

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
PALM BEACH COUNTY, FLORIDA

- - -
Chase Home Finance, LLC, :
:
Plaintiff, :
:
vs. : Case No.
: 50-2008-CA-016857
Judith Koren, et al., :
:
Defendants. :

- - -
DEPOSITION OF BETH ANN COTTRELL

- - -
Monday, May 17, 2010
2:01 o'clock p.m.
Anderson Reporting Services, Inc.
3242 West Henderson Road
Suite A
Columbus, Ohio 43220

- - -
ANN FORD
REGISTERED PROFESSIONAL REPORTER

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17 On behalf of the Defendants.

18 - - -

19 ALSO PRESENT:

20 Benjamin Nash, Representative Chase Home Finance

21 - - -

22
23
24
25

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1 P R O C E E D I N G S

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3 (Witness sworn.)

4 MR. ZACKS: Dustin Zacks on behalf of the
5 Defendant Judith Koren.

6 MR. MANCILLA: Joseph Mancilla on behalf
7 of the plaintiff.

8 MR. ZACKS: And can you state your
9 appearance just to state you were present.

10 MR. NASH: Yes. Benjamin Nash.

11 MR. ZACKS: And you are.

12 MR. NASH: Chase representative.

13 MR. ZACKS: Okay.

14 BETH ANN COTTRELL,
15 being by me previously duly sworn, as hereinafter
16 certified, deposes and says as follows:

17 CROSS-EXAMINATION

18 BY MR. ZACKS:

19 Q. If you could state your name for the
20 record.

21 A. Beth Cottrell.

22 Q. And your title.

23 A. My full title is an operation supervisor.

24 Q. And your employer.

25 A. Chase Home Finance.

1 Q. Have you given depositions before?

2 A. Yes.

3 Q. How many?

4 A. One.

5 Q. Just a couple things to keep in mind, if
6 you need to take a break, let me know. If you don't
7 understand a question, just ask, I'll clarify it.

8 And also for the purposes of the record, please do
9 state yes or no. I get some transcripts back and
10 folks saying uh-huh doesn't mean anything for me. So
11 how long have you worked for Chase?

12 A. I've worked for Chase for one year. Well,
13 actually it's been eight months.

14 Q. And before that.

15 A. First American, seven years.

16 Q. Your title you said is operation
17 supervisor.

18 A. Yes.

19 Q. Can you describe your duties day to day
20 with Chase.

21 A. My duties are -- at this point are
22 reporting for the document execution, reviewing
23 verbiage, reviewing questionable items on amount
24 dues.

25 Q. So can you describe what kinds of

1 documents you sign?

2 A. I sign affidavits, deeds, assignments.

3 Q. And what else?

4 A. Allonges, lost note affidavits, lost
5 mortgage affidavits.

6 Q. And can you tell me in a given week how
7 many affidavits you might sign?

8 A. Can I tell you -- I can tell you as a
9 group, as a whole.

10 Q. Sure.

11 A. Amongst all the management we sign about
12 18,000 a month.

13 Q. And that would include affidavits and
14 assignments and the other documents you listed?

15 A. Everything.

16 Q. And how many folks are on what you call
17 the management?

18 A. Let's see, eight.

19 Q. Eight. For each document that you sign,
20 including all those that you listed, assignments,
21 et cetera, et cetera, how much time would you say you
22 take to review what's on each document?

23 A. I take personally or what's taken?

24 Q. Sure. What you take.

25 A. A lot of the review is done by the

1 employees, the staff. I rely on them to do their job
2 and look up the correct verbiage and amounts.

3 Q. So once you get it, how long on average
4 would you say you might take?

5 A. I don't know.

6 Q. Can you estimate? Would you take five
7 minutes, would you take 30 minutes, or would you take
8 maybe a minute?

9 A. My review is more or less signing the
10 document unless it's questionable.

11 Q. And how would you know if it's
12 questionable? Would something be --

13 A. Somebody has a question and brings it to
14 me and says, Beth, can you take a look at this.

15 Q. So that would be the only time you would
16 actually review the entire document.

17 A. In depth, yes.

18 Q. You said the employees and the staff
19 prepare the documents. Can you, I suppose, first
20 describe their titles and what their job duties would
21 be.

22 A. They are operation specialists, and
23 they're actually using the system to look up
24 verbiage. They're using the system to look up the
25 numbers. They spend a lot more time reviewing the

1 document.

2 Q. Can you describe some instances or give me
3 some examples of when something might be highlighted
4 for you that would induce you to take some more time
5 to review a document?

6 A. When they can't figure out the breakdown.
7 When it doesn't balance. When you're giving escrow,
8 then it's brought to me to review. When the verbiage
9 doesn't look right or one that we may not have a POA
10 for.

11 Q. When you say the verbiage --

12 A. It could be a merger.

13 Q. So signing on behalf of I guess
14 J.P. Morgan before they merge or something like that.

15 A. Or Bank One or any entity that was a
16 merger.

17 Q. Who actually drafts, and I'll ask
18 specifically about affidavits, before you sign them?

19 A. Who prepares -- actually does the
20 writing -- the attorney.

21 Q. And then it's your -- the operation
22 specialists who write in the numbers then.

23 A. Right.

24 Q. Do you have a notary in the office with
25 you when you're signing these documents?

1 A. Yes.

2 Q. And do you actually take an oath or make a
3 verbal acknowledgment when you sign affidavits?

4 A. Yes.

5 - - -

6 And thereupon, Defendant's Exhibit A was
7 marked for purposes of identification.

8 - - -

9 BY MR. ZACKS:

10 Q. I'll ask you if you recognize this
11 document.

12 A. Yes.

13 Q. Can you tell me what it is?

14 A. It's an amounts due affidavit.

15 Q. And on the second to last page of the
16 five-page document that I've given you, is that your
17 signature?

18 A. Yes.

19 Q. And I'll ask you about the first page of
20 the affidavit. It states that upon oath you depose
21 on personal knowledge. Did you have personal
22 knowledge of everything that you testified to in this
23 affidavit?

24 A. My personal knowledge is based on what
25 they have put in here, what the staff put in here.

1 You're talking about the numbers again?

2 Q. Well, just I'll ask you in regards to the
3 entire affidavit. This was an introductory paragraph
4 I believe referring to the entire affidavit. It
5 stated you deposed on personal knowledge. As to
6 everything in the affidavit, did you have personal
7 knowledge?

8 A. My own personal knowledge, no.

9 Q. In paragraph 1 it's stated that the
10 "Affidavit is submitted in support of plaintiff's
11 motion for final judgment for the purpose of showing:
12 That there is no genuine issue as to any material
13 fact." Did you have personal knowledge that there is
14 no genuine issue as to any material fact in this
15 case?

16 A. Yes. They would have brought it to me
17 otherwise.

18 Q. And they being again --

19 A. The staff.

20 Q. -- the staff, the operation specialists.

21 A. Correct.

22 Q. And did you do anything to verify that
23 there was no genuine issue as to any material fact in
24 this case?

25 A. No.

1 Q. Did you look at anything to enable you to
2 say that there was no issue as to material fact?

3 A. I'm sorry. I don't understand the
4 question.

5 Q. Sure. Outside of this affidavit, did you
6 look at anything to enable you to say that there is
7 no genuine issue --

8 A. No.

9 Q. -- of material fact?

10 A. No.

11 Q. Also in paragraph 1 you stated "That
12 plaintiff is entitled to enforce the note and
13 mortgage." Again, did you have personal knowledge of
14 that?

15 A. No knowledge.

16 Q. Did you do anything to verify that
17 statement?

18 A. No.

19 - - -

20 And thereupon, Defendant's Exhibit B was
21 marked for purposes of identification.

22 - - -

23 BY MR. ZACKS:

24 Q. You can take your time looking through,
25 but I'll ask you if you've ever seen this document

1 before. Take as much time as you need.

2 A. I do not know if I've seen this before.

3 Q. And I'll direct your attention then. I
4 believe I put a paper clip on a page there and the
5 words at the top of the page I've paper clipped first
6 are Certified True Copy, Fixed Adjustable Rate Note.
7 I'll ask you if you've ever seen this document
8 before.

9 A. Yes.

10 Q. Feel free to look through and see if you
11 have.

12 A. Yes.

13 Q. You have seen this document before?

14 A. Yes.

15 Q. And when?

16 A. This morning.

17 Q. Okay. And at any time before that had you
18 seen this document?

19 A. I don't recall.

20 Q. The final page of this, top of the page
21 says allonge to note. I'll ask you if you've ever
22 seen that before. First, I'll ask you if you've ever
23 seen it before.

24 A. Yes.

25 Q. And when?

1 A. This morning.

2 Q. And before this morning?

3 A. No.

4 Q. Do you know John Maldonado?

5 A. No.

6 Q. Do you know if JPMorgan Chase paid value
7 for this note?

8 A. I do not know.

9 Q. Do you know who would know?

10 A. No.

11 Q. Any idea what department at Chase might
12 have more knowledge of value paid for the note?

13 A. No.

14 Q. Flipping back again to the front page of
15 this note, it says certified true copy at the top.
16 Do you have any idea who stamped that?

17 A. No.

18 Q. Nor any idea when that was stamped.

19 A. No.

20 Q. And did you yourself do anything to verify
21 that this note was a certified, true copy?

22 A. No.

23 Q. So in the affidavit when you said
24 "Plaintiff is entitled to enforce the note and
25 mortgage," prior to you signing the affidavit, you

1 had not looked at any note or mortgage.

2 A. No.

3 - - -

4 And thereupon, Defendant's Exhibit C was
5 marked for purposes of identification.

6 - - -

7 BY MR. ZACKS:

8 Q. I'll ask you if you've ever seen this
9 before.

10 A. Yes.

11 Q. And when have you seen this?

12 A. This morning.

13 Q. And can you tell me what this is?

14 A. It's a note.

15 Q. Do you know if specifically this was
16 the -- scrolling through it again, as you look at
17 this, this was a copy of the note that you saw this
18 morning.

19 A. Yes.

20 Q. And prior to that had you ever seen this
21 before?

22 A. No.

23 Q. So if we look at the final page on this
24 document, will you agree that there appears to be no
25 allonge attached to this copy of the note.

1 A. That is correct. Yes.

2 Q. And do you have any explanation for why
3 this note would not have the allonge attached?

4 A. No, I do not.

5 Q. Do you know if the copy you looked at this
6 morning had an allonge attached?

7 A. Yes.

8 Q. I may have just asked you this, you don't
9 know why there is no allonge attached to this one.

10 A. I don't. No.

11 Q. Okay. Do you know who had more knowledge
12 of that?

13 A. No.

14 Q. Do you know who might have more knowledge
15 of that?

16 A. No.

17 Q. And I guess same question, do you know
18 what department might know why a document attached to
19 one copy might not be attached to another copy?

20 A. No.

21 Q. It wouldn't be -- is there a custodial
22 department or a records department?

23 A. Yes.

24 Q. But you wouldn't know specifically if they
25 had knowledge of this.

1 A. Right.

2 Q. The copy of the note that you looked at
3 this morning, where did you get that from?

4 A. This was on an imaging system.

5 Q. On a computer?

6 A. Yes.

7 Q. And an imaging system, is there a name of
8 the system, for instance, is it a data base?

9 A. It's called iVault.

10 Q. IVault.

11 A. (Witness nods.)

12 Q. Is that something that you do with all the
13 notes that you service?

14 A. Yes.

15 Q. So, again, you only viewed it on the
16 computer. You didn't view a physical copy of the
17 note.

18 A. That's correct.

19 Q. On the iVault system, is there a name of a
20 screen that specifically we're looking at or would it
21 just be the title of a file?

22 A. It would be the loan number.

23 Q. And for this one, is that an internal
24 number or is that something that we can see from the
25 note itself?

1 A. It is on the note.

2 Q. Can you tell me what the number is and
3 where it is, please.

4 A. The last to the second -- the last -- the
5 second to the last page right there at the bottom.

6 Q. So the number beginning with 174.

7 A. Yes.

8 Q. So if I requested, for example, from your
9 company a printout of the note on your iVault system
10 using this number, that would be clear what I was
11 talking about, this file.

12 A. Yes.

13 Q. Yes?

14 A. Yes.

15 Q. Is there a way to tell on the iVault
16 system if a file has changed?

17 A. Based on the date it was imaged, yes.

18 Q. For example, there would be a notation if
19 an allonge was attached on some specific date.

20 A. No.

21 Q. What would be notated --

22 A. The date -- the date it was imaged. It
23 would tell me. I could see that.

24 Q. And nothing else?

25 A. Not any note of any kind.

1 Q. So if -- so no changes -- if there were
2 any changes to the note, for example, if an allonge
3 were attached, if an allonge, I guess, were
4 disattached, just if any of those things happened,
5 there would not be a notation in the file.

6 A. It would say note and attachments. That
7 would be a description.

8 Q. So in other words, the name of the file
9 would change, but there's no specific, for example,
10 on such and such a date, you know, Mr. Smith attached
11 an allonge.

12 A. Yes. That's correct. It would be the doc
13 type that actually was imaged that would change.

14 Q. So, for example, with this one, again,
15 where I've seen one with an allonge and without,
16 would there actually be two separate files in the
17 iVault system?

18 A. Yes.

19 Q. In this case do you know were there two
20 separate files in the iVault system for this loan?

21 A. I do not know.

22 Q. But you did state the note you looked at
23 definitely had an allonge.

24 A. Yes.

25 Q. If I wanted to look at a, for example,

1 let's just say if there were two separate files in
2 this case, a note and a note with attachments, for
3 example, is there a name of that screen printout or
4 would just requesting it by the loan number tell me
5 all the documents that would be in the file?

6 A. That is correct. All the loans would be
7 there. All the documents for the loan would be there
8 for me to view.

9 Q. And in the iVault system, can you just
10 tell me what else is routinely imaged?

11 A. Routinely is the origination file,
12 anything in the custodian file.

13 Q. And did you look at any of those -- any of
14 the documents in those --

15 A. No.

16 Q. Neither this morning nor prior to that?

17 A. No.

18 Q. One more question in regards to this --
19 I'm sorry to have you turn back to it -- the copy of
20 the note that was attached to the complaint there, I
21 would like you to flip that open. It's actually the
22 big file there. Yeah. That one right there. And
23 you see on the front page there, I want to say this
24 is Exhibit B, the complaint, the front page of the
25 note there, there's what appears to be a stamp that

1 says void. Do you have any knowledge of that?

2 A. As to why it's there?

3 Q. Yeah.

4 A. No.

5 Q. Did you see that this morning?

6 A. Yes.

7 Q. Did you ask anyone about that?

8 A. Only in comparison to the other note is
9 off on the amount.

10 Q. When you say the other note, which note
11 are you talking about?

12 A. You showed me the other note. As to why
13 this is voided. I guess I do not know why.

14 Q. So the notations below the stamped void,
15 you would have no knowledge of that as well.

16 A. No.

17 Q. No idea if someone at Chase put that in or
18 a different company?

19 A. No.

20 Q. Any way to tell that from the iVault or
21 any other data base system?

22 A. No.

23 Q. And when you say you compared it to the
24 other note, you're speaking of the --

25 A. I was looking at two different cases this

1 morning, so I could be confused.

2 Q. So I guess I'll ask as to the note that is
3 not attached to the complaint, the most recent
4 exhibit--

5 A. Here it is right here. The adjustable
6 note rate, I believe, the amount is different.

7 Q. And can you state why there would be two
8 different copies of the note in the file?

9 A. That's why I believe the first one was
10 void because it was wrong. That's my guess.

11 Q. Did you do anything to verify that?

12 A. No.

13 Q. Did you speak to anyone to verify that?

14 A. Not yet.

15 Q. How many versions of the note were there
16 on iVault when you looked this morning?

17 A. The ones that you're showing me here, the
18 two.

19 Q. Okay. So two. Is it in your experience
20 with signing -- well, I should just say in your
21 experience with going over notes in the iVault
22 system, is it common that you would find a voided
23 note and a different note in the same file?

24 A. Is it common? I don't know.

25 Q. In your experience have you ever seen a

1 voided --

2 A. No. No. It is not common in my
3 experience.

4 Q. Have you ever seen a note that was voided
5 in an iVault file where you examined notes?

6 A. I've not seen one.

7 Q. On the last page, again, going on the most
8 recent exhibit, the notice of filing of the note that
9 was September 9, 2008.

10 A. I was on the right one.

11 Q. Sorry. You were on the right one. I'm
12 just clarifying for the record. When I go back and
13 forth, we have to be able to locate which one I'm
14 talking about. On the last page here at the bottom
15 of the page, can you describe what that is if you
16 know?

17 A. It looks like it's a -- could be for a --
18 oh, it's an endorsement. Is that right? Yes.

19 Q. I don't want you to guess. If you know.

20 A. It's an endorsement.

21 Q. Any reason -- do you have any reason to
22 know why it appears to say void on there?

23 A. No.

24 Q. Have you ever seen that before?

25 A. No.

1 Q. Do you know who would have more knowledge
2 of why it says void on there?

3 A. No.

4 Q. Can you state is there a particular set of
5 circumstances in which it is more common to see an
6 allonge versus just an endorsement with a stamp like
7 that?

