

In the Matter of:  
Clinton E. Kirby VS. Bank of America

Michele Sjolander

01/25/2012

Job #: 4329



(818)988-1900

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION

CLINTON E. KIRBY AND  
MARTHA B. KIRBY,

PLAINTIFFS,

VS.

BANK OF AMERICA, N.A.,  
AS SUCCESSOR IN INTEREST  
TO COUNTRYWIDE BANK, FSB;  
BAC HOME LOAN SERVICING,  
L.P., F/K/A COUNTRYWIDE  
HOME LOAN SERVICING LP;  
RECONTRUST COMPANY, N.A.;  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION A/K/A FANNIE  
MAE; AND MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.,

DEFENDANTS.

CASE NO. 2:09-CV-00182-DCB-JMR

DEPOSITION OF MICHELE SJOLANDER

WEDNESDAY, JANUARY 25, 2012

FILE NO. 4329

REPORTED BY: COLLEEN CRISSMAN, C.S.R. 10683

|   |  |
|---|--|
| <p style="text-align: right;">Page 2</p> <p>1 DEPOSITION OF MICHELE SJOLANDER, TAKEN ON BEHALF OF THE<br/> 2 PLAINTIFFS, AT 9:41 A.M., WEDNESDAY, JANUARY 25, 2012, AT<br/> 3 14520 SYLVAN STREET, VAN NUYS, CALIFORNIA, BEFORE COLLEEN<br/> 4 CRISSMAN, C.S.R. NO. 10683.<br/> 5<br/> 6 APPEARANCES OF COUNSEL<br/> 7 FOR PLAINTIFFS:<br/> 8 CLINTON KIRBY, IN PROPRIA PERSONA<br/> 9 24323 JACKSON AVENUE<br/> 10 APARTMENT 714<br/> 11 MURRIETA, LOUISIANA 92562<br/> 12 (601) 466-0442<br/> 13 FOR DEFENDANTS:<br/> 14 MC GLINCHEY STAFFORD PLLC<br/> 15 BY: GEORGE DEWEY HEMBREE, III, ESQ.<br/> 16 200 SOUTH LAMAR STREET<br/> 17 CITY CENTRE SOUTH, SUITE 1100<br/> 18 JACKSON, MISSISSIPPI 39201<br/> 19 (601) 960-8425<br/> 20<br/> 21<br/> 22<br/> 23<br/> 24<br/> 25</p> | <p style="text-align: right;">Page 4</p> <p>1 VAN NUYS, CALIFORNIA; WEDNESDAY, JANUARY 25, 2012;<br/> 2 9:41 A.M.<br/> 3<br/> 4 ---o0o---<br/> 5<br/> 6 MICHELE SJOLANDER,<br/> 7 having been first duly sworn by the reporter,<br/> 8 was examined and testified as follows:<br/> 9<br/> 10 MR. HEMBREE: Usual stipulations?<br/> 11 MR. KIRBY: I don't know what the usual<br/> 12 stipulations are.<br/> 13 MR. HEMBREE: The deposition is taken pursuant<br/> 14 to the Rules of Federal Procedure.<br/> 15 MR. KIRBY: Sure, pursuant to the Rules of<br/> 16 Federal Procedure that I have here.