

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE No.: 502008CA031809XXXXMB, 502010CA018934XXXXMB AW
502009CA043926XXXXMB, 502009CA016797XXXXMB AW
502008CA034279XXXXMB AW, 502010CA011243XXXXMB AW,

AURORA LOAN SERVICES, LLC,
Plaintiff,

-vs-

DANIEL CIANCIOTTO, et al.

NICK PURIFICATO, et al.

NINA MACKLIN, et al.

JOSE A. AYALA, et al.

ROSELITO PIMENTEL, et al.

KIM MCGRADY, et al.

Defendants.

DEPOSITION OF NEVA HALL

Thursday, August 4, 2011
9:35 - 11:35 a.m.

One Clematis Street
Suite 500
West Palm Beach, Florida 33401

Reported By:
Melinda L. Colchico
Notary Public, State of Florida
J. Consor & Associates
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1 APPEARANCES:

2 On behalf of the Plaintiff:

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BROAD AND CASSEL

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6

On behalf of the Defendants:

7

DUSTIN ZACKS, ESQ.

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I N D E X
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WITNESS: DIRECT CROSS REDIRECT RECROSS
Neva Hall 4

- - -
NO EXHIBITS MARKED
- - -

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

2 - - -

3 Deposition taken before Melinda Colchico,
4 Professional Reporter and Notary Public in and for
5 the State of Florida at Large, in the above cause.

6 - - -

7 Thereupon,

8 NEVA HALL

9 having been first duly sworn or affirmed, was examined
10 and testified as follows:

11 THE WITNESS: Yes.

12 MR. ZACKS: I'm Dustin Zacks from Ice Legal.
13 I'm here on behalf of a bunch of defendants today.

14 MR. ELLISON: Steve Ellison from Broad and
15 Cassel here on behalf of Aurora Loan Services; on
16 behalf of the witness, Neva Hall.

17 MR. ZACKS: Just for the record, Mr. Ellison
18 and myself have stipulated that the initial
19 deposition period will be applicable to a number of
20 cases we have. Subsequent to that, we will proceed
21 to individual depositions.

22 MR. ELLISON: And just so that the record is
23 clear, if you could place on the record, the cases
24 are Aurora Loan Services versus Nick Purificato;
25 Aurora Loan Services versus Ayala; Aurora Loan

1 Services versus -- what's Cianciotto's first name?

2 MR. ZACKS: Daniel.

3 MR. ELLISON: Daniel Cianciotto; Aurora Loan

4 Services versus Kim R. McGrady; Aurora Loan

5 Services versus Nina Macklin; and Aurora Loan

6 Services versus Roselito Pimentel.

7 DIRECT EXAMINATION

8 BY MR. ZACKS:

9 Q And if you could state your name, please.

10 A Neva Hall.

11 Q Have you had your deposition taken before?

12 A No.

13 Q Okay. Just some preliminaries. If you don't

14 understand a question, just tell me. If you need a

15 break, just tell me. Sometimes you will remember

16 something later in a deposition in response to an

17 earlier question that you couldn't remember. Will you

18 agree to let me know if that happens?

19 A Yeah. Yes.

20 Q And that's the final issue, is, you know, make

21 sure you answer with a yes or no because the transcript

22 needs to have yes or no. Okay?

23 A Yes.

24 MR. ELLISON: No nodding heads.

25

1 BY MR. ZACKS:

2 Q Right. Nodding heads and uh-huhs don't come
3 out well. So this is your first deposition then?

4 A Yes.

5 Q Okay. Who is your current employer?

6 A Aurora Bank.

7 Q And that's Aurora Bank FSB?

8 A Yes.

9 Q Previous to that?

10 A Aurora Loan Services.

11 MR. ELLISON: A little louder just to make it
12 easier for the court reporter.

13 THE WITNESS: All right.

14 BY MR. ZACKS:

15 Q What is your title?

16 A Assistant vice president.

17 Q Okay. And it was the same at Aurora Loan
18 Services?

19 A Yes.

20 Q Prior to Aurora Loan Services, where did you
21 work before that?

22 A I worked for Washington Mutual.

23 Q And what was your position there?

24 A I was representative for the Hope Now program.

25 Q Hope Now is what, like loss mitigation?

1 A Yes.

2 Q Okay. And that's at WaMu. Before that --
3 where were you before that?

4 A HSBC.

5 Q What did you do there?

6 A I did several different things there. The
7 last thing I did was collections supervisor.

8 Q Would that be all kinds of loans or just home
9 loans?

10 A Yeah, there was -- we had first mortgages,
11 second mortgages and the personal home loans.

12 Q All right. Did you ever oversee the
13 Bankruptcy Department at Aurora Loan Services, LLC?

14 A Yes.

15 Q What was your -- what were your duties in that
16 capacity?

17 A I was the bankruptcy manager.

18 Q And what did that consist of?

19 A I managed the bankruptcy processes.

20 Q So what would that entail, just any time
21 somebody files bankruptcy, you would do what?

22 A We had a -- we have a group that does proof of
23 claims. We have a group that does motion for reliefs.
24 We have a new case setup person. Then we have a group
25 that reads all incoming mail.

1 Q And you were in charge of all of those groups?

2 A Yes.

3 Q Now, in your capacity as assistant
4 vice president, you don't do bankruptcy?

5 A Yes.

6 Q You still do?

7 A Yes.

8 Q Are you still in charge of those same groups?

9 A Yes.

10 Q How many people are in those bankruptcy groups
11 that you described?

12 A We have 23 now.

13 Q Okay. And are those separate individual
14 departments, the people who read the incoming mail,
15 people who do the new case setup, the --

16 A No. It's all in the Bankruptcy Department.
17 It's all within my --

18 MR. ELLISON: Let him finish his question
19 before you answer.

20 THE WITNESS: Okay.

21 BY MR. ZACKS:

22 Q As assistant vice president, do you have more
23 duties than just bankruptcy, I'm assuming?

24 A Pretty much anything that's assigned to me,
25 yes.

1 Q And what kinds of things are assigned to you
2 besides bankruptcies?

3 A Projects.

4 Q Okay. What kind of projects?

5 A Pretty much anything that the whole department
6 needs. I work under an -- a senior vice president and
7 she has foreclosure and contested default.

8 Q Who's the senior vice president you work
9 under?

10 A Cheryl Marchant.

11 Q Do you work under anyone else directly?

12 A No. I report directly to Cheryl.

13 Q Is your -- you're an assistant vice president.
14 Is there a particular department you would describe
15 yourself as being vice president of?

16 MR. ELLISON: Object to the form.

17 You can answer.

18 MR. ZACKS: What's wrong with the form?

19 MR. ELLISON: You went from assistant
20 vice president to vice president.

21 MR. ZACKS: I'm sorry. Sure.

22 BY MR. ZACKS:

23 Q You said you are assistant vice president,
24 right?

25 A Right.

1 Q Is there a particular department you are
2 assistant vice president of?

3 A My primary duties are for bankruptcy.

4 Q So, I mean your business card, does it say
5 Assistant Vice President of Bankruptcy?

6 A It says, Bankruptcy Manager.

7 Q How did you start to get into the additional
8 projects, as you termed it?

9 A It's always been a function in my position.

10 Q Besides foreclosures and contested defaults
11 and bankruptcies, are you in charge of any other areas?

12 A No.

13 Q As assistant vice president, you sign a number
14 of documents, right?

15 A Yes.

16 Q And you sign documents in connection with
17 foreclosures, right?

18 A Yes.

19 Q Okay. What kinds of documents do you sign in
20 connection with foreclosures?

21 MR. ELLISON: Today or at a different time?

22 BY MR. ZACKS:

23 Q Well, let's start in general today.

24 A Today, I don't sign anything for foreclosure.

25 Q Okay. And you used to sign documents in

1 connection with foreclosures, right?

2 A Yes.

3 Q What kinds of documents?

4 A I think the majority were affidavits.

5 Q What kinds of affidavits?

6 A Affidavits of default, or indebtedness.

7 Q Indebtedness, sure. Besides affidavits of
8 indebtedness, any other kinds of affidavits you would
9 sign?

10 A I don't recall the names of them.

11 Q But you did sign other affidavits, other than
12 affidavits of indebtedness?

13 A I don't know for sure.

14 Q Okay. Besides affidavits, was there anything
15 you signed in connection with foreclosures?

16 A Substitution of trustee.

17 Q Anything else?

18 A I don't remember all the documents I signed.

19 Q Did you sign assignments of mortgage?

20 A No.

21 Q So besides affidavits and substitutions of
22 trustees, as you sit here today you can't remember
23 anything else you signed in your capacity as assistant
24 vice president in connection with foreclosures?

25 A I don't remember the specific names of the

1 documents, no.

