

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

DEUTSCHE BANK NATIONAL TRUST) General Jurisdiction
COMPANY, AS TRUSTEE FOR HSI) Division
ASSET SECURITIZATION)
CORPORATION TRUST 2007-WFI,)

Plaintiff,)

vs.) No. CACE 11 09091

THE UNKNOWN SPOUSE) Division: 13
OF ANY AND ALL)
UNKNOWN PARTIES CLAIMING BY,)
THROUGH, UNDER, AND AGAINST THE)
HEREIN NAMED INDIVIDUAL)
DEFENDANTS(S) WHO ARE NOT KNOWN)
TO BE DEAD OR ALIVE, WHETHER)
SAID UNKNOWN PARTIES MAY CLAIM)
AN INTEREST AS SPOUSES, HEIRS,)
DEVISEES, GRANTEES, OR OTHER)
CLAIMANTS; TENANT #1, TENANT)
#2, TENANT #3, and TENANT #4)
THE NAMES BEING FICTITIOUS TO)
ACCOUNT FOR PARTIES IN)
POSSESSION,)

Defendants.)

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DEPOSITION

OF

BEVERLY DECARO

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Fort Lauderdale, Florida
November 11, 2013
10:25 o'clock A.M.

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APPEARANCES :

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Deposition of BEVERLY DECARO, a witness of lawful age, taken by the Defendants, for the purpose of discovery and for use as evidence in the above-entitled cause, pending in the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida, pursuant to notice heretofore filed, before SUSAN J. REICH, a Registered Professional Reporter and Notary Public in and for the State of Florida at Large, at 515 East Las Olas Boulevard, Suite 1300, Fort Lauderdale, Broward County, Florida, on the 11th day of November, 2013, commencing at 10:25 o'clock a.m.

DEPOSITION OF BEVERLY DECARO

November 11, 2013

* * * * *

MR. BROTMAN: I want to note there are two attorneys here for plaintiff.

I assume that Miss Harris will be handling the objections and anything that has to take place.

If you need to step in no problem but just let me know and state your name for the record.

Thereupon:

BEVERLY DECARO

a witness named in the notice heretofore filed, being of lawful age and having been first duly sworn, testified on her oath as follows:

DIRECT EXAMINATION

BY MR. BROTMAN:

Q Miss Decaro; is that right?

A Yes.

Q Is it okay if I call you Miss Decaro?

A Sure.

Q Please wait until I finish asking a question before you answer. The court reporter can't write down two things at once. Only verbal answers. We can't pick up any head shakes or nods so yes, no when you can.

If you need a break just ask, bathroom or

1 drink or anything you need.

2 If you don't understand the question that I
3 ask just tell me. I'll reask the question.

4 Please answer the questions unless your
5 attorney instructs you not to.

6 If you sometimes remember something later on
7 that you forgot to say earlier let me know and we can go
8 back and get that on the record if you want to explain
9 an answer or add some more information.

10 Does everything sound okay to you?

11 A Sure.

12 MR. BROTMAN: You agree with those rules?

13 MS. HARRIS: Sure.

14 MR. BROTMAN: Thank you.

15 BY MR. BROTMAN:

16 Q Have you been deposed before?

17 A Yes.

18 Q How many times?

19 A Many.

20 Q Many times. Would you say that's more than a
21 dozen or more than a hundred times?

22 A More than a dozen, maybe not a hundred.

23 Q What kind of cases have you been deposed in?

24 A I've been deposed in foreclosure cases and
25 bankruptcy cases.

1 Q Any other types of cases have you been deposed
2 in?

3 A No.

4 Q Of those roughly let's say it's a hundred
5 cases, what percentage of those would be foreclosure
6 versus bankruptcy?

7 A Probably 75 percent are foreclosure.

8 Q How often are you deposed?

9 A A couple of times a month maybe.

10 Q Usually in Florida?

11 A No.

12 Q All over the place?

13 A Yes.

14 Q How many different states have you been
15 deposed in?

16 A Several, several states.

17 Q I'll get a quick background. If you could,
18 just please state your full name for the record.

19 A Beverly Decaro, D-e-c-a-r-o.

20 Q And what is your business address?

21 A 1399 Route 52, Fishkill, New York, 12524.

22 Q And that's specifically your business address?

23 A That's where I am, yes.

24 Q What about the business address of Wells
25 Fargo?

1 A Which business address?

2 Q I guess we'll back up a little bit.

3 On whose behalf are you appearing here today?

4 A Wells Fargo Bank.

5 Q Do you know the main business address of Wells
6 Fargo Bank?

7 A I don't know. I know it's in San Francisco.
8 I don't know the address offhand.

9 Q On the witness and exhibit list provided in
10 this case I see an address for Wells Fargo Bank,
11 actually it has Beverly Decaro, Wells Fargo Bank, N.A.,
12 4101 Wiseman Boulevard, San Antonio, Texas, 78251.

13 Do you know what that address is?

14 A I believe it's another Wells Fargo site.

15 Q Do you know why that site was chosen as the
16 address on this notice?

17 A I don't.

18 Q Have you ever worked out of the San Antonio,
19 Texas office?

20 A No.

21 Q How long have you worked in the New York
22 office?

23 A A year and a half.

24 Q How many years have you worked for Wells Fargo
25 Bank?

1 A Seven.

2 Q Who did you work for prior to Wells Fargo?

3 A JP Morgan Chase.

4 Q Do you recall how many years you worked for JP
5 Morgan Chase?

6 A Eight years.

7 Q You mentioned that you had worked in the New
8 York office for one and a half years. Previous to that
9 where did you work for Wells Fargo?

10 A Frederick, Maryland.

11 Q I'm going back a little further.

12 Did you graduate from college?

13 A I went to college for one year.

14 Q What university was that?

15 A D'Youville University.

16 Q Could you spell that?

17 A D apostrophe Y-o-u-v-i-l-l-e.

18 Q Where is that located?

19 A Buffalo, New York.

20 Q What position did you start off with at Wells
21 Fargo Bank?

22 A The same one I have now.

23 Q And what position is that?

24 A It's loan verification analyst.

25 Q So you've been a loan verification analyst for

1 roughly seven years?

2 A Yes.

3 Q Have your job responsibilities changed over
4 the years?

5 A No.

6 Q What were your job responsibilities as a loan
7 verification analyst when you first began seven years
8 ago?

9 A Same as they are today.

10 Q And what does that entail?

11 A I support outside counsel on litigated loans.

12 Q What kind of support do you provide?

13 A I provide documents. I research.

14 I testify when it's necessary in cases.

15 Q Is there a specific department that you work
16 out of at Wells Fargo Bank?

17 A I work for default litigation management.

18 Q Have you always been in that department,
19 default litigation management?

20 A I have been always in the department. The
21 name has changed but it's the same department.

22 Q What are the previous names of that
23 department?

24 A Default operation support.

25 Q What percentage of your job responsibilities

1 entail testifying at trials?

2 A Maybe about 75 percent.

3 Q Has it always been that percentage since you
4 began seven years ago?

5 A Well, there are more cases now than there were
6 seven years ago so I think probably the same amount of
7 traveling but less cases.

8 Q How often do you travel?

9 A Three times, three or four times a month
10 maybe.

11 Q And when you do travel somewhere do you
12 usually have multiple trials that you're attending or is
13 it sometimes just one?