8 A. I cannot. No, I don't know why. It
9 depends on the chain of title I would say. It
10 differs.

11 Q. So who would direct that process if you
12 know?

13 A. An assignment team.

14 Q. That's an employment group within your
15 company.

16 A. Yes.

17 Q. And how many folks are in that?

18 A. I don't know.

19 Q. Do you know who the head of that
20 assignment team is?

21 A. We do assignments, so this one right here
22 for Choice Mortgage would be considered interim
23 assignment, and that would be Kim Wallace.

24 Q. So it would be her making the decision as
25 to whether do we need an allonge in this particular

1 case or an endorsement.

2 A. Researching it, her staff.

3 Q. Are there cases where you do that, where
4 you make the call so to speak?

5 A. There have been cases.

6 Q. And how are those, I guess, assigned? Is
7 it a particular investor group of loans would be one
8 supervisor or is it just whoever has less work at
9 that point?

10 A. No. It would be whoever has the document
11 and who they report to and who they go to. This was
12 not -- I don't know who did this.

13 Q. How could you tell it was an interim
14 assignment as you termed it?

15 A. It would be the entity, the Choice
16 Mortgage, whoever signed it. That's how I can tell.

17 Q. And what is interim assignment if you
18 could explain the term, please.

19 A. Interim assignment would be somebody
20 outside of Chase's world and that they don't service
21 the loan, that we would need to get their signature.

22 Q. You stated you have prepared interim
23 assignments in the past.

24 A. No. I have not.

25 Q. You have not.

1 A. (Witness nods.)

2 - - -

3 And thereupon, Defendant's Exhibit D was
4 marked for purposes of identification.

5 - - -

6 BY MR. ZACKS:

7 Q. And to Exhibit D, I'll ask you to flip
8 through and tell us if you recognize this document.

9 A. I have not seen this document.

10 Q. Neither this morning nor any other time?

11 A. No.

12 Q. Do you have any reason to know if this
13 document was on the or is on the iVault system?

14 A. I do not know if it is.

15 Q. When did you first become aware that there
16 were different notes in this case?

17 A. This morning.

18 Q. So when you signed the affidavit and said
19 "Plaintiff is entitled to enforce the note and
20 mortgage," you didn't know which of these two notes
21 you were referring to.

22 A. No.

23 Q. And why did you take a look this morning?

24 A. At the notes?

25 Q. Yeah.

1 A. Just my practice before going to a
2 deposition.

3 Q. Forgive me if I've asked you, any
4 knowledge as to why there are two different notes in
5 the case?

6 A. No.

7 Q. And you don't know who would have more
8 information?

9 A. No.

10 Q. You've stated electronically you keep on
11 the iVault system a custodial file. Is that the same
12 as the servicing file?

13 A. I don't know what they call it one way or
14 the other. I know what I call it. So custodial
15 holds different records than a credit file.

16 Q. Could you describe, I suppose, what's in
17 each then for me.

18 A. I can try.

19 Q. Sure. To the best of your knowledge.

20 A. The custodial file is going to have your
21 assignments, your mortgage, your note, your
22 assignments. I already said that. Assignment, note,
23 mortgage, like the title policy, that kind of thing.
24 In a credit file you're going to find everything that
25 is going to go into the file prior to the loan, like

1 their credit history, that type of thing.

2 Q. Couple questions on this copy of the
3 exhibit I just handed you D, this one does not appear
4 to have the void stamp on it. Any knowledge as to
5 why that is? We're looking at the notice of filing.

6 A. I had it in front of me but this -- as you
7 can tell -- I can tell it's the same copy, but it
8 looks like this may have cut off, may have been cut
9 off. The void may not be there because this is a
10 full image and this is smaller. So I don't know for
11 sure. There's a -- you can tell the border around
12 it.

13 Q. Okay. This Exhibit D that I've just
14 handed you appears to have checkmarks on the note.
15 Any idea who put those in, when they put them in, and
16 for what reason?

17 A. I do not know.

18 Q. Now, on the second to last page of
19 Exhibit D, do you know Victoria Alex?

20 A. No.

21 Q. Do you know any consideration -- and by
22 consideration I mean money -- or any other payment of
23 any sort, whether money or any kind, that J.P. Morgan
24 paid to Choice Mortgage Bank in return for this
25 endorsement?

1 A. No.

2 Q. Do you know who would have more knowledge
3 of that?

4 A. I'm sorry.

5 Q. Do you know who would have more knowledge
6 of that?

7 A. No.

8 Q. Going back to the affidavit of the amounts
9 due and owing, please. In paragraph 2 you state that
10 you had personal knowledge of the matters contained
11 in the books, records, and documents kept by Chase.
12 What books, records, and documents were you referring
13 to there?

14 A. History on the loan.

15 Q. And what sort of history?

16 A. Payment and where the amounts came from.

17 Q. And tell me what documents you looked at
18 concerning the payment history.

19 A. That's a system called MSP, and it's a
20 history screen that gives me a breakdown.

21 Q. And you personally looked at that prior to
22 signing this affidavit?

23 A. No.

24 Q. Did you look at anything else besides --
25 well, I should say did you look at any books,

1 records, and/or documents before you signed this
2 affidavit?

3 A. No.

4 Q. The second part of that sentence that I
5 quoted from the affidavit, contained in the books,
6 records, and documents kept by Chase. Those
7 documents you've stated are kept digitally.

8 A. Yes.

9 Q. And it's an MSP system, that's the name of
10 the system.

11 A. Yes.

12 Q. Is there any other source of books,
13 records, and documents or would that contain all the
14 records?

15 A. There are other systems that we would go
16 to.

17 Q. For example.

18 A. Vendorscape, DRI, iVault.

19 Q. Did you consult any of those prior to
20 signing this affidavit?

21 A. No.

22 Q. Those are all I'm assuming computerized --

23 A. Systems, yes.

24 Q. So if you didn't review any books,
25 records, and documents or computerized records, how

1 is it that you had personal knowledge of all the
2 matters contained therein?

3 A. Well, I have personal knowledge that my
4 staff has personal knowledge. That is our process.

5 Q. So when signing the affidavit, you stated
6 you have personal knowledge of the matters contained
7 therein of Chase's records yet had never looked at
8 the data bases that would contain the records; is
9 that correct?

10 A. I rely on my staff to do that.

11 Q. So that is correct?

12 A. That is correct.

13 Q. Also in paragraph 2 is -- you stated that
14 you're familiar with the books of account and have
15 examined all books, records, and documents kept by
16 Chase Home Finance concerning the transactions
17 alleged in the complaint. What specifically did you
18 review?

19 A. I did not review.

20 Q. So you did not review anything?

21 A. No.

22 Q. It says books, records, and documents
23 concerning the transactions alleged in the complaint.
24 Can you tell me what that means or what you meant?

25 A. Records are based on documents that come

1 through -- could be -- the same person is not going
2 to get it every time based on this loan number alone.
3 So the records would be what has been updated in the
4 DRI system and the notes that were taken.

5 Q. So when it says concerning the
6 transactions alleged in the complaint, that would
7 only be in the DRI system.

8 A. Yes.

9 Q. What, for example, would be in the DRI
10 system?

11 A. Any notes somebody looked at, taken, and
12 they would put them in the DRI system. Anybody else
13 can view them.

14 Q. And give me an example of some of the
15 notes if you would. Just the actual -- are we
16 talking about the actual loan note? Are we talking
17 about notes for servicing, notes for collections?

18 A. Servicing.

19 Q. So what kinds of notes?

20 A. Foreclosure, default related.

21 Q. And loss mitigation, et cetera?

22 A. Yes.

23 Q. When we talk about the transactions
24 alleged in the complaint, what specifically were you
25 speaking about?

1 A. You're still on paragraph 2?

2 Q. Yeah.

3 A. The foreclosure complaint.

4 Q. Did you read that complaint prior to
5 signing this affidavit?

6 A. No.

7 Q. Do you ever read complaints prior to
8 signing the affidavits?

9 A. Some of them. Yes.

10 Q. And when would you do that?

11 A. Just when there's an issue.

12 Q. How would you know there's an issue?

13 A. The staff would bring it to me.

14 Q. Can you give me an example of what an
15 issue might be?

16 A. The verbiage, the amounts in the complaint
17 don't match our system.

18 Q. And there was no such question raised
19 here.

20 A. No.

21 Q. Also in paragraph 2, "All the books,
22 records, and documents are kept by Chase Home
23 Finance, LLC in the regular course of its business as
24 servicer of the loan transaction and are made at or
25 near the time by and from information transmitted by

1 persons with personal knowledge of the facts, such as
2 your affiant." Your affiant refers to you, correct?

3 A. Yes.

4 Q. "The books, records, and documents are
5 made from information transmitted by persons with
6 personal knowledge." Can you name the people who
7 made those records who had personal knowledge?

8 A. Made the records? No.

9 MR. MANCILLA: Are you asking whether she
10 knows the person that made the notations in the
11 affidavit? Or are you asking --

12 BY MR. ZACKS:

13 Q. No. The books, records, and documents,
14 just what it says in the affidavit. When you refer
15 to the books, records, and documents -- and, again, I
16 can -- I will ask you if you were referring to the
17 same kind of data bases, DRI, and the servicing
18 records.

19 MR. MANCILLA: So you're asking whether
20 she knows who that was that prepared the data bases.

21 MR. ZACKS: Sure.

22 MR. MANCILLA: Okay. That's fine.

23 BY MR. ZACKS:

24 Q. Who made the books, records, and documents
25 kept by Chase --

1 A. No.

2 Q. -- that would have any of these things, do
3 you know anyone who created those records?

4 A. No.

5 Q. So do you know a department?

6 A. No.

7 Q. So how is it that you know that the books,
8 records, and documents were made by persons with
9 personal knowledge if you don't know who made the
10 records?

11 A. These are the records, these amount dues
12 that I'm affirming to. Those I can attest to who
13 made them and those are pulled off of our system.

14 Q. But, again, when the -- so the answer is
15 whoever made -- again, whoever made these books,
16 records, and documents, they were made at or near the
17 time by and from information transmitted by persons
18 with personal knowledge. You don't know any of those
19 folks who made those books, records, or documents, so
20 you don't know if they had personal knowledge; is
21 that correct?

22 A. I guess I don't understand because I
23 believe that this affidavit is referring to the
24 amounts, the records based on those amounts, and that
25 I do know that person that was able to provide these

1 numbers in this affidavit.

2 Q. So he made all the books, records, and
3 documents.

4 A. No.

5 Q. So the folks who made these books,
6 records, and documents in the regular course of
7 business as a servicer, you stated they had personal
8 knowledge. Can you name anyone who made the books,
9 records, and documents on personal knowledge?

10 A. No, I cannot.

11 Q. Do you know anyone who put -- pardon me --
12 who created the computer program or data base that
13 keeps track of the payments and late charges?

14 A. No, I do not.

15 Q. Do you know for any given transaction who
16 inputs the information into the computer?

17 A. No, I do not.

18 Q. Also on paragraph 2 states that -- towards
19 the bottom here -- states that "The books, records,
20 and documents which affiant has examined are managed
21 by employees or agents whose duty it is to keep books
22 accurately and completely." Can you name any
23 employees or agents you were referring to there?

24 A. Are you speaking of the same ones that put
25 it in the system?

1 Q. Whatever you meant in the affidavit. Take
2 your time if you need to read the statement again.

3 A. Yes.

4 Q. Yes, you can name them, the employees or
5 agents?

6 A. That did this right here.

7 Q. Can you name the employees or agents whose
8 duty it is to keep -- pardon me -- who manage the
9 folks whose duty it is to keep the books accurately
10 and completely?

11 A. No.

12 Q. What in this sentence that you testified
13 to, what does managed mean?

14 A. Oversee.

15 Q. Do you know -- so, again, you said you
16 can't identify any one of these employees or agents.
17 Can you name any person who does managing?

18 A. No.

19 Q. So you have no personal knowledge of whose
20 duty it is to keep the books accurately and
21 completely.

22 A. No.

23 Q. Were you told these things by someone
24 else?

25 A. No.

1 Q. You did sign this under oath, correct?

2 A. Yes.

3 Q. And you understand it's perjury to swear
4 things that aren't true, correct?

5 A. But I am swearing to the amounts that are
6 given here.

7 Q. This one also in that sentence, next to
8 the previous one, again, referring to books, records,
9 and documents kept by Chase Home Finance in the
10 regular course of its business as servicer. Is
11 plaintiff Chase Home Finance just the servicer or are
12 they the owner of this note?

13 A. They are the servicer based on what was on
14 the note, which I believe was a different entity.

15 Q. And did they own the note?

16 A. Chase? They do not.

17 Q. Plaintiff Chase Home Finance, LLC. And
18 how do you know that?

19 A. Based on the note and the endorsement.

20 Q. And the note, which note?

21 A. That you provided that I guess says void.

22 Q. So I can refer to it on the record, you
23 know that plaintiff owns the note based on the one
24 I've shown you, which was -- which one, if you could
25 tell me? You can just read me the date on the front.

1 I think that would tell us the --

2 A. It has the one where the endorsement to
3 J.P. Morgan. It is the notice of filing. I don't
4 believe there's an exhibit.

5 Q. You've identified the note that was filed
6 on June 25, 2009.

7 A. Correct.

8 Q. Correct. Okay. And, again, you know that
9 that entitles plaintiff to ownership of the note.
10 And how do you know that?

11 A. You have the attached endorsement to
12 JPMorgan Chase.

13 Q. Is there anything from JPMorgan Chase that
14 would get it to Chase Home Finance, LLC? I should be
15 more specific. That would transfer ownership to
16 Chase Home Finance, LLC.

17 A. Not in my position.

18 Q. Do you know of anything?

19 A. I believe there's an assignment from
20 JPMorgan Chase to Chase Home Finance.

21 Q. Have you seen the assignment?

22 A. Only on Vendorscape where it was uploaded
23 by the attorney.

24 Q. When did you see it?

25 A. This morning.

1 Q. Had you seen it before then?

2 A. No.

3 Q. Do you know when the assignment was made?

4 A. No.

5 Q. Do you know who signed the assignment?

6 A. No.

7 Q. Any consideration whether money or any
8 kind in return for that assignment?

9 A. No.

10 Q. But you yourself didn't sign the
11 assignment.

12 A. No.

13 Q. Did you -- pardon me. You said you didn't
14 know. You don't know who signed it.

15 A. I didn't sign it, but I don't know who
16 did.

17 Q. But you did see it.

18 A. I seen the note. I know that there was
19 one on their assignment from JP to Chase.

20 Q. Did you just see it as a file name or did
21 you actually open up the assignment and view it?

22 A. No. The peer -- one of my peers said that
23 it was out there, and I believe that there is
24 actually something I brought that said the assignment
25 was processed.

1 Q. But, again, I'll separate it. Did you
2 actually view the assignment?

3 A. No.

4 Q. Did you see it as a name, I guess if
5 that's how it would appear to you on a -- I can't
6 remember the name -- an iVault perhaps or --

7 A. Vendorscape.

8 Q. -- Vendorscape.

9 A. I did not view either. Only on DRI where
10 the note says it was processed.

11 Q. And do you know who input that into the
12 system?

13 A. Dan Hooley.

14 Q. What's his position?

15 A. He's also an operation specialist.

16 Q. Do you know is this loan held in a trust?

17 A. No, I do not know.

18 Q. Do you know who would have more knowledge
19 of that?

20 A. No.

21 Q. The complaint says that plaintiff is the
22 holder of the note and mortgage; and if you want to
23 verify that, you're certainly welcome to flip through
24 it. If you can after you've reviewed it, can you
25 tell me what that means?

1 A. They own the loan.

2 Q. So holder in your experience means owner.

3 A. Yeah.

4 Q. Did you do anything to verify that?

5 A. No.

6 Q. You stated you knew that plaintiff owned
7 the loan based on a copy of the note attached to the
8 June of 2009 filed note. How did you rectify that
9 with the fact that there was another note in the
10 file?

11 A. I -- it was never brought to me to
12 rectify.

13 Q. So how did you know that Chase Home
14 Finance owned that particular note and not the other
15 note?

16 A. Whenever I seen an endorsement, that means
17 that's who they're assigning it to, they're giving
18 the note to.

19 Q. And when there's two separate versions of
20 the note, how did you know that Chase Home Finance
21 owned that note and not the other note?

22 A. I have not done any further research to
23 see who owned what.

24 Q. So you don't know that -- well --

25 A. That's correct.

1 Q. Let me ask you this, if plaintiff owns the
2 loan, Chase Home Finance, why would they state in
3 this affidavit that Chase Home Finance is the
4 servicer of the loan?

5 A. Probably because it was endorsed to
6 J.P. Morgan.

7 Q. At the time you signed the affidavit.

8 A. Yes.

9 Q. And yet at the same time when the
10 complaint was filed, that endorsed copy of the note
11 was not in the file and you've stated that holder
12 means owner.