<br/> 17 MR. HEMBREE: Any objections other than to the<br/> 18 form of the question is reserved for trial.<br/> 19 MR. KIRBY: Objectiond other than to form<br/> 20 reserved for trial, is that what you said?<br/> 21 MR. HEMBREE: Uh-huh.<br/> 22 MR. KIRBY: Yes, I do believe that's what it<br/> 23 says.<br/> 24 MR. HEMBREE: And she would like to read and<br/> 25 sign.</p>   |
| <p style="text-align: right;">Page 3</p> <p>1 I N D E X<br/> 2 DEPONENT EXAMINATION PAGE<br/> 3 MICHELE SJOLANDER<br/> 4 MR. KIRBY 6<br/> 5<br/> 6<br/> 7 E X H I B I T S<br/> 8 (NONE OFFERED)<br/> 9<br/> 10<br/> 11<br/> 12<br/> 13<br/> 14<br/> 15<br/> 16<br/> 17<br/> 18<br/> 19<br/> 20<br/> 21<br/> 22<br/> 23<br/> 24<br/> 25</p>  | <p style="text-align: right;">Page 5</p> <p>1 MR. KIRBY: She'd like to read and sign you say?<br/> 2 Okay. Are you here as her attorney?<br/> 3 MR. HEMBREE: I'm here representing Bank of<br/> 4 America.<br/> 5 MR. KIRBY: Okay. So Michele Sjolander -- I'm<br/> 6 sorry. That's why I asked. She is unrepresented for the<br/> 7 purposes of the deposition, then?<br/> 8 MR. HEMBREE: She is here as a fact witness.<br/> 9 MR. KIRBY: Okay. Not a representative witness?<br/> 10 MR. HEMBREE: That's right.<br/> 11 MR. KIRBY: Okay. So obviously I'm not an<br/> 12 attorney. This is my first time doing this, I'll be<br/> 13 honest with you. So I have several notes. I may have to<br/> 14 fumble through some papers, but so my understanding is we<br/> 15 need to start by identifying everyone in the room, so if<br/> 16 you could state your names.<br/> 17 THE REPORTER: Actually, if we could go off the<br/> 18 record, I'll read something.<br/> 19 (Discussion held off the record.)<br/> 20 THE REPORTER: Pursuant to the Federal Rules of<br/> 21 Civil Procedure, I am required to state the following:<br/> 22 My name is Colleen Crissman. My business is address<br/> 23 14520 Sylvan Street, Van Nuys, California. This is the<br/> 24 deposition of Michele Sjolander in the matter of<br/> 25 Clinton E. Kirby and Martha B. Kirby versus Bank of</p> |