14 A No, I don't usually have multiple trials.

15 Q Have you ever testified in multiple trials in
16 one day?

17 A Once.

18 Q In my experience I've seen many witnesses
19 sometimes being ten to 12 trials in a day.

20 Is there a reason why you would only do one
21 trial specifically at a time?

22 A I actually am not -- wasn't in the division
23 that did those types of trials.

24 Q And when you say those types of trials what do
25 you mean?

1 A You said there's like ten or 12 trials.
2 There's another division that actually did those.

3 Q Would that be like the difference between
4 contested and uncontested trials?

5 A Yes.

6 Q So is there a name of the division that you
7 work out of? Is it different from --

8 A No, it's the same team.

9 Q Okay. But there's a different team that
10 handles bulk trials?

11 A Yes.

12 Q Is there a reason why you were on the team
13 with only -- that handles contested trials and not the
14 team that handles bulk trials?

15 A I for a few years now have only testified for
16 our legal department.

17 Q Prior to testifying for the legal department
18 who did you testify for?

19 A The same group I'm with now.

20 It's always been the same team.

21 Q Okay. Do you have an office in the New York
22 office?

23 A No, I have a cubicle.

24 Q How much time do you spend in the office in
25 New York?

1 A I think it all depends.

2 Like this is the first time I've been out in
3 two weeks so it just depends on the cases.

4 Q In a given month are you able to estimate how
5 many hours you spend in the office?

6 A Probably more than half of the time.

7 Q Have you ever worked in any other departments
8 at Wells Fargo Bank?

9 A No.

10 Q Have you ever been trained in any other
11 departments at Wells Fargo Bank?

12 A No.

13 Q Do you have a manager in the default
14 litigation management department?

15 A Yes.

16 Q Who is your manager?

17 A Jennifer Demonde.

18 Q Can you spell the last name for me?

19 A D-e-m-o-n-d-e.

20 Q And how long has she been your manager?

21 A Right now she's been my manager for about a
22 week but she's been my manager before.

23 Q Is there a lot of turnover in that position?

24 A No, she's been there as long as I have.

25 Q Who was the manager a week ago before Miss

1 Demonde?

2 A Jennifer Robinson.

3 Q And how long had she been the manager?

4 A A few months.

5 Q How many employees are in your department?

6 A About from 25 to 30.

7 I don't know the exact amount.

8 Q Does Miss Demonde oversee all 25 to 30 of
9 them?

10 A No.

11 Q So how many employees does Miss Demonde
12 manage?

13 A I don't know for sure because they just
14 switched again.

15 Q Okay.

16 Is Jennifer Robinson still a manager as well?

17 A She is but she's in a different division.

18 Q So who else manages the employees in your
19 division besides Miss Demonde?

20 A Kyle Paris.

21 Q Is that Paris like Paris, France?

22 A Yes. Kyle Campbell. I think that's it.

23 Q Okay. What kind of training did you
24 receive -- now going back to when you first began at
25 Wells Fargo -- what kind of training did you receive to

1 testify at trials?

2 A We received on the job training.

3 Q Could you describe that on the job training?

4 A Sure. Training for witnessing. We would
5 shadow whoever was there previously.

6 Q Did you ever receive any training in the
7 office for testifying at trial?

8 A No.

9 Q Were you ever given any handbooks or anything
10 to prepare you for testifying at trial?

11 A No.

12 Q How did you familiarize yourself with the
13 policies and procedures of Wells Fargo Bank?

14 A By actually working on the system.

15 Q When you say the system, is there a specific
16 system you're referring to?

17 A I'm just referring to the computer system,
18 learning the system, where to find things, shadowing
19 people going to court.

20 Q Has Wells Fargo Bank used the same system for
21 the last seven years?

22 A Yes.

23 Q Is there a name for that system that they use?

24 A I believe it's MSP.

25 Q Did you receive any specific training on how

1 to use MSP when you became an employee?

2 A That was also on the job, side by side
3 training.

4 Q Over the last seven years have you ever
5 received any training in the office regarding testifying
6 at trials?

7 MR. DEGHANI: Objection, asked and answered.

8 A No.

9 BY MR. BROTMAN:

10 Q Over the last seven years have you ever
11 received any handbooks for testifying at trial?

12 A No.

13 Q Over the last seven years have you ever
14 received any training on the MSP system?

15 A Just, you know, I learned it when I first came
16 on to Wells Fargo and then just know it. It's just a
17 computer system.

18 Q Did you ever receive any training specific for
19 foreclosure law?

20 A What kind of training?

21 Q Any sort of training on how the laws in
22 Florida work for foreclosures.

23 A We do on an ongoing basis have like counsel.
24 We will have calls saying what's new in foreclosure law.

25 Q And who does those calls with you?

1 A Just the attorneys that we work with.

2 Q Attorneys like Albertelli or in-house?

3 A Yeah, not outside counsel, yes, outside
4 counsel.

5 Q When is the last time you had one of those
6 phone calls regarding foreclosure law in Florida?

7 A I don't even know when the last call was.

8 You know, sometimes the calls are conducted
9 when I'm not in the office so I don't know.

10 I can't say.

11 Q Do you receive similar calls for the laws in
12 other states?

13 A Yes.

14 Q I know I asked you earlier and you said
15 several states. Do you know how many different states
16 you've been in trial for?

17 A Maybe half, half the number of states.

18 Q Half that you've appeared in have been
19 foreclosure trials?

20 A Yes.

21 Q Do you think that's ten states, five states,
22 15 states?

23 A Fifteen maybe.

24 Q Have you ever testified in a nonjudicial
25 state?

1 A Yes.

2 Q And have you testified in other judicial
3 states like Florida?

4 A Yes.

5 Q Did you receive any different training
6 regarding nonjudicial states versus judicial states?

7 A No.

8 Q What companies do you have signing authority
9 for?

10 A Wells Fargo Bank.

11 Q Any other entities of Wells Fargo?

12 A ASC.

13 Q What is ASE?

14 A ASC?

15 Q ASC.

16 A America Servicing Company.

17 Q Do you execute documents for Wells Fargo Bank,
18 N.A.?

19 A Yes.

20 Q What kind of documents do you execute?

21 A I execute discovery, affidavits in support of
22 summary judgment and just affidavits if I'm able to sign
23 them.

24 Q What do you mean by if you're able to sign
25 them?

1 A I don't know why I said that actually.

2 Q Are there certain kinds of affidavits you're
3 not allowed to execute?

4 A The ones that are given to me are the ones
5 that I can sign so I don't --

6 Q That makes sense.

7 When you say discovery are you referring to
8 discovery like interrogatories?

9 A Yes, interrogatories.

10 Q So you'll verify responses to interrogatories?

11 A Yes.

12 Q How often do you verify answers to
13 interrogatories?

14 A Just a few times a month.

15 Q And how is it that you're told when something
16 like that has to be done?

17 A We're sent an e-mail.

18 Q Who sends you that e-mail?

19 A The area in charge of -- it's our intake area.

20 Q Is there any particular reason why you would
21 be sent interrogatories versus someone else in your
22 department?

23 A No.

24 Q Is it split evenly among the employees in your
25 department for the most part?

1 A It should be.

2 Q What will you review in the system when
3 verifying interrogatories?

4 A What I verify is the person's loan on our
5 system. I also can verify our imaging system which
6 houses documents, copies of documents.