13 So, again, does that conflict at all in
14 your mind that on one hand, and as you've stated, you
15 believe the complaint when it says that Chase holds
16 it, that means that they own it. On the other hand,
17 when you stated under note that they were the
18 servicer, you stated they were the servicer because
19 it was still with J.P. Morgan.

20 A. J.P. Morgan is a different entity than
21 Chase Home Finance, but they're a wholly owned
22 subsidiary of. So there are times when it's -- when
23 it is a bank-owned property, which it was endorsed to
24 J.P. Morgan, where we will see it either way or the
25 other JPMorgan Chase or Chase Home Finance.

1 Q. So the two companies in your mind as
2 holder, owner, and servicer are all interchangeable
3 when you are signing an affidavit under oath?

4 A. I have seen -- when it is a bank-owned
5 property.

6 Q. And describe what that would be when it's
7 a bank-owned property, just describe exactly what you
8 mean for me if you would.

9 A. If it's owned by -- the system will tell
10 me if it's a bank-owned property.

11 Q. You mean the actual physical property or
12 bank-owned note or --

13 A. The property.

14 Q. The house itself.

15 A. Yeah. Same thing. Right?

16 Q. Well, I just want to make sure we're clear
17 on the record. Are we talking about the loan or the
18 property? You say bank-owned property.

19 A. Bank owns the loan.

20 Q. The bank owns the loan. So --

21 A. Because that's all I'm really looking at.

22 Q. When you looked at this affidavit, when
23 you signed it under oath, did you do any delving into
24 whether Chase Home Finance at that time when you
25 signed it was merely the servicer or whether they

1 owned it or whether they were just a holder?

2 A. No.

3 Q. Is any other company besides Chase Home
4 Finance entitled to proceeds, whether it's the
5 property itself or money, should this property go to
6 auction?

7 A. I don't know.

8 Q. Do you know who would have more knowledge
9 of that?

10 A. No. No.

11 Q. On the iVault system we have different
12 copies of notes. Does that system record who
13 uploaded the images or who changed what documents
14 were in the iVault system?

15 A. No.

16 Q. In the servicing records, when those
17 records were changed, is there a way to tell who, if
18 anyone, altered those records?

19 A. No.

20 Q. Did you speak to anyone who had altered
21 computerized records of this loan, whether again,
22 iVault or any servicing records used to produce these
23 numbers? Did you speak to anyone who changed either
24 of those records?

25 A. No.

1 Q. Either now or prior to the affidavit.

2 A. No.

3 Q. This signature on the affidavit, you
4 personally made it; is that correct?

5 A. This is the affidavit with the amount
6 dues?

7 Q. Yeah.

8 A. Yes.

9 Q. Do you ever sign anything with an
10 electronic signature?

11 A. No.

12 Q. Both your name and your title are stamped
13 into blanks in the affidavit on the front page here.
14 That would mean that someone else prepared the
15 affidavit, not you, correct?

16 A. Yes.

17 Q. And in general, from what I've seen, we
18 can see the Florida Default case number here. Would
19 that mean that they prepared this affidavit for
20 you --

21 A. Yes.

22 Q. -- to sign?

23 A. Yes.

24 Q. Sorry. I spoke over you.

25 Are you aware that Florida Default is

1 currently being investigated by the Attorney General
2 of Florida's office for filing misleading documents?

3 A. Yes.

4 Q. Has the Florida Attorney General contacted
5 you regarding your role in signing or preparing
6 documents?

7 A. No.

8 Q. So whoever wrote in these numbers did not
9 know who would have personal knowledge of all the
10 facts in the affidavit, would that be the reason for
11 leaving these blanks here to be stamped in later?

12 A. The attorney prepared this document. So
13 does that answer your question? It's based on who
14 they're going to send it to to sign, who has
15 authority. That's why they left it blank.

16 Q. Who else at Chase completes the
17 affidavits? I know you told me the name of the group
18 earlier, the other managers I think you said.

19 A. That can sign or completes?

20 Q. That would sign the affidavits.

21 A. Do you need the names?

22 Q. Yeah, if you would please.

23 A. Beth Cottrell; Whitney Cook; Dana Heizel;
24 Connie Cook; and I believe her first name is actually
25 Mary Cook; Starlene Starling, Starlene, l-e-n-e,

1 Starling and i-n-g at the end of her last name;
2 Christina Trowbridge; Stacy Spohn, S-p-o-h-n; and
3 Kimberly Wallace.

4 - - -

5 And thereupon, Defendant's Exhibit E was
6 marked for purposes of identification.

7 - - -

8 BY MR. ZACKS:

9 Q. I'll ask you if you recognize this
10 document.

11 A. Yes.

12 Q. Could you tell me what it is, please?

13 A. Amount due affidavit.

14 Q. And can you tell me if this is the same
15 case that you signed an amount due affidavit?

16 A. Yes.

17 Q. And Christina Trowbridge is a vice
18 president of Chase Home Finance.

19 A. She is authorized to sign as vice
20 president.

21 Q. So what's her -- her real title is --

22 A. Unit manager.

23 Q. Do you know her personally?

24 A. Yes.

25 Q. Would you agree looking over this

1 affidavit that Ms. Trowbridge claims to have the same
2 personal knowledge of all the same books and records
3 and documents that you do?

4 A. Yes.

5 Q. Any idea why she signed this second
6 affidavit in the case instead of you?

7 A. This came through -- they are about six
8 months apart.

9 Q. So any idea why?

10 A. I don't always get the same documents for
11 the same case. We don't. None of us do.

12 Q. Any reason why she got this one? Again,
13 it's just assigning it out, whoever's got the time?

14 A. Yeah.

15 Q. In other words, randomly.

16 A. Who was there that day.

17 Q. In terms of who does that again, that's
18 just getting sent that from the attorney or is that a
19 supervisor above you who tells you, you're here
20 today, I need you to sign these documents.

21 A. No. We have a schedule of who's here and
22 the management that can sign, has the authority to
23 sign.

24 Q. But in other words, it's somebody above
25 you telling you all these documents came in today,

1 you need to sign those.

2 A. No.

3 Q. It would be from who?

4 A. These documents are basically that come in
5 through Vendorscape. They're printed. I know. I
6 have firsthand knowledge of.

7 Q. They're printed from Vendorscape. Who
8 puts them in Vendorscape?

9 A. The attorneys.

10 Q. And they would just --

11 A. Upload them to -- they have access and
12 they can upload them and we would print them.

13 Q. Do they also have access to other records
14 in the loan file?

15 A. They can request the documents on -- they
16 have access, they have limited access to some of our
17 systems. Yes.

18 Q. Can you say what systems they have access
19 to, please?

20 A. I believe iVault, MSP, and Vendorscape.

21 Q. You said --

22 A. That's not all of our attorneys, just
23 the -- there are certain attorneys that have actual
24 access to that.

25 Q. Is it --

1 A. Direct source attorneys.

2 Q. Direct source attorneys. And who would
3 that be?

4 A. Florida Default would be one.

5 Q. And when you say direct source, is that --
6 I'm not familiar with that. Is that describing a
7 group of attorneys?

8 A. They do a lot of their own referrals, the
9 attorneys do.

10 Q. Do a lot of their own referrals?

11 A. Their own referrals. They have somebody,
12 they do it. They're a direct source. They get --
13 they have access to all these systems.

14 Q. And who determines who gets access?

15 A. I don't know.

16 Q. Do you know who would have more knowledge?

17 A. I'm sorry.

18 Q. Do you know who would have more knowledge?

19 A. No.

20 Q. You stated that if something was uploaded
21 on iVault, for example, you would not be able to tell
22 who changed the record; is that correct?

23 A. I can tell who uploaded it.

24 Q. Would that be the same on all the systems?

25 A. Everything is connected to someone. I can

1 see it.

2 Q. And you can trace it?

3 A. If they updated it.

4 Q. So merely for viewing purposes --

5 A. Correct.

6 Q. -- you would not be able to tell who has
7 laid eyes on a certain document.

8 A. No.

9 Q. In this case do you know of any documents
10 on any of the systems changed, uploaded in any way by
11 Florida Default?

12 A. I only have dates of when it would have
13 been uploaded.

14 Q. By Florida Default Law Group.

15 A. (Witness nods.)

16 Q. Have you examined the file, are you
17 familiar?

18 A. I have not.

19 Q. When you stated you were aware that the
20 Attorney General was investigating Florida Default
21 Law Group for fraud, how did you become aware of
22 that?

23 A. Somebody let me know that.

24 Q. Who was that?

25 A. Someone in litigation, in the litigation

1 department.

2 Q. In Chase's litigation department?

3 A. Yes.

4 Q. So that's in-house?

5 A. Yes.

6 Q. Do you know what it was in connection
7 with?

8 A. No. We didn't go into detail. I didn't
9 ask questions.

10 Q. Can you tell me what you were told?

11 A. Just that they were being investigated for
12 fraud. That's exactly what I was told.

13 Q. Did that give you pause to examine any of
14 the documents more thoroughly that you signed?

15 A. This was just news a couple weeks ago, so
16 yes, something that you share with your staff.

17 Q. And so to upload documents Florida Default
18 generally would have access to your systems if they
19 needed to upload, for example, an affidavit.

20 A. Yes.

21 Q. And is that very common in the documents
22 you sign?

23 A. Yes.

24 Q. Is that always the case with, for example,
25 the affidavits you sign?

1 A. Not always.

2 Q. Could be other attorneys or could be
3 someone in-house?

4 A. They could e-mail it.

5 Q. But it always would come from the
6 attorneys --

7 A. Yes.

8 Q. -- these affidavits --

9 A. We don't draft them.

10 Q. And what about assignments?

11 A. We don't draft them. Same thing.

12 Q. And lost note affidavits.

13 A. Yes. That's correct. They would draft
14 it.

15 Q. They being the attorneys --

16 A. Yes.

17 Q. -- outside Chase.

18 A. Yes.

19 Q. And any of the other documents that you
20 listed at the beginning, whether assignments of bids,
21 assignments of mortgage, affidavits.

22 A. We do not draft them.

23 Q. So I am correct in stating that in some
24 instances Florida Default cannot just upload records
25 but actually update them?

1 A. They cannot update other than, I mean,
2 there's nothing -- they can't update. They have --
3 their access is limited, but they can view it.

4 Q. So they can upload documents.

5 A. Yes.

6 Q. They can't change any documents --

7 A. No.

8 Q. -- including the documents they've
9 uploaded.

10 A. Yes. That's correct.

11 Q. And can they rename any documents?

12 A. They can re-upload.

13 Q. Re-upload. Okay. And you're able to
14 trace each and every document that was uploaded on
15 your system that you viewed if it was produced by
16 someone in-house or someone outside at the attorneys.

17 A. Yes.

18 Q. Again, you stated you did not do that for
19 this case.

20 A. No.

21 Q. You did not look.

22 A. No.

23 Q. Who stamps your name entitled in these
24 affidavits that you sign?

25 A. My staff.

1 Q. So someone underneath you with the title
2 of --

3 A. Operation specialist.

4 Q. Do you know who did it in this case?

5 A. Yes.

6 Q. Can you state who did it?

7 A. Karen Belcher.

8 Q. One difference I would ask you about on
9 the Christina Trowbridge affidavit, which is
10 Exhibit E, in paragraph 4 she stated that plaintiff
11 or its assigns is owed the following sums of money.
12 Your affidavit just says Chase. Any reason that you
13 know of for the difference?

14 A. I don't know why the difference is there.
15 I can only guess.

16 Q. Did something happen in the interim
17 between these two affidavits?

18 A. I do not know.

19 Q. Is there some reason that you were sure it
20 was Chase who was owed the money but Ms. Trowbridge
21 is unsure if it is Chase or some other entity to
22 which Chase assigned the rights?

23 A. I don't know.

24 Q. Do you have more knowledge than
25 Ms. Trowbridge on that issue?

1 A. No.

2 Q. And can you say for sure whether it's
3 Chase or its assigns who is owed the money?

4 A. I don't know.

5 Q. And back to your affidavit again, the
6 numbers, who put those in? Pardon me, paragraph 4 of
7 your affidavit.

8 A. Karen Belcher.

9 Q. Did you personally check these numbers
10 against something in the computer system?

11 A. No, I did not.

12 Q. Did you check any of these numbers against
13 anything else to verify them?

14 A. No.

15 Q. Did you make any computations yourself?

16 A. Yes.

17 Q. And what computations did you make?

18 A. Based on the escrow and the amounts and
19 where they came from.

20 Q. What calculations did you do?

21 A. I actually went through, see the escrow,
22 based on what the payment was here and gave a -- got
23 a printout.

24 Q. And you did that before you signed the
25 affidavit.

1 A. No.

2 Q. When did you do that?

3 A. Today.

4 Q. The only way you would check any of these
5 numbers is if someone had a question about them; is
6 that correct?

7 A. No. I do them myself sometimes. So I
8 would do --

9 Q. When would that happen?

10 A. We get a lot of them in and I would help
11 my staff out to get them out and get them done, make
12 sure that we meet time frames. It just doesn't
13 happen to be mine.

14 Q. Do you have any records of the
15 calculations that Karen Belcher did in preparing
16 these numbers?

17 A. That we had to go back from when she did
18 hers to pull them. That's what I brought with me
19 today.

20 Q. So are those records your calculations?

21 A. Pardon me?

22 Q. Are those records of calculations or are
23 those -- I mean, we'll get to them -- but are they
24 actual records of her computing --

25 A. No.

1 Q. They are just screen printouts?

2 A. Right.

3 Q. Did anyone else have any input on placing
4 these numbers on your affidavit?

5 A. No.

6 Q. And how do you know that?

7 A. I guess I don't for sure.

8 Q. There's no way to verify if someone helped
9 Ms. Belcher with the numbers?

10 A. You could go into the system and see if
11 somebody else helped. If she had questions outside
12 of me, no, I could not verify.

13 Q. And you've stated that if someone went on
14 there just to view something, you would not be able
15 to tell that.

16 A. No.

17 Q. Karen Belcher is also the notary on this
18 affidavit.

19 A. Yes.

20 Q. And is she in the room with you when you
21 are signing this document?

22 A. Yes.

23 Q. Is she required to notarize documents as
24 part of her employment?

25 A. It's not a requirement.

1 Q. So if she wanted to refuse --

2 A. It was strictly voluntary.

3 Q. Has she ever refused?

4 A. No.

5 Q. Has any one of the notaries that you have
6 had notarize your affidavits, assignments, et cetera,
7 ever refused to notarize something?

8 A. No. If they notice something is wrong, I
9 have seen where we will write a sticky note on it
10 where we are viewing. It goes back and does not get
11 notarized nor does it get signed.

12 Q. So you would be -- and has that happened
13 to you personally?

14 A. Yes.

15 Q. So they would be in the same room as you,
16 and instead of just pointing out I think there's
17 something wrong with this, I'm going to send it back,
18 they put a sticky note on it and send it somewhere
19 else?

20 A. Yes. They send it back to the person that
21 sent it, as do I and all of the management staff, all
22 the signers.

23 Q. So conceivably at that point it could have
24 been signed by you, handed to your notary with a
25 problem on it.

1 A. Yeah. And she would not notarize.

2 Q. Paragraph 5 states that "Chase Home
3 Finance has employed the services of the law firm of
4 Florida Default Law Group in this action against the
5 defendant, is obligated to pay Florida Default Law
6 Group a reasonable attorney's fee for its services,
7 along with all costs and expenses of this action. In
8 this uncontested foreclosure case, we have agreed to
9 pay the law firm of Florida Default Law Group a flat
10 fee of \$1,200. In the event the matter becomes
11 contested, we have agreed to pay an hourly fee up to
12 \$175 per hour."

13 Have you seen the contract with the flat
14 fee and the \$175 per hour?

15 A. No.

16 Q. How do you have personal knowledge of
17 that?

18 A. Only that it's here.

19 Q. Beg your pardon?

20 A. Only that it's here.

21 Q. Given that Ms. Trowbridge was unsure
22 whether it was plaintiff or its assigns that were
23 owed the money, can you testify one way or another
24 whether Chase or its assignee has a contract with
25 Florida Default Law Group?

1 A. No.

2 Q. So when you say you had personal knowledge
3 of the fee, it would be untrue.

4 A. I do not know. I have not seen the
5 contract is what you asked.

6 Q. You do not have personal knowledge of the
7 contract.

8 A. No.

9 Q. You don't have personal knowledge -- you
10 didn't do anything to verify the fee arrangement.

11 A. No.

12 Q. Is your sole knowledge that Chase is the
13 servicer the fact that there are some servicing
14 records in your computer?

15 A. Yes.

16 Q. Do you know Nicole Daggs?

17 A. Yes.

18 Q. Who is she?

19 A. She's an operation specialist, does amount
20 dues.

21 Q. Do you know her personally?

22 A. Yes.

23 MR. ZACKS: I'm going to enter a composite
24 exhibit.

25

1 - - -

2 And thereupon, Defendant's Exhibit F was
3 marked for purposes of identification.

4 - - -

5 (Recess taken.)