| Page 6  | Page 8  |
|---|---|
| <p>1 America, et al., beginning at 9:41 A.M., on Wednesday,</p> <p>2 January 25, 2012. This deposition is taking place at my</p> <p>3 office.</p> <p>4 Counsel, will you please state your appearances</p> <p>5 for the record.</p> <p>6 MR. HEMBREE: Dewey Hembree, Bank of America.</p> <p>7 THE REPORTER: Counsel -- Mr. Kirby?</p> <p>8 MR. KIRBY: I'm sorry. Clinton Kirby, pro se.</p> <p>9 THE REPORTER: And the witness has been sworn.</p> <p>10 Please proceed.</p> <p>11</p> <p>12 EXAMINATION</p> <p>13 BY MR. KIRBY:</p> <p>14 Q All right. So let's just go through the basics</p> <p>15 here. Have you ever had a deposition taken before?</p> <p>16 A Yes.</p> <p>17 Q I mean, can you -- how many? Multiple?</p> <p>18 A Five.</p> <p>19 Q Five.</p> <p>20 A This is my fifth.</p> <p>21 Q This would be your fifth. Do you know what</p> <p>22 cases those were, or do you remember?</p> <p>23 A There were a few Bank of America cases and one</p> <p>24 for my own Weyerhaeuser Mortgage.</p> <p>25 Q And obviously you understand you're under oath?</p>   | <p>1 Q All right. So let me give you this. This is</p> <p>2 the document. I'm not planning on exhibiting it to the</p> <p>3 deposition, just because it's already in the record. I'm</p> <p>4 just going to refer to it. So can you read the title of</p> <p>5 that document?</p> <p>6 A Clinton E. Kirby and Martha B. Kirby --</p> <p>7 Q Well, no, the title down below.</p> <p>8 A "Declaration of Michele Sjolander."</p> <p>9 Q Right. So I just want you to understand we're</p> <p>10 going to be referring to this often, going through it;</p> <p>11 okay?</p> <p>12 A Uh-huh.</p> <p>13 Q All right. Let me see. Let me switch pages.</p> <p>14 Okay. So we've got your name. What is your business</p> <p>15 address?</p> <p>16 A 4500 Park Granada, Calabasas, California.</p> <p>17 Q Do you know the zip code, not that it's that</p> <p>18 important?</p> <p>19 A No.</p> <p>20 Q You don't know it offhand, okay.</p> <p>21 And so who is your employer?</p> <p>22 A Bank of America.</p> <p>23 Q Which aspect of Bank of America? Is there more</p> <p>24 than one Bank of America organization? I mean, which</p> <p>25 particular Bank of America organization?</p> |
| Page 7  | Page 9  |
| <p>1 A Yes.</p> <p>2 Q And that means you're sworn to tell the truth?</p> <p>3 A Yes.</p> <p>4 Q And even though we're in an informal setting,</p> <p>5 your answers have the same force and effect as if we were</p> <p>6 in a courtroom with a judge and jury?</p> <p>7 A Yes.</p> <p>8 Q And you're prepared to answer the questions</p> <p>9 today?</p> <p>10 A I hope so.</p> <p>11 Q There's nothing that will prevent you from</p> <p>12 giving me your full attention?</p> <p>13 A No. Let me turn off my phone.</p> <p>14 Q You aren't taking any medications -- or I should</p> <p>15 say, are you taking any -- taking any medications or</p> <p>16 suffering from any illness that would prevent you from</p> <p>17 understanding the questions or answering them fully?</p> <p>18 A I am taking medication, but it is not anything</p> <p>19 to prevent myself from understanding the questions.</p> <p>20 Q Okay. And if you don't understand one of the</p> <p>21 questions, would you let me know?</p> <p>22 A Yes.</p> <p>23 Q And if you need to take a break, just let me</p> <p>24 know, and we'll take a break; okay?</p> <p>25 A Thank you.</p> | <p>1 A I work under the mortgage business of Bank of</p> <p>2 America, secondary marketing.</p> <p>3 Q Is that -- well, I think we'll cover that in a</p> <p>4 minute, but if not, I'll come back to that. So Bank of</p> <p>5 America pays your salary?</p> <p>6 A Yes.</p> <p>7 Q Are you currently employed by anyone other than</p> <p>8 Bank of America?</p> <p>9 A No.</p> <p>10 Q Okay. How long have you been at Bank of</p> <p>11 America?</p> <p>12 A I was an associate of Countrywide. I began</p> <p>13 through the merger, so day one of -- it was April 1,</p> <p>14 2009, I started with Bank of America.</p> <p>15 Q Okay. And what is your title there?</p> <p>16 A With Bank of America, I'm a senior vice</p> <p>17 president.</p> <p>18 Q Senior vice president. Oh, here's another</p> <p>19 question: Have you given any other sworn statements or</p> <p>20 affidavits, certifications in any other cases regarding</p> <p>21 Bank of America?</p> <p>22 A Declarations, yes.</p> <p>23 Q Yes, okay. Can you estimate how many?</p> <p>24 A I think four declarations, three or four</p> <p>25 declarations.</p>  |

