) according to the **Bankers Trust Company** and **White & Case**'s numbers. All the individual 'Estates and Trusts' would have to pay for this expensive process (not the Bank) - then people would have begun to ask questions as to why this was happening and the fact that **Bankers Trust Company** had become convicted Federal Felons, the deep dark secret would have been revealed! So it was easier to engage in a continuing and ongoing Fraud by the Convicted (7-26-1999 - *See Exhibits # 17 & # 20*) Federal Felons **Bankers Trust Company** aided and abetted by their long standing law firm (since 1903) **White & Case** - the 'Pattern and Practice' with intent continues - It may appear that the required process was properly executed, however, when the details and evidence are examined then one can see the intent and the 'Fraudulent' purpose and conclusion to the entire enterprise all under the Color of Law. Who would ever put all the pieces together and figure it all out?

Note also that Jonathan Manny Place filed additional responses (to the ones that are part of *Exhibit # 116*) as documentary evidence that he received reflecting the same 'No Record' from other Courts listed on the 'Affidavit of Service' (*See Exhibit # 114*) in the Surrogate Court of New York County, New York that involved a 'Common Pool Trust Fund Accounting' filed by **Deutsche Bank Trust Company Americas** (f/k/a **Bankers Trust Company** the Convicted Federal Felon) that a New York County Surrogate Judge effectively ignored.

All of the forgoing directly involves the Estate of Edmund J. McCormick since one of the five nominated Executors in the Will (*See Exhibit # 1- See Selected Pages*) is the Federal Felon **Bankers Trust Company**, however, as the documentary evidence compelling shows **Bankers Trust Company** was not named on the Permanent Letters Testamentary (Letters of Authority) dated 1-25-1989 (*See Exhibits # 4 & # 5*) a material fact that was only accidentally discovered in March/April 2004. The name that the law firm of **White & Case** directed the Westchester Surrogate's Court to Fraudulently place on the Permanent Letters Testamentary dated 1-25-1989 was and is **Bankers Trust Company of New York** - that was

a Fraudulent Non-Existent Illegal entity that did not become a Legal Entity until 9-7-1999 (*See Exhibit # 14*) - over 10 years after the date of the Permanent Letters Testamentary for the Estate of Edmund J. McCormick (*See Exhibits # 4 & # 5*). That was the start of the Fraud on the Surrogate's Court and also therefore, on the Estate of Edmund J. McCormick that is continuing and ongoing initiated by White & Case and Banker Trust Company.

Since, I as a Legal Executrix and Main Beneficiary of *My Husband's* Estate had never received any type of 'Notice' with regard to any 'Substitution' (and having the information provided several years after the event by an un-official source) it was decided by my attorneys at the time (3-20-2003) to undertake a challenge to the 'Substitution' since in the 'Verified Petition' (*Exhibit # 31*) the language indicates that 'All' Existing Trusts and Estates' were to be a part of the 'Substitution' pursuant to the Verified Petition, that contained the 'Lists' of the recipients of the Court 'Notices,' that had been impounded at the direction of the law firm *White & Case*.

An action challenging the 'Substitution' was filed (using the same Index Number) to unseal the impounded *Bankers Trust Company/White & Case* filings in NYS Supreme Court (*See Exhibit # 37*) in the interest of transparency which resulted in the discovery, that (notwithstanding the language in the 'Substitution' filings effectively transferring 'All' - 'Trusts and Estates') - the Estate of Edmund J. McCormick was not transferred ('Substituted') from the Convicted Federal Felon *Bankers Trust Company* (now known as *Deutsche Bank Trust Company Americas* - *See Exhibits # 13, # 14 & # 15*) to *Bankers Trust Company of New York*. These materially critical facts are memorialized in Judge Karla Moskowitz's 'Decision and Order' (*Exhibit # 39*) dated 8-12-2003 and filed 8-18-2003 with regard to salient details. Judge Moskowitz's Decision gives a fairly accurate narrative of the events of the McCormick Estate and it's Odyssey. At this point in time we did not know or understand the material fact that the Permanent Letters Testamentary (dated 1-25-89) were 'Flawed' (*See Exhibits # 4 & # 5*) since the listed entity - *Bankers Trust Company of New York* did not legally exist as of 1-25-89 (*See Exhibit # 14*) as listed on the Permanent Letter Testamentary. If we had this critical information at the time we could have exposed this Fraud in Judge Moskowitz's Court. It is also worthy to note that the Felony Convictions carry through to the 'New Name' and does not disappear by merely changing the Name of the Entity!