2 Q Okay. You say that now you don't sign
3 anything in connection with foreclosures. When did you
4 stop?

5 A I don't remember the specific date.

6 Q Was it last week, last month, last year?

7 A I don't remember the specific date. It was
8 last year.

9 Q Okay. Was there a directive handed out, or
10 who told you to stop?

11 MR. ELLISON: Object to the form.

12 You can answer.

13 MR. ZACKS: What's wrong with the form?

14 MR. ELLISON: It's two things.

15 MR. ZACKS: Compound, yes.

16 BY MR. ZACKS:

17 Q Who told you to stop signing documents?

18 A Cheryl.

19 Q Did she give any reason?

20 MR. ELLISON: To the extent it may have
21 related to any communications that she was passing
22 from counsel, that would be protected by the
23 attorney/client privilege. So if you know that it
24 was passing information from counsel, then you
25 can't answer that question. If you don't know

1 that, you can answer the question.

2 THE WITNESS: I know it came from counsel.

3 MR. ELLISON: So we are going to -- that's
4 going to be privileged.

5 BY MR. ZACKS:

6 Q And I'll ask you, you're not answering on
7 instruction of your attorney, correct?

8 A Correct.

9 Q How did you receive that direction to stop?
10 Was it an email?

11 A No.

12 Q Was it an in-person discussion?

13 A Yes.

14 Q Did you receive any paper correspondence
15 memorializing that?

16 A Not that I remember.

17 Q Okay. How long had you been signing documents
18 in connection with foreclosures before you were told to
19 stop?

20 A I don't remember the exact date I stopped so I
21 don't know that I can answer that question.

22 Q Had you signed documents in connection with
23 foreclosures for a week or was this a routine part of
24 your duties for several years?

25 A It was a routine part of my duties.

1 Q Besides what may have been shared with your
2 counsel, do you know of any reason why you were told to
3 stop signing foreclosure documents?

4 A No.

5 Q Was it ever discussed at your company why you
6 stopped signing foreclosure documents?

7 A It was but it was with in-house counsel we had
8 those discussions.

9 Q Do you endorse promissory notes?

10 A No.

11 Q Take me through the process of what you used
12 to do when you signed affidavits in connection with
13 foreclosures.

14 A I didn't really have a standard process. It
15 kind of depended.

16 Q How many affidavits would you say you signed
17 in a given week?

18 A I don't know.

19 Q Would you say it was 10 or 100 or 1,000?

20 A I never counted them. I don't know.

21 Q How many hours a day did you sign affidavits?

22 A I never kept track.

23 Q What percentage of your duties would you say
24 was signing foreclosure documentation?

25 A I don't know. I would just be speculating.

1 Q Now, would you get an instruction to sign each
2 individual affidavit or was it just understood this was
3 part of your general duties?

4 A An instruction?

5 Q Sure. You said Cheryl is your supervisor,
6 right?

7 A Right.

8 Q So every time an affidavit came in, would she
9 have to tell you, we need you to sign this? Or would it
10 come in through some other channel?

11 A It would be various ways.

12 Q Okay. And what would those ways be?

13 A Cheryl would instruct me or I would receive it
14 from someone in the Foreclosure Department, or I would
15 get something from in-house counsel; they would ask me.

16 Q And those requests for you to sign an
17 affidavit, would they typically come by email or some
18 other form of notification?

19 A I beg your pardon?

20 Q Sure. Notification that an affidavit needed
21 to be signed would that come to you via email or some
22 other form?

23 A No. It was usually handed -- the document was
24 handed to me.

25 Q Okay. Was there any difference in the times

1 Cheryl instructed you to sign those documents or was it
2 completely random?

3 A I think it was more random than anything.
4 Usually if it came from Cheryl, it came from in-house
5 counsel, too, but Cheryl and I are in the same office.

6 Q Who drafts foreclosure affidavits during the
7 time you were signing them?

8 A Counsel.

9 Q In-house counsel?

10 A No.

11 Q Outside counsel?

12 A Yes.

13 Q How long would you take to sign each
14 affidavit?

15 A I never timed myself. I don't know.

16 Q Have you ever taken more than 15 minutes?

17 A I never timed myself. I don't know.

18 Q Okay. Have you ever taken more than an hour?

19 A I still don't know.

20 Q As part of your duties as assistant
21 vice president, you also have signed responses to
22 discovery; is that right?

23 A Yes.

24 Q And you've also verified complaints; is that
25 right?

1 A Yes.

2 Q Can you approximate how many responses to
3 discovery you would sign in a given week?

4 A No.

5 Q Was it common for you to sign responses to
6 discovery?

7 MR. ELLISON: Object to the form.

8 BY MR. ZACKS:

9 Q Did you sign --

10 MR. ZACKS: I'll rephrase.

11 MR. ELLISON: Okay.

12 BY MR. ZACKS:

13 Q During the time you were signing documents in
14 connection with foreclosures, did you sign responses to
15 discovery every day?

16 A No.

17 Q Every week?

18 A I don't know.

19 Q Can you approximate how many verifications of
20 foreclosure complaints you signed in a given week?

21 A I don't know.

22 Q How many other people, between Cheryl and the
23 23 people you oversaw, were also signing affidavits,
24 verifications and responses to discovery?

25 A No other people in the Bankruptcy Department,

1 other than myself, signed foreclosure documents.

2 Q Are there people at your level who are also
3 signing affidavits, verifications and responses to
4 discovery?

5 MR. ELLISON: At that time?

6 MR. ZACKS: Yes, at that time.

7 THE WITNESS: Yes.

8 BY MR. ZACKS:

9 Q And who are those people?

10 A I don't know all their names.

11 Q Okay. Can you list those that you remember?

12 A Whytnie Nordman --

13 MR. ELLISON: Could you spell that for court
14 reporter?

15 THE WITNESS: Actually, let me take that back.
16 I don't think she signed documents.

17 MR. ELLISON: Spell it for the court reporter
18 anyway.

19 THE WITNESS: N-O-R-D-M-A-N, and it's
20 W-H-Y-T-N-I-E. Angela Martinez. That's all that I
21 can think of. Those are the only people -- the
22 person I actually witnessed sign documents was
23 Angela Martinez. I'm not sure Whytnie did.

24 BY MR. ZACKS:

25 Q And what's Angela's position?

1 A She was assistant vice president.

2 Q How would it happen that she would sign
3 something as opposed to you?

4 A I don't know.

5 Q You didn't have a particular specialty as
6 opposed to Angela where it might go to one or the other
7 to sign something?

8 A No.

9 Q Was she also directly under Cheryl Marchant?

10 A Yes.

11 Q Now, what were Angela's duties as assistant
12 vice president? Is it a different department that she
13 oversaw than you?

14 A Yes.

15 Q What department was that?

16 A I don't know the name of the department but
17 she worked in deed-in-lieus. She assisted with
18 deed-in-lieus.

19 Q Tell me about the difference -- do you know
20 much about the Colorado office of Aurora?

21 A No.

22 Q Do you know why certain documents might be
23 signed in your office in Indiana versus Colorado?

24 A No.

25 Q Do you know if they have similar departments

1 to yours in Colorado?

2 A There's a Foreclosure Department in Colorado,
3 yes.

4 Q But you don't know why some cases would be
5 referred out there or to your office?

6 A I think it was geographic.

7 Q Okay. So who is your office in charge of;
8 just certain States or certain areas of the country?

9 A I believe so.

10 Q Okay. What areas were those?

11 A I don't know.

12 Q For affidavits, you said outside counsel
13 drafted those, correct?

14 A Yes.

15 Q The affidavits that you signed, correct?

16 A Yes.

17 Q Would that be everything on the affidavit?

18 A Yes.

19 Q When you sign an affidavit, what kinds of
20 things do you review? Well, sorry. I'll specify. When
21 you signed affidavits of indebtedness, what kinds of
22 documentation would you review prior to signing that
23 affidavit?

24 A My focus was on the numbers.

25 Q So what kinds of things would you review to

1 focus on the numbers?

2 A The document.

3 Q The affidavit?

4 A Yes.

5 Q Okay. Anything else?

6 A Occasionally I would look at the system.

7 Q Anything else?

8 A Occasionally I would ask one of the

9 processors.

10 Q Anything else?

11 A No.

12 Q So to focus on the numbers you said you would
13 look at the document itself; look at the system and ask
14 the processors. Anything else?

15 A Not that I recall.

16 Q What system are you referring to?

17 A Our servicing system.

18 Q What system is that?

19 A LPS Fidelity.

20 Q And what kinds of -- sorry. When you had
21 occasion to look at the system, what would you be
22 looking for?

23 A Date of default.

24 Q Anything else?

25 A Unpaid balance.

1 Q Anything else?

2 A Pretty much any number that was in the -- in
3 the affidavit.

4 Q You said you would ask the processors. Who
5 are the processors?

6 A Like what, names?

7 Q Sure. And also, what do they do? I don't
8 know what a processor does.

9 A Oh.

10 MR. ELLISON: Let's start with what they do
11 and then you can go to names.

12 THE WITNESS: Yeah. I don't recall all the
13 names, but they would take the document from the
14 attorneys -- that the attorney uploaded and they
15 would verify the figures. Then they would give the
16 document to the person who distributed the
17 documents to the necessary signers.

