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When 'Bryan J. Bly' became 'NB,' did he know what he was signing?

By Susan Taylor Martin, Times Senior Correspondent

A notary processes mortgage loans so fast that he scribbles initials instead signing his name.

To thousands of homeowners whose loans have been shuttled from one company to another, the name "Bryan Bly" is very familiar.

Over the past few years, Bly has signed countless mortgage assignments as either a notary public or "vice president" of various lenders.

In reality, Bly works for Nationwide Title Clearing, a Palm Harbor company. And he was recently reprimanded by state regulators after acknowledging in a sworn statement that Nationwide Title had him notarizing so many documents that he scribbled his initial instead of signing his full name as required by law.

Such a pace, critics say, shows that Bly and other so-called "robo signers" can't possibly be sure that what they're signing is accurate.

"Our entire system of real estate is founded upon the ability of courts to believe in the documents before them," says Matthew Weidner, a St. Petersburg lawyer who has a blog on foreclosure issues. "What this (Bly's statement) describes is assembly-line document production with no concern for the facts in front of them."

Bly's name has become well known in the foreclosure defense field since the *St. Petersburg Times* reported last year that he and Crystal Moore signed thousands of mortgage assignments as officers of Option One and other lenders even though both work for Nationwide Title.

Assignments are key in determining who actually owns a mortgage, an all-important matter as banks foreclose on loans that were bundled into securities and sold to investors. To expedite the processing of mortgage assignments, many banks authorize Bly, Moore and others at Nationwide Title to sign on their behalf.

In a statement Friday to the *Times*, Nationwide Title said it employs "many people" in various departments "to make sure that each and every document is legal, compliant and complete" when it reaches signers like Bly and Moore.

The company also said that it serves banks around the country and "is subject to their due diligence and quality control audits on a regular basis."

The 2009 *Times* story caught the attention of Samuel Smart, a Naples homeowner whose loan has changed hands twice.

"The real concern I have, if I were to sell my house, who can legitimately sign off on my mortgage?" Smart said.

Last year, when MoreEquity Inc. transferred his loan to another company, Smart noticed that the mortgage assignment was signed by Crystal Moore as vice president of MoreEquity and notarized by Bly. However, Bly signed with only a B and not as "Bryan J. Bly," the signature approved by the state.

Florida law says: "Once commissioned, the notary must sign precisely as commissioned by the state of Florida, in the exact name appearing on your notarial commission certificate."

Smart complained to Gov. Charlie Crist's office, which regulates notaries. Asked to respond to the complaint, Bly submitted a sworn statement that gave a glimpse into the workings of Nationwide Title Clearing.

"Depending on the needs of NTC's customers, there were sometimes thousands of such documents to be notarized in a single day," Bly's statement said. "On those days, I would typically be notarizing documents for many hours."

Bly said he noticed that other NTC employees whose names appeared on documents as vice presidents or witnesses were signing "only with their initials and sometimes squiggles that barely approximated initials."

"Over time," Bly continued, "the notarial signature I affixed to those documents became progressively shorter and shorter until at last I was merely signing B. I was not, at the time, aware that this could be characterized as a violation of state law."

Bly's statement said that on May 5, 2009 - two days after the *Times* story ran - Nationwide Title was told by its legal counsel that Florida law prohibits notaries from signing with anything but their commissioned signature. Bly said he tried to change his signature to the shorter B. Bly, but couldn't until his notary commission expires in 2011.

As a result, he said, he was reassigned to a job that doesn't involve notarizing documents.

This year, the governor's office notified Bly that it had put a "formal reprimand" in his file that would be reviewed "if other complaints are filed against you for notary misconduct."

Smart calls it a slap on the wrist.

"It's yet another example that government regulation is lax or totally lacking," said Smart, who owns a glass and mirror company. "The state kind of sanctioned him a little bit but didn't even pull his license."

Weidner, the St. Petersburg lawyer, said it is unlikely that an improper notary signature on a mortgage assignment would be enough to void a final judgment of foreclosure.

But "I think that catching that fact before a judgment is issued is certainly enough to prevent them from getting a judgment," he said.

As the foreclosure rate soars, more and more judges are questioning documents put before them. According to the transcript of a recent hearing, Pinellas Circuit Judge Anthony Rondolino noted that the same individual alleged the same set of facts on affidavits filed in two different foreclosure cases. The only change was that the individual claimed to be a director of one company on one affidavit and director of another company on the second affidavit.

"That really increased my interest in this subject matter," Rondolino said, "because ... I don't have any confidence that any of the documents the court's receiving on these mass foreclosures are valid."

(Rondolino was speaking in general, not referring to Nationwide Title Clearing or any specific company.)

In his new job with Nationwide Title, Bryan Bly has signed as "attorney in fact" for the Federal Deposit Insurance Corp., which took over IndyMac Bank last year and has been assigning its loans to other lenders. Some of Bly's notary duties have been assumed by colleague Crystal Moore, who got her notary commission in September.

Moore's state-approved signature assures that she can sign quickly but legally. It's just the initials CM.

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'Robo' signing?

Same notary, different signatures. Bryan J. Bly signed so many mortgage documents, he shortened his signature to save time. Critics ask: How could he possibly know what he was signing?

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