The Surrogate Judge Anthony Scarpino (along with his Chief Clerk John Kelly - now retired) knowingly and willfully issued two (2) 'Certificate of Appointment of Fiduciary' documents dated 11-5-01 and 4-20-04 (*See Exhibits # 6 and # 7*) both of which 'Certify' that "... Letters in the Estate [dated 1-25-89] of the decedent named below [Edmund J. McCormick] have been granted by this Court as follows:" - Note that *Bankers Trust Company* is listed as being on the Permanent Letters Testamentary dated 1-25-89 when in fact the Fraudulent Non-Existent entity *Bankers Trust Company of New York* is listed (See Permanent Letters Testamentary *Exhibits # 4 & #5*). Also, Note that Judge Scarpino was employed by *Bankers Trust Company* for a period of approximately two (2) years (a

material fact he never revealed) notwithstanding the fact he felt that he didn't have a conflict - is this not evidence of more than a mere Judicial Conflict? Another attempt at the '*Slight of Hand Shell Game of Fraudulent Substitution*'

Following a demand to **Deutsche Bank** (Brandi Goldenberg, Director/Trust Officer/Attorney) to prove the 'Banks Legal Standing' with my husband's Estate, a 'Certificate of Appointment of Executors' dated 1-21-11 was proffered (*See Exhibit # 10*). The Surrogate Judge James Pagones (of Dutchess County, although listed as the Surrogate Judge of Westchester County in fact is actually only an '*Acting Surrogate Judge of Westchester County specifically for the Estate of My Husband Edmund J. McCormick*' since Judge Scarpino was forced to recuse himself) and the Chief Clerk of the subject Court (Joseph Accetta) knowingly and willfully issued this document. (*See Exhibit # 10*). This 'Certificate' lists the "Amended Letters Testamentary" dated 1-23-92 that references the fact that Alfred S. Howes a nominated Fiduciary (listed on Permanent Letters Testamentary dated 1-25-89 - *See Exhibits # 4 & #5*) resigned on 1-23-92 (*See Exhibit # 7 pursuant to Chief Clerk John Kelly's handwritten notation*). Further, this 'Certificate' *Certifies (Exhibit # 10) 'Deutsche Bank Trust Co. Americas f/k/a Bankers Trust Co. of NY'* as one of the Fiduciaries of the Estate of Edmund J. McCormick. First, '**Deutsche Bank Trust Co. Americas**' was only known as Bankers Trust Company (*See Exhibit # 13*) and has never at any time ever been known as **Bankers Trust Company of New York** (*See Exhibit # 14*) - the intent of the Fraud continues and is ongoing. We have knowledge to the effect that attorneys for **Bankers Trust Company (Deutsche Bank)** engaged in *Confidential Ex parte Communications* with the Surrogate's Court with regard to the securing of this specific document - **Exhibit # 10**. This document *Exhibit # 10 dated 1-21-11 as well as Exhibits # 6 dated 11-5-01 & # 7 dated 4-20-04 are - ALL FRAUDULENT ON THEIR FACE - and were issued knowingly and willingly by the named Surrogate Judges and their Courts aided and abetted and in collusion with the respective law firms (attorneys) with intent to Fraudulently by 'Slight of Hand' alter the 'Official Court Records' part of the ongoing and continuing Pattern and Practice of Criminal activities in the Estate of my husband Edmund J. McCormick under the color of 'Law.'* The motto is *there is no Judicial Conflict that can't be covered up by any means necessary!*