18 BY MR. ZACKS:

19 Q All right. What kinds of things would you ask
20 the processors about?

21 A Well, it would depend. If I saw what I
22 thought was an unusual figure or something that didn't
23 make sense to me.

24 Q How often did that occur?

25 A I don't know.

1 Q Was it your usual process to ask processors
2 every time you signed an affidavit?

3 A I didn't have cause to ask them every time.

4 Q Would you say it was rare?

5 A I don't know.

6 Q Tell me about the actual act of signing these
7 affidavits. When you received them from the person who
8 distributes the documents, would they come to you in
9 physical form?

10 A Yes.

11 Q Okay. And would there be one or a stack of
12 them, or how would they come to you?

13 A It could be either.

14 Q Okay. Was it more common than not to get more
15 than one?

16 A No.

17 Q Was there a certain time of day those would be
18 delivered to you?

19 A I usually got them in the morning.

20 Q Would the notary be right there with you?

21 A No.

22 Q Where was the notary?

23 A On the same floor, in the same area.

24 Q So the notary would not watch you sign the
25 document?

1 A No.

2 Q Would you -- how would you present documents
3 you signed to the notary? Send a big stack all at once
4 or --

5 A Can we go back to the last question?

6 Q Sure.

7 A Because it wasn't always. Occasionally I did
8 sign in front of them because they were there. I mean,
9 they would hand you a document. So to say, no, was an
10 inaccurate statement.

11 Q Sure. You said the notary is on the same --
12 well, let's go back to how you delivered it. Assuming
13 the notary was not sitting at the table with you right
14 there, would you just take a big stack, drop them off at
15 her desk and watch the notary sign it? Or how would you
16 do that?

17 MR. ELLISON: Object to the form.

18 You can answer.

19 THE WITNESS: Okay. I don't know what you
20 would call a big stack but I would just hand them
21 back to the person that gave me the documents
22 initially.

23 BY MR. ZACKS:

24 Q And that would be the same person we talked
25 about earlier under the generic title, "person who

1 distributes documents?"

2 A Yes.

3 Q Was that always the same person or was that
4 somebody different each time?

5 A Occasionally it was someone else, but
6 primarily it was Amber Smoot.

7 Q So Amber would come to your desk; drop off the
8 affidavits; you would sign it sometimes in front of the
9 notary, but when the notary wasn't sitting at the desk,
10 Amber would go drop those affidavits off at the notary's
11 desk; is that right?

12 A Primarily that's what happened, yes.

13 Q Okay. And you said the notary is in the same
14 area. What do you mean by that?

15 A I could see them. They were all on this -- we
16 are all in the same room.

17 Q Okay. How far away were you?

18 A I don't know how many feet it would be. I
19 could see them. They are all in the same room.

20 Q Tell me about the LPS Fidelity system. Is
21 that one system or are those -- is that one title for
22 the same system?

23 A Actually, LPS owns or has both systems. They
24 have the Fidelity system and the LPS desktop management
25 system.

1 Q And in your course of sending affidavits
2 sometimes you would consult both of those or one of
3 those?

4 A Yes. Primarily the -- our system of record.

5 Q The desktop?

6 A No.

7 Q Or the Fidelity?

8 A The Fidelity.

9 Q What can you tell me about the Fidelity
10 system? Does that have the entire payment history?

11 A Yes.

12 Q Is your department in charge of making or
13 changing the records on the Fidelity system?

14 A You have to be more specific about what
15 records are changed.

16 Q Sure. Say there was a payment entry that came
17 in?

18 A I would not do that.

19 Q That would not be your department?

20 A No.

21 MR. ELLISON: Let him finish the question
22 before you answer.

23 BY MR. ZACKS:

24 Q What department would that be?

25 A The Cashiering Department in Colorado.

1 Q Who was in charge of the Cashiering
2 Department?

3 A I don't remember his name right now.

4 Q Do you know how many people are in the
5 department?

6 A No.

7 Q Can you name anyone in that department?

8 A Rachel Curtis.

9 Q Who is she?

10 A She's a supervisor.

11 Q Anyone else?

12 A Her first name is Autumn but I can't remember
13 her last name. It escapes me right now.

14 Q All right. Anyone else?

15 A No. Autumn Hollars, that was her name.
16 Sorry. I knew it would come to me. H-O-L-L-A-R-S.

17 Q So in the Cashiering Department, they would be
18 the ones taking in payments and marking them on the
19 Fidelity system; is that right?

20 A Primarily, yes.

21 Q Who else would do that?

22 A Well, sometimes it went through the lockbox.
23 It would get scanned and posted automatically.

24 Q I see what you mean. So sometimes it was a
25 human being physically doing that in the Cashiering

1 Department; sometimes it's an automated process?

2 A Correct.

3 Q Besides those two processes, does any other
4 department change payment records on Fidelity?

5 A Not that I'm aware, no.

6 Q Let me ask you the same question for things
7 like escrows or pay-outs rather than payments coming in
8 to Aurora. What department would be in charge of
9 notating that on the Fidelity system?

10 A It would be the Escrow Department.

11 Q And are you in charge of that department?

12 A No.

13 Q Where is that department?

14 A That's in Scotts Bluff.

15 Q Nebraska?

16 A Yes.

17 Q Who's in charge of that department?

18 A Lucy Lange.

19 Q How many people are in that department?

20 A I don't know.

21 Q Besides Lucy Lange, do you know anyone in that
22 department?

23 A No. I can't recall any names.

24 Q Do they ever -- they being the Escrow
25 Department, do they ever use an automated process?

1 A I don't know.

2 Q Can you take me through the process of the
3 Cashiering Department taking in a payment such that it
4 would be uploaded on the Fidelity system?

5 A I really can't. I'm not the person to answer
6 that.

7 Q Okay. And the same question about the
8 automated process, can you tell me anything about how
9 that works?

10 A No.

11 Q The Escrow Department, same question
12 essentially, how does the Escrow Department -- how does
13 their process work in terms of paying something out --

14 A I don't know.

15 Q -- putting it on the Fidelity system?

16 A I don't know.

17 Q Does the Cashiering Department make entries
18 immediately when they receive payments?

19 A I don't know what their process is.

20 Q Okay. Is there a policy manual or a guide for
21 them in terms of how quickly they are supposed to
22 reflect transactions on the Fidelity system?

23 A I know there are time line requirements, yes.

24 Q Okay. Do you know anything about those time
25 line requirements?

1 A Not specifically, no.

2 Q Okay. Who would have more information about
3 that?

4 A Rachel Curtis.

5 Q And you're not in charge of developing those
6 time line requirements, right?

7 A No.

8 Q Same question for the Escrow Department, do
9 you know how quickly they would reflect the change on
10 the Fidelity system after they had, for example, paid
11 out homeowner's insurance?

12 A No, I don't.

13 Q Do they have a policy manual or a policy guide
14 on that?

15 A I could only speculate.

16 Q So you don't know?

17 A No.

18 Q And besides Lucy Lange, anybody who would have
19 more information on that?

20 A She would be a good resource.

21 Q Okay. Can you tell me about the quality
22 control processes on the Fidelity system?

23 MR. ELLISON: Object to the form.

24 You can answer.

25 THE WITNESS: For what?

1 BY MR. ZACKS:

2 Q For verifying that numbers were correct? How
3 does your company verify that numbers in the Fidelity
4 system are correct?

5 A Each department has their own standards in
6 audits.

7 Q Okay. So what are the standards in audits in
8 the Cashiering Department?

9 A I don't know.

10 Q What are the standards in audits in the Escrow
11 Department?

12 A I don't know.

13 Q What about in-house Legal Department, what are
14 their standards in audits for the Fidelity system?

15 A I don't know.

16 Q And for your department, what are the
17 standards in audits?

18 A We have certain processes that are audited.

19 Q What processes are those?

20 A Our proof of claims are audited.

21 Q Anything else?

22 A Our time line for motion for reliefs.

23 Q Anything else?

24 A Time lines for notices of default.

25 Q Okay. Anything else?

1 A Our Chapter XI cramdowns.

2 Q Anything else?

3 A The new case setup.

4 Q You mean new bankruptcy case setup?

5 A Yes.

6 Q Anything else?

7 A I'm thinking of the audit questions. Give me
8 a second. I can't think of any right now.

9 Q At the time you were signing affidavits of
10 indebtedness and other documents related to
11 foreclosures, were you in charge of the standards in
12 audits for the Fidelity system?