6 BY MR. ZACKS:

7 Q. Do you know Wenona Church?

8 A. Yes.

9 Q. And who is she?

10 A. She is a former Chase employee.

11 Q. And did you know her personally?

12 A. Yes.

13 Q. Do you know Jennifer Jacobee?

14 A. Yes.

15 Q. Do you know her personally?

16 A. Yes.

17 Q. Lorene Peters, do you know her?

18 A. Yes.

19 Q. Do you know her personally?

20 A. Yes.

21 Q. Paula Barz, do you know her?

22 A. Yes.

23 Q. Do you know her personally?

24 A. Yes.

25 Q. Ashley Bond, do you know her?

1 A. Yes.

2 Q. Do you know her personally?

3 A. Yes.

4 Q. Linda Smith or is it Lindy Smith, sorry,
5 that's my handwriting. Do you know her?

6 A. Lindy.

7 Q. Or Linda Smith.

8 A. No.

9 Q. You don't know her. You don't know her
10 personally.

11 A. No.

12 Q. LaTheresa Payne.

13 A. Yes.

14 Q. You know her personally?

15 A. Yes.

16 Q. Tiffany Border.

17 A. Yes.

18 Q. And you know her personally.

19 A. Yes.

20 Q. So you testified you signed many different
21 kinds of documents, correct --

22 A. Yes.

23 Q. -- in the course of your duties?

24 One thing we didn't or I didn't ask you
25 about before was you sometimes verify complaints; is

1 that correct?

2 A. Yes.

3 Q. You sometimes sign answers to
4 interrogatories; is that correct?

5 A. Yes.

6 Q. So besides affidavits, including lost
7 notes affidavits and affidavits of amounts due,
8 besides assignments of bids and mortgages, besides
9 verified complaints and besides answers to
10 interrogatories, what other documents do you sign?

11 A. I think we covered it here.

12 Q. And all of those documents, would it be
13 correct to say that your attorney prepares those for
14 you to sign?

15 A. Yes.

16 Q. Do you sign as officer of different
17 companies?

18 A. We sign on for -- if we have a POA.

19 Q. And so you've signed on behalf of JPMorgan
20 Chase, NA.

21 A. Yes.

22 Q. You've signed on behalf of JPMorgan Chase
23 as trustee for Deutsche Bank National Trust Company.

24 A. For POA, yes, I believe so. J.P. Morgan
25 and Chase Home Finance.

1 Q. You've signed as attorney in fact for
2 U.S. Bank.

3 A. Yes.

4 Q. You've signed as an officer of Mortgage
5 Electronic Registration Systems.

6 A. Yes.

7 Q. You've signed as vice president of Chase
8 Home Finance.

9 A. Yes.

10 Q. And you've signed as vice president of
11 J.P. Morgan Bank.

12 A. Yes.

13 Q. What would be the difference in signing as
14 assistant secretary versus vice president of either
15 J.P. Morgan or Chase Home Finance?

16 A. Depends on what the document would need to
17 be signed as, a V.P. or as assistant secretary or
18 both.

19 Q. And who would tell you what's required?

20 A. We have a document that we look at. We
21 know whenever it's sent to the table to be signed
22 that it's actually -- they know what needs to be
23 signed, if it needs to be signed as a VP or just a
24 secretary or both.

25 Q. And the document that you say you look at

1 that gives you those requirements, who prepared that?

2 A. We did for training.

3 Q. And did you personally have any part in
4 preparing that?

5 A. No.

6 Q. Do you know where they got those
7 requirements from?

8 A. No.

9 Q. When you sign say in one case as vice
10 president versus assistant secretary, do you always
11 consult that document to make sure you're doing the
12 right one?

13 A. I'm sorry. I don't understand.

14 Q. Sure. The document that establishes the
15 requirements of when you are required to sign as
16 assistant secretary or vice president, do you always
17 consult that when you are signing a document, any of
18 the documents we discussed earlier?

19 A. Do I always consult that? No.

20 Q. In this case, in the Koren case that we're
21 here on, did you consult that document?

22 A. No.

23 Q. Do you know if anyone consulted that
24 document?

25 A. Staff.

1 Q. Do you know who on the staff?
2 A. On the amount due?
3 Q. Uh-huh.
4 A. It would have been Karen Belcher.
5 Q. Okay. And did you verify that with her?
6 A. No.
7 Q. Assignments of bids, how long do you
8 typically take to read over those before you sign
9 them?
10 A. These are reviewed and researched by the
11 staff.
12 Q. So you personally don't review them at
13 all?
14 A. No.
15 Q. On Page 6, bottom right-hand corner, do
16 you recognize this document?
17 A. Yes.
18 Q. Can you tell me what it is, please?
19 A. It's an assignment from MERS to U.S. Bank.
20 Q. Do you remember signing this?
21 A. Pardon me?
22 Q. Do you remember signing this one?
23 A. No.
24 Q. You signed as assistant secretary --
25 A. Yes.

1 Q. -- of MERS.

2 What are your duties as assistant
3 secretary of MERS?

4 A. I can sign these documents on behalf of
5 MERS as both vice president and assistant secretary.

6 Q. Just out of curiosity, what is the name of
7 that document that establishes when you need to sign
8 as what, vice president versus assistant secretary?

9 A. It's an incumbency certificate.

10 Q. Incumbency certificate. Is that going to
11 be different in each case? Is there one master list
12 that shows you?

13 A. For every entity, which I brought for you.

14 Q. Okay. So as assistant secretary or vice
15 president of MERS, do you attend any board meetings
16 of MERS?

17 A. No.

18 Q. Do you know where the corporate
19 headquarters of MERS is?

20 A. No.

21 Q. Who do you report to at MERS? In other
22 words, do you have a supervisor or anyone above you
23 at MERS?

24 A. No.

25 Q. Have you ever spoken to anyone at MERS?

1 A. No.

2 Q. And, again, this MERS assignment would be
3 prepared by who?

4 A. The attorneys.

5 Q. Next page is Page 7, you signed on behalf
6 of JPMorgan Chase; is that correct?

7 A. Yes.

8 Q. And same question that I asked earlier,
9 only this time for instances where you signed as an
10 officer of JPMorgan Chase, when you sign assignments
11 of mortgages, how long do you take to review these
12 documents?

13 A. Couple minutes.

14 Q. A couple minutes?

15 A. (Witness nods.)

16 Q. On Page 9 can you tell me what that is,
17 please?

18 A. Assignment.

19 Q. And can you tell me who you signed for?

20 A. U.S. Bank National Association.

21 Q. And again, did you consult the incumbency
22 document when you signed this assignment mortgage?

23 A. Did I? No. I know who I have authority
24 to sign for though, and we have POA, I think, which
25 is listed.

1 Q. And when you review a document like this,
2 you say you take a couple of minutes. What might you
3 be looking for?

4 A. POA stamp. You're looking for -- you're
5 looking for the entity you're signing on behalf of
6 making sure that you have POA.

7 Q. So the only thing you review when you're
8 signing assignments of mortgages is if you have
9 signing authority; is that correct?

10 A. If we have POA.

11 Q. Correct.

12 A. Because I can have signing authority --
13 well, same thing, but that stamp needs to be there.

14 Q. Okay. Are these predrafted in terms of
15 they will already have your stamp on there either as
16 assistant secretary or vice president before you sign
17 them?

18 A. I've seen that, but we ask they don't do
19 that.

20 Q. Sometimes you will stamp it yourself?

21 A. Always, almost always.

22 Q. Almost always.

23 A. Very rarely do they come across with the
24 name on it.

25 Q. And yet you've said you don't always check

1 the incumbency document; is that correct?

2 A. The incumbency document I already know --

3 Q. So you always know --

4 A. -- it exists.

5 Q. But so you always know when you're signing
6 something whether you need to sign as assistant
7 secretary or vice president.

8 A. I can sign for both on any entity. I know
9 that. So I don't necessarily have to refer back to
10 the incumbency certificate every time. I think it's
11 more or less who needs -- I thought you were asking
12 at the time how do you know if a vice president needs
13 to sign or an assistant secretary sign; is that not
14 correct?

15 Q. Sure. That's the question. Yeah.

16 A. Okay.

17 Q. So you know off the top of your head.

18 A. I can tell you by the way the document
19 comes over.

20 Q. What would you look for?

21 A. If there's a space for two signatures or
22 one.

23 Q. And tell me the difference if you could.

24 A. If there's two signatures, you're going
25 to -- you should see a VP and then assistant

1 secretary.

2 Q. And, again, who decides whether there's
3 two blanks or one?

4 A. The attorney.

5 Q. Page 11, can you tell me what that is,
6 please?

7 A. Assignment of mortgage.

8 Q. And can you tell me who this was prepared
9 by, please?

10 A. Ben Ezra.

11 Q. Can you tell me what -- if there is any
12 difference when you get an assignment of mortgage
13 from Ben Ezra versus any other law group?

14 A. No. Usually if there's one line, it's
15 assistant secretary.

16 Q. And --

17 A. But it doesn't have to be that way. Okay.
18 So does that make sense?

19 Q. And, again, that's all based on the
20 incumbency document we spoke of.

21 A. I can sign -- I have the authority to sign
22 for all -- it's easier for the staff to determine if
23 Beth can sign for all or Whitney or whoever.

24 Q. But still on all these assignments we've
25 been over, it's the attorney dictating by virtue of

1 either putting one blank in there or two --

2 A. Yes.

3 Q. -- whether you need a vice president or
4 assistant secretary to sign.

5 A. Yes.

6 Q. Take me through the procedure, if you
7 would, when you sign these assignments and you stated
8 that the notary is in the room with you.

9 A. Yes.

10 Q. How would you go about doing that because
11 you sign a lot of documents, correct?

12 A. Yes.

13 Q. Do you have just one big office or would
14 you --

15 A. We have what is called a signing table.
16 We have signing times that are on the schedule,
17 everybody is required to go at those times and affirm
18 to -- we have two notaries there and usually four
19 signers at one time. We try to break it up. They --
20 we affirm to them each time we sign.

21 Q. And --

22 A. Not every document. At the beginning of
23 the signing time.

24 Q. So you don't sit there while they notarize
25 it.

1 A. Yes, we do.

2 Q. You do?

3 A. They sit there and they watch us make sure
4 we're signing, yes, the entire time.

5 Q. You said everybody is required to go at
6 certain times; is that correct?

7 A. Yes.

8 Q. Including --

9 A. They have a schedule.

10 Q. Including the notaries.

11 A. Yes.

12 Q. These assignments of mortgages where you
13 say you usually spend no time reviewing it or maybe a
14 couple of minutes, when would be an example of a time
15 where you might need to spend more time reviewing it?

16 A. I might see an assignment that says Chase
17 Manhattan Mortgage Corp. assigning over to Chase Home
18 Finance. I know that's a merger. So I look through
19 and try to figure out if -- I know right away it's
20 not needed, or if I see an assignment that is to
21 another entity that I've never heard of or they might
22 have an entity that I've never heard of or signing
23 for.

24 Q. Sometimes will there be a note similar to
25 the one you might find in an affidavit if there was

1 something that someone preparing this thought you
2 needed to take a look at? Does that ever happen at
3 the assignments as well?

4 A. I'm not sure I understand what you're
5 asking.

6 Q. Sure. Sometimes you stated the only time
7 you would really take a thorough look at the
8 affidavits would be if someone pointed out something
9 to you that was a dispute or something like that.
10 Does that happen with the assignments of mortgages as
11 well?

12 A. Yes.

13 Q. Who would be doing that in general?

14 A. The operation specialists in the team.
15 Yes. But they're usually bringing that to my desk
16 for me to look at before it ever goes to sign.

17 Q. So at the signing table you'll actually go
18 and there will be a stack of documents for you to
19 sign at that point.

20 A. Folders. Yes.

21 Q. In assignments of bids, such as the one on
22 Page 18, can you tell me how long you usually take to
23 review those?

24 A. Just making sure that it was Fannie Mae
25 because I see MERS in there and I would look and want

1 to know why. Okay.

2 Q. So in general with an assignment of bid,
3 how long would you say you take to review?

4 A. Less than a minute.

5 Q. On Page 21 can you tell me what that is,
6 please.

7 A. This is part of the complaint process.

8 Q. Do you know what this document is?

9 A. Yeah. I've seen it.

10 Q. And how long do you usually take to review
11 these -- I guess the title of this one is Florida
12 Rule of Civil Procedure 1.110(b) Affirmation. When
13 you see a document like this, how long do you
14 typically take to review it?

15 A. I don't take very long to review it. The
16 staff, however, does.

17 Q. And when you sign these affirmations, do
18 you review any documents in connection with them?

19 A. No.

20 Q. Page 22, do you ever check to see if who
21 you are assigning to is correct or do you merely
22 check for making sure you have a power of attorney or
23 the right to sign?

24 A. The staff, yes, does that.

25 Q. The staff reviews who you're assigning to?

1 A. Yes.

2 Q. So you personally would not, for example,
3 verify that this mortgage was transferred to
4 U.S. Bank as trustee for this certain trust?

5 A. No.

6 Q. On Page 26 I'll ask if you recognize that
7 document, please.

8 A. Yes.

9 Q. Can you tell me what it is?

10 A. Affidavit.

11 Q. And can you tell me what kind of affidavit
12 it is?

13 A. Stating that the mortgage was not paid.

14 Q. And when you see an affidavit of this
15 type, how long would you spend reviewing this?

16 A. Again, my staff does, and they check all
17 the documents -- all the amounts in there.

18 Q. And how long would that typically take you
19 for this type of affidavit?

20 A. Me personally?

21 Q. Sure.

22 A. Not very long. Less than a minute.

23 Q. On the front page of 26 in the bottom
24 right-hand corner it says "Affidavit MA/Cadger,
25 Colleen F." Can you tell me what that means, please?

1 A. I do not know.

2 Q. Do you know who Colleen Cadger is?

3 A. No.

4 Q. On this affidavit as to amounts due and
5 owing, is it in your recollection 100 percent of the
6 time that you will see this clause that speaks to the
7 fee due to the attorney such as the one we see in
8 paragraph 5 on Page 30?

9 A. Are you saying on all affidavits?

10 Q. On affidavits of amounts due.

11 A. No.

12 Q. So there are times that would not be in
13 there.

14 A. Depends on the attorney.

15 Q. With Florida Default Law Group would you
16 say that clause is always in there?

17 A. I can't be 100 percent sure.

18 Q. Sure. In your --

19 A. Yes.

20 Q. If you could estimate, what would you
21 say -- have you ever seen one where it's not in there
22 on a Florida Default Law Group affidavit of amount
23 due?

24 A. I could probably find one.

25 Q. And do you know how many affidavits of

1 amounts due with Florida Default do you think you
2 might have signed at this point? Are we talking
3 hundreds, thousands?

4 A. Lots over the years. Yeah.

5 Q. So thousands.

6 A. Uh-huh.

7 Q. Have you ever looked at the fee --

8 A. I can say I don't believe it's always been
9 there, but the page may be different to where the
10 amount due owing is what I'm looking at when I signed
11 and that's the only thing on the page.

12 Q. Sure. But in those cases where you sign
13 thousands of them that you say generally all the time
14 it's been there, have you ever looked at an
15 agreement -- a fee agreement with Florida Default Law
16 Group?

17 A. No.

18 MR. MANCILLA: Asked and answered.

19 A. No.

20 Q. Page 32 title is Notice of Filing Answers
21 to Interrogatories. Do you recognize this document?

22 A. Yes.

23 Q. And in Page 33, No. 1, did you write in
24 your name and title there?

25 A. No.

1 Q. Do you know who did?

2 A. I can't be for sure, but I would assume --
3 I can assume it was one of the operation specialists.

4 Q. And would that be because in general when
5 you're answering interrogatories, that's their duty?

6 A. Yes, until we found somebody that we could
7 actually put on there that would review them.

8 Q. And when you review answers to
9 interrogatories such as this one, how long do you
10 typically take?

11 A. I believe that these were brought to me
12 before they ever went to the table. I had to hold
13 onto them. I don't know how long.

14 Q. Do you sign answers to interrogatories
15 very commonly or not very commonly?

16 A. No.

17 Q. Not very commonly?

18 A. (Witness nods.)

19 Q. How many in a given week if you could
20 estimate?

21 A. I no longer sign them.

22 Q. When did you stop signing them?

23 A. We found somebody in litigation to sign
24 them -- or actually I sign them, but the person
25 that's listed here that has the personal knowledge is

1 a different person than my name.

2 Q. When did you stop signing these?

3 A. I didn't stop signing. I just -- I don't
4 attest to what's in the document, somebody else does.
5 They review the questions to ensure that they're
6 correct.

7 Q. So --

8 A. That happened maybe a month ago when we
9 started seeing these.

10 Q. And were you given a reason why your
11 duties changed I guess?

12 A. We wanted to ensure that these were
13 reviewed by somebody else.

14 Q. And when you had been in the practice of
15 signing these and attesting to these, in a given week
16 what would you say you might have run across these,
17 one a week or ten a week? Give me your best
18 estimate.

19 A. What's coming across now, probably 15 a
20 week.

21 Q. And, again, when you signed those during
22 the time in which you did that and that was part of
23 your duties, how long did you typically take to go
24 over answers to interrogatories such as the one we
25 were looking at?