7 Q How long does it take you to review the
8 personal loan and the imaging system and any other
9 information when you're verifying interrogatories?

10 A Well, it depends on the amount of
11 interrogatories you get and the complexity or not of
12 them, but it's taken me two days to verify one set.

13 It just depends.

14 Q Do you know who prepares the actual responses
15 to interrogatories for you to verify?

16 A Counsel works with our office with the
17 answers.

18 Q In this particular case, Deutsche Bank versus
19 [REDACTED] there was a reply sent to interrogatories that was
20 sworn to by Deanna Patrick or Deanra Patrick.

21 Do you know who Miss Patrick is?

22 A Yes.

23 Q Does she work in your department?

24 A No, she works in Frederick, Maryland but not
25 in our department.

1 Q Do you know what department Deanra Patrick
2 works in?

3 A I don't. They just changed the name of the
4 department and I don't know.

5 Q Okay. Have you ever worked with her?

6 A No.

7 Q How are you aware of who she is?

8 A She used to sit in my row.

9 Q When you were in Maryland?

10 A When I was in Maryland, yes.

11 Q What kind of affidavits do you execute in your
12 job?

13 A Well, I execute the verifications. I execute
14 verifications for motions for summary judgment.

15 Q Regarding affidavits for summary judgment,
16 what kind of information do you review before you sign
17 those?

18 A I review the same as discovery, the entire
19 loan.

20 Q Would it be possible for you to walk me
21 through what the entire loan is that you review?

22 A The entire loan would be whatever is in our
23 imaging system, whatever documents are in there.

24 I review the print screens on the computer
25 which would be payment histories, notes, investor

1 information. I look at everything related to the loan.

2 Q Have you ever found a mistake in an affidavit
3 that you're provided with?

4 A Actually, yes.

5 Q Could you describe that occurrence to me?

6 A It's usually a date that's wrong.

7 Q And what do you do to rectify that?

8 A I'll contact counsel and discuss it, whatever
9 it is I find that's inaccurate, and then counsel will
10 change it.

11 Q You contact counsel directly?

12 A Yes.

13 Q By e-mail or by phone?

14 A Both.

15 Q How many times have you found mistakes in
16 affidavits?

17 A I really didn't count I mean and it was
18 actually nothing major. Like I said, it was usually
19 just a date or, you know, really just dates.

20 Q Same thing for responses to discovery?

21 A Yes.

22 Q Do you execute any affidavits for any
23 non-foreclosure cases?

24 A Like what?

25 Q Have you ever executed any affidavits for

1 bankruptcy cases you testify in?

2 A No.

3 Q Have you ever executed any affidavits
4 regarding lost notes?

5 A No.

6 Q Talking now specifically about this case, do
7 you know who the plaintiff is in this case?

8 A Yes.

9 Q Who is the plaintiff?

10 A [REDACTED]

11 MR. HARRIS: I'm sorry.

12 THE WITNESS: Did I say the wrong name?

13 MR. HARRIS: Yes.

14 THE WITNESS: Oh, my God, let's start over.

15 BY MR. BROTMAN:

16 Q Would you like to clarify the answer?

17 A Yes, I would. Thank you.

18 Deutsche Bank as trustee for HSI.

19 Q Have you ever worked for Deutsche Bank?

20 A No.

21 Q When did you first become involved in this
22 particular case, Deutsche Bank versus [REDACTED]

23 A The beginning of September.

24 Q And how did you become involved?

25 A I was given the case to testify for as a

1 contested foreclosure.

2 Q Were you notified by e-mail?

3 A Yes.

4 Q Who notified you?

5 A The intake person.

6 Q Is that another department at Wells Fargo?

7 A It's within our department.

8 Q What did you do when you were first notified
9 you'd be testifying in this matter?

10 A Well, the first thing I usually do is contact
11 counsel and discuss the case and then pull all the
12 information.

13 Q Did you contact counsel in this case?

14 A Yes.

15 Q Without upsetting any attorney-client
16 privilege, are you able to say what kind of issues you
17 talked about?

18 MR. HARRIS: Objection to form.

19 MR. DEGHANI: Attorney-client privilege.

20 Q What did you review in the system regarding
21 this loan when you were first identified as a witness?

22 A What I do with everyone, everything in the
23 imaging system, every document, every piece of
24 correspondence, anything that's in there.

25 Then I review -- on the computer I review all

1 the notes and the payment history, whatever we have on
2 servicing. I review the entire loan.

3 Q So you've read all the notes for Mr. [REDACTED]
4 loan?

5 A Yes.

6 Q You've read all the history for Mr. [REDACTED]
7 loan?

8 A Yes.

9 Q Did you do anything to verify the accuracy of
10 that payment history?

11 A What do you mean?

12 Q Did you do anything to make sure the numbers
13 in the payment history were correct?

14 A I don't have reason to believe that they're
15 not.

16 Q So when you read the payment history what is
17 it that you're looking for?

18 A Whatever the issue is, whatever the answer is,
19 I will look to see what their allegations are and that's
20 what I look for, the allegations.

21 Q Okay. What information did you look at in
22 your system to verify that Deutsche Bank was the owner
23 of the note and mortgage?

24 A I have a screen that I can go to on the
25 computer that tells me who the investor is and who the

1 trustee is.

2 Q Does that screen have a name in the system?

3 A It's -- do you want the numbers like?

4 Q Anything you can think of.

5 A Yeah, it's just called a MAS1 screen, INV1.

6 Q Are there any other screens you can look at to
7 verify who the investor is?

8 A Yes, I also go to -- well, it's not actually a
9 screen. It's another application I go into that will
10 tell me who the loan should be vested in the name of or
11 foreclosed in the name of.

12 Q And where do you find that information?

13 A I believe it's the client services or the
14 client relations.

15 Q Is there anything in the system that you look
16 at to verify who the holder of the note and mortgage is?

17 A What do you mean by the holder of the note and
18 mortgage?

19 Q The allegations in this complaint are that
20 plaintiff is entitled to enforce the promissory note and
21 mortgage.

22 Do you recall reviewing that in the complaint?

23 A Yes.

24 Q When the complaint says entitled to enforce
25 what is your understanding of what that means?

1 A They have authority to enforce the note and
2 mortgage.

3 Q Where does that authority come from?

4 MR. HARRIS: Objection to form.

5 A This particular authority for Deutsche Bank
6 comes from the pooling and servicing agreement.

7 BY MR. BROTMAN:

8 Q And the response to interrogatories on these
9 were verified August 29, 2011 and I'll provide you with
10 a copy. I'll mark this as Defense Exhibit Number 1 for
11 identification purposes.

12 (Thereupon, the referred-to document was
13 marked Defendant's Exhibit Number 1 for
14 identification by the court reporter.)

15 BY MR. BROTMAN:

16 Q I'll actually give you this copy that's marked
17 if you hand that one back to me.

18 A Okay.

19 Q Thank you. Miss Patrick said in response to
20 these interrogatories that plaintiff is the owner and
21 the holder of the note and mortgage. You've already
22 explained what you verified to determine that plaintiff
23 is the owner.