13 MR. ELLISON: For which department?

14 MR. ZACKS: For any department.

15 THE WITNESS: The auditing is -- comes from a
16 separate department for all departments. We don't
17 audit ourselves. It's audited by another
18 independent group.

19 BY MR. ZACKS:

20 Q Okay. And what was that -- what's the name of
21 that group?

22 A I've always called them Auditing. I don't
23 know what their official title is.

24 Q And do you know what their policies and
25 procedures were regarding standards in audits at the

1 time you were signing foreclosure documentation?

2 A No.

3 Q Do you know how often they would go in and
4 audit the Fidelity records for any department?

5 A We had monthly audits.

6 Q For the Bankruptcy Department?

7 A Yes.

8 Q Tell me about that process. What kinds of
9 things would the audit entail?

10 A I know they took a -- depending on the
11 question, whether it was proof of claim or a motion for
12 relief, so depending on the question and the time line
13 they pulled reporting and had a random sampling of
14 accounts.

15 Q Do you know what percentage?

16 A No, I don't.

17 Q Okay. And you don't know what percentage for
18 any other department, right?

19 A No.

20 Q Who is the head of the auditing group?

21 A Kyle Giem, G-I-E-M.

22 Q Are they in your office or another office?

23 A Kyle is in Denver.

24 Q Is that where the whole department is?

25 A No. The bankruptcy auditor is in

1 Scotts Bluff.

2 Q What about the cashiering auditor?

3 A I don't know.

4 Q And escrow auditor?

5 A I don't know.

6 Q Do you know who the cashiering auditor is?

7 A No.

8 Q Do you know who the escrow auditor is?

9 A No.

10 Q Would Fidelity have -- besides the full
11 payment history, what other kinds of things would be on
12 the Fidelity system?

13 A The date the note was signed, the origination
14 balance, the principal balance, the date of default --
15 or actually the contractual due date because it's not
16 always defaulted.

17 Q Anything else?

18 A In bankruptcy we had to post petition due
19 date; the contractual payment and any pending payment
20 changes; the escrow information.

21 Q What about servicing notes, would that be on
22 the Fidelity system?

23 A Yes.

24 Q Now, besides those, anything else?

25 A Yeah, there's a lot of information on

1 Fidelity. I wouldn't be able to name it all.

2 Q You said Fidelity contains the date the note
3 was signed; is that right?

4 A Yes.

5 Q Does it contain actual copies?

6 A Not in Fidelity, no.

7 Q Okay. So, in other words, so we are clear,
8 you wouldn't click on Fidelity to look at a copy of the
9 note; is that right?

10 A No. We have a different system that does
11 that.

12 Q Okay. Now, servicing notes, is that a
13 different department than Cashiering, than Escrow?

14 A Anybody can make a servicing note.

15 Q Okay. So any one of these departments,
16 Cashiering, Escrow, Bankruptcy, they can make a change
17 to the Fidelity records; is that right?

18 A We can't change the records. We can add to
19 them. So if I wanted to make a comment, the comment
20 would be added but I could not change the comment.

21 Q But you could add a new payment record if you
22 needed to?

23 A No.

24 Q Was it password protected for certain kinds of
25 transactions?

1 A For me to do a cashiering function, I wouldn't
2 be able to do it. I would have to have that authority.

3 Q Is it password protected, though, or what --

4 A It's security -- it's some type of security
5 level that you have. So it's not password. It's either
6 you can do it or you can't.

7 Q Okay. Have you ever -- what happens if you
8 click something that you don't have authority to do it?

9 A It won't allow you to do it.

10 Q It just has a screen that says what?

11 A Yeah, that you don't have the authority to do
12 it.

13 Q You said you had a different system to
14 actually look at notes. What system is that?

15 A The notes are in Fidelity. It was the
16 documents that are in a different system.

17 Q Explain that.

18 MR. ELLISON: The promissory note. He's not
19 talking about the servicing notes.

20 MR. ZACKS: Right. That's why --

21 THE WITNESS: All right. I'm sorry. What are
22 we talking about? All right. The promissory note
23 is in the document viewer system.

24 BY MR. ZACKS:

25 Q Is that wholly separate from Fidelity or what

1 is that?

2 A It's separate from Fidelity.

3 Q Who maintains that system?

4 A I don't know.

5 Q Who's in charge of that system?

6 A I don't know.

7 Q Who uploads the documents on that system?

8 A I think more than one department does.

9 Q What departments do you know upload documents
10 on the document viewer system?

11 A The -- like when we get bankruptcy mail, they
12 scan that in so there's a department -- a
13 communication -- you know, a Communication Department
14 that scans that stuff in. And then if there's one
15 specific document -- say, for example, there's an
16 assignment added -- then that comes from a different
17 department.

18 Q What department do assignments come from?

19 A The Documents Department.

20 Q Where is the Documents Department?

21 A Scotts Bluff.

22 Q Besides promissory notes and assignments, what
23 else would be in the doc viewer system?

24 A Any bankruptcy correspondence; any foreclosure
25 correspondence; any miscellaneous customer letters; the

1 origination documents.

2 Q Besides foreclosure correspondence,
3 origination documents and letters from customers, and
4 promissory notes and assignments of mortgage, anything
5 else that would be on the doc viewer system?

6 A I don't know all the document names. There's
7 hundreds.

8 Q What would you consider foreclosure
9 correspondence?

10 A It's not for me to determine that. That's
11 determined by a different department.

12 Q What department is that?

13 A The people that scan the documents in.

14 Q Which would be the Communications Department,
15 the Documents Department or some other department,
16 right?

17 A Right.

18 Q What kinds of documents would you consider
19 foreclosure correspondence?

20 A I would say any correspondence from the
21 customer regarding their foreclosure, if they had a
22 question about it and they asked that question in
23 writing; any third party authorizations. I would say
24 the majority of the communication that happens while the
25 account is in foreclosure.

1 Q Okay. Is the document viewer system separate
2 also from the LPS desktop management system?

3 A Yes.

4 Q Okay. What's in the LPS desktop management
5 system?

6 A Communication to the law firms.

7 Q Anything else?

8 A Milestones.

9 Q Is that your own internal milestones or is
10 that for MERS-only loans?

11 A I'm sorry?

12 Q Milestones, is that Aurora specific or is that
13 only for mortgages that were on Mortgage Electronic
14 Registration Systems, Inc.'s, registry? Is that only
15 internal to Aurora or is that only for Mortgage
16 Electronic Registration Systems, Inc.'s, registry?

17 A Totally separate, different. They are timely
18 milestones.

19 Q Okay. Besides correspondence and besides the
20 milestones, anything else on the LPS desktop management
21 system?

22 MR. ELLISON: Object to the form.

23 You can answer.

24 MR. ZACKS: What's wrong with the form?

25 MR. ELLISON: She didn't say, correspondence.

1 She said, communications to law firms.

2 BY MR. ZACKS:

3 Q You can answer.

4 A Yeah, they have documents in that -- either
5 documents from us or we would get documents from them
6 through LPS.

7 Q From?

8 A The law firm.

9 Q And by "law firm," you're talking about
10 outside foreclosure counsel; is that right?

11 A Correct.

12 Q Or could it be any other kind of counsel, or
13 bankruptcy counsel?

14 A Yes.

15 Q Besides correspondence -- sorry,
16 communications to and from your attorneys, milestones
17 and any documents to and from outside counsel, anything
18 else on the LPS desktop management system?

19 A There's an intercom system where you could
20 communicate directly to the firm.

21 Q Okay. Anything else?

22 A Those are primarily the things that I use. I
23 don't -- I'm sure there's more things to it.

24 Q Okay. So besides the intercom system,
25 communications to and from outside foreclosure and

1 bankruptcy counsel, and milestones and any documents to
2 and from outside counsel, sitting here today you don't
3 know of any other documents on the LPS desktop
4 management system?

5 A Loss mitigation occasionally will.

6 Q Anything else?

7 A Not that I'm aware.

8 Q When would the intercom system come into play?
9 What kinds of things would that be used for?

10 A It's a myriad of things.

11 Q When have you used the intercom system?

12 A When they've notified us of a -- the need for
13 a witness.

14 Q Information on the intercom system, would that
15 be reflected in the consolidated notes log, or not?

16 A Yes.

17 Q What kinds of things are on the milestones?

18 A Well, we call them steps. And it's all time
19 line management, time line driven, based on the process.

20 Q So what do you mean by that? In a typical
21 foreclosure case, what kinds of things would you see on
22 this time line management?

23 A If an NOD was sent; if the judgment was
24 entered; if bidding instructions were sent; when the
25 foreclosure sale had taken place.

