

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

1 APPEARANCES:

2 JOSEPH MANCILLA, Attorney at Law  
3 Florida Default Law Group, P.L.  
4 9830 Southwest 77th Avenue  
5 Suite 210  
6 Miami, Florida 33156  
7 (305) 662-4110 Ext. 4215  
8 jmcancilla@defaultlawfl.com

9 On behalf of the Plaintiff.

10 DUSTIN ZACKS, Attorney at Law  
11 Ice Legal  
12 1975 Sansburys Way  
13 Suite 104  
14 West Palm Beach, Florida 33411  
15 (561) 793-5658  
16 dustinzacks@icelegal.com

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 PROCEEDINGS

2 - - -

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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