24 Did you do anything to verify that plaintiff
25 is the holder?

1 MR. HARRIS: Objection to form and can you
2 clarify the question to state where in these
3 interrogatories you're looking for for the record?

4 MR. BROTMAN: Yes, on page one this is
5 response 2AB. It states plaintiff is the owner and
6 holder of the note and mortgage and in paragraph
7 three, also AB, plaintiff is the owner and holder
8 of the note and mortgage.

9 BY MR. BROTMAN:

10 Q Miss Decaro, do you see those responses in
11 both two and three?

12 A I do. Do you have the attached exhibits?

13 Q I do not. Do you have the attached -- there's
14 a one page I know that's attached. Do you have the one
15 page attached with the numbers on it?

16 A No.

17 Q This must have been cut off.

18 I don't have a copy of the exhibits but have
19 you ever verified interrogatories where plaintiff
20 claimed to be the owner and holder?

21 A Yes.

22 Q Is there a difference between the owner and
23 holder?

24 MR. HARRIS: Objection to form.

25 A I think that's a legal conclusion.

1 MR. DEHGHANI: Objection, calls for a legal
2 conclusion.

3 BY MR. BROTMAN:

4 Q So do you do anything to verify whether or not
5 plaintiff is the holder?

6 A Well, what is your interpretation of holder?
7 Like there's -- what do you want to know?

8 Q I'm going to answer your question with a
9 question of my own.

10 What is your interpretation of what a holder
11 is?

12 A Well, if you're talking about the actual
13 physical file, is that what you're talking about?

14 Q Answer it however you feel --

15 A Okay. The actual physical file according to
16 the pooling and servicing agreement and according to our
17 records Wells Fargo Bank is the custodian. Wells Fargo
18 Bank was always in possession of the physical collateral
19 file holding the file for Deutsche Bank as trustee.

20 Q Regarding physical possession, has the note
21 and mortgage in this case ever left Wells Fargo Bank?

22 A Yes.

23 Q When did it leave Wells Fargo Bank?

24 A It left Wells Fargo bank in March of 2011.

25 Q And why did it leave Wells Fargo's possession?

1 A It went to foreclosure counsel.

2 Q How did you determine that that occurred in
3 March of 2011?

4 A We have business records that state as much
5 and we have foreclosure counsel who has the note or the
6 file.

7 Q You referred to some documents as business
8 records. Which records are you referring to?

9 A Business records are anything I look at, like
10 I explained previously, the loan imaging system or the
11 computer system where I can look at collection notes or
12 the payment history. Those are business records.

13 Q What specifically in the system told you that
14 there was a transfer to counsel in March of 2011?

15 A The notes explained to me when it was ordered
16 and when it was received and when it was sent to
17 counsel.

18 Q Do you know who sent the note to foreclosure
19 counsel?

20 A It would have been our document area, document
21 management area.

22 Q And that's a different department from the one
23 you work in?

24 A Yes.

25 Q And you've never worked in the department, the

1 document area before, right?

2 A No.

3 Q Do you know anyone that works in that
4 department?

5 A Not personally, no.

6 Q Do you know the procedures for sending a note
7 from Wells Fargo to counsel?

8 A I'm going to say no.

9 Q Prior -- go ahead.

10 A I know they're sent by FedEx and they're kept
11 track of, they're tracked but I don't know what their
12 procedures are.

13 Q Prior to March 2011 was the note always with
14 Wells Fargo Bank?

15 A Yes.

16 Q Was there anything in your system that told
17 you that?

18 A There was a screen I could go to, yes.

19 Q Which screen is that?

20 A It's also within the MAS1 screen where I can
21 type in and see who the custodian is and there's also
22 another system that I can access that will tell me where
23 the note is.

24 Q Has the note ever been in possession of
25 Deutsche Bank National Trust Company?

1 A It's been in possession of Deutsche Bank by
2 Wells Fargo being the custodian.

3 Q But Wells Fargo never actually transferred the
4 note or never gave the note to Deutsche Bank to hold in
5 their possession; is that correct?

6 A I'm going to say no. I'm not a hundred
7 percent positive because Wells Fargo has always been the
8 custodian of the note. So I mean Deutsche Bank wouldn't
9 have any opportunity to actually have the note for the
10 custodian.

11 Q Was there ever a time when Wells Fargo was the
12 custodian for someone other than Deutsche Bank National
13 Trust Company?

14 A Deutsche Bank has always been the trustee.

15 Q When did Deutsche Bank become the trustee in
16 this case?

17 A June of 2007 I believe.

18 If you show me the PSA we can look at it.

19 Q Do you know when this loan was first given to
20 Mr. [REDACTED]

21 A February of 2007.

22 Q So there was some time between your retention
23 of this loan and the loan being securitized, correct?

24 A Yes.

25 Q At any time in June 2007 did Wells Fargo give

1 the note to anybody else?

2 A Wells Fargo has always been in possession of
3 the note.

4 Q Did you have a similar job at JP Morgan Chase?

5 A I did not.

6 Q What did you do at JP Morgan?

7 A I was a bankruptcy paralegal in their credit
8 card division.

9 Q Did you ever testify in trials for JP Morgan
10 Chase?

11 A No.

12 Q Did you ever sign affidavits for JP Morgan
13 Chase?

14 A I don't think so.

15 Q Did you discuss your testimony today with
16 anyone at Deutsche Bank?

17 A No.

18 Q Did you discuss your testimony today with
19 anyone besides your counsel?

20 A No.

21 Q So you didn't discuss with any other employees
22 at Wells Fargo Bank?

23 A No.

24 Q You didn't discuss with your supervisor?

25 A No.

1 Q Do you ever supervise any employees at your
2 job at Wells Fargo?

3 A I don't.

4 Q Have you ever supervised any employees while
5 working at Wells Fargo?

6 A No.

7 Q I'm now going to show you what I'm marking as
8 Defense Exhibit 2 for identification purposes.

9 Here's a copy for you, a copy for counsel.

10 Do you recognize this document?

11 (Thereupon, the referred-to document was
12 marked Defendant's Exhibit Number 2 for
13 identification by the court reporter.)

14 A I do.

15 Q What is it?

16 A It's a demand letter.

17 Q And what is a demand letter?

18 A A demand letter notifies the borrower that
19 their loan is in default and that this is the amount
20 that's due and this is the amount of time you have to
21 take care of the default.