1 Q And who -- is the LPS desktop management
2 system maintained by one department?

3 A I don't know.

4 Q Okay. Is there one department that's
5 primarily in charge of making entries on the LPS desktop
6 management system?

7 A Well, no. The Bankruptcy Department makes
8 entries in the LPS desktop. Foreclosure, loss
9 mitigation, that's primarily what we use it for.

10 Q And you said in the course of your duties when
11 you were signing affidavits you would review the LPS
12 desktop management system and the Fidelity system. What
13 would you look at the LPS desktop management system for?

14 A To see if there was any outstanding issues.

15 Q What do you mean by that?

16 A The attorneys can raise issues to see if, you
17 know -- for various reasons. So depending on the
18 outstanding issue, we would take action based on what
19 their request was.

20 Q Besides reviewing LPS desktop management for
21 attorney-raised issues, is there any other reason you
22 would review that system prior to signing an affidavit?

23 A No. The steps and the time lines are all
24 written back to our servicing records.

25 Q Who has access to the Fidelity system; just

1 people at Aurora or anyone else?

2 A Our servicing system?

3 Q Right.

4 A As far as I know, it's all -- it's only Aurora
5 employees.

6 Q So --

7 A Can we take a break?

8 MR. ZACKS: Yes.

9 (Recess.)

10 BY MR. ZACKS:

11 Q You understand you are still under oath,
12 right?

13 A Yes.

14 Q Where we left off was access to the Fidelity
15 system. And you stated only Aurora employees have
16 access to that; is that right?

17 A As far as I know, yes.

18 Q Okay. Do any sub servicers that Aurora might
19 hire have access to that?

20 A I don't know.

21 Q Okay. Do your attorneys have access to that?

22 A Not direct access.

23 Q So they have indirect access?

24 A Well, we'll -- when we place an account with
25 them, we push over screens from Fidelity so they don't

1 actually -- they can't access it. They can only view
2 the screens that we pushed over.

3 Q Okay. So to clarify, they don't log into the
4 system?

5 A No.

6 Q When you say, "push over," you mean
7 essentially screen shots?

8 A Yes.

9 Q On the Fidelity system, you said that would
10 contain all the payment records, right?

11 A Yes.

12 Q Would that contain payment records from
13 previous servicers, if there were any?

14 A I don't think so.

15 Q Where would those records be?

16 A They are in a separate -- they're stored
17 separately.

18 Q Is it a separate database system?

19 A Yeah.

20 Q Okay.

21 A Yes.

22 Q What's that?

23 A I think it's called Doctrak.

24 Q Doctrak?

25 A D-O-C-T-R-A-K.

1 Q In your course of signing affidavits of
2 indebtedness, did you ever review the Doctrack system?

3 A No.

4 Q Who is in charge of maintaining the Doctrack
5 system?

6 A I don't know.

7 Q Who is in charge of the standards in audits
8 for the Doctrak system?

9 A I don't know.

10 Q Who would have information about the Doctrak
11 system?

12 A I'm sorry?

13 Q Who would have more information about the
14 Doctrak system?

15 A I can't even tell you where to go. I can't
16 point you.

17 Q So besides the intercom system on the LPS
18 desktop management system, is there any other place
19 where attorneys would put notes on Aurora's records?

20 MR. ELLISON: Object to the form.

21 You can answer.

22 BY MR. ZACKS:

23 Q You can answer.

24 A Within the processes, there's dropdowns. They
25 call them DDFs.

1 Q What's that?

2 A That's a -- I don't know what it stands for.

3 Q What would DDF say or mean?

4 A Well, I'll give you an example in the
5 bankruptcy side, where if it was a plan review there
6 would be a DDF about what they reviewed; was there any
7 verbiage in there that wasn't correct or -- not correct
8 but that would be adverse to -- was there any cramdown
9 language; was there, you know -- so there's questions
10 within the DDF that they can answer. And then
11 usually -- or sometimes; not usually. Sometimes there's
12 a free form field that they can type.

13 Q Did you ever encounter a DDF in the course of
14 your duties of signing affidavits of indebtedness?

15 A Not that I recall.

16 Q What about for signing responses to discovery?

17 A I don't remember.

18 Q And verifications of complaints?

19 A I don't remember.

20 Q Now, you said prior to signing an affidavit
21 you would get that from the person who distributes
22 documents, usually Amber Smoot; right?

23 A Yes.

24 Q Do you receive anything else from Amber,
25 besides the affidavit itself?

1 A Receive any?

2 Q Sure. She drops off an affidavit on your
3 desk, right?

4 A Yes.

5 Q Is there anything else, along with that
6 affidavit, that she would normally drop off for you?

7 A I don't understand what you're asking me. I
8 don't know what --

9 Q Sure. Would she drop off, you know, the
10 origination file attached to the affidavit, or --

11 A No.

12 Q Would there be anything attached to that
13 affidavit?

14 A Sometimes the -- no. I would just be
15 speculating. I don't remember.

16 Q Along with the affidavit, would there be any
17 specific instructions for you to sign or review or
18 anything like that?

19 A No.

20 Q Just the affidavit itself?

21 A Yes.

22 Q Okay. Same question for signing discovery,
23 was it just a copy of the discovery itself or did you
24 get anything attached with that?

25 A I don't recall.

1 Q And same question, any instructions along with
2 the discovery to sign?

3 A No instructions.

4 Q And finally, for the verification, what would
5 you get with the verification, if anything?

6 A The exhibits.

7 Q What would those be?

8 A If there was any -- if they referred to any
9 exhibits, they would be attached.

10 Q Anything else?

11 MR. ELLISON: You have to say, yes or no.

12 THE WITNESS: No.

13 BY MR. ZACKS:

14 Q And any instructions for verification?

15 A No.

16 Q So you would get these from Amber Smoot. How
17 would you know that she was properly instructed to bring
18 these then to your desk?

19 A She was just the messenger. I don't -- I
20 don't know how she was instructed.

21 Q So you don't know who would tell Amber Smoot
22 to bring those documents to your desk?

23 MR. ELLISON: Object to the form.

24 You can answer.

25 MR. ZACKS: I'm sorry. What's wrong with the

1 form?

2 MR. ELLISON: The way you phrased it, it
3 assumed the prior answer said that she didn't know
4 who did it, and that wasn't the way the question
5 and answer before it went.

6 So you can answer if you want, unless he wants
7 to rephrase.

8 BY MR. ZACKS:

9 Q Do you know if anyone instructed Amber Smoot
10 to drop documents, such as affidavits, discovery or
11 complaints, onto your desk?

12 A I would say it was the person that was in
13 charge of the entire process, yes.

14 Q And who was that?

15 A At the time it was Whytnie Nordman.

16 Q And what was her title?

17 A She was the foreclosure manager.

18 Q Did you ever see Whytnie Nordman instruct
19 Amber Smoot to drop documents off on your desk?

20 A No.

21 Q Did you ever see any documentation of such a
22 request?

23 A No.

24 Q Is Whytnie Nordman still the foreclosure
25 manager?

1 A She's no longer with the company.

2 Q Why did she leave?

3 A I don't know.

4 Q Do you know where she works now?

5 A No.

6 Q Who prepares the answers to interrogatories
7 that you sign or that you used to sign?

8 A Counsel.

9 Q Outside counsel?

10 A Uh-huh. Yes.

11 Q And who prepares verifications of complaints
12 for you to sign, when you used to sign them?

13 A Counsel.

14 Q Outside counsel?

15 A Yes.

16 Q Who's in charge of retaining outside counsel?

17 A Depends on what process.

18 Q For foreclosures, who's in charge of retaining
19 outside counsel?

20 A Cheryl Marchant.

21 Q Do you know about how notes are ordinarily
22 kept by Aurora?

23 A I beg your pardon?

24 Q Sure. Do you know about the custodial
25 policies of Aurora in terms of storing promissory notes?

1 A No.

2 Q Do you know who would have more information
3 about that?

4 A Regina Lashley.

5 Q What department is she in?

6 A She's the vice president over the Documents
7 Group; L-A-S-H-L-E-Y.

8 Q So you don't know how promissory notes are
9 ordinarily kept by Aurora?

10 A No.

11 Q You don't know the procedures in terms of
12 storing notes at Aurora?

13 A No.

14 Q Do you know about whether electronic copies of
15 the note are maintained by Aurora?

16 A They are at our -- yes.

17 Q And that's in the --

18 A The document viewer system.

19 Q And that would be uploaded by the
20 Documents Group, or someone else?

21 A It depends on the document.

22 Q Okay. Who would upload a promissory note onto
23 the document viewer system?

24 A I'm not sure.

25 Q You've looked at promissory notes before on

1 the document system, right?

2 A Yes.

3 Q Are they color copies?

4 A No.

5 Q You said when you verify complaints you look
6 at the verification and any exhibits; is that right?

7 A Yes.

8 Q Anything else?

9 A Not unless I had a question.

10 Q So besides the verification language itself
11 and the exhibits to the complaint, there's nothing else
12 you look at prior to signing a verification of a
13 complaint; is that right?