1 A. All the pertinent information was checked
2 by the operation specialist. I just reviewed the
3 interrogatory itself.

4 Q. Meaning?

5 A. Looked at the answer.

6 Q. And how long generally would you go over
7 them?

8 A. Not very long.

9 Q. So under a minute for each question say?

10 A. Yeah, because some of them are much
11 thicker.

12 Q. Sure. I can't ask for a total document --

13 A. Right.

14 Q. -- because every set is different
15 obviously.

16 In answering or verifying or signing these
17 interrogatories that used to come across your desk,
18 did you ever look at other documents, data bases,
19 records, to verify the answers?

20 A. Yes.

21 Q. And did you do that commonly or
22 uncommonly?

23 A. I always looked at the system.

24 Q. And that -- you can do that --

25 A. That's common.

1 Q. And in general you could do that in under
2 a minute for each question.

3 A. No.

4 Q. Page 39, or actually -- sorry -- Page 40,
5 ask you if you recognize that document.

6 A. Yes.

7 Q. And your title in paragraph 1 is listed as
8 vice president; is that correct?

9 A. Yes.

10 Q. That stamp, was that entered by you?

11 A. My staff.

12 Q. So would you personally check to verify
13 that that was the correct title to sign under?

14 A. No.

15 - - -

16 And thereupon, Defendant's Exhibit G was
17 marked for purposes of identification.

18 - - -

19 BY MR. ZACKS:

20 Q. And I'll ask you if you recognize this
21 document.

22 A. Yes.

23 Q. Can you tell me what it is, please.

24 A. It's the incumbency certificate.

25 Q. And can you describe what this does or

1 what this document -- what purpose this document
2 serves.

3 A. It shows that I am authorized to sign as
4 assistant secretary for Chase Home Finance.

5 Q. And Lauren Harris, who is that?

6 A. She is somebody in our legal or our POA.
7 We actually direct questions to her about our signing
8 authority or who may have signing authority to sign a
9 different document.

10 Q. And do you know who appointed her as
11 assistant secretary?

12 A. No.

13 Q. Have you seen a document appointing her
14 assistant secretary?

15 A. No.

16 Q. Is there a newer version of this
17 incumbency certificate?

18 A. I have one right here.

19 Q. And is that --

20 A. Yes.

21 Q. And the incumbency certificate that we'll
22 go over, is that -- to your knowledge, does that
23 supersede the one that we're looking at as Exhibit G?

24 A. I don't know that it supersedes it. It
25 just has my name. It doesn't list everybody.

1 Everybody has their own. This is probably filled out
2 right when we -- 2008 as you can see.

3 Q. When did Chase Manhattan merge into the
4 entity that it now is if you can say?

5 A. I don't know a year. Is that what you're
6 looking for, a year?

7 Q. Just if you know, if you know.

8 A. I don't know.

9 Q. And do you know who would have more
10 knowledge of that?

11 A. I would if I was at my desk.

12 Q. Did you used to sign documents as Chase
13 Manhattan as either assistant secretary or vice
14 president of Chase Manhattan?

15 A. I believe so. Yes.

16 Q. Do you have an incumbency certificate for
17 authority to sign on behalf of MERS?

18 A. Yes. Not with me though.

19 Q. And when were you appointed as anything to
20 MERS and what were you appointed?

21 A. I could sign as assistant secretary or
22 vice president for MERS. I want to say it was prior
23 to 2007.

24 Q. As vice president of MERS, do you
25 supervise anyone?

1 A. No.

2 - - -

3 And thereupon, Defendant's Exhibit H was
4 marked for purposes of identification.

5 - - -

6 BY MR. ZACKS:

7 Q. Ask if you've ever seen this document.

8 A. Yes.

9 Q. When did you see it?

10 A. Last Thursday, May 13.

11 Q. And I'll ask you to turn to Exhibit A,
12 please, to Exhibit H. And you've seen this before
13 too, correct?

14 A. Yes.

15 Q. Can you tell me what you brought in
16 response to Request No. 1, please.

17 A. I brought -- I did not bring a resume. I
18 did not have one that's current.

19 Q. Or a CV.

20 A. Huh-uh.

21 Q. You have one -- how current is the last
22 one you had, if you know?

23 A. I've been working in this capacity for at
24 least eight years, so it's that old at least.

25 Q. And you said that you were with Chase and

1 prior to that it was First American.

2 A. Yes.

3 Q. First American, can you tell me about that
4 company? Were they only in the business of servicing
5 loans? Do they own some loans?

6 A. They were a vendor for Chase.

7 Q. And vendor meaning.

8 A. We serviced the loan for them.

9 Q. So First American didn't own any --

10 A. No.

11 Q. And did you often sign the same kinds of
12 documents that we've gone over today, affidavits,
13 assignments, et cetera, in your capacity working for
14 First American?

15 A. Yes.

16 Q. What was the title again at First
17 American?

18 A. My title?

19 Q. Sure.

20 A. Supervisor.

21 Q. And what would you have signed documents
22 as?

23 A. Assistant secretary and vice president.

24 Q. Of --

25 A. Chase Home Finance.

1 Q. Prior to what you estimated was 2007 when
2 you got the power to sign for MERS, had you ever
3 signed anything else for MERS when you used to work
4 for First American?

5 A. I don't know when I got the authority to
6 sign for MERS as an officer of, but I probably was
7 signing documents in 2005 too, so yes.

8 Q. So --

9 A. Assistant secretary, vice president.

10 Q. Of MERS, and you may have been doing that
11 as far back as '05 you said.

12 A. Yes.

13 Q. Would that be something that would be on
14 your CV or resume?

15 A. No.

16 Q. I'll ask anything that you brought in
17 response to Request No. 2.

18 A. Yes.

19 Q. And what did you bring?

20 A. I brought the incumbency certificates that
21 I can sign on behalf of Chase Home Finance as
22 assistant secretary.

23 MR. ZACKS: Let's enter that, please.

24 - - -

25 And thereupon, Defendant's Exhibit I was

1 marked for purposes of identification.

2 BY MR. ZACKS:

3 Q. Can you tell me who Denise DesRosiers is?

4 A. No. I do not know her.

5 Q. Do you know what department she works in?

6 A. She's probably with the -- I do not know
7 the name of her department.

8 Q. It states that you're authorized to
9 execute foreclosure related affidavits, assignments
10 of mortgage, deeds, and substitutions of trustee on
11 behalf of the company.

12 A. Yes.

13 Q. You don't sign any documents then as
14 officer of Chase Home Finance in nonforeclosure
15 circumstances.

16 A. No.

17 Q. I'll ask anything that you brought in
18 response to No. 3.

19 A. I brought payment history that shows
20 principal balance and the escrow and where the money
21 went.

22 Q. So this is what you relied on in executing
23 the affidavit in question; is that correct?

24 A. The amounts.

25 Q. And you viewed these before signing the

1 affidavit.

2 A. No.

3 Q. But you are familiar with them.

4 A. Yes.

5 Q. When did you review them?

6 A. Today.

7 Q. Forgive me, tell me what data base it's
8 from.

9 A. That is from MSP.

10 - - -

11 And thereupon, Defendant's Exhibit J was
12 marked for purposes of identification.

13 - - -

14 BY MR. ZACKS:

15 Q. You said MSP is the data base.

16 A. Yes.

17 Q. Tell me in general what are we looking at
18 here.

19 A. At your escrow and what -- how it balances
20 out to be the \$1,648.92 and the payments that you're
21 looking at and what it goes to.

22 Q. On the left-hand column, where it says
23 type/TRAN, can you tell me what those describe,
24 please?

25 A. Well, that's just your like header in the

1 screen. Right here is where I'm looking at your
2 tran. You see the transaction.

3 Q. So that's each amount. Can you tell me
4 what each of those are describing then?

5 A. I can tell you what the ones that pertain
6 to this. And the 310, the mortgage insurance right
7 there. You see where it says \$106.13, that's your
8 mortgage insurance.

9 Q. And that negative would indicate --

10 A. They're taking it out.

11 Q. The column in the middle where it has
12 212.26, can you tell me what that one is, please.

13 A. It doesn't pertain to my figures, so I
14 would not look at that. I would go every time they
15 take out the amount.

16 Q. And 212, do you know what it describes?

17 A. No.

18 Q. The third to the last column ADV-BAL, can
19 you tell me what each of those describes, please.

20 A. Third to the last column, isn't that the
21 question you just asked me? The 212.

22 Q. No. I'm sorry. The third -- third to the
23 last row, on the left-hand side ADV-BAL. Just --

24 A. Advance balance.

25 Q. Can you tell me what that line seems to

1 describe for me.

2 A. This is where the escrow changes. This is
3 where I'm looking at. Every time that changes, the
4 advance balance, that's where I need to look and see
5 where something -- money was taken out.

6 Q. And how do you verify that's correct?

7 A. This is the screen I look at. If I need
8 to -- if it's questionable, I would go to the history
9 screen.

10 Q. And that's a different screen from what
11 we're looking at?

12 A. Yes.

13 Q. SC/Payee. It looks like just some codes
14 003 right at the bottom there, tell me what that
15 means.

16 A. It does not pertain to me.

17 Q. So you don't know what that is?

18 A. No.

19 Q. The fourth page, please, the top says
20 Previous Servicer History. Can you tell me what this
21 page is, please.

22 A. It would have been -- it's the same screen
23 we're looking at, and it has the dates over here.

24 Q. On the left side?

25 A. Yes.

1 Q. When it says Previous Service History at
2 the top, does that indicate anything to you?

3 A. I would not look at that either.

4 Q. So you don't know what it means.

5 A. It's the same screen. I'm just paging
6 through. It's the same.

7 Q. Why does this one then say previous --

8 A. I do not know. I would say that has to do
9 more with not a servicer, but it has to do with this
10 going back.

11 Q. You mean referring to previous pages as
12 opposed to --

13 A. Yes.

14 Q. -- a different servicer?

15 A. That's my guess.

16 Q. But you don't know?

17 A. No.

18 Q. Do you know who would have more knowledge
19 of that?

20 A. No.

21 Q. The same page, looks like, correct me if
22 I'm wrong, the first transaction as we're going from
23 the top to the bottom, general late charge; is that
24 correct or what would that be?

25 A. Where? What page?

1 Q. 6-16-09. Same page we were just on.
2 A. Yes.
3 Q. And is that a standard charge?
4 A. Depends on the loan.
5 Q. How do you verify that's correct?
6 A. I don't.
7 Q. Next one down is DEL INSP Assess. Can you
8 tell me what that is, please.
9 A. I can tell you the one underneath that
10 because that is what I look at.
11 Q. So --
12 A. I can tell you if you go to the middle of
13 the page where you would see GESD, those are the
14 amounts that I'm looking at.
15 Q. So DEL INSP Assess for looks like \$14, the
16 best I can guess, you don't know what that
17 transaction is; is that correct?
18 A. I can guess.
19 Q. I don't want you to guess. You don't know
20 what it is.
21 A. No.
22 Q. Do you know who would have more knowledge?
23 A. No.
24 Q. The last transaction on the page,
25 DISC ACCR CR, I'm assuming credit, but can you tell

1 me if you know what it is.

2 A. No.

3 Q. And do you know who would have more
4 knowledge?

5 A. No.

6 Q. On the sixth page in, the one that says
7 notary on the top right, two pages past that. You
8 may have already flipped it over. Yeah, that one.
9 Two pages ahead of that if you could, please. You
10 can advance two pages.

11 A. Okay.

12 Q. Thanks. And the bottom of the page,
13 LT CHG REV, can you tell me if you know what that
14 means.

15 A. It would be late charge. It's consistent
16 with all the other ones you've seen and pointed out.

17 Q. This one says REV. Any idea what that
18 means?

19 A. No.

20 Q. Or who would have more knowledge.

21 A. No. They have nothing to do with the ADA.

22 Q. With the --

23 A. ADA that you're -- that I signed.

24 Q. Anything in response to No. 4, please?

25 A. I brought all the documents, the history.

1 Q. You're referring to the same documents you
2 just handed me.

3 A. Yes. Yes.

4 Q. Any additional documents?

5 A. No.

6 Q. The last page of the documents you just
7 handed me, this one.

8 A. It gives you just the breakdown of
9 everything that was in the loan history there.

10 Q. And how does this get produced on this
11 page?

12 A. That was produced by me.

13 Q. You actually entered this onto the page.

14 A. Yes.

15 Q. And so you did your own calculations here.

16 A. Yes.

17 Q. And the handwriting is yours.

18 A. Yes.

19 Q. And when you produced this last page of
20 the documents produced in response to Nos. 3 and 4,
21 when did you produce --

22 A. This morning.

23 Q. Any documents in response to No. 5,
24 please?

25 A. No.

1 Q. None?

2 A. None.

3 Q. And No. 6.

4 A. No.

5 Q. And No. 7.

6 A. No.

7 Q. No. 8.

8 A. No.

9 Q. And any documents in response to No. 9.

10 A. No.

11 Q. How about we ask a --

12 A. No.

13 Q. Nos. 9 through 13, let's ask those. Go

14 ahead and take your time and review them, but I'll

15 ask you if you brought any documents in response to

16 those requests.

17 A. No.

18 Q. And No. 14 is -- I'll ask if you brought

19 anything in response to that.

20 A. No.

21 Q. And No. 15 is a catchall, "All documents

22 reviewed by deponent in preparation of the affidavit

23 of amounts due and owing filed in this case."

24 A. Yes.

25 Q. And which documents did you --

1 A. No. I brought -- I gave you everything I
2 brought. I'm sorry.

3 Q. So the documents you produced in response
4 to No. 2 -- pardon me -- No. 3 that we've been over,
5 those are the only documents you have to produce in
6 response to Request No. 15.

7 A. Yes.

8 Q. Just a couple more questions on the
9 affidavit. When I asked you in connection with the
10 documents you have produced in response to our
11 request about some of the transactions that appear to
12 be late charges, your response was you don't have
13 anything to do with that, yet on the affidavit in
14 paragraph 4 it does appear that there is a
15 pre-acceleration late charge through May 30, 2008 of
16 \$287.52. Can you speak to if you reviewed anything
17 in connection with that amount on the affidavit.

18 A. That is provided by the attorney and
19 there's a screen that we look at to ensure that
20 that's the correct amount.

21 Q. Out of these charges that were produced
22 here in paragraph 4 of the affidavit, is that the
23 only one that the attorney produces the amount?

24 A. Yes.

25 Q. Is there a way to verify that?

1 A. We verify it at the time of the referral
2 based on at the time of referral on another -- in
3 another system. Yes.

4 Q. Can I ask why out of all these that is a
5 charge that the attorney comes up with and not your
6 operation specialists?

7 A. I don't know.

8 Q. Do you know who would have more knowledge
9 of that?

10 A. Just the attorney.

11 Q. So --

12 A. Anything written in is what we provide.

13 Q. And, again, there's no way to tell what
14 the attorney viewed in your internal systems to come
15 up with that figure; is that correct?

16 A. We can verify it. If it's wrong then
17 we --

18 Q. Right.

19 A. -- would question it or cross it out.

20 Q. And there's no way to tell what the
21 attorneys looked at in producing that number.

22 A. I don't know what they looked at other
23 than Vendorscape or DRI.

24 Q. And is there a way to verify which either
25 or they looked at, which of those systems to produce

1 this number?

2 A. I don't know definitely what they looked
3 at, but I can't say that I know for sure they looked
4 here. Does that answer your question? This
5 calculation is basically already predetermined. We
6 pull it up on the screen, it tells us based on the
7 through date.

8 Q. And that, again, when you say it's
9 predone, I'm assuming you mean the computer does it
10 automatically for you.

11 A. After we punch in the date. Yes.

12 Q. Would you punch in that date or would the
13 attorneys punch in that date?

14 A. Yes, I can. I can to verify.

15 Q. But when the attorneys produce this
16 number, would they have to punch in the date to
17 figure out what the late charges would be?

18 A. Not always. No.

19 Q. Is there a way to tell who punched in the
20 date to produce this number?

21 A. No.

22 Q. So for this case, do you know if to spit
23 out this number it was the attorney or someone
24 internal to your company who put in the through date?

25 A. I don't know if they got it from an

1 internal candidate or not. I know that they can look
2 at a screen in DRI or Vendorscape and get those late
3 charges.

4 Q. And can the attorney -- as I say -- you
5 said the attorney comes up with the number.

6 A. (Witness nods.)

7 Q. Can the attorney themselves punch in the
8 through date to have the computer then spit out this
9 number?

10 A. It depends on if they've been trained to
11 do that. It's something that's internal that we
12 actually do, and they're not trained to do that. So
13 I don't know that all the attorneys have been trained
14 to do that.

15 Q. But some can.

16 A. Yeah.

17 Q. And in other cases some have.

18 A. Yes.

19 Q. And do you know in this case if an
20 attorney or someone internal to your company did it
21 in this case?

22 A. I do not know.

23 Q. And do you know -- as you said there's no
24 way to verify whether it is someone internal to your
25 company or an attorney who put in the through date as

1 you call it.