22 Q Why does Wells Fargo send these types of
23 letters?

24 A Because the loan is in default.

25 Q Is Wells Fargo required to send these letters?

1 A Yes.

2 Q Why is that?

3 A They're required by the mortgage, the
4 investor.

5 Q Can you tell from looking at this document who
6 sent this letter?

7 A What do you mean who sent it?

8 Q Can you tell who the entity was that sent this
9 letter to the borrower?

10 A Wells Fargo sent this letter.

11 Q Do you see at the very top of this document
12 where it says Wells Fargo Home Mortgage?

13 A Yes.

14 Q Is that the same entity that you work for?

15 A Yes.

16 Q Why does it have a different name?

17 A Wells Fargo Home Mortgage is just a division
18 of Wells Fargo Bank.

19 Q So would you consider yourself also an
20 employee of Wells Fargo Home Mortgage?

21 A It's one and the same.

22 Q Do you know what this bar code at the top is
23 referring to?

24 A Yes.

25 Q What is it?

1 A It's a bar code that tells us that it was
2 sent, this letter was sent out by regular mail.

3 Q Is this bar code something that's used
4 internally or something that's used for the actual
5 mailing of the letter?

6 A This is used by the vendor for the actual
7 mailing of the letter.

8 Q Did you review anything in your review of the
9 file that told you this letter was actually sent?

10 A Yes.

11 Q What did you review?

12 A I reviewed -- there are a couple of screens
13 that I can review to see that the letter was sent out.

14 I also reviewed the notes when Mr. [REDACTED] called
15 in because he got this letter.

16 Q Did you speak to Mr. [REDACTED] when he called in?

17 A I did not.

18 Q Do you know what department he spoke to?

19 A Collections.

20 Q Have you ever worked in the collections
21 department?

22 A No, I haven't.

23 Q Have you ever been trained in the collections
24 department?

25 A No.

1 Q Have you ever supervised anyone in the
2 collections department?

3 A No.

4 Q You mentioned there were a couple of screens
5 you looked at to verify the letter was sent.

6 Which screens were those?

7 A The notes, the N-O-T-S screen.

8 There is a screen called DLQ1.

9 Q Is that DLQ1?

10 A Yes. There's an XDCH screen.

11 Q What did you see on the NOTS screen, N-O-T-S,
12 regarding the demand letter?

13 A The line just indicates that a demand letter
14 was sent. Those were the exact words actually, demand
15 letter sent.

16 Q Who inputs that information into the NOTS
17 section?

18 A That information goes in automatically.

19 Q From the computer?

20 A Yes.

21 Q Does something have to be done by a department
22 or by a human to trigger that to happen?

23 A The trigger is from the vendor actually.

24 Q And by vendor who are you referring to?

25 A The vendor that sends the letters, that

1 creates and sends the letters.

2 Q Do you know who that is for Wells Fargo?

3 A The name is R.R. Donnelley.

4 Q R.R. Donnelley?

5 A Yes.

6 Q How long has R.R. Donnelley been the vendor
7 responsible for sending demand letters?

8 A I don't know for sure.

9 Q Have they been responsible for sending demand
10 letters during your entire course of employment?

11 A I don't know.

12 Q Do you know if they were responsible for
13 sending letters in November 2010?

14 A Yes.

15 Q Are there R.R. Donnelley employees that work
16 at Wells Fargo or is it an off-site company?

17 A It's an off-site.

18 Q So someone from the off-site company R.R.
19 Donnelley initiates the process for sending demand
20 letters?

21 A No, Wells Fargo initiates the process.

22 Q What does Wells Fargo do when it initiates the
23 process?

24 A Well, there's software that every day scans
25 the portfolio loans that are 45 days delinquent. The

1 letters are triggered.

2 Q And how does that information get to R.R.
3 Donnelley?

4 A It goes out on a data -- it goes out by
5 computer on a data form.

6 Q Have you ever worked for R.R. Donnelley?

7 A No.

8 Q Is there a specific department at Wells Fargo
9 responsible for the language and the drafting of these
10 letters?

11 A Yes.

12 Q What department is that?

13 A I think it's foreclosure.

14 Q And that's a different department from the one
15 you work in?

16 A Yes.

17 Q You've never worked in the foreclosure
18 department?

19 A No.

20 Q Right below the bar code, actually below the
21 date, I see some markings here 4893 dash 708, day 30,
22 slash FL.

23 What is that referring to?

24 A I don't know what the 4893 is. 708 is the
25 investor or the client number and it's the 30-day

1 Florida letter.

2 Q The letter that we're looking at here, is this
3 an exact copy of the letter that was sent to Mr. [REDACTED]

4 A It is.

5 Q This isn't a reproduction of it?

6 MR. DEGHANI: Objection, asked and answered.

7 Q How did this copy of the letter end up in the
8 file?

9 A The copy of the letter is actually sent to
10 Wells Fargo from the vendor when it's sent out and then
11 it's uploaded into our imaging system.

12 Q So this letter that we're looking at here is
13 in the exact same form as it was sent to the borrower?

14 A Yes.

15 Q No further questions on that. If you'll hand
16 it back to me I'll keep it together.

17 Have you ever reviewed the note in this case?

18 A Yes.

19 Q Where did you review the note?

20 A Where did I review it?

21 Q Did you review the note in one of your online
22 systems?

23 A I did.

24 Q Which system was that?

25 A It was our imaging system.

1 Q Have you ever seen the original note in this
2 case, the actual hard copy note?

3 A I don't think so.

4 Q Are there multiple copies of the note in your
5 imaging system?

6 A Yes.

7 Q Why is that?

8 A People image different things at different
9 times and they'll just image it again.

10 Q When you say "people" who are you referring
11 to?

12 A Like different -- like I could send something
13 to imaging. If I had a package of something I could.

14 I want to make sure that everybody knows this
15 is what I have, this is what I saw, so I'm uploading it
16 into imaging so it could get in.

17 I mean I don't know if I did or not but I
18 could have uploaded it myself.

19 Q Are those images dated in the system?

20 A The date that they're imaged, yes.

21 Q So let's say you wanted to have something
22 imaged into the file.

23 What procedures and steps would you take?

24 A It's computerized. I would pdf whatever I'm
25 looking at and then I would attach it to the file.

1 Q And then it automatically becomes part of the
2 imaging system?

3 A Yes, if it --

4 Q Go ahead.

5 A If I'm uploading it -- it all depends on what
6 I'm looking at and what I'm attaching. I mean I can
7 say, yes, I want it attached or, no, I don't want it
8 attached. So it depends.

9 Q So if someone wants to upload an image of a
10 document can any employee do that?

11 A No, somebody has to have access to that
12 system.

13 Q You have access to that system?

14 A I do.

15 Q If someone did not have access to that system
16 how would they get a document imaged?

17 A I don't know.

18 Q You mentioned that there are multiple copies
19 of the note in your system.

20 Were all of those copies identical?

21 A No.

22 Q What differences were there?

23 A Sometimes there's pages attached. It depends
24 on how many pages whoever is uploading it puts on it.

25 Q Do you recall how many different images of the

1 note you saw in the system?

2 A Actually I saw two.

3 Q Could you describe the differences, the
4 specific differences between those two documents that
5 you saw?

6 A Yes, one was endorsed and one was not.

7 Q Do you know the date that the endorsed image
8 first appeared in your system?

9 A I don't know the actual date.

10 Q Do you have any approximation of when the date
11 was?

12 MR. DEGHANI: Objection, speculation.

13 A I don't. I don't remember.

14 BY MR. BROTMAN:

15 Q Do you know the date that the unendorsed image
16 was placed into the file?

17 A The unendorsed image would have been -- I
18 don't know the exact date. It was in 2007. I'm trying
19 to recall. The origination file would be right after
20 closing would be sent to imaging. Everything would be
21 recorded and then when the file is ready to be sold on
22 the market it would come out and be endorsed.

23 Q So what is the reason for endorsing the note?

24 A For sale on the secondary market.

25 Q Did the trust in this case require that the

1 note be endorsed, specifically the pooling and servicing
2 agreement?