14 A Well, my focus was on the figures. I
15 didn't -- I counted on counsel to have the language
16 right.

17 Q What kind of -- would you review the exhibits
18 to a verification to verify?

19 MR. ELLISON: Object to the form.

20 MR. ZACKS: You can answer.

21 MR. ELLISON: You can answer the question.

22 THE WITNESS: Okay. Just mostly to see that
23 they were the right documents with the right -- so
24 that the document matched the complaint or
25 whatever.

1 BY MR. ZACKS:

2 Q Okay. What kinds of things did you look to
3 match up?

4 A The names.

5 Q Anything else?

6 A The address, if there was -- if it was
7 provided.

8 Q Anything else?

9 A No, not that I recall.

10 Q So when verifying a complaint, you would look
11 at the exhibits to the complaint to match up the name
12 and the address and nothing else; is that right?

13 MR. ELLISON: Object to the form.

14 BY MR. ZACKS:

15 Q You can answer.

16 A Of the customer, yes.

17 MR. ZACKS: What was wrong with the form?

18 MR. ELLISON: I don't even remember the
19 question.

20 MR. ZACKS: Sure. I'll re-ask it and see if
21 maybe it clears it up a little bit.

22 BY MR. ZACKS:

23 Q You said when you verified a complaint you
24 would look at the attachments, or the exhibits, to match
25 up the name and the address of the customer; is that

1 right?

2 A Yes; if the address was on there, yes.

3 Q Sure. And besides reviewing exhibits to match
4 up the name and the address, is there anything else you
5 would look at the exhibits for?

6 A No.

7 Q How would you look at the exhibits; on the
8 computer system?

9 A If they were attached, I would.

10 Q Okay. And I'm assuming it was outside counsel
11 who was in charge of putting that package together?

12 A Yes.

13 Q Do you review any of the information in the
14 referral package that is sent to the attorney?

15 A No. It's a standard form.

16 Q Is that on your computer systems, the referral
17 package?

18 A Yes. It's not on -- it's not on Fidelity,
19 though. It's in the desktop management system.

20 Q And besides reviewing the exhibits and the
21 verification language itself, is there anything else you
22 look at prior to verifying a complaint?

23 A Well, I didn't really focus on the language.
24 It was just make sure that we have the right customer
25 with the right complaint, and the figures were our

1 focus.

2 Q Okay. So now, other than the verification and
3 the exhibits, there's nothing else you reviewed prior to
4 verifying complaints?

5 A Not unless there was a question, no.

6 Q Okay. You're aware that sometimes Aurora has
7 claimed in court that it has misplaced or lost original
8 notes; is that right?

9 A I'm not -- I don't have firsthand knowledge of
10 that, no.

11 Q Have you ever performed a search for a
12 misplaced original promissory note?

13 A No.

14 Q Do you know who does?

15 A It would be the Documents Group.

16 Q Anyone else?

17 A Not that I'm aware.

18 Q Ever seen notes about such a search for a lost
19 or misplaced original promissory note?

20 A In some cases, yes.

21 Q Okay. And what kinds of things would be
22 contained in the notes?

23 A I don't know. I don't remember.

24 Q Would it describe a search or would it simply
25 say, can't find a note right now?

1 A No, it wouldn't describe the search.

2 Q Do you know about the process for looking for
3 notes, such as where the Documents Group might look?

4 A No.

5 Q Okay. Do you know where Aurora's vault of
6 promissory notes is?

7 A Yes. It's in Scotts Bluff, Nebraska.

8 Q Is there any other location that contains
9 promissory notes?

10 A That belongs to Aurora?

11 Q Yes.

12 A No, not that I'm aware.

13 Q So Regina Lashley, she's in Scotts Bluff?

14 A Yes.

15 Q So if a promissory note could not be located,
16 she would be the person in charge of looking for it?

17 A Yes.

18 Q I asked you earlier about the notarization
19 process for affidavits of indebtedness. Was that the
20 same for when you signed discovery responses?

21 A I beg your pardon?

22 Q Sure. You described to me earlier the process
23 of how documents you sign get notarized, right?

24 A Yes. Yes.

25 Q That was in the context of affidavits that you

1 signed?

2 A Yes.

3 Q Was that process the same for when you signed
4 responses to discovery?

5 A Yes.

6 Q Were there ever any witnesses on documents you
7 would sign in connection with foreclosures?

8 MR. ELLISON: Separate from the notary?

9 BY MR. ZACKS:

10 Q Yes, separate from the notary.

11 A Yes.

12 Q Who were those?

13 A I don't know what you mean. It could be
14 anybody.

15 Q Was it just -- sure. In other words,
16 sometimes there may have been casual viewers who might
17 have seen you sign something. But were there ever times
18 when you said, I need a witness on this to watch me sign
19 this?

20 A I've said that, yes, only if there was a
21 request for a witness on the documents.

22 Q What kinds of documents?

23 A I don't remember the names of the documents.

24 Q So you didn't personally draft any affidavits;
25 is that right?

1 A No.

2 Q So you would not input, for example, who owns
3 the loan, right?

4 A No.

5 Q Aurora is a servicer of loans and an owner of
6 loans, right?

7 A It's possible, yes.

8 Q Do you know what percentage is actually owned
9 by Aurora?

10 A I have no idea.

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

13 A I don't know.

14 Q How do you determine whether a loan is owned
15 by Freddie Mac or Fannie Mae?

16 A There's a screen on our servicing system that
17 says.

18 Q Would you look at that each time before
19 signing an affidavit?

20 A No.

21 Q Would you look at that each time before
22 signing a verification of a complaint?

23 A No.

24 Q And would you look at that each time before
25 signing responses to discovery?

1 A No.

2 Q Would you agree that on many affidavits of
3 indebtedness, Aurora will sometimes say who the owner of
4 a loan is?

5 MR. ELLISON: Object to the form.

6 BY MR. ZACKS:

7 Q Did you ever see language in an affidavit that
8 said Aurora owns a certain loan?

9 A Yes.

10 Q Okay. And did you -- and you've already said
11 you wouldn't check to see if Fannie Mae or Freddie owned
12 that loan, right?

13 A No.

14 Q Okay. Would you check to see if anybody else
15 owned that loan?

16 A No.

17 Q Do you know if anyone did?

18 A I don't know.

19 Q Did you ever verify a complaint that had a
20 count that said a note was lost?

21 A Yes.

22 Q Okay. And did you look for the note yourself?

23 A No.

24 Q Did you talk to anyone about looking for the
25 note?

1 A No.

2 Q What did you do to verify that a note was lost
3 or misplaced?

4 A Not usually anything.

5 Q Okay. So you wouldn't check with the
6 documents department to see if, in fact, the note was
7 lost?

8 A No. I relied on the counsel to know whether
9 it was or not.

10 Q Your servicing notes -- or your servicing
11 system contains notes from the Documents Department,
12 right?

13 A Yes.

14 Q Okay. And those notes can include references
15 to where the original note is located, right?

16 A Yes.

17 Q So if you were signing a document that said a
18 note were lost, wouldn't a logical place to look be the
19 notes?

20 MR. ELLISON: Dustin, we can do this off the
21 record, on the record, outside the room, it doesn't
22 matter, but in looking at the documents that she
23 actually -- that we're here on today in terms of
24 the depositions, I don't see that any of them
25 actually have lost note counts in the complaints

1 that were here or referenced lost notes in the
2 affidavits or the interrogatories. So I think we
3 may be going outside the field of the scope that
4 the judge was talking about. I am going to give
5 you more leeway on this but I just wanted to let
6 you know that I think we are going off the track a
7 little bit in terms of what she signed in these
8 particular cases. But you can -- is there a
9 question pending? I'm sorry.

10 BY MR. ZACKS:

11 Q You can answer.

12 A I don't remember the question. I'm sorry.

13 Q Sure. You've said that your servicing system
14 has notes from the documents department, right?

15 A Yes.

16 Q So wouldn't that be a logical place to look
17 for where notes -- or whether notes were lost?

18 A I'm not sure when they started doing that so
19 it would depend. Now it would make sense, yes. Back
20 then, I'm not sure that those notes were in there.

21 Q Okay. What about ownership or investors in
22 loans, would that be contained in your internal notes in
23 your servicing system?