2 A. I do not know if they did that. I know
3 what my staff does.

4 Q. No. Sure. But is there a way to verify
5 whether someone on your staff put in that date or
6 whether an attorney put in that date?

7 A. I know that -- I just know how these come;
8 and when it's printed on there already, it was not
9 somebody in my staff.

10 Q. So in your experience the fact that it's
11 not handwritten would indicate that an attorney
12 rather than someone internal to your company went on
13 the system, entered this May 30 date, and then the
14 computer then spit out --

15 A. Yes.

16 Q. -- this final number.

17 A. Yes. Or they could have looked on DRI.
18 The system -- you can see the referral at the time of
19 referral, and that's what they're taking it from.

20 Q. So it could have already been entered is
21 what you're saying.

22 A. Yes.

23 Q. And there's no way to verify that.

24 A. That that's what they did?

25 Q. Correct.

1 A. No.

2 Q. Is there a way to verify that attorneys
3 did not put in dates, debits, or credits on any of
4 these other charges?

5 A. Attorneys don't do the -- no. They don't
6 do that. If you're talking about the actual loan,
7 the debits and the credits, they don't do that.

8 Q. And what about determining something that
9 I can only assume a computer could do, such as
10 interest rate per diem, is there any way to verify
11 that an attorney did not do that rather than someone
12 internal to your office?

13 A. Again, it's written. As you can see, it's
14 written here.

15 Q. And that's the only verification that you
16 have that someone internal to your office did it.

17 A. If it was coming to us like that, somebody
18 would be questioning it within the staff.

19 Q. Have you ever run across other charges
20 besides the late charges where an attorney has been
21 responsible for helping in the calculating?

22 A. Yes.

23 Q. And can you tell me --

24 A. We correct them and ask them why they're
25 doing this.

1 Q. So sometimes you might get an affidavit
2 where more or these were filled out, for example, is
3 that how it would come to you?

4 A. And we correct it.

5 Q. For a case like this where there's an
6 affidavit that you signed and an affidavit that
7 another Ms. Trowbridge signed, you keep both copies
8 of those on an internal data base.

9 A. After it's been filled out? No.

10 Q. And what about blank affidavits. You said
11 the attorneys draft this generally with blanks. If
12 you've got more than one on the file like you do
13 here, would you have both of those in the file still?

14 A. If it's blank, we can always go to
15 Vendorscape and pull it.

16 MR. ZACKS: Reserving the right to
17 continue if there's any other documents produced in
18 response to No. 1 and I believe essentially the rest
19 of them too, with that caveat, I'm finished.

20 MR. MANCILLA: Okay. I have no questions,
21 and we'll read and sign.

22 (Signature not waived.)

23 - - -

24 And, thereupon, the deposition was
25 concluded at approximately 4:40 p.m.

1 State of Ohio :

SS:

2 County of Franklin:

3 I, BETH ANN COTTRELL, do hereby certify
4 that I have read the foregoing transcript of my
5 deposition given on May 17, 2010; that together with
6 the correction page attached hereto noting changes in
7 form or substance, if any, it is true and correct.

8

9

BETH ANN COTTRELL

10

11 I do hereby certify that the foregoing
12 transcript of the deposition of BETH ANN COTTRELL was
13 submitted to the witness for reading and signing;
14 that after she had stated to the undersigned Notary
15 Public that she had read and examined her deposition,
16 she signed the same in my presence on the _____
17 day of _____, _____.

18

19 Notary Public

20 My commission expires _____

- - -

21

22

23

24

25

1 CERTIFICATE

State of Ohio :

2 SS:

County of Knox :

3 I, Ann Ford, Notary Public in and for the
4 State of Ohio, duly commissioned and qualified,
5 certify that the within named BETH ANN COTTRELL was
6 by me duly sworn to testify to the whole truth in the
7 cause aforesaid; that the testimony was taken down by
8 me in stenotypy in the presence of said witness,
9 afterwards transcribed upon a computer; that the
10 foregoing is a true and correct transcript of the
11 testimony given by said witness taken at the time and
12 place in the foregoing caption specified.

13 I certify that I am not a relative,
14 employee, or attorney of any of the parties hereto,
15 or of any attorney or counsel employed by the
16 parties, or financially interested in the action.

17 IN WITNESS WHEREOF, I have set my hand and
18 affixed my seal of office at Columbus, Ohio, on this
19 26th day of May, 2010.

20 _____
ANN FORD, Notary Public
21 in and for the State of Ohio
and Registered Professional
22 Reporter
23

24 My Commission expires: April 18, 2011.

25

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
PALM BEACH COUNTY, FLORIDA

- - -
Chase Home Finance, LLC, :
:
Plaintiff, :
:
vs. : Case No.
: 50-2009-CA-026599
Thomas W. Fleming, :
et al., :
:
Defendants. :

- - -
DEPOSITION OF BETH ANN COTTRELL

- - -
Tuesday, May 18, 2010
8:56 o'clock a.m.
Anderson Reporting Services, Inc.
3242 West Henderson Road
Columbus, Ohio 43220

- - -
ANN FORD
REGISTERED PROFESSIONAL REPORTER

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WITNESS	PAGE
BETH ANN COTTRELL	
Cross-Examination	4
(By Mr. Zacks)	

- - -

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Defendant's Exhibit A	5
(Amount Due Affidavit)	
Defendant's Exhibit B	34
(Notice of Deposition Duces Tecum)	
Defendant's Exhibit C	34
(Incumbency Certificate)	
Defendant's Exhibit D	35
(3270 Explorer Document)	
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(3270 Explorer Document)	
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(Screen Shot)	

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1 P R O C E E D I N G S

2 - - -

3 BETH ANN COTTRELL,

4 being by me first duly sworn, as hereinafter

5 certified, deposes and says as follows:

6 CROSS-EXAMINATION

7 BY MR. ZACKS:

8 Q. All right. If you would state your name,
9 please.

10 A. Beth Cottrell.

11 Q. And Dustin Zacks here for the defendant.

12 MR. MANCILLA: Joseph Mancilla for the
13 plaintiff.

14 BY MR. ZACKS:

15 Q. And your title.

16 A. Operation supervisor.

17 Q. And your employer.

18 A. Chase Manhattan. Chase Home Finance.

19 MR. ZACKS: If we could, myself and
20 Mr. Mancilla have agreed, we have stipulated that the
21 answers taken in the deposition yesterday in the case
22 of Chase Home Finance versus Koren, the answers given
23 yesterday that were not specific to the Koren case
24 may be used for today's deposition.

25 MR. MANCILLA: That's correct.

1 MR. ZACKS: I'll introduce the first
2 exhibit, Exhibit A.

3 - - -

4 And thereupon, Defendant's Exhibit A was
5 marked for purposes of identification.

6 - - -

7 BY MR. ZACKS:

8 Q. And I'll ask you if you recognize this
9 document.

10 A. Yes.

11 Q. And can you tell me what it is, please.

12 A. It's an amount due affidavit.

13 Q. And on the second to last page, is that
14 your signature?

15 A. Yes, it is.

16 Q. And it states in the introductory
17 paragraph that you appeared upon oath, deposed on
18 personal knowledge. First of all, did you take an
19 oath before you signed this document?

20 A. Yes.

21 Q. And it states that it's on personal
22 knowledge; is that accurate?

23 A. It is based on what the staff --

24 Q. So do you have personal knowledge of
25 everything in this affidavit that you testified to?

1 A. No.

2 Q. Paragraph 1 states that "The affidavit was
3 submitted for the purpose of showing that there was
4 no genuine issue as to any material fact." Did you
5 have personal knowledge of that statement when you
6 signed this document?

7 A. No.

8 Q. Did you do anything to verify that
9 statement?

10 A. No.

11 Q. Next, "That plaintiff is entitled to
12 enforce the note and mortgage." Do you have personal
13 knowledge of that statement or did you when you
14 signed this document?

15 A. No.

16 Q. Did you do anything to verify that
17 statement prior to signing this document?

18 A. No.

19 Q. And finally, "For the purpose of showing
20 that plaintiff is entitled to a judgment as a matter
21 of law." Did you have personal knowledge of that
22 statement?

23 A. No.

24 Q. And did you do anything to verify that
25 statement before signing this document?

1 A. No.

2 Q. Paragraph 2 states that you're assistant
3 secretary of Chase Home Finance. Your actual title
4 you said is operation supervisor.

5 A. Yes.

6 Q. And do your duties change as you sign as
7 assistant secretary or do your -- does your
8 day-to-day job description change?

9 A. Only that I'm authorized to sign these
10 documents.

11 Q. So you don't have any extra duties or
12 extra meetings to attend or extra supervisors to
13 report to based on the fact that you also have this
14 alternate title of assistant secretary.

15 A. No.

16 Q. Also in paragraph 2 states "That you are
17 familiar with the books of account and have examined
18 all books, records, and documents kept by Chase
19 concerning the transactions alleged in the
20 complaint." Were you familiar with all the books,
21 records, and documents prior to signing this
22 affidavit?

23 A. No.

24 Q. Did you look at any books, records, and
25 documents concerning the transactions alleged in the

1 complaint prior to signing this document?

2 A. No.

3 Q. It goes on to say "The books, records, and
4 documents are kept by Chase Home Finance in the
5 regular course of its business as servicer of the
6 loan transaction." Is Chase the servicer of this
7 loan?

8 A. Yes.

9 Q. And does Chase also own the loan?

10 A. Yes.

11 Q. And how do you know?

12 A. They're listed as the plaintiff.

13 Q. And did you look at any other document to
14 see if plaintiff owned the loan?

15 A. No.

16 Q. Any reason to know why the affidavit would
17 state that Chase would keep these documents in the
18 regular course of its business as servicer of the
19 loan transaction rather than just saying Chase has
20 these records because they own the loan?

21 A. If the loan were owned by somebody else --
22 basically the Chase Home Finance listed as the
23 servicer gives us the right to sign.

24 Q. And do you know in this case if the loan
25 was owned by someone else?

1 A. Previously, no.

2 Q. Do you know who would have more knowledge
3 of that?

4 A. The folks that have the file in Monroe.

5 Q. And that's in Monroe, Louisiana.

6 A. Yes.

7 Q. And that's where -- well, tell me what's
8 there.

9 A. The original files.

10 Q. And by original files, are you speaking of
11 a custodial vault that would hold the original note,
12 if any, and the original mortgage, if any?

13 A. Yes.

14 Q. Do you know what else would be stored in
15 Monroe, Louisiana?

16 A. In addition to the note, the mortgage
17 would be, the title policy, the assignments, if any.

18 Q. Those documents, the originals would be
19 kept in Monroe and you would have access to see those
20 documents through iVault if you so chose, correct?

21 A. Yes.

22 Q. And that would include all documents, I
23 guess, pertinent to the foreclosure action.

24 A. Yes.

25 Q. When you look at a document on iVault, are

1 they color copies?

2 A. No.

3 Q. Are any documents color copies on iVault?

4 A. Not that I'm aware of.

5 Q. Do you know if in this case any documents
6 in the iVault were color copies?

7 A. No.

8 Q. No, you don't know --

9 A. I don't --

10 Q. -- or --

11 A. None of them are color copies.

12 Q. And how do you know? When did you look at
13 the iVault records pertinent to this case?

14 A. I looked at some yesterday.

15 Q. And what did you look at?

16 A. Just the amount due affidavit. Actually,
17 no. It wasn't the affidavit because I don't believe
18 that that was imaged. I don't -- I'm trying to
19 remember. I don't believe I did look on this case.
20 It was the Koren file.

21 Q. Do you ever print documents that have been
22 scanned into iVault?

23 A. Yes.

24 Q. And when would you have occasion to do
25 that?

1 A. When they're being asked to provide the
2 deed of trust or assignment or the note.

3 Q. And when you say when they are being
4 asked, who would be doing the asking and who would be
5 asked?

6 A. Usually it's the trustee and when we're
7 doing a verification to verify that the loan is in
8 Chase's name.

9 Q. And do you know if in this case any copies
10 were requested to be printed out from iVault?

11 A. I do not know.

12 Q. Do you know who would have more knowledge
13 of that?

14 A. No.

15 Q. Do you know Tom Reardon?

16 A. Yes.

17 Q. What's his position?

18 A. He is assistant vice president.

19 Q. What is his relation to you in term of
20 professionally? Is he on the same level as yourself
21 or is he a supervisor?

22 A. He is over a group of litigation support
23 team. He's above me, but I do not report to him.

24 Q. The litigation support team, can you tell
25 me what their duties are to the extent you know?

1 A. No.

2 Q. Besides the deposition yesterday taken
3 again in the Chase Home Finance versus Koren case,
4 when were you deposed prior to that?

5 A. Last week.

6 Q. And what -- was it a foreclosure case?

7 A. Yes.

8 Q. And can I ask about what matters you
9 testified? For example, was it in regards to another
10 affidavit you had signed or some other document you
11 had signed?

12 A. An affidavit I had signed.

13 Q. It was an affidavit as to amounts due and
14 owing?

15 A. Yes.

16 Q. You said yesterday that was the only prior
17 deposition you had; is that correct?

18 A. Yes. Chase related.

19 Q. Okay. You had taken depositions prior to
20 that.

21 A. Yes.

22 Q. In what capacity?

23 A. Witness.

24 Q. So that was the only -- whether Chase,
25 First American, J.P. Morgan, that was the only

1 deposition prior to yesterday that you had given in a
2 foreclosure case.

3 A. Yes.

4 Q. I asked a similar question in regards to
5 your assistant secretary title, but you also sign
6 documents as vice president, correct?

7 A. Yes.

8 Q. Do your duties change in any fashion based
9 upon the fact that you also have the title of vice
10 president on some documents?

11 A. No.

12 Q. So you don't attend any extra meetings.

13 A. No.

14 Q. And you don't have any extra supervisory
15 duties.

16 A. No.

17 Q. Back to paragraph 2 on the affidavit. You
18 stated that "The records were made at or near the
19 time by and from information transmitted by persons
20 with personal knowledge of the facts such as your
21 affiant." The persons with personal knowledge who
22 made the records, do you know who they are?

23 A. On the system do you mean?

24 Q. Well, just what you said here.

25 A. Basically those are the records that we go

1 by.

2 Q. Records in the system. In what system are
3 you referring to?

4 A. MSP.

5 Q. So when this says that "Those records
6 which are referred to in this affidavit were made by
7 persons with personal knowledge of the facts," who
8 were the persons with personal knowledge of the facts
9 that made those records if you know?

10 A. I don't know.

11 Q. Can you name anyone who made some of the
12 records referred to in that sentence?

13 A. No.

14 Q. It goes on to state "The books, records,
15 and documents which affiant has examined are managed
16 by employees or agents whose duty it is to keep the
17 books accurately and completely." Can you state who
18 the employees or agents were?

19 A. I can only state who provided the numbers
20 based on the system.

21 Q. So in terms of the day-to-day management
22 of these books, records, and documents, you can't
23 state which employees or agents managed those
24 records.

25 A. No.

1 Q. And, again, when it says the books,
2 records, and documents which affiant has examined,
3 you're affiant, correct?

4 A. Yes.

5 Q. And when it says you have examined them,
6 you stated you didn't examine any records, right?

7 A. Yes.

8 Q. It states "That the employees or agents
9 whose duties it is to keep the records of the books
10 accurately and completely." Can you state what
11 policies are in place to keep the books accurately
12 and completely?

13 A. Our folks are trained to look at the fees
14 that are being applied -- that are applied to the
15 loan based on what is given to us, and they go in and
16 make sure that those are correct. They are trained
17 to look at that closely and look for any discrepancy
18 because it should balance.

19 Q. Is there a quality control process?

20 A. No. There is, but I don't know that it
21 was used on this particular affidavit.

22 Q. First, do you know who would have more
23 knowledge of whether the quality control process was
24 used as to this affidavit?

25 A. No.

1 Q. And is that quality control process
2 managed by a different group than yours or is it the
3 same?

4 A. It is -- it was at one time. The
5 supervisors, team leads work together to provide a
6 quality control check.

7 Q. Can you describe that process for me.

8 A. Samples are pulled based on what they do
9 in one day and those are checked by -- at that time
10 they were checked by another group.

11 Q. You stated samples are taken. Do you know
12 how many out of a certain day's might be taken, such
13 as a percentage of how many are tested?

14 A. Three percent.

15 Q. And you say they're checked by another
16 group. Can you describe for me -- take me through
17 that process.

18 A. They would actually be pulled and given to
19 another team within our group to check the records.

20 Q. Is there a way to tell if this particular
21 affidavit went through the quality control process?

22 A. Yes.

23 Q. And how would you do that?

24 A. There would be a spreadsheet of loan
25 numbers that were entered.

1 Q. And where would that be entered?

2 A. I'm sorry. I didn't hear you.

3 Q. And where would that be entered?

4 A. That would be entered on a shared drive on
5 a spreadsheet.

6 Q. Not a data base or not iVault.

7 A. No.

8 Q. Just be in your internal files.

9 A. Yes.

10 Q. Is there a name for that?

11 A. Just quality control.

12 Q. If there's something wrong or incorrect or
13 something doesn't add up based on a quality control
14 review, what happens then?