In a 'Deed' dated 3-8-96 and recorded 4-10-96 in the Clerk's Office of Camden County New Jersey that lists the 'Grantor' one of the listed parties is (*See Exhibit # 12*) '**BANKERS TRUST COMPANY (Formerly Bankers Trust Company of New York)**' *As the records and documentary evidence show Bankers Trust Company was NEVER FORMERLY Bankers Trust Company of New York.* (*See Exhibits # 13 & # 14*) This 'Deed' further states that *Bankers Trust Company is a 'CO-EXECUTOR OF THE ESTATE OF EDMUND J. McCORMICK'* and further is knowingly and willfully signed by a 'Trust Officer of **Bankers Trust Company**'. This publically recorded 'Deed' was the earliest documentary evidence that we have located which shows the intent of the Fraud since the 'Title Company' on the real property transfer saw that the Permanent Letter Testamentary dated 1-25-89 clearly stated that the name listed (pursuant to the law firm of **White & Case**) is **BANKERS TRUST COMPANY OF NEW YORK** (*See Exhibits # 4 & # 5*) that did not exist as a legal entity until 9-7-99 which was over ten (10) years later. (*See Exhibits # 13 & # 14*)

The problem for the 'Title Company' was solved by the attorneys for the Bank (and the Bank) telling the Title Company this was the way it was - **Bankers Trust Company** was formerly known as **Bankers Trust Company of New York** - which it never was at any time (*See Exhibits # 4, # 5, # 13, # 14 & # 15*) - 'Any and All Questions' went away - No Problems! Who would ever not believe what the attorneys and the Bank said? Who would ever check? What Title Fraud? **Note** - that my name Suzanne McCormick as a legal Executrix of the Estate of *My Husband* Edmund J. McCormick does not appear on this alleged legal document (**Exhibit # 12**) allegedly transferring 'all rights, title and interest' to this real property, a 217 unit Garden Apartment Complex located in Collingswood, New Jersey. (*Note that the law firm of White & Case Abandoned the McCormick Estate in early 1989!*) The Attorneys for **Bankers Trust Company** a convicted Federal Felon and the Surrogate Courts are using the 'Color of Law' and the 'Color of Office' to cover-up the Frauds and criminal acts that have been perpetrated as part of the Pattern and Practice in *My Husband's* Estate.

Again the analysis of the foregoing reveals that the intent of this exercise (Substitution) was to knowingly and willfully commit these Frauds with intent including but not limited to Fraud on the Courts in order to preserve the 'Bank's' control of the Billions of 'Trust and Estates Assets' and mitigate the adverse impact aspects of losing control and forfeiting these Assets if the truth was/were exposed regarding the impact of the Federal Felony Convictions. The bottom line was to not lose control of the Billions of Assets! They 'gamed' the whole system to engage in yet another fraudulent criminal enterprise by any means necessary! The detailed elements of the McCormick Estate that are related above fit the intent of the Pattern and Practice of the ongoing and continuing Fraudulent Enterprise carried on by **Bankers Trust Company** aided and abetting by their attorneys et al. The Surrogate Courts are part of this fraternity of Corruption and Judicial Conflicts because they permit it!

All of the 'Attorneys' as 'Officer's of the Court' have strict obligations not to conceal a Felony committed by another under the term 'Misprision of Felony.' I wonder how many have done so in the McCormick Estate matter?

Suzanne McCormick (Mrs. Edmund J. McCormick) - Widow, Main Beneficiary and Legal Executrix of the Estate of Edmund J. McCormick 10-3-14

All of the above contents of this seven (7) page (Fraudulent Substitution et al.) document are Privileged, Confidential, Restricted and Proprietary Information - For Your Eyes Only and not to be disclosed or released in any manner to any unauthorized parties without the expressed written consent of the author.