24 MR. ELLISON: Object to the form.

25 Q You can answer.

1 MR. ZACKS: What's wrong with the form?

2 MR. ELLISON: You said ownership or investor.

3 So there are different choices.

4 You can answer if you want.

5 MR. ZACKS: I'll rephrase.

6 BY MR. ZACKS:

7 Q You understand "investor" in the typical
8 mortgage parlance to refer to an owner of a loan, right?

9 A I'm sorry?

10 Q Sure. How do you understand the term
11 "investor" in everyday mortgage world usage?

12 A To be the owner, yes.

13 Q To be the owner?

14 A Correct.

15 Q Do your internal servicing notes on your
16 records refer to who the investor or the owner is?

17 A Yes.

18 Q Always?

19 A Well, there are times when it would be like as
20 trustee for, but -- so it's not always clear.

21 Q But it's always listed?

22 A Yes.

23 Q Was that always the policy?

24 A Yes.

25 Q So there's never been a time when you looked

1 up to see who the owner was and it was blank, for
2 example?

3 A No.

4 Q And you have access to that information,
5 right?

6 A Yes.

7 Q You don't need special permission to see who
8 the owner or investor is, right?

9 A Correct.

10 Q Would you look at any internal servicing
11 records to determine who the owner or investor was prior
12 to signing affidavits of indebtedness?

13 A Not always, no.

14 Q Okay. Ever?

15 A I can't say.

16 Q Okay. So sitting here today, you can't recall
17 a single instance in which you signed an affidavit of
18 indebtedness and went to your internal records to see
19 who the owner or investor was, right?

20 A I would only be speculating.

21 Q Okay. So you can't recall a single instance,
22 as you sit here today?

23 A I don't remember, no.

24 Q Okay. And same question for verifications of
25 complaints, did you ever, in the process of verifying a

1 complaint, look on your internal records or anywhere
2 else to determine who the owner or investor was?

3 A No. I relied on counsel to have it right.

4 Q Okay. And same question for signing responses
5 to discovery, was there ever a time when you were
6 signing responses to discovery where you looked at your
7 internal records or any other records to determine who
8 was the owner or investor of a loan?

9 A No. All that information goes over at
10 placement. I expected them to have it right.

11 Q It goes over at placement, you said?

12 A Yes.

13 Q What do you mean by that?

14 A When we refer an account to them, all that
15 information goes over.

16 Q I've got it. When you hire counsel, you mean?

17 A Yes.

18 Q You send that information along?

19 A Yes.

20 Q Who sends that information to them?

21 A Depending on the process, it's all automatic.
22 It's not for who; it is just the system automatically
23 does it.

24 Q I see. So do you know if anybody checks on
25 that at the time of the referral?

1 A It's from Fidelity to the LPS. It's a screen
2 that goes over.

3 Q Did anybody ever tell you, in the course of
4 your duties of signing affidavits and discovery and
5 verifications, that you should look to see who the owner
6 or investor was on your internal records?

7 A Ever?

8 Q Yes.

9 A Yes.

10 Q When was that?

11 A Later, after I signed these documents.

12 Q And who was that? Who told you?

13 MR. ELLISON: As counsel, obviously, we have
14 privilege questions and we're not interested in
15 waiving the privilege at this point in time.

16 BY MR. ZACKS:

17 Q Sure. Besides conversations between yourself
18 and your counsel, or that have been shared with counsel,
19 did anybody else tell you that you should look to see
20 who the owner or investor was prior to signing these
21 documents?

22 A Not when I was signing those documents, no.

23 Q If you found an error in an affidavit, a
24 verification or a response to a discovery, what would
25 you do?

1 A It would depend on what the error was.

2 Q Okay. Let's say a number was wrong on an
3 affidavit of indebtedness, what would you do?

4 A I would go back to the processor or the
5 foreclosure supervisor and ask them to re-check it.

6 Q How many affidavits have you had to send back?

7 A I don't know.

8 Q Was it a very rare occasion for you to do
9 that?

10 A I don't know what you call rare.

11 MR. ELLISON: Cool, red center.

12 THE WITNESS: Yeah.

13 MR. ELLISON: Sorry.

14 BY MR. ZACKS:

15 Q What about for verification, if you saw
16 something wrong, what would you do?

17 A Same thing, take it back to the supervisor.

18 Q What kinds of things have you found wrong in
19 verifications?

20 A I don't remember specifics.

21 Q Do you remember a single instance you've sent
22 a verification back to be corrected?

23 A I don't remember, no.

24 Q Do you remember a single instance when you
25 sent back an affidavit of indebtedness to be corrected?

1 A A specific account, no.

2 Q But you know that it has happened?

3 A Yes.

4 Q More than once?

5 A Yes.

6 Q More than ten times?

7 A I don't know.

8 Q Okay. Same question for signing responses to
9 discovery, if you found an error there, would you send
10 it to a foreclosure processor to correct it?

11 A Responses to discovery are more legal language
12 so I counted on counsel to have those rights. I didn't
13 speculate whether those were right or wrong.

14 Q Okay. So did you ever send back a response to
15 discovery that you needed to sign because something was
16 wrong?

17 A I have since this but not before that, no.

18 Q Take me through the process of signing
19 responses to discovery. Same process, the document
20 person would come and drop it on your desk?

21 A Yes.

22 Q Would you have any specific instructions?

23 A No.

24 Q Would you look at the intercom system, for
25 example, to see if there were any specific instructions?

1 A No.

2 Q Same process with the notary as any other
3 document you might sign?

4 A Yes.

5 Q What documents would you look at in connection
6 with signing responses to discovery?

7 A If there was any attachments, that was it.

8 Q And if there were no attachments, what would
9 you look at?

10 A I wouldn't have any reason.

11 Q So unless there were attachments to responses
12 to discovery that you were signing, you would not look
13 at anything besides the discovery itself; is that right?

14 A No. I counted on counsel to have the
15 documentation correct.

16 Q Okay. So it is right that except for exhibits
17 that were attached, you would not look at anything,
18 right?

19 A Right.

20 Q Okay. Before you stopped signing documents,
21 you had full access to ownership and investor
22 information on Aurora's internal records, right?

23 A Full access, no.

24 Q You had access to see who the owner or
25 investor was?

1 A Yes.

2 Q When you say, not full access, what do you
3 mean?

4 A I wouldn't be able to change it or alter it.

5 Q Okay. But you didn't have to, say, get
6 permission to look on your records to see who the owner
7 was, right?

8 A No.

9 Q How many other people were signing responses
10 to discovery in your office?

11 A I don't know.

12 Q Do you know of anyone else who was, besides
13 yourself?

14 A I don't know what documents they signed.

15 Q Besides interrogatories, did you sign any
16 other responses to discovery?

17 A I don't recall.

18 Q And during the time you were signing responses
19 to discovery, did anybody ever tell you that it might be
20 a good idea to check on who the owner or investor is?

21 A No.

22 Q You stated attorneys put in the information on
23 affidavits of indebtedness, right?

24 A Yes.

25 Q Do they have -- they only have access to the

1 screen shots you sent them?

2 A Yes.

3 Q So if they wanted to check out some of the
4 numbers or see what's behind the numbers or go deeper
5 into that, they could not do that; is that right?

6 A They would have to ask for new print screens.

7 Q Do you know what records or what screen shots
8 you would typically give to outside counsel?

9 A I don't know them all, no.

10 Q Do you know who would have more information on
11 that?

12 A The foreclosure supervisors would know that.

13 Q And that was -- sorry. Who was that? Is that
14 Angela Martinez?

15 A No. She's not with the company either.

16 Q Who is the foreclosure supervisor?

17 MR. ELLISON: Who is or who was?

18 BY MR. ZACKS:

19 Q Who are they now?

20 A Who are they now?

21 Q Yes.

22 A Michele Rice.

23 Q Anyone else?

24 A She's the VP.

25 Q Is she in charge of the Foreclosure

1 Department?

2 A Yes.

3 Q Anybody else in charge of that department?

4 A She reports to Cheryl Marchant.

5 Q Who was in charge of the Foreclosure

6 Department at the time you were signing these documents?

7 A Whytnie Nordman, and at the time she reported
8 to Cheryl Marchant.

9 Q That Foreclosure Department, how many people
10 are in that department?

11 A I don't know.

12 Q Do they work in the same building as you?

13 A Yes, but I never counted the seats.

14 Q Got you. More than ten?

15 A Yes.

16 Q More than 100?

17 A I don't know. I don't -- no, not more than
18 100.

19 Q Okay. Now, you are in charge of the
20 Bankruptcy Department, right?

21 A Yes.

22 Q Is there any reason you would sign documents
23 in foreclosure cases, or was it just as the need arose?

24 A When I worked at HSBC, I was a foreclosure
25 manager. I started out as a foreclosure processor,

1 became a foreclosure manager. They were aware of my
2 experience.