| Page 10 |   | Page 12 |   |
|---------|---|---------|---|
| 1       | Q Three or four. And those are all Bank of                | 1       | Q So have you held any other positions within Bank        |
| 2       | America cases?  | 2       | of America?   |
| 3       | A Yes.  | 3       | A Bank of America, no.                                    |
| 4       | Q So what do you do just on a day-to-day basis at         | 4       | Q Right.  |
| 5       | Bank of America?  | 5       | A This is the position.                                   |
| 6       | A I work in their loan delivery and operations            | 6       | Q Right, no. Okay. You got that. Now, of                  |
| 7       | group. I am -- I oversee the settlements area, loan       | 7       | course -- well, let me just put it this way -- so just    |
| 8       | delivery, which creates the securities. I have            | 8       | let me get one more time. The total amount of time        |
| 9       | eligibility, which is the eligibility of the loans going  | 9       | you've been at the company is just since April of 2009?   |
| 10      | into the security. I have an operations crew that         | 10      | A For Bank of America, yes.                               |
| 11      | oversees the collateral operations, and master file audit | 11      | Q For Bank of America, yes?                               |
| 12      | which audits the files, a bond group, and a wiring group. | 12      | A I was previously with Countrywide. I was part           |
| 13      | Q Okay. So how many groups is that? You                   | 13      | of the merger.  |
| 14      | mentioned several groups. Let me just make a note of      | 14      | Q That's what I'm getting to here. So previously          |
| 15      | that.   | 15      | before -- immediately before Bank of America took over    |
| 16      | A Well, one group is really under all of                  | 16      | Countrywide or there was a merger, what did you do for    |
| 17      | operations.   | 17      | Countrywide?  |
| 18      | Q Right. So there's an operations group?                  | 18      | A I had the same responsibilities.                        |
| 19      | A Yes. And that's located in Simi Valley.                 | 19      | Q Same responsibilities with these groups --              |
| 20      | Q And that's in Simi Valley, okay.                        | 20      | A Yes.  |
| 21      | A And then I have a couple of groups -- a few             | 21      | Q -- and whatnot?   |
| 22      | groups in Calabasas, which is loan delivery, settlements, | 22      | So was it basically just a name change from               |
| 23      | and eligibility. And I just inherited, actually,          | 23      | Countrywide to Bank of America? Is that kind of --        |
| 24      | transaction management.                                   | 24      | A It was a merger.  |
| 25      | Q Loan delivery, settlements, and what was the            | 25      | Q Right. But, I mean, as far as your                      |
| Page 11 |   | Page 13 |   |
| 1       | last one?   | 1       | responsibilities and your job and --                      |
| 2       | A Eligibility.  | 2       | A Yes. I think it was doing the same job.                 |
| 3       | Q And the one you inherited?                              | 3       | Q Right. So what is -- when did you start working         |
| 4       | A Transaction management.                                 | 4       | at Countrywide?   |
| 5       | Q Okay, transaction management. So who is your            | 5       | A 1998, yes, 1998.  |
| 6       | supervisor?   | 6       | Q '98. So what -- can you just break down for me          |
| 7       | A Currently I report to Josh Adler.                       | 7       | what types of jobs you did and the time period that you   |
| 8       | Q Josh Adler. And that's J-o-s-h A-d-l-e-r?               | 8       | did them in?  |
| 9       | A Okay.   | 9       | A To the best of my knowledge, again --                   |
| 10      | Q Are there -- do you have to have any degrees or         | 10      | Q Sure, sure, sure.                                       |
| 11      | certifications in your current job? And, if so, what      | 11      | A Many years have gone between. I started as -- I         |
| 12      | would they be?  | 12      | was hired in as Countrywide to run their pooling group,   |
| 13      | A I have a bachelor's.                                    | 13      | which is to create securities, again, trades that were on |
| 14      | Q Bachelor's. Is that a requirement of the job or         | 14      | the secondary market. I ran their pooling group. And I    |
| 15      | not so much?  | 15      | also then began to trade on the secondary market. I       |
| 16      | A I'm sure it is.   | 16      | traded mortgage-backed securities for conventionals and   |
| 17      | Q Okay. But no other training certifications or           | 17      | ARMs. I was the ARM trader and conventional trader.       |
| 18      | had to --   | 18      | In the year 2000 --                                       |
| 19      | A Not for the job, no.                                    | 19      | Q So that was '98 to 2000?                                |
| 20      | Q Not for this job. And so how long have you been         | 20      | A To 2000.  |
| 21      | in this position, the senior vice president?              | 21      | Q I might have interrupted you. Sorry.                    |
| 22      | A Since 2009.   | 22      | A In the year 2000, I became -- from a vice               |
| 23      | Q And you said April 1st?                                 | 23      | president, I went to a senior vice president, and I took  |
| 24      | A I think it's April 1st, yes, was associate day          | 24      | over the operations group that is located in Simi Valley. |
| 25      | one for Bank of America.                                  | 25      | And I oversaw collateral deficiencies, master file audit, |