3 A I don't recall reading it so I don't know. I
4 didn't read the entire pooling and servicing agreement.

5 Q Have you read portions of the pooling and
6 servicing agreement?

7 MR. HARRIS: Objection to form.

8 A Yes.

9 BY MR. BROTMAN:

10 Q Which portions did you read?

11 A I usually read like section two -- if you show
12 it to me I can tell you what I read.

13 Q I have one copy here.

14 A It's a huge document.

15 Q If this would help you in answering the
16 question, if counsel has no objection.

17 MR. HARRIS: No. Let the record reflect he
18 provided the witness with a pooling and servicing
19 agreement, HSI Securitization Corporation for
20 deposit at Wells Fargo Bank Master Service.

21 BY MR. BROTMAN:

22 Q Does this refresh your recollection of what
23 you reviewed in the pooling and servicing agreement?

24 A Yes.

25 Q Which sections have you reviewed in the past?

1 A What I typically review and what I reviewed on
2 this is I typically review the first page. I typically
3 review the definitions which will tell me who the
4 custodian is, who the trustee is, Section 2.01 which
5 will talk about the conveyance of the notes depending on
6 the allegations.

7 I'll look, you know, I'll look at the
8 servicing section or it's just whatever the allegations
9 are I'll go through and try to look at it.

10 And I'm not an expert on securitization so.

11 Q Is there anything in the pooling and servicing
12 agreement that you can use to confirm that Mr. [REDACTED]
13 loan became part of the trust?

14 A Attached to the pooling and servicing
15 agreement is usually or is a list of loans and I have
16 reviewed that.

17 Q Is that the mortgage loan schedule?

18 A Yes.

19 Q And you reviewed that in this case?

20 A I have.

21 Q No further questions on that.

22 I'm not marking this. I only have one copy.

23 So you have authority to testify on behalf of
24 Deutsche Bank Trust Company?

25 A Yes.

1 Q How do you have that authority?

2 A I have that authority as being an employee for
3 Wells Fargo Bank and Wells Fargo is the servicer for
4 Deutsche Bank.

5 Q How do you know that Wells Fargo is the
6 servicer for Deutsche Bank?

7 A Because I can look at that pooling and
8 servicing agreement.

9 Q The pooling and servicing agreement is what
10 gives Wells Fargo the right to service the loans?

11 A Yes.

12 Q Are there any other documents such as a power
13 of attorney that are executed?

14 A Yes.

15 Q Was there a power of attorney in this case?

16 A I haven't seen one.

17 Q Have you ever seen a power of attorney for a
18 Wells Fargo/Deutsche Bank relationship?

19 A In general?

20 Q Yes.

21 A Yes.

22 Q Are you considered an officer of Deutsche Bank
23 in any way?

24 A No.

25 Q Does Deutsche Bank have access to the same

1 computer system that you do at Wells Fargo?

2 A No.

3 Q Do you ever verify complaints for Wells Fargo
4 Bank?

5 A No.

6 Q Is there another department that verifies
7 complaints?

8 A Yes.

9 Q Do you know what that department is?

10 A I don't know what they're called.

11 Q That's okay. Have you executed any documents
12 in this case, Mr. [REDACTED] case?

13 A No, I have not.

14 Q Do you know if the note's ever been lost in
15 this case?

16 A I don't think it has been lost.

17 MR. HARRIS: Can I get a five minute recess?

18 MR. BROTMAN: Absolutely.

19 (Thereupon, a brief recess was taken, after
20 which the following proceedings were had:)

21 BY MR. BROTMAN:

22 Q Do you know who Deborah Blaney is?

23 A I do.

24 Q Who is that?

25 A She used to work for Wells Fargo.

1 Q Did you work with her?

2 A Again, she was in my area but I didn't work
3 with her. We didn't do the same job.

4 Q Was that also in Maryland?

5 A Yes.

6 Q Do you know if she still works for the
7 company?

8 A No, no, she does not work for the company.

9 Q When did she leave the company?

10 A Maybe about three years ago, two and a half to
11 three years ago. I'm not sure of the exact timeframe.

12 Q How did you know that she left the company?
13 Was it while you were still working with her?

14 A No, I never worked with her.

15 Q How did you know that she left the company?

16 A I think just people, you know, may have told
17 me that she's not there any more.

18 (Thereupon, the referred-to document was
19 marked Defendant's Exhibit Number 3 for
20 identification by the court reporter.)

21 Q I'm going to show you what's been marked as
22 Defendant's Exhibit 3. I have a copy for opposing
23 counsel as well. What is this document?

24 A This is a copy of the payment history.

25 Q Is there a department responsible for

1 maintaining the payment history?

2 A Yes.

3 Q What department is that?

4 A I believe it's the collection department.

5 Q Have you ever spent any time in the
6 collections department reviewing their procedures?

7 A No.

8 Q Do you know if the collections department has
9 any written procedures and policies?

10 A Yes.

11 Q Have you seen those?

12 MR. HARRIS: Are you going to label this as an
13 exhibit?

14 MR. BROTMAN: It's marked as three.

15 MR. HARRIS: Sorry.

16 BY MR. BROTMAN:

17 Q Have you seen those written policies?

18 A I've seen them in our system but -- yes, I've
19 seen them.

20 Q Have you ever reviewed them?

21 A Not extensively, no.

22 Q Not extensively.

23 So have you read them in some way?

24 A Actually I really have not. I know they're
25 there but I have not reviewed them.

1 Q Okay. How is it that you know how to read
2 this document?

3 A Because I've been doing it for a long time.

4 Q That's fine.

5 No further questions on that document.

6 (Thereupon, the referred-to document was
7 marked Defendant's Exhibit Number 4 for
8 identification by the court reporter.)

9 I'm now going to show you what's been marked
10 as Defendant's Exhibit 4 and I also have a copy for
11 opposing counsel.

12 MR. HARRIS: Thank you.

13 BY MR. BROTMAN:

14 Q What is this document?

15 A This is also a payment history.

16 Q Is this different from the one I just gave
17 you? If you need to compare --

18 A It is different.

19 Q Why is it different?

20 A It's different because these are the archived
21 notes. The system can only hold so many years of
22 information.

23 Q Is the collections department also responsible
24 for maintaining the archive notes?

25 A I don't know.

1 Q Do you know what department is responsible for
2 maintaining these?

3 A I don't.

4 Q Do you know what department is responsible for
5 inputting the payment information itself?

6 A The cash department.

7 Q Have you ever spent any time in the cash
8 department?

9 A No.

10 Q Do you know if the cash department has any
11 written policies and procedures?

12 A They do.

13 Q Have you ever reviewed those policies and
14 procedures?

15 A Maybe once or twice.

16 Q Why did you review them?

17 A I think I reviewed them mostly for bankruptcy.

18 Q Do you remember what information you were
19 looking for?

20 A How the payments were applied.

21 Q No further questions on that. Thank you.

22 I'm going to show you what's been marked as
23 Defendant's Exhibit Number 5. I have a copy for
24 opposing counsel.

25 MR. HARRIS: Thank you.

(Thereupon, the referred-to document was marked Defendant's Exhibit Number 5 for identification by the court reporter.)

BY MR. BROTMAN:

Q Do you recognize this document?

A Yes.

Q What is this?

A This is also a payment history.

Q And this is also different from the previous two?

A Yes.