15 A. It's brought to the attention of the
16 staff, and they are shown the mistake.

17 Q. With this affidavit, were you brought any
18 indication that these figures were incorrect or there
19 was any discrepancy?

20 A. No.

21 Q. Final sentence of paragraph 2,
22 "Furthermore, affiant has personal knowledge of the
23 matters contained in the books, records, and
24 documents kept by Chase Home Finance." Again, you
25 stated you didn't look at any books, records, and

1 documents prior to signing this affidavit.

2 A. Yes.

3 Q. So you don't have or at the time you
4 signed this you did not have personal knowledge of
5 the -- of any books, records, and documents kept by
6 Chase Home Finance; is that correct?

7 A. That's correct.

8 Q. In paragraph 4 can you state who put these
9 numbers in?

10 A. I believe it was Sharon Gerhart.

11 Q. And what's her title?

12 A. She was a senior -- a senior lead.

13 Q. A senior lead. Okay. Is that -- that's
14 someone you supervise?

15 A. Yes. At the time, no. She's now -- yes.
16 She reports to me.

17 Q. So at this time she was just a member of
18 the team. You didn't exercise any supervisory
19 control over her.

20 A. No. Does that say August of -- 7th day of
21 August. Yes. She did report to me.

22 Q. Okay. And did she input all the figures
23 in paragraph 4?

24 A. Yes.

25 Q. And what about the one figure that is not

1 handwritten?

2 A. That was there from the attorney. The
3 attorney inputs that.

4 Q. So she did not input that number.

5 A. No.

6 Q. And this number is computer generated
7 through automatic computation based on what you call
8 through date, which is this July 29 date, correct?

9 A. Yes.

10 Q. And do you know who input that date for
11 the purpose of producing this affidavit?

12 A. The attorney.

13 Q. And how do you know that?

14 A. They prepare this document.

15 Q. So the attorney actually went in to your
16 data base or computation system, entered that through
17 date, and it produced this number; is that correct?

18 A. I don't know. We would verify it either
19 way. They have -- they are able to look at the
20 system we use and which I brought a screen shot.

21 Q. And the attorneys are able to enter that
22 date; is that correct?

23 A. They can enter the date.

24 Q. And then by virtue of entering the through
25 date, that will produce a figure; is that correct?

1 A. I actually don't know if they can enter
2 the date because they can't -- they can view. They
3 also have Vendorscape that should have given this
4 same amount at the time of referral, and that's just
5 looking at the screen, the loan. I believe they're
6 very limited on what they can do on the system.

7 Q. But attorneys can alter some information
8 on some of your systems; is that correct?

9 A. No. I don't believe they have any -- they
10 can alter anything.

11 Q. Even if they've been trained to do so.

12 A. They have been -- if they've been trained,
13 then yes.

14 Q. So attorneys that have been trained to use
15 your system could put some limited information on
16 your system; is that correct?

17 A. Yes.

18 Q. So in this case --

19 A. Only to produce numbers but not to change
20 data in the sense that they can update or --

21 Q. So if an attorney who is trained on your
22 system put in a through date such as this one, that
23 would not alter any records on your internal system.

24 A. It wouldn't alter -- change anything. It
25 would just give them a figure.

1 Q. So then attorneys --

2 A. They could change the through date and it
3 would give them another figure but it's not going to
4 change the numbers on the system based on permanent
5 record.

6 Q. So attorneys cannot go in and make any
7 permanent changes to the system.

8 A. Right.

9 Q. So would there be a record of when or if
10 an attorney went on your system, entered a through
11 date to produce a number like this?

12 A. No.

13 Q. And when they enter a through date to
14 produce this number, you've stated that does not stay
15 on your system at all.

16 A. I'm sorry. I don't understand.

17 Q. Sure. An attorney, say an attorney who
18 was trained to use your systems goes on, enters the
19 through date for the purpose of getting the computer
20 to automate this number, when the attorney enters
21 that through date, does that -- that does not stay on
22 the system in any fashion.

23 A. No. It would go -- it would default. Any
24 time I would go into the system and change the
25 through date myself, it's going to go back to another

1 date. I would have to enter that through date every
2 time if I wanted to see it.

3 Q. Okay. So --

4 A. The through date is just built in for the
5 charges. But as I stated, that's if they are using
6 MSP.

7 Q. Right.

8 A. They could be using Vendorscape. I don't
9 know.

10 Q. But on either Vendorscape or the other
11 system, no information entered by attorneys trained
12 to use your systems would remain there even if they
13 entered it; is that correct?

14 A. I don't believe they can enter data --

15 Q. Can they --

16 A. -- that would alter numbers.

17 Q. Can they enter anything on the system
18 though?

19 A. No.

20 Q. So the only thing attorneys can do then is
21 view records --

22 A. That's correct.

23 Q. -- or use your systems to produce a
24 number, such as, computing a late charge through a
25 certain date.

1 A. Yes. But that would also be a late charge
2 that's on Vendorscape.

3 Q. Tell me the difference between the two
4 systems. You said it could be on Vendorscape, it
5 could be on MSP.

6 A. Vendorscape is a way for us -- for the
7 attorneys and the staff to communicate with one
8 another in the sense that they can actually view the
9 same thing we're viewing as far as a late charge, the
10 principal balance, that type of thing. But in DRI,
11 when we send a message, and that's where we update
12 the system, they would actually be able to see that
13 on Vendorscape. They do not have access to DRI that
14 I know of.

15 Q. And DRI, what records does that contain?

16 A. Basically any time somebody touches the
17 loan, they go in and update the system. It also
18 shows when the referral was. It gives you
19 information on the loan and foreclosure.

20 Q. So, for example, they would have
21 information if a loan went in or out of the custodial
22 vault.

23 A. I believe DRI is more or less if the
24 attorney uploaded something, if it was incorrect, we
25 would send a message to Vendorscape, they would

1 receive it, correct it. That's what it's used for,
2 any kind of default related issue. Somebody touches
3 the loan, they talk to the attorney, they update it,
4 we can view those notes.

5 Q. When you say when someone touches the
6 loan, tell me about circumstances that you mean.

7 A. Documents that are uploaded within our
8 group, they have to update DRI each time they process
9 one of these documents, and there is part of a
10 foreclosure team that would do the same.

11 Q. Vendorscape on the other hand you said
12 would be primarily for the attorneys to view.

13 A. We view it as well, the staff.

14 Q. So what's the difference between that and
15 DRI?

16 A. DRI is internal. Vendorscape is a system
17 that allows us to communicate with the attorneys.
18 They can upload the documents where we actually print
19 them and process them, notes are actually posted
20 there by the attorney also.

21 Q. So DRI, that would be an instance where
22 you alter something, you need to let the attorneys
23 know there's a new document in the file or something
24 has changed, correct?

25 A. Something that needs corrected.

1 Q. And do you know of anything that needed
2 correcting in this case?

3 A. Not right offhand. No.

4 Q. Did you review DRI to look for any such
5 messages prior to signing this affidavit?

6 A. No.

7 Q. And in contrast Vendorscape would be the
8 attorneys when they send you stuff, correct?

9 A. Yes.

10 Q. DRI then would have a -- or would have a
11 record of when Chase obtained the loan if there was a
12 previous owner, correct?

13 A. We would get MSP for that.

14 Q. What about if a note was lost, would that
15 be notated in DRI when you eventually located where
16 the note was?

17 A. Only if a lost note affidavit was asked or
18 uploaded and asked us to process, execute.

19 Q. Does DRI actually store all the documents
20 or is it just the messaging system?

21 A. It doesn't store. It just stores the data
22 on the loan.

23 Q. Now, tell me about MSP, that also stores
24 data on the loan, correct?

25 A. Yes.

1 Q. What's the difference between that and
2 DRI? Does DRI pull the numbers from MSP somehow?

3 A. No. MSP, sometimes you will see people
4 actually post data from MSP into DRI. As I stated
5 earlier, you can actually send the note to
6 Vendorscape from DRI where the message would be sent
7 to the attorney; they can view it on Vendorscape at
8 that point.

9 Q. If you could list in detail what would you
10 generally see on MSP, for example, payment histories,
11 et cetera.

12 A. You can see the payment history. You can
13 see the escrow, the principal balance, the late
14 charges. You can see -- you can go in and see
15 when -- if the loan was acquired and what date.

16 Q. Would MSP also have information on if a
17 note were lost and then it were found, would that be
18 inputted somewhere on MSP?

19 A. It's possible there would be a note screen
20 we could go to and look for that. That's not
21 something we would do there. We would look elsewhere
22 to see if the lost note -- there was a lost note.

23 Q. So it's possible then that on the note
24 section of MSP someone might have said, we looked for
25 it at this facility, we couldn't find it.

1 A. It's possible.

2 Q. And similarly, it's possible in a case
3 where you stated although you can't locate the note
4 at that time, that when it later comes into your
5 possession that would be notated on MSP.

6 A. On DRI.

7 Q. That would be on DRI. Do you know much
8 about the practice of attorneys in foreclosure suits
9 on behalf of your company filing lost note accounts?

10 A. I don't think I understand what you're
11 asking.

12 Q. Sure. In your knowledge is it the
13 practice of Chase to instruct its attorneys to state
14 that a note is lost?

15 A. Do we instruct them? That's not how it
16 works.

17 Q. Explain if you would.

18 A. Basically they usually will get the file,
19 the original file to look at the note. If there is
20 no note or if they find that it's just a copy, that's
21 when they would upload a lost note affidavit to
22 Vendorscape stating that they need to execute it.

23 We, in turn, would do our research to see
24 if the note was in the file before it went to their
25 office. And if that were the case, that the note was

1 in the file, we would not process the lost note
2 affidavit; and that's where we would update DRI
3 stating that Chase is in possession of the note.

4 Q. When you say the attorneys get the
5 original file, are you speaking of -- well, which
6 file? There's a custodial file.

7 A. Custodial file.

8 Q. And that would be obtained from where?

9 A. Monroe, Louisiana.

10 Q. And would that always be submitted to the
11 attorneys prior to a foreclosure suit being filed?

12 A. Once the case is referred, it's usually
13 within ten days of the referral.

14 Q. Is it the practice of Chase to go through
15 that original file and see if there is merely a copy
16 of the note or an original note prior to sending it
17 on to the attorney?

18 A. It is their practice.

19 Q. If there is no original note in the file,
20 they will still send it on to the attorney.

21 A. They will notate that there was -- what
22 was in the file before it went to the attorney.

23 Q. The other systems that you have you said
24 are iVault, which is simply a device you use, what,
25 to view scanned documents?

1 A. Yes.

2 Q. That doesn't contain data, that doesn't do
3 computations of amounts due, correct?

4 A. No. That is correct. It's just a storage
5 for data, image copies.

6 Q. And what other systems would you use?
7 We've gone over DRI, MSP, and iVault.

8 A. Vendorscape.

9 Q. Vendorscape. Yeah. And what else?

10 A. There have been times when we would
11 actually order the file ourselves, but no other system.

12 Q. When would you have occasion to order the
13 original file yourself?

14 A. If there is -- I've ordered files that
15 they've said that there isn't the note and I'll order
16 the file or the assignment, they needed the
17 assignment, and I'll order the file myself.

18 Q. Is there a record of that if and when you
19 order a file?

20 A. Yes.

21 Q. And what system would that be?

22 A. It's also on the share drive. It's on a
23 master spreadsheet of all files ordered.

24 Q. If you order an original file and there's
25 no original note present, what do you do then?

1 A. I would let the attorney know there was no
2 original, and at that point in most cases it would go
3 to the attorney, but I would actually let them know
4 that we could at that point process the lost note
5 affidavit.

6 Q. And do you have a policy for continuing
7 the search for a lost note if you enter a file
8 without the original note?

9 A. They would in Monroe. They would continue
10 to search for the note.

11 Q. And those continuing searches, or really
12 any searches, is there a way for you to tell when
13 those occur on any of your systems or internal files?

14 A. No.

15 Q. Would that be something -- okay.

16 So you have never seen a notation in a
17 file that says, well, you know, Monroe told us it's
18 not present and they're looking for it, and they've
19 run a couple searches through the file, that has
20 never occurred where you've seen a notation like
21 that?

22 A. No. That would probably be in an e-mail.

23 Q. Would you say it's common or more common
24 than not that in a case where you have an original
25 file without an original note, that that note is

1 eventually found?

2 A. I would say that's uncommon, more
3 uncommon.

4 Q. When you're signing documents such as
5 affidavits, assignments, and things like that, you
6 said you have a signing time.

7 A. Yes.

8 Q. And you said you have a whole stack of
9 documents ready to be signed, and you're next to a
10 notary; is that correct?

11 A. Yes.

12 Q. And for each document -- well, first,
13 approximate if you could. You're signing, based on
14 the math, over 100 documents a day, would that be
15 correct on average?

16 A. On average.

17 Q. When you're sitting next to that notary at
18 signing time, do you actually stop and take an oath
19 each time on each document with her -- him or her
20 sitting there?

21 A. On each document, no.

22 Q. So how do you do it then for the purposes
23 of taking an oath?

24 A. At the time of the signing, I affirm each
25 time. There are four signings throughout the day.

1 Q. When you say you affirm, can you explain.

2 A. That's exactly what I tell her or him --
3 right now it's a her -- that I affirm.

4 Q. That you affirm that it's your signature
5 or you affirm everything is correct or --

6 A. Both.

7 Q. At the signing time, I can only assume
8 that that name -- you are actually there signing
9 documents and then handing it to a notary, would that
10 be a correct assumption?

11 A. Yes.

12 Q. Is there more than one signer of documents
13 for each notary at the signing time sessions?

14 A. Yes.

15 Q. How many if you could give me a typical
16 ratio at a signing time, how many signers to how many
17 notaries?

18 A. Four to two.

19 Q. And are you doing these one at a time in
20 that you'll sign one document, hand it over, and
21 she'll immediately notarize it?

22 A. It basically comes in a folder based on
23 the person who verified all the information that sent
24 it to the signing table. Once I affirm, I will --
25 and sign the documents in that folder -- I would give

1 it to her at that point.

2 Q. So you'll sign all the documents and then
3 hand that pile of documents to the notary.

4 A. Yes.

5 Q. And when you say you affirm, again, would
6 you do that over the whole file or as you sign each
7 document you would say I affirm this one as well?

8 A. No. It would be all the documents.

9 Q. Back to the affidavit in paragraph 4, did
10 you do anything to verify that these numbers were
11 correct prior to signing the affidavit?

12 A. No.

13 Q. Did you look at any records pertaining to
14 this loan prior to signing this affidavit that would
15 contain any of these charges that are on this
16 affidavit?

17 A. No.

18 Q. Paragraph 5 is about Chase employing the
19 services of Florida Default Law Group and explains
20 the fee. Have you ever seen a fee agreement with
21 Florida Default Law Group?

22 A. No.

23 Q. So you don't have personal knowledge of
24 that fee arrangement; is that correct?

25 A. That's correct.

1 Q. And this Wenona Church, you know her.

2 A. Yes.

3 Q. And you know her personally.

4 A. Yes.

5 Q. And who drafted the affidavit, other than
6 the handwritten figures, who drafted this affidavit?

7 A. The attorney.

8 - - -

9 And thereupon, Defendant's Exhibit B was
10 marked for purposes of identification.

11 - - -

12 BY MR. ZACKS:

13 Q. I'll ask you to flip to Exhibit A of this
14 Exhibit B, which is the duces tecum, and I'll ask you
15 what you have brought today in response to Request
16 No. 1.

17 A. Nothing.

18 Q. And I'll ask you what you brought in
19 response to No. 2.

20 A. I brought the incumbency certificate.

21 MR. ZACKS: We'll enter that, please.

22 - - -

23 And thereupon, Defendant's Exhibit C was
24 marked for purposes of identification.

25 - - -

1 BY MR. ZACKS:

2 Q. Now, this incumbency certificate allows
3 you to sign as assistant secretary, correct?

4 A. Correct.

5 Q. But it does not require you to take on any
6 additional duties, correct?

7 A. Yes.

8 Q. Nor any additional supervisory duties.

9 A. Correct. Just to sign, which I believe is
10 the additional duty.

11 Q. And is this appointment or incumbency
12 certificate perpetual or is this a time-limited
13 ability that you have to sign as assistant secretary?

14 A. I don't believe it's limited.

15 Q. And Denise DesRosiers, do you know who she
16 is?

17 A. No.

18 Q. I'll ask you anything you brought in
19 response to No. 3.

20 A. I brought records from our MSP center.

21 MR. ZACKS: And we'll enter those.

22 - - -

23 And thereupon, Defendant's Exhibit D was
24 marked for purposes of identification.

25 - - -

1 BY MR. ZACKS:

2 Q. And you've provided a document in response
3 to No. 3, the title of which is 3270 Explorer at the
4 top. We asked for documents upon which you were
5 familiar and upon which you relied on in executing
6 the affidavit. Did you view these documents you just
7 handed me prior to making the affidavit?

