



# **MERS, Notes, and Mortgages: A Title Guide to the New Matrix of Debt Ownership and Negotiability**

*Mr. David Hostyk*

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Across the United States people are confused about MERS (Mortgage Electronic Registration Systems). Judges and lawyers are confused about MERS. Economists and journalists are confused about MERS. Law Professors and State Supreme Court Justices are confused about MERS. Even MERS is confused about MERS. The confusion runs wide, and it runs deep, from coast to coast. MERS has been involved in three different waves of litigation in all fifty states, in both state and federal court. This book is a 17 part Tutorial, in color, explaining the component parts of notes and mortgages, and how MERS relates to them, in both Title Theory and Lien Theory states. The components of ownership are modeled with an emphasis on the distinction between title and equity. Negotiability is explained and a matrix is created to show the relationship between MERS, notes, and mortgages. Since MERS real interest in property is a title interest (never an equity interest), and since MERS only relates to mortgages (and not notes), the book creates a model for analyzing litigation concerning MERS. This Tutorial serves as a companion to "Saving America's Real Estate" which explains the confusion concerning MERS, shows how to clean up MERS, and proposes several changes to restore Transparency and Accountability to real estate conveyance in America.



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