

IN THE CIRCUIT COURT NO. 2 FOR CLARK COUNTY

STATE OF INDIANA

STATE OF INDIANA,

Plaintiff,

vs.

CASE NO. 10C02-1208-PL-088  
Special Appointed Judge: Susan Orth

KEVIN ZIPPERLE,  
MARY LOU TRAUTWEIN-  
LAMKIN, SHARON CHANDLER, and  
FRANK PRELL

Defendants.

**AFFIDAVIT OF DIANA MAYFIELD**

Before me the undersigned notary, personally came and appeared Diana Mayfield, who, after being duly sworn, declared and affirmed that:

1. The statements contained herein are true and accurate and made from the best of my knowledge and belief. I am over the age of eighteen and provided this statement freely and voluntarily. I understood that this statement could be used in the above captioned matter.
2. I am a real estate agent licensed in the State of Indiana.
3. I have listed and sold properties through Fannie Mae, including the condominium at The Harbours Unit 1104.
4. In order to qualify to list properties owned or controlled by Fannie Mae a person is required to be a real estate agent/broker licensed in the state in which the property being listed is located.
5. In establishing the listing price of \$228,900.00 for Unit 1104, I researched sales of similar property and performed and prepared a Broker's Price Opinion. Fannie Mae also has a licensed appraiser do an independent appraisal of property before setting a listing

- price. Fannie Mae after review of information provided, established the listing price for Unit 1104. (Attached is a copy of the final listing for Unit 1104.)
6. During the marketing process, Fannie Mae listed and withdrew from the market Unit 1104, due to Fannie Mae's procedural decisions and requirements.
  7. Unit 1104 was initially listed on May 23, 2012 and such listing was withdrawn on May 31, 2012. During this listing period, one offer was received by Fannie Mae. After Fannie Mae's review and after additional circumstance regarding the condition of Unit 1104 were considered, this offer was rejected by Fannie Mae, and Unit 1104 was removed from the market.
  8. When the immediately aforementioned offer was rejected by Fannie Mae, it was, as written, of no further legal or binding effect.
  9. During the final listing period 16 offers were submitted on Unit 1104. Fannie Mae rejected all such offers and such offerors were told that they could submit another offer.
  10. Fannie Mae accepted Mary Lou Trautwein-Lamkin's bid of \$220,000.00, on July 11, 2012, against their listing price of \$228,900.00.
  11. Though I played no part in Fannie Mae's decision to accept Mary Lou Trautwein-Lamkin's, I reasonably believe that it was accepted because she submitted the highest and best offer, having no contingencies to the offer.
  12. One of Fannie Mae's requirements for submission of an offer, during what is referred to as the "first look period," is that the prospective purchaser sign an Owner Occupant Certification acknowledging that they will occupy the property as their residence. After Mary Lou Trautwen-Lamkin's purchase of Unit 1104, I personally confirmed her residency of Unit 1104.

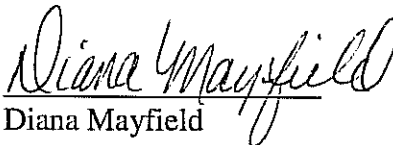
13. In connection with a submitted Owner Occupant Certification, Fannie Mae regulations state that “[i]n a co-purchaser situation, as long as one buyer is occupying, then the sale is eligible as an owner occupant sale. The occupying buyer must be a ‘natural’ person and excludes corporations, trusts, LLC’s, etc. The occupying buyer must sign the Owner Occupant Certification form and all buyers must be on the contract, mortgage (if applicable) and deed. The non-occupying buyer may be an individual or a company.” Such regulations further state that: “Note: Owning another property does not automatically make a buyer an investor.”
14. In an offer made by Mary Lou Trautwein-Lamkin and Kevin Zipperle, they each executed the Owner Occupant Certification.
15. When Fannie Mae decided to withdraw the Unit from the market and reject all offers made to that point, all prior submitted Owner Occupant Certifications submitted with an offer became null and void, and Fannie Mae made no further inquiry nor, to the best of my knowledge, conducted any investigation into the circumstances of such offers.
16. The final bid Fannie Mae accepted from Mary Lou Trautwein-Lamkin included an Owner Occupant Certification signed by Ms. Trautwein-Lamkin alone. (Attached is a copy of the final bid and Owner Occupant Certification.)
17. I became aware of the wall built between Units 1103 and 1104 during my initial inspection of Unit 1104. I did not witness the construction of such wall, nor do I have any knowledge as to its origin. On behalf of Fannie Mae and in connection with the marketing of Unit 1104, I had conversation with an appraiser, the Clark County Building Inspector, a surveyor and Fannie Mae.
18. Certain people, who submitted an offer on Unit 1104 during the listing period and Sally Miller, as the Indiana Attorney General’s investigator asked for information on other

parties who submitted offer(s) on Unit 1104. Such information was not disclosed to other offerors, but was provided to Sally Miller pursuant to a subpoena.

19. To my knowledge, Fannie Mae did not investigate the circumstances involved in the sale of Unit 1104 to Mary Lou Trautwein-Lamkin, nor did any other individuals, agencies, or entities except for the Indiana AG.

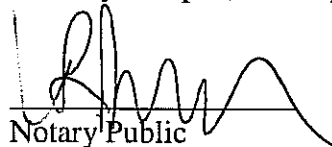
20. After confirmation that Mary Lou Trautwein-Lamkin was in fact residing in Unit 1104, there were no issues with Unit 1104 that warranted further investigation on my part and to the best of my knowledge, Fannie Mae consider the sale of Unit 1104 and made no further investigation into issues surrounding any prior submitted offers.

Further, the Affiant sayeth naught.

  
Diana Mayfield

State of Indiana        )  
                                  ) SS  
County of Clark        )

Thus subscribed and sworn to before me this 23<sup>rd</sup> day of April, 2015 by Diana Mayfield, to be her voluntary act and deed.

  
Notary Public