Q Why is it different?

A It's a different screen.

The information on Exhibit 3 and 5 are most likely -- is most likely the same information.

Q Okay.

A It's just two different screens have two different formats and this is what's currently on our system.

Q And which department maintains this document?

A Well, the cash department would apply the payments. I don't know who actually maintains the department.

Q Are there any sort of general sweeps that are done to make sure all records remain accurate in your

1 system?

2 A Yes.

3 Q Who's responsible for doing that?

4 A Actually the supervisors. I'm aware of the
5 supervisor in each department, you know, check the work.

6 Q And you've never been a supervisor yourself,
7 right?

8 A No.

9 Q All three of these documents, three, four and
10 five, did you do anything on these documents to verify
11 their accuracy personally?

12 A Now what do you mean by verify them?

13 Q I'll back up a little bit.

14 Did you review all three of these documents in
15 preparation for testifying in this case?

16 A Yes.

17 Q And did you do anything to make sure the
18 numbers were accurate in those documents?

19 A No, I mean I -- no, I don't do the processing
20 so.

21 Q Are there any other screens besides these
22 three that you looked at in determining the amounts due
23 and owing?

24 A No, as far as the payment history goes these
25 are the only payment history screens.

1 Q Right. Is there anything on these three
2 documents that tells you anything about the demand
3 letter?

4 A No, this is just figures. I mean I can tell
5 by looking at these where the loan was delinquent.

6 Q But there's no information in these about the
7 sending of the letter?

8 A No, there's no verbiage in any of these about
9 sending letters.

10 Q Would that be the consolidated notes log?

11 A Yes.

12 Q I'm done with those. Thank you.

13 MR. HARRIS: Let the record reflect that these
14 documents entered in as the loan payment history
15 are compiled by opposing counsel, meaning that you
16 printed them or made copies of documents previously
17 sent to you and that these were not provided to him
18 here today.

19 MR. BROTMAN: Understood.

20 BY MR. BROTMAN:

21 Q Seeing that you've been testifying for seven
22 years just about, have you ever trained any other
23 witnesses in testifying?

24 A Not really.

25 Q Have any other witnesses come to you for

1 advice on how to testify?

2 A I can't say that they have for testifying, no.

3 Q Was there ever any role playing done in the
4 office as far as how to answer questions in court?

5 A Not for trials, no.

6 MR. BROTMAN: If I could have a few minutes,
7 look through my notes and make sure I don't have
8 any other questions.

9 MR. HARRIS: Sure.

10 (Thereupon, a brief recess was taken, after
11 which the following proceedings were had:)

12 BY MR. BROTMAN:

13 Q Did you have anyone train you in your position
14 when you first started seven years ago like a mentor or
15 some sort of trainer?

16 A No, there was just a group of people that
17 worked together.

18 Q Did you have a manager at that time to kind of
19 guide you through the beginning of your job?

20 A I did have a manager.

21 Q Who was that; do you remember?

22 A Julie Grove was the manager, was my manager
23 when I started.

24 Q Did Julie Grove have any role in training you
25 on your job?

1 A Not really.

2 Q Have you ever testified at trial on behalf of
3 Wells Fargo Bank? The answer is yes?

4 A Yes.

5 Q You've testified on behalf of Wells Fargo Bank
6 before, right?

7 A Yes.

8 Q Have you ever testified for any other banks at
9 trial?

10 A When I testify like in this particular case if
11 we're the servicer I'm testifying on behalf of the
12 trustee.

13 Q Okay. So you would either testify on behalf
14 of Wells Fargo or a trustee?

15 A Wells Fargo as servicer, correct.

16 Q Are you an officer of Wells Fargo Bank?

17 A Yes.

18 Q What kind of officer are you?

19 A I'm just an officer. I can sign documents.
20 I can speak for Wells Fargo.

21 Q Do you have a title?

22 A Loan verification analyst.

23 Q Is there a specific document that you have
24 that shows that you're an officer of Wells Fargo Bank?

25 A I do.

1 Q What is that document called?

2 A I don't even know what it's called.

3 I don't know the title of it.

4 Q When did you first become an officer of Wells
5 Fargo Bank?

6 A 2011.

7 Q Was there any sort of process you had to go
8 through to become an officer?

9 A No.

10 Q Do you know why they decided to make you an
11 officer in 2011?

12 A I don't.

13 Q Did you execute documents for Wells Fargo Bank
14 prior to becoming an officer?

15 A Yes.

16 Q Did your job responsibilities change in any
17 way after you became an officer of Wells Fargo Bank?

18 A No, they've always been the same.

19 Q Prior to working at JP Morgan Chase did you
20 work in any other banks?

21 A Yes.

22 Q Which banks did you work for?

23 A In the 70's and 80's I worked for Colorado
24 National Bank and Bank of New York.

25 Q What kind of job responsibilities did you have

1 for Colorado National Bank?

2 A I was a collector. This is for credit cards.

3 Q And what type of job responsibilities did you
4 have at Bank of New York?

5 A I started as a collector.

6 I was a supervisor when I left.

7 Q Also dealing with credit cards?

8 A Yes.

9 Q Is there a reason why you moved away from
10 credit card collections?

11 A No.

12 Q Are there other individuals in your department
13 that are officers of Wells Fargo Bank?

14 A Yes.

15 Q Are all the individuals in your department
16 officers?

17 A I don't know.

18 Q Who has access to the system, the software
19 system that you described earlier?

20 MR. HARRIS: Objection to form.

21 BY MR. BROTMAN:

22 Q You have access to the system, correct?

23 A Correct.

24 Q Does Deutsche Bank have access to the system?

25 A No.

1 Q Do sub servicers have access to the system?

2 A No.

3 Q Do attorneys have access to that system?

4 A Certain portions of the system, yes.

5 Q Do you know what portions those are?

6 A I don't know entirely.

7 Q Can you think of any specific sections you
8 know attorneys do have access to?

9 A Our foreclosure attorneys have access to our
10 foreclosure notes.

11 Q Is that the same thing as the consolidated
12 notes log?

13 A I don't know if they have access to that.

14 Q Is the consolidated notes log the same thing
15 as you described earlier, the NOTS system, N-O-T-S?

16 A Correct.

17 Q That's the same thing?

18 A Yes.

19 Q So the foreclosure notes are different from
20 the NOTS system?

21 A I don't know exactly how much access they are
22 allowed. That's my answer. I don't know.

23 Q Okay. Do you have a password that you place
24 into the system to be able to access the information?

25 A Yes.

1 Q Don't worry.

2 I won't ask you what the password is.

3 A Good, because I might not remember.

4 Q Are there any attorney notes kept on the
5 system?

6 A The part of the system that the attorneys can
7 talk to Wells Fargo there are.

8 Q And do you have access to those attorney
9 notes?

10 A Yes.

11 Q Do you recall if there's any attorney notes in
12 this particular case?

13 A Well, I think the system works that our
14 foreclosure attorneys can -- that's how they work with
15 Wells Fargo through the system.

16 Q Okay. And do you recall in your review of
17 this file if there was any back and forth between the
18 attorneys and Wells Fargo?