| Page 14  | Page 16  |
|--|--|
| <p>1 a wiring group -- wiring, FHA wiring, and I did not have</p> <p>2 bonds at that time, so FHA wiring.</p> <p>3 I then stopped trading and ran the settlements</p> <p>4 group, the loan delivery group, and took over what we</p> <p>5 call an eligibility group, which was to write rules</p> <p>6 against the master contracts that we have with the</p> <p>7 agencies and to ensure that we pool loans that are</p> <p>8 eligible for securities.</p> <p>9 Q And that was --</p> <p>10 A That was probably the year 2000.</p> <p>11 Q Oh, that was all in 2000?</p> <p>12 A Uh-huh.</p> <p>13 Q That was as senior vice president?</p> <p>14 A That was my senior vice president role.</p> <p>15 Then I did get promoted into an executive vice</p> <p>16 president 2003, maybe 2004, oversaw the same duties, but</p> <p>17 my job expanded in the amount of people I had and the</p> <p>18 eligibility work that I did, and I started in contracts,</p> <p>19 working with the contracts with the agencies. Then I</p> <p>20 became managing director for Countrywide.</p> <p>21 Q Was that in the same year?</p> <p>22 A That has to be -- that was probably '07, '08.</p> <p>23 Q Managing director of which now?</p> <p>24 A Same position.</p> <p>25 Q I guess I don't follow you.</p> | <p>1 Countrywide. Is that what I'm to understand?</p> <p>2 A The main --</p> <p>3 Q I mean versus what you do now? I'm sorry. Let</p> <p>4 me just --</p> <p>5 A Yes. My main functions have not changed. I am</p> <p>6 continuing in the same position, just I'm dealing with</p> <p>7 more higher issues.</p> <p>8 Q Right. But I know you said you stopped trading.</p> <p>9 Maybe I should put the question that way. Is there</p> <p>10 anything that you used to do, you know, before your</p> <p>11 current position that you --</p> <p>12 A As a vice president, I did trade.</p> <p>13 Q Okay.</p> <p>14 A When I became a senior vice president, I did not</p> <p>15 trade any longer.</p> <p>16 Q Okay.</p> <p>17 A I instead ran the operations group and ran the</p> <p>18 operations for secondary market.</p> <p>19 Q And is that the only thing that you used to do</p> <p>20 that you -- that you don't do anymore?</p> <p>21 A As a function of a day-to-day job, yes.</p> <p>22 Q Okay. Now, does that mean that you do trade</p> <p>23 sometimes, or --</p> <p>24 A I do not trade anymore on the market.</p> <p>25 Q What would you do sort of on an ad hoc basis,</p>  |
| Page 15  | Page 17  |
| <p>1 A I just --</p> <p>2 Q You're saying same duties, but different title?</p> <p>3 A Yep, uh-huh.</p> <p>4 Q And that was 2000?</p> <p>5 A And my duties, of course, expanded as my titles</p> <p>6 expanded in the realm of meeting with -- having people</p> <p>7 below me.</p> <p>8 Q Right.</p> <p>9 A And then I went to Bank of America in 2009, and</p> <p>10 I was asked to stay after the merger.</p> <p>11 Q Okay. Now, you had said something about -- you</p> <p>12 said something about Simi Valley. You're a senior vice</p> <p>13 president, and you dealt with an operations group in</p> <p>14 Simi Valley?</p> <p>15 A Uh-huh.</p> <p>16 Q Did you report to work at Simi Valley?</p> <p>17 A I do have an office in Simi Valley as well. My</p> <p>18 main office is in Calabasas, but I do -- I do go to the</p> <p>19 Simi Valley office as well.</p> <p>20 Q Simi Valley office of what company?</p> <p>21 A It was Countrywide; now it's Bank of America.</p> <p>22 Q Okay. Okay. And just to clarify, because you</p> <p>23 kind of were saying this, basically you -- well, you kind</p> <p>24 of alluded to the fact that your job duties have not</p> <p>25 changed all that much since you started when it was</p>   | <p>1 which you seem to be maybe saying? I'm sorry. Were you</p> <p>2 going --</p> <p>3 MR. HEMBREE: I'm trying to understand what</p> <p>4 you're saying.</p> <p>5 THE WITNESS: Me too.</p> <p>6 MR. KIRBY: She just said day-to-day she does</p> <p>7 basically the same thing. And I was just trying to</p> <p>8 ascertain whether that meant --</p> <p>9 THE WITNESS: I manage my groups, so I manage</p> <p>10 all of these areas, and I do the -- you know, I tackle</p> <p>11 issues that arise in all of my groups.</p> <p>12 BY MR. KIRBY:</p> <p>13 Q Okay. So, specifically, in 2006, 2007, what was</p> <p>14 your title? I mean, I know we've covered it, but I want</p> <p>15 to narrow it down to 2006, 2007 at Countrywide.</p> <p>16 A I must have been an executive vice president.</p> <p>17 Q Okay, EVP. And that had to do with secondary</p> <p>18 marketing and marketing of loans to secondary market and</p> <p>19 basically all of the things you've described?</p> <p>20 A Yes.</p> <p>21 Q Okay.</p> <p>22 A Except for trading.</p> <p>23 Q Except for trading, okay. Are you considered an</p> <p>24 officer or director or managing agent for your company or</p> <p>25 for Bank of America, I guess, now --</p> |