3 Q Are you an officer of any other corporation?

4 A MERS.

5 Q What's your title?

6 A VP, vice president.

7 Q When did you get that appointment?

8 A Shortly after I started working for Aurora.

9 Q Okay. Which was?

10 A March of 2008.

11 Q Okay. Who appointed you from MERS to be
12 vice president?

13 A I don't know.

14 Q Sorry. For -- because we talked over each
15 other, who appointed you from MERS to be their
16 vice president?

17 A I don't know.

18 Q Okay. So do you sign documents as
19 vice president of MERS?

20 A Do I now? No.

21 Q You did -- you have in the past?

22 A Yes.

23 Q What kinds of documents?

24 A If the action was taken in the name of MERS.

25 Q Do you know where MERS is headquartered?

1 A Delaware.

2 Q Do you report to anybody at MERS?

3 A No.

4 Q When you were signing these documents,
5 affidavits, verifications and responses to discovery,
6 your company was known as Aurora Loan Services, LLC; is
7 that right?

8 A Yes.

9 Q Now they are known as Aurora Bank FSB?

10 A Yes.

11 Q When did that switchover occur?

12 A July 21st, 2011.

13 Q Okay. Have your duties changed because of
14 that switchover?

15 A No.

16 Q Did people in your department get shuffled
17 around because of that changeover?

18 A No.

19 Q So does Aurora Loan Services, LLC, exist
20 anymore?

21 A Yes.

22 Q They do exist?

23 A Yes.

24 Q So they didn't merge with Aurora Bank FSB?

25 MR. ELLISON: This is not the correct witness

1 to talk about the structure of the two companies,
2 but she is correct that there are still two
3 companies.

4 BY MR. ZACKS:

5 Q You can answer.

6 A Ask me the question again. I'm sorry?

7 Q Like I said, on any of these if you don't know
8 tell me you don't know. So Aurora Loan Services, LLC,
9 and Aurora Bank, they didn't merge?

10 A No.

11 Q So you're employed now by Aurora Bank FSB?

12 A Correct.

13 Q Do you know anybody who's employed by
14 Aurora Loan Services, LLC, at the present time?

15 A I don't know -- I don't know where the lines
16 are all drawn so I don't know the answer to that
17 question.

18 Q In any of the cases we're here on today, and I
19 can read them, the titles for them if you want me to, is
20 Aurora Loan Services, LLC, the servicer for those loans?

21 MR. ELLISON: As of today?

22 MR. ZACKS: Yes.

23 THE WITNESS: I don't know. I think -- I
24 don't know.

25

1 BY MR. ZACKS:

2 Q Okay. Would it help if I asked the individual
3 cases or would you still --

4 A It wouldn't matter. I don't know.

5 Q Okay. Who would have more information on
6 that?

7 A The foreclosure --

8 Q Foreclosure supervisor?

9 A Yeah. Yes.

10 Q Some of these cases we're going to talk about
11 today involve mortgage backed securities, right?

12 A Uh-huh. Yes.

13 Q Do you know about Aurora's policy in terms of
14 custody of notes, whether they always keep them if a
15 note has been securitized? Do you know anything about
16 those procedures?

17 A I'm not the one to ask about those procedures,
18 no.

19 Q Okay. That would be Regina Lashley, right?

20 A Yes.

21 MR. ELLISON: About the notes?

22 MR. ZACKS: Right.

23 BY MR. ZACKS:

24 Q And you wouldn't know anything about access to
25 Aurora's vault where the promissory notes are held?

1 A I know there's additional security to get to
2 the vault, but that's all I know.

3 Q Okay. At the time you were signing affidavits
4 and verifications in responses to discovery, were there
5 any written policies as to best practices on those kinds
6 of activities?

7 A Not that I'm aware, no.

8 Q Did you receive any instruction on best
9 practices for signing those kinds of documents?

10 A No.

11 Q Did you give any instructions on best
12 practices for signing those kinds of documents?

13 A No. Let me back up. Are we talking about
14 just foreclosure documents or are you talking about
15 bankruptcy documents?

16 Q Foreclosure documents.

17 A Okay. Then, no.

18 Q Do you know for how long a period of time you
19 were signing affidavits and verifications and responses
20 to discovery for Aurora?

21 A I don't remember the date I stopped --

22 Q Was it --

23 A -- so I don't know.

24 Q Sorry to interrupt. Was it -- did you begin
25 signing as soon as you were hired?

1 A I would say within 30 days of when I got
2 hired.

3 Q Okay. And you said by your best estimate it
4 was last year sometime you stopped signing these kinds
5 of documents?

6 A Yes.

7 Q Okay. Would you say you were primarily
8 responsible for signing these kinds of documents?

9 A No.

10 Q Do you know how many other people were signing
11 them?

12 A I don't know. There would be days I wouldn't
13 get any.

14 Q And then what would be an extreme day for you
15 in terms of how many affidavits came on your desk?

16 A I don't know. I never counted them.

17 Q More than ten?

18 A I don't know.

19 Q There were days you received on your desk to
20 sign more than one document, right?

21 A Yes.

22 Q Okay. And the final question is just -- we
23 may have covered it earlier, but in terms of how it was
24 determined that you would sign these and not someone
25 else, either in your department or in the Foreclosure

1 Department, do you know anything about how that was
2 determined?

3 A Other than officer, I don't know.

4 Q Okay. Would it be Cheryl Marchant who has
5 information about who was assigned to sign certain
6 documents?

7 A Or the foreclosure manager.

8 MR. ZACKS: Okay. I'm finished. We can take
9 a break.

10 (Recess.)

11 MR. ELLISON: I have no questions relative to
12 the generalized part at this point in time, and to
13 the extent that this is separate in some fashion,
14 we will read. And that's going to be the case with
15 each one of the depositions, we will read. We are
16 not going to waive.

17 (Deposition was concluded.)

18

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1 CERTIFICATE OF OATH

2 THE STATE OF FLORIDA

3 COUNTY OF PALM BEACH

4

5 I, Melinda Colchico, Florida Professional
6 Reporter, Notary Public, State of Florida, certify that
7 Neva Hall personally appeared before me on 4th of
8 August, 2011 and was duly sworn.

9

10 Signed this 8th day of August, 2011.

11

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15

Melinda Colchico

Notary Public-State of Florida

16

My Commission Expires: July 2, 2012

My Commission No.: #DD 802716

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1 C E R T I F I C A T E

2 THE STATE OF FLORIDA

3 COUNTY OF PALM BEACH

4

5 I, Melinda Colchico, Florida Professional
6 Reporter and Notary Public in and for the State of
7 Florida at Large, do hereby certify that I was
8 authorized to and did stenographically report the
9 deposition of Neva Hall; that a review of the
10 transcript was requested; and that the foregoing
11 transcript, pages 1 through 78, is a true record of
12 my stenographic notes.

9

10 I further certify that said deposition was
11 taken at the time and place hereinabove set forth
12 and that the taking of said deposition was commenced
13 and completed as hereinabove set out.

14 I further certify that I am not a relative,
15 employee, or attorney, or counsel of any of the parties,
16 nor am I a relative or employee of any of the parties'
17 attorney or counsel connected with the action, nor am I
18 financially interested in the action.

19 The foregoing certification of this transcript
20 does not apply to any reproduction of the same by any
21 means unless under the direct control and/or direction
22 of the certifying reporter.

17

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Signed this 8th day of August, 2011.

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MELINDA COLCHICO

25

DATE: August 8, 2011
TO: MS. NEVA HALL
c/o Steven Ellison, Esq.
Broad and Cassel
One Clematis Street, Suite 500
West Palm Beach, Florida 33401
IN RE: Aurora v. Cianciotto, et al; Purificato,
et al; Macklin, et al; Ayala, et al; Pimentel,
et al; McGrady, et al.
CASE NOS.: 502008CA031809XXXXMB,
502010CA018934XXXXMB, 502009CA043926XXXXMB,
502009CA016797XXXXMB, 502008CA034279XXXXMB,
502010CA011243XXXXMB AW

Please take notice that on Thursday, the 4th of August, 2011, you gave your deposition in the above-referred matter. At that time, you did not waive signature. It is now necessary that you sign your deposition.

Please call our office at the below-listed number to schedule an appointment between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, at our office.

If you do not read and sign the deposition within a reasonable time, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of the Court. If you wish to waive your signature, sign your name in the blank at the bottom of this letter and return it to us.

Very truly yours,

Melinda Colchico
J. Consor & Associates
1655 Palm Beach Lakes Blvd., Suite 500
West Palm Beach, Florida 33401

I do hereby waive my signature.

Neva Hall

I do hereby waive my signature:

Cc: Via transcript: DUSTIN ZACKS,ESQ.
STEVEN ELLISON,ESQ.

File copy

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C E R T I F I C A T E

- - -

THE STATE OF FLORIDA
COUNTY OF PALM BEACH

I hereby certify that I have read the foregoing deposition by me given, and that the statements contained herein are true and correct to the best of my knowledge and belief, with the exception of any corrections or notations made on the errata sheet, if one was executed.

Signed this ____ day of _____, 2011.

NEVA HALL

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