8 A. No.

9 Q. And if you would just give me a general
10 idea of what we're looking at here, please.

11 A. You'll see the principal balance and the
12 interest, escrow, and the escrow is based on today's
13 date, the late charges, and the fees.

14 Q. And this is the MSP system; is that
15 correct?

16 A. That's correct.

17 Q. And you don't -- this is a -- in the
18 manner of a final computation, correct?

19 A. Yes.

20 Q. So the individual numbers that were used
21 to create this final -- or these final balances as of
22 today, do you know who put in those individual
23 transactions?

24 A. No.

25 Q. And these documents you handed me today,

1 have you done anything to verify that these numbers
2 are correct?

3 A. I did my own amount due, but not prior --
4 I did my own amount due at the --

5 Q. But you didn't --

6 A. Prior to.

7 Q. Right. You didn't double check this --
8 these pay-out figures prior to the affidavit being
9 signed.

10 A. No.

11 Q. On the second page of Exhibit D I see a
12 \$30 fax fee. Do you have any idea what that is?

13 A. No.

14 Q. Do you know who would have more knowledge
15 of that?

16 A. No.

17 Q. Thanks. Any documents in response to
18 No. 4?

19 A. No.

20 Q. Do you have any documents in response to
21 No. 5?

22 A. No. All the documents I brought are that
23 I reviewed after I signed.

24 Q. Okay. So I'll ask you blanketly then,
25 we've gone through 1 through 5, take your time, and

1 if you would review Requests 6 through 13 and I'll
2 ask you if you have brought any documents responsive
3 to those requests.

4 A. No.

5 Q. And you've brought some documents. Can
6 you tell me what they are.

7 A. They're screen shots of the history on the
8 loan that allows us to put the numbers given on the
9 amount due.

10 MR. ZACKS: Okay. And if you don't mind,
11 I'll go ahead and enter those.

12 - - -

13 And thereupon, Defendant's Exhibit E was
14 marked for purposes of identification.

15 - - -

16 BY MR. ZACKS:

17 Q. Again, can you tell me what we're looking
18 at here, please, just in terms of what system are we
19 in.

20 A. MSP.

21 Q. This is still on MSP. And is this an
22 entire loan transaction history or what --

23 A. Based on the amount due, you're looking at
24 any transactions that would have taken place for the
25 amount due for the property preservation. You're

1 also looking at the interest. I believe I've given a
2 screen shot where all that information, this is what
3 you would see given the through date.

4 Q. And this screen shot is also from MSP?

5 A. Yes.

6 - - -

7 And thereupon, Defendant's Exhibit F was
8 marked for purposes of identification.

9 - - -

10 BY MR. ZACKS:

11 Q. And for this Exhibit E, these MSP
12 documents, you did not review any of these prior to
13 signing the affidavit.

14 A. That is correct.

15 Q. BPO, is that a standard fee or would there
16 be a receipt for that somewhere?

17 A. There should be an invoice.

18 Q. And what system would that be?

19 A. I just know that on there it would show
20 BPO. I can tell the transaction code, but it's
21 possible there was an image.

22 Q. And on Page 2 --

23 A. It's probably in the file.

24 Q. -- to the right side towards the bottom,
25 third from the bottom, Foreclosure Service and below

1 that Foreclosure Fee, can you tell me what those
2 charges are, please, if you know.

3 A. Those are not anything that I would look
4 at. This screen I'm looking for your inspections.

5 Q. So you don't know what -- when the code
6 says AT Florida on the payee column --

7 A. Based on the reason, it's foreclosure fee.

8 Q. And do you know what that would be going
9 towards?

10 A. No.

11 Q. Do you know who would have more knowledge
12 of that?

13 A. No.

14 Q. Page 3 of Exhibit E I see second and third
15 from the bottom there is a term Writedowns, do you
16 know what that is?

17 A. No.

18 Q. Do you know who would have more knowledge?

19 A. No.

20 Q. Inspection on 7-17-09, would that be
21 something you had knowledge of?

22 A. That would be part of the inspection.
23 That's one of the reason codes that I would be
24 looking at.

25 Q. And would that be something used to

1 produce the affidavit?

2 A. Yes.

3 Q. So the person who input those figures
4 might conceivably have looked at this.

5 A. Yes.

6 Q. And you yourself did not verify that this
7 amount was correct.

8 A. That's correct.

9 Q. And you haven't seen an invoice for that.

10 A. No.

11 Q. Do you know if there were an invoice where
12 it would be?

13 A. It would be in invoice processing would
14 process that.

15 Q. And is that a department, invoice
16 processing --

17 A. Yes.

18 Q. -- or is that part of another group?

19 A. It's a department. It's another team.

20 Q. And in Page 6 of Exhibit E I see we've got
21 some highlighted figures. Can you tell me what we're
22 looking at, please.

23 A. We're looking at a hazard insurance. I'm
24 sorry. Yes. Hazard insurance.

25 Q. And first you've got highlighted 351.

1 What does that mean?

2 A. That's the transaction.

3 Q. That's a code?

4 A. Yes.

5 Q. And the amount, again, you've got it
6 highlighted, were you just taking a look yesterday in
7 preparation for the deposition?

8 A. Yes.

9 Q. So you didn't take a look at this before
10 the affidavit.

11 A. No.

12 Q. When you took a look in preparation for
13 the deposition, did you verify that it was correct?

14 A. Yes.

15 Q. And how did you do that?

16 A. I was able to look at the escrow on the
17 account and find that -- and found that it balanced.

18 Q. And these figures on the pages where
19 you've highlighted some of the escrows, again, those
20 figures are produced based on the transactions that
21 are entered right along as you get an escrow payment
22 or you don't get an escrow payment or as you disburse
23 one, correct?

24 A. Correct.

25 Q. And you've indicated you don't know who

1 inputs those individual transactions.

2 A. No.

3 Q. You don't know if those individuals have
4 personal knowledge of the transactions when they
5 enter them.

6 A. No.

7 Q. Did you speak to anyone before signing the
8 affidavit who had anything to do with entering those
9 escrow figures?

10 A. No.

11 Q. And I'm not sure what page we're on, but
12 same exhibit, and this page at the bottom was printed
13 out on 5-17, 2010, at 8:31:07 a.m. On this page can
14 you tell me what the GEN STP ACR means, if you know.

15 A. No, I don't.

16 Q. And do you know who would have more
17 knowledge of that?

18 A. No.

19 Q. GENR LT CHRG, can I assume that's a
20 general late charge?

21 A. Yes.

22 Q. And is that a standardized fee in every
23 case or is that based on something?

24 A. That is not -- it wouldn't be a standard.

25 Q. How would it vary from case to case?

1 A. The late charges are based on -- I don't
2 see it here -- they're accrued daily.

3 Q. They're accrued daily. Are they accrued
4 at a consistent rate?

5 A. Would be, yes.

6 Q. Who's responsible for determining that
7 rate?

8 A. The one who gave the loan.

9 Q. And did you do anything to verify that
10 that daily rate was correct?

11 A. It had nothing to do with my amount due.

12 No.

13 Q. But there is a spot for prepaid late --
14 pardon me -- preacceleration late charges on your
15 affidavit; is that correct?

16 A. That's correct.

17 Q. But this late charge doesn't have to do
18 with preacceleration late charges; is that correct?

19 A. Well, I believe that the preacceleration
20 late charges was given and that's with the through
21 date and there is a screen shot showing that.

22 Q. So you would only look at the screen shot
23 then if you needed to verify, not these individual
24 transactions.

25 A. I would verify it, make sure it matched

1 our system in DRI.

2 Q. So you wouldn't use these documents on MSP
3 to verify late payments -- late charges.

4 A. Not those screen shots.

5 Q. A document that was printed 5-17, 2010,
6 8:34:43 a.m., can you tell me what FP Fee Payment is,
7 please, if you know.

8 A. No. I don't know.

9 Q. And do you know who would have more
10 knowledge of that?

11 A. No.

12 Q. Document printed 5-17, 2010, 8:35:48 a.m.,
13 Curtailment REV, do you have any idea what that is?

14 A. No.

15 Q. And do you know who would have more
16 knowledge of that?

17 A. No.

18 Q. Document printed the same date 8:35:54,
19 there's a transaction entitled Curtail Cash, any idea
20 what that is?

21 A. No.

22 Q. A document printed 5-17 at 8:36:27 a.m.,
23 transaction, first one listed at the top, Fee 1 COLL
24 Cash for 25, any idea what that is?

25 A. No.

1 Q. And the next one is UNAP DR Cash for 500,
2 any idea what that is?

3 A. Has nothing to do with my amount due.

4 Q. And for both of those transactions, any
5 idea who would have more knowledge about what those
6 charges are?

7 A. No.

8 Q. When you say a transaction like that has
9 nothing to do with the amount due, how can you be
10 sure that that doesn't go into the total amount of
11 outstanding amounts due?

12 A. The codes that I am looking at are the
13 ones that were highlighted, and you'll see in the
14 middle of the page the GESD code, that's where I know
15 how -- where it came from or what it was applied to.
16 Those are the only figures that we would be putting
17 on these documents.

18 Q. A document printed 5-17, 8:36:51 a.m. At
19 the bottom here INT ACCR DR, any idea what that is?

20 A. No.

21 Q. And below that Interim INT CR, any idea
22 what that is?

23 A. No.

24 Q. If those are, in fact, some kind of,
25 again, this is a guess, but if those had to do with

1 the interest, which is what I can assume INT means,
2 isn't interest a part of your affidavit that you
3 signed?

4 A. That's not where I get my interest. Those
5 are merely for what is in the escrow. I can look at
6 my code -- the codes that I'm inputting data on.

7 Q. So this -- those transactions do not get
8 checked -- well, first I'll ask you, you did not
9 check those transactions prior to signing the
10 affidavit.

11 A. That's correct.

12 Q. And you would only check those numbers if
13 there was a problem brought to your attention by
14 someone else; is that correct?

15 A. That's correct.

16 Q. And you don't know what those transactions
17 were, correct?

18 A. They have nothing to do with my amount
19 due.

20 Q. Okay. But you don't know what they are;
21 is that correct?

22 A. That's correct.

23 Q. And if you can tell me, Exhibit F, what
24 exactly we're looking at here, please.

25 A. This is the screen that you would get

1 after inputting the through date.

2 Q. And the screen in the MSP system.

3 A. Yes.

4 Q. And how is that different from the first
5 set of documents you gave me? They look similar in
6 terms of they look like they are final numbers.

7 A. There is history. This is just a broader
8 breakdown. This shows me history. The other
9 exhibit shows me the history.

10 Q. And, again, when did you look at these
11 numbers?

12 A. Yesterday.

13 Q. And you didn't look at this before signing
14 the affidavit.

15 A. No.

16 Q. And did you have cause to review any of
17 these numbers when you looked at them yesterday?

18 A. I was just looking to make sure that the
19 affidavit was filled out correctly.

20 Q. So you didn't double check any of these
21 numbers.

22 A. Yesterday?

23 Q. Right.

24 A. Yes, I did.

25 Q. So you did some of your own calculations.

1 A. Yes.

2 Q. Do you have a record of some of those
3 calculations?

4 A. I just looked at here where I did my own
5 amount due.

6 Q. And --

7 A. The only thing different is the escrow.
8 When the amount due was processed, there was hazard
9 insurance, which is what this is, that came out after
10 the amount due.

11 Q. When you say you made your own amounts due
12 and owing, again, were you calculating numbers or
13 were you just going off what the screen printout from
14 MSP here --

15 A. I calculate to make sure that it balances.

16 Q. So you didn't go back and check each
17 individual transaction that led to the final
18 production of these numbers on Exhibit F; is that
19 correct?

20 A. I did my own calculations to ensure that
21 these were correct, yes, for the escrow.

22 Q. And for the --

23 A. The late fees, no.

24 Q. And any other numbers on the affidavit.

25 A. Just that they matched.

1 Q. Just that they matched. Okay.

2 A. That's not this screen though. That would
3 be the very first screen of the last exhibit, and
4 that was called the DDCH screen.

5 Q. For the escrow when you stated you did
6 your own calculations, just take me through, if you
7 would, what exactly did you do.

8 A. I go to the Pay For screen, this gives me
9 the escrow. Because I don't know where it came from,
10 I have to go to a history screen, and that shows
11 me -- I can see where the escrow changed and make
12 sure that that escrow that came out, look at the
13 transaction code to see where it went and make sure
14 that it adds up to this amount.

15 Q. So you make sure that they balance as you
16 say, correct?

17 A. Yes.

18 Q. You don't make sure that each individual
19 escrow transaction was correct.

20 A. No.

21 Q. And do you know if the person who entered
22 the numbers on your affidavit did what you did or if
23 they actually went back and made sure that each
24 individual escrow transaction was correct?

25 A. I would say that they did what I did.

1 Q. Okay.

2 A. But I don't know for sure.

3 Q. And on the affidavit who stamped your name
4 in if you know?

5 A. I don't know.

6 Q. Would it typically be the person who wrote
7 in the figures or no?

8 A. It would be.

9 Q. And in this case why don't you feel
10 comfortable -- you said you're not sure. Can you
11 explain why you're not sure?

12 A. I don't believe I looked to see who did
13 this. I can only guess who did it, who put the
14 numbers in. I'm not 100 percent sure. That's all.

15 Q. And who decided what title would be
16 stamped that you were signing as on the front page?

17 A. Oh, the person that sent the amount due.
18 The person that filled out the figures.

19 Q. And how -- and they would determine
20 that -- you said you have a sheet that tells you what
21 title you need to sign as.

22 A. Yes.

23 Q. Who produced that sheet?

24 A. We did.

25 Q. When you say we, you mean?

1 A. At the time the manager of the group.

2 Q. Is the manager an attorney?

3 A. No.

4 Q. Did you double check in this case to make
5 sure that you were signing as the correct title?

6 A. I know I can sign the amount due as
7 assistant secretary.

8 Q. And what do you base that on?

9 A. Based on the training provided.

10 Q. And tell me about the training. I'm
11 assuming you just go over that sheet that you said
12 that tells you.

13 A. Everybody has that sheet. It is disbursed
14 before you even begin your training so you become
15 familiar with how to stamp the documents, and that's
16 how we start out training to familiarize yourself
17 with the stamping of the documents.

18 Q. This affidavit, did you hand sign this
19 affidavit?

20 A. Yes.

21 Q. And how do you know?

22 A. It's my handwriting.

23 Q. Do you remember signing this particular
24 affidavit?

25 A. I can't say that I do, almost a year ago.

1 Q. You will agree that when you signed this
2 document, you were under oath.

3 A. Yes.

4 Q. And you have already stated in several of
5 these paragraphs where you stated you have personal
6 knowledge of books and records, personal knowledge of
7 people responsible for making those books and
8 records, personal knowledge of the accuracy of those
9 records, that you, in fact, had no personal
10 knowledge; is that correct?

11 A. That's correct.

12 Q. And you do understand that it is perjury
13 to swear to things in a court of law that aren't
14 true.

15 A. That is correct.

16 MR. ZACKS: Okay. With the reservation to
17 continue the depo should any documents be discovered
18 that the deponent relied on in producing the
19 affidavit, that we requested as part of Exhibit A to
20 our notice of deposition, I have no further
21 questions.

22 MR. MANCILLA: I have no questions. We
23 would like to read and sign.

24 (Signature not waived.)

25

1 - - -

2 And, thereupon, the deposition was
3 concluded at approximately 10:15 a.m.

4 - - -

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1 State of Ohio :

SS:

2 County of Franklin:

3 I, BETH ANN COTTRELL, do hereby certify
4 that I have read the foregoing transcript of my
5 deposition given on May 18, 2010; that together with
6 the correction page attached hereto noting changes in
7 form or substance, if any, it is true and correct.

8

9

BETH ANN COTTRELL

10

11 I do hereby certify that the foregoing
12 transcript of the deposition of BETH ANN COTTRELL was
13 submitted to the witness for reading and signing;
14 that after she had stated to the undersigned Notary
15 Public that she had read and examined her deposition,
16 she signed the same in my presence on the _____
17 day of _____, _____.

18

19 Notary Public

20 My commission expires _____

- - -

21

22

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24

25

1 CERTIFICATE

State of Ohio :

2 SS:

County of Knox :

3 I, Ann Ford, Notary Public in and for the
4 State of Ohio, duly commissioned and qualified,
5 certify that the within named BETH ANN COTTRELL was
6 by me duly sworn to testify to the whole truth in the
7 cause aforesaid; that the testimony was taken down by
8 me in stenotypy in the presence of said witness,
9 afterwards transcribed upon a computer; that the
10 foregoing is a true and correct transcript of the
11 testimony given by said witness taken at the time and
12 place in the foregoing caption specified.

13 I certify that I am not a relative,
14 employee, or attorney of any of the parties hereto,
15 or of any attorney or counsel employed by the
16 parties, or financially interested in the action.

17 IN WITNESS WHEREOF, I have set my hand and
18 affixed my seal of office at Columbus, Ohio, on this
19 26th day of May, 2010.

20 _____
ANN FORD, Notary Public
21 in and for the State of Ohio
and Registered Professional
22 Reporter
23

24 My Commission expires: April 18, 2011.

25

A				
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