| Page 18 |   | Page 20 |   |
|---------|---|---------|---|
| 1       | A Yes.  | 1       | and the MBFCC to ensure that the trades are settled on    |
| 2       | Q -- or all of those?                                     | 2       | the market. My eligibility group writes rules in what we  |
| 3       | A Yes, I am an officer.                                   | 3       | call Mustang Engine.                                      |
| 4       | Q I see that you became a managing director in            | 4       | Q I'm sorry. What was that?                               |
| 5       | 2007. Are you still also a director of some sort?         | 5       | A We create rules in what we call Mustang, which          |
| 6       | A I was -- I am not -- I am no longer holding the         | 6       | is an eligibility engine, a rules engine, against the     |
| 7       | title of managing director.                               | 7       | selling guides of Fannie and Freddie and our master       |
| 8       | Q Okay. But do you perform any of the duties of a         | 8       | commitments.  |
| 9       | managing director?  | 9       | And then in my Simi Valley group, I have a                |
| 10      | A I perform the duties of a senior vice president         | 10      | master file audit group. They audit the loans that fail   |
| 11      | for Bank of America.                                      | 11      | the eligibility rules from the Mustang Engine, and they   |
| 12      | Q Okay. And as far as a managing agent or some            | 12      | go into the loans and actually look at the data against   |
| 13      | other type of agent, do you function in that capacity at  | 13      | the system against the documents.                         |
| 14      | all?  | 14      | I have a collateral deficiency group which, if            |
| 15      | A I'm an officer for Bank of America.                     | 15      | there is a deficiency that is found on the collateral,    |
| 16      | Q Okay. So I think I covered that. So how                 | 16      | they will work with the borrower or the title company or  |
| 17      | many -- how many people are in these different groups?    | 17      | the branch to cure the deficiency.                        |
| 18      | A Currently?  | 18      | There is a bond group that we created securities          |
| 19      | Q Let's start with currently.                             | 19      | for affordable home programs and a wiring group that      |
| 20      | A Currently I have approximately 50 people.               | 20      | would wire the up-front MIP premium on government loans.  |
| 21      | Q 50 people. And, I mean, are those 50 people             | 21      | I think that covers it.                                   |
| 22      | total in all groups?                                      | 22      | Q Now, the master file audit group, the collateral        |
| 23      | A Yes.  | 23      | deficiency, the bond group, and the wiring group, those   |
| 24      | Q Okay. There was -- well, I'll come back to              | 24      | are all in Simi Valley?                                   |
| 25      | that.   | 25      | A Yes.  |
| Page 19 |   | Page 21 |   |
| 1       | So, again, the teams -- can you just go over the          | 1       | Q How often -- well, no, actually, can you explain        |
| 2       | teams that you -- not so much what you do now, but the    | 2       | this Mustang Engine some more? I'm not sure that I        |
| 3       | teams that you oversaw as executive vice president in     | 3       | follow what that is. An engine?                           |
| 4       | 2006, 2007? And I just want to make sure that I have      | 4       | A It's a system that would take the data elements         |
| 5       | them.   | 5       | from a loan and run it up against our eligibility         |
| 6       | A In Calabasas, I over saw the loan delivery,             | 6       | guidelines for Fannie and Freddie to ensure that, when we |
| 7       | settlement, and eligibility.                              | 7       | create a security, the loans are eligible for that        |
| 8       | Q Okay.   | 8       | particular security. It looks at FICO, DTI --             |
| 9       | A And --  | 9       | Q Is it a software program?                               |
| 10      | Q And this is in 2006 and 2007?                           | 10      | A It's a system.  |
| 11      | A Yes, and that was located in Calabasas. In Simi         | 11      | Q It's a system?  |
| 12      | Valley, I had the operations group which was collateral   | 12      | A It's a system. It's home grown.                         |
| 13      | deficiency, master file audit, and I am unsure if I had   | 13      | Q Okay. So it's -- okay. So it's not software,            |
| 14      | bonds at that time.                                       | 14      | or is it -- I mean --                                     |
| 15      | Q Okay.   | 15      | A It's not software that you go and buy, no.              |
| 16      | A And I had wiring.                                       | 16      | Q Well, no. But obviously it's not publicly               |
| 17      | Q And what about the -- auto transactions --              | 17      | available, but is it developed by the company?            |
| 18      | transaction management?                                   | 18      | A Yes, it is, developed by --                             |
| 19      | A I did not have that group then.                         | 19      | Q Well, how often do you meet and speak to these          |
| 20      | Q All right. So what do these -- what do these            | 20      | different groups or just your employees in general?       |
| 21      | groups do? Can you describe their functions?              | 21      | A I have department meetings with my managers once        |
| 22      | A Sure. The loan delivery creates securities for          | 22      | a week. I'm in Simi Valley two times a week, Tuesdays,    |
| 23      | sale against trades on the mortgage-backed market. My     | 23      | Thursdays, for the most part.                             |
| 24      | settlements group settles the securities that were        | 24      | Q And that's meeting with the managers. But what          |
| 25      | created by my loan delivery group and works with the FICC | 25      | about the people in these groups? Do you --               |