19 A I did see that.

20 Q Do you know what kind of information was being
21 discussed?

22 MR. HARRIS: Object to form.

23 MR. DEGHANI: Attorney-client privilege.

24 THE WITNESS: He smiled before he even asked.

25 MR. DEGHANI: I was waiting.

1 MR. BROTMAN: That's the fun part of
2 depositions.

3 THE WITNESS: I wasn't going to answer.

4 BY MR. BROTMAN:

5 Q Do you know where the original loan is today
6 as we sit here?

7 A What do you mean?

8 Q I'm sorry, the original note.

9 A Yes.

10 Q Where is it?

11 A My attorney has it.

12 Q Do you know which office the attorney has it
13 in?

14 MR. HARRIS: Objection to form, calls for
15 speculation.

16 A I don't know their address.

17 BY MR. BROTMAN:

18 Q Do you know if there were ever any assignments
19 of mortgage executed in this case?

20 A Yes.

21 Q Did you see them in your system?

22 A I did.

23 Q Do you know, did you see more than one
24 assignment?

25 A No.

1 Q Do you know what the date of that assignment
2 was?

3 A I'm sorry, I can't remember.

4 Q Do you know who the assignment was from, who
5 was doing the assigning?

6 A Do you have a copy of it?

7 Q I don't.

8 A Then I'm not going to --

9 Q You don't have to speculate.

10 A Yeah, I'd rather see the copy.

11 Q Do you know why assignments of mortgage are
12 created?

13 A Yes.

14 Q Why is that?

15 A It's just to give notice of the new holder,
16 owner.

17 Q Do you know if there's anyone at Wells Fargo
18 Bank that would have more knowledge than you regarding
19 this case?

20 MR. HARRIS: Objection to form, calls for
21 speculation.

22 A At this time because I have reviewed
23 everything, probably not.

24 BY MR. BROTMAN:

25 Q Would other individuals in your department be

1 able to become as familiar as you by reviewing the same
2 documents?

3 A Yes.

4 Q Do you know if there were ever any loan
5 modifications for Mr. [REDACTED]

6 A Yes, there were.

7 Q Do you know how many there were offered?

8 A One.

9 Q Was it accepted?

10 A Yes, the loan was modified in December of
11 2009.

12 Q And were payments made under that loan
13 modification?

14 A Yes.

15 Q What happens when payments stop being made on
16 a loan modification?

17 A The loan will be in default.

18 Q Does a loan modification stay in place or does
19 the loan revert back to the original loan?

20 A It stays in place.

21 Q And do you know who offered the loan
22 modification in this case?

23 Was it Wells Fargo or was it Deutsche Bank?

24 A It was Wells Fargo as servicer for Deutsche
25 Bank.

1 Q So did Deutsche Bank have to approve that loan
2 modification?

3 A Loan modifications are approved with investor
4 guidelines.

5 Q Could you explain more what that means, the
6 investor guidelines?

7 A Each investor has their own guidelines on how
8 they want any servicer to service the loan and there are
9 guidelines regarding loan modifications which the
10 servicers have to refer to.

11 Q So as long as those guidelines are followed,
12 do they need to specifically go to the investors to get
13 approval?

14 A No.

15 Q Are those guidelines available to you in the
16 same computer system?

17 A Yeah, I think they are.

18 Q Have you ever reviewed the guidelines for
19 Deutsche Bank?

20 A I have not.

21 MR. BROTMAN: I have no further questions.

22 MS. HARRIS: Thessica Harris for the plaintiff
23 going forward.

24 CROSS EXAMINATION

25 BY MS. HARRIS:

1 Q Miss Decaro, when you stated that you look at
2 the documents in your system and then you reviewed
3 allegations, what allegations are you referring to?

4 A I'm referring to the allegations in the
5 answer.

6 Q And that would be the answer to the complaint?

7 A Filed by the defendant, yes.

8 Q In this instance did you review the answers
9 filed by the defendants, the defendant or defendants?

10 A Yes.

11 Q Thank you. Going back to your access to the
12 system, when defendant's counsel asked you about access
13 to the system, he specifically asked you about attorneys
14 having access to Wells Fargo system. You stated
15 foreclosure attorneys.

16 Who do you mean by foreclosure attorneys?

17 A Foreclosure attorney would be the particular
18 firm who -- that particular foreclosure firm who is
19 working on the case.

20 Q So, for instance, would it be like in this
21 case Albertelli Law?

22 A Yes.

23 Q With regards to Albertelli Law being able to
24 access your system, are we -- and I'm from Albertelli
25 Law -- are we as attorneys from Albertelli Law able to

1 make any changes to Wells Fargo's system?

2 A No, you can't make any changes.

3 The only thing you can do is communicate with
4 the foreclosure department with those notes.

5 Q And it's by those notes you mean so, for
6 instance, like an intercom or something that we send to
7 Wells Fargo?

8 A Correct. It's a method of communication.

9 Q You testified earlier in your deposition that
10 you're here today with regards to Wells Fargo, you're
11 appearing on behalf of Wells Fargo.

12 A I testified I work for Wells Fargo Bank, N.A.

13 Q Who are you appearing here for today?

14 A I'm testifying on behalf of Deutsche Bank.

15 Q And who's Deutsche Bank?

16 A Deutsche Bank is the trustee.

17 MS. HARRIS: Thank you. No further questions.

18 MR. BROTMAN: No redirect.

19 Anything else you want to add?

20 MR. DEGHANI: No, that's it, that's fine.

21 MR. BROTMAN: Thank you very much. I'll let
22 you know when I get back to the office today if
23 we're going to order. Probably we will but --

24 COURT REPORTER: Would you like a copy if it's
25 ordered?



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MR. HARRIS: If it's ordered, yes, and we'd like to read.

(Thereupon, the deposition was concluded at 12:00 p.m.)

AND FURTHER DEPONENT SAITH NOT



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BEVERLY DECARO

STATE OF FLORIDA)
BROWARD COUNTY)

SUBSCRIBED AND SWORN TO before me on this
_____ day of _____, 2013.

(Notary Public)

My Commission Expires:



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CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, the undersigned authority, certify that
BEVERLY DECARO personally appeared before me and was
duly sworn.

WITNESS my hand and official seal this
14th day of November, 2013.

SUSAN J. REICH, RPR
Notary Public, State of Florida
My Commission #EE 168888
My Commission Expires:
April 15, 2016

CERTIFICATE

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, SUSAN J. REICH, Registered Professional Reporter and Notary Public duly commissioned and qualified in and for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true record of the testimony given by the witness.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 14th day of November, 2013.



SUSAN J. REICH, RPR

[REDACTED]

1 DEPOSITION ERRATA SHEET

2

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4 Our Assignment No. 40986

5 Case Caption: Deutsche Bank

6 vs. [REDACTED] et al.

7

8 DECLARATION UNDER PENALTY OF PERJURY

9 I declare under penalty of perjury
10 that I have read the entire transcript of
11 my Deposition taken in the captioned matter
12 or the same has been read to me, and
13 the same is true and accurate, save and
14 except for changes and/or corrections, if
15 any, as indicated by me on the DEPOSITION
16 ERRATA SHEET hereof, with the understanding
17 that I offer these changes as if still under
18 oath.

19 Signed on the _____ day of

20 _____, 20____.

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22 _____

23 Beverly Decaro

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DEPOSITION ERRATA SHEET

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Beverly Decaro



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Beverly Decaro