| Page 22   | Page 24  |
|---|--|
| <p>1 A I have monthly -- I mean, I have weekly group --</p> <p>2 weekly meetings with different groups. And I have -- I</p> <p>3 used to have quarterly meetings to talk to my associates.</p> <p>4 Q Are those established meeting times, or are they</p> <p>5 just --</p> <p>6 A Established. I mean, I'm always on the floor</p> <p>7 speaking with my associates as well.</p> <p>8 Q Right. And that would be the people in these</p> <p>9 groups?</p> <p>10 A Yes.</p> <p>11 Q All right. Let's go back to the declaration</p> <p>12 that you have there in front of you. Do you -- what can</p> <p>13 you tell me about the circumstances of the preparation of</p> <p>14 this declaration?</p> <p>15 A I don't understand what you're asking.</p> <p>16 Q Well, I'm just saying did you write it? Did</p> <p>17 you -- you know, were you involved in writing it?</p> <p>18 A Yes.</p> <p>19 Q Yes. Did you write it and present it to</p> <p>20 someone, and then there was editing? Or, you know, did</p> <p>21 it go like that?</p> <p>22 A For the most part, I did all of the background</p> <p>23 work on it, all of the investigation work and spoke to an</p> <p>24 attorney about what my findings were. He put this</p> <p>25 together. I edited it, went through it, read it a couple</p> | <p>1 A In preparation for putting this together, I went</p> <p>2 through our collateral -- our AS-400, which is our</p> <p>3 servicing system, and researched the collateral tracking</p> <p>4 for your loan, reviewed when the loan was actually</p> <p>5 received into our collateral processing group, and then</p> <p>6 moved from collateral processing to Fannie processing,</p> <p>7 because the loan was sold, and from there to our Fannie</p> <p>8 vault.</p> <p>9 I also went through the investor numbers to see</p> <p>10 how the loan moved through the investors. It went from</p> <p>11 our Countrywide Bank to Countrywide Home Loans to</p> <p>12 Investor 10 and then into a Fannie Mae investor.</p> <p>13 I researched the note. I looked at the note. I</p> <p>14 ensured that the endorsements were complete. I also went</p> <p>15 and looked at the deed. I looked at your HUD-1. I</p> <p>16 researched all of the system, everything that was on the</p> <p>17 system. I ensured that there was no collateral</p> <p>18 deficiencies on your loan and that all of the</p> <p>19 documentations were complete.</p> <p>20 Q Now, can you explain what Investor 10 is?</p> <p>21 A When a loan is moved from what we would call our</p> <p>22 Countrywide Bank, which is the first endorsement stamp,</p> <p>23 and goes into what we call Countrywide Home Loans, Inc.,</p> <p>24 it moves investor numbers, so it will move from our bank</p> <p>25 investor to our CHL investor, and so I ensured that that</p> |
| Page 23   | Page 25  |
| <p>1 of times for a couple revisions of what the statements</p> <p>2 should state.</p> <p>3 Q Right.</p> <p>4 A And then the final version I received, I</p> <p>5 accepted it and signed it.</p> <p>6 Q Okay. So the documents that are exhibited to</p> <p>7 the declaration, you have Exhibit A, I think, through D.</p> <p>8 A Uh-huh.</p> <p>9 Q Are those documents accurate as they --</p> <p>10 A Yes. Exhibit B and C and D were supplied by</p> <p>11 myself.</p> <p>12 Q Okay.</p> <p>13 MR. HEMBREE: And just for the record, I believe</p> <p>14 Exhibit D is not the complete exhibit.</p> <p>15 THE WITNESS: Correct.</p> <p>16 MR. KIRBY: No. That's correct. It's 170 odd</p> <p>17 pages. I just didn't print out the blank pages.</p> <p>18 Q Now, is there anything that you would change</p> <p>19 about this, if you were signing it today, this</p> <p>20 declaration or any, you know --</p> <p>21 A No.</p> <p>22 Q -- any declaration at all?</p> <p>23 No, all right. What books, records, and</p> <p>24 documents did you have access to in preparation for</p> <p>25 putting this declaration together?</p>   | <p>1 loan -- that the loan was moved through the correct</p> <p>2 channels to match the endorsement.</p> <p>3 Q And that was done in preparation for the</p> <p>4 declaration?</p> <p>5 A Yes.</p> <p>6 Q Okay. So are you an officer for any other</p> <p>7 corporation?</p> <p>8 A I was an officer for Countrywide Home loans,</p> <p>9 Inc. I was an officer for Countrywide Bank FSB.</p> <p>10 Q Okay. But not currently, just an officer for</p> <p>11 any other corporation now?</p> <p>12 A Well, those entities now merged into Bank of</p> <p>13 America.</p> <p>14 Q Right.</p> <p>15 A So I'm now an officer of Bank of America.</p> <p>16 Q But no other corporation --</p> <p>17 A I could --</p> <p>18 Q -- now?</p> <p>19 A I -- no. I am an officer of Bank of America.</p> <p>20 Q Okay. Okay. Now, the declaration states that</p> <p>21 your responsibilities -- I believe this is in paragraph</p> <p>22 2, just if you want to follow along -- that you oversee</p> <p>23 the eligibility and delivery of loans for sale in the</p> <p>24 secondary market.</p> <p>25 Can you explain in layman's terms what that</p>   |



| Page 26   | Page 28   |
|---|---|
| <p>1 means exactly? I mean, I think we've -- you've referred</p> <p>2 to it some, but, you know, what -- what is eligibility</p> <p>3 and what is delivery, you know? How does that job work,</p> <p>4 you know, like I say, just to someone who has no idea</p> <p>5 about any of this?</p> <p>6 A As I said, I oversee the eligibility, which is</p> <p>7 to ensure that the loan is eligible to be pooled into a</p> <p>8 mortgage-backed security. There are different types of</p> <p>9 loans that are created, and I have to ensure that these</p> <p>10 loans are eligible to be put into individual securities,</p> <p>11 FICO, DTI, coupon, paid through date to ensure it's</p> <p>12 current, no collateral deficiencies. So eligibility</p> <p>13 really does encompass the whole loan including the</p> <p>14 collateral and the data elements of the loan.</p> <p>15 Loan delivery is the aspect of creating the</p> <p>16 security. We take a group of loans, investment loans,</p> <p>17 and we group them together with similar attributes, and</p> <p>18 we create a mortgage-backed security.</p> <p>19 Q Okay. Now, in doing that, what would your role</p> <p>20 be just on a typical day in overseeing eligibility and</p> <p>21 delivery? You know, just how would that -- what would</p> <p>22 you do during the typical day?</p> <p>23 A When I'm in my Calabasas office on a typical</p> <p>24 day, I will look and see what kind of trades that we have</p> <p>25 on and do we have these particular loans that can fill</p> | <p>1 explain what that is exactly and who the traders are? I</p> <p>2 mean, other than yourself, what --</p> <p>3 A I'm no longer a trader.</p> <p>4 Q Right, right.</p> <p>5 A A trader is someone that works on the -- on the</p> <p>6 market and sells or looks at our position of mortgages</p> <p>7 and of securities that we can sell and goes and sells</p> <p>8 them out on the secondary market.</p> <p>9 Q So those are Bank of America employees?</p> <p>10 A Yes, they are.</p> <p>11 Q Let me -- okay. Now, you also -- this is also</p> <p>12 paragraph 2 of the declaration. You said that you have</p> <p>13 oversight and collateral operations involving the files</p> <p>14 that contain original promissory notes. What are</p> <p>15 collateral operations?</p> <p>16 A Collateral operations would be our master file</p> <p>17 audit department and the collateral deficiency</p> <p>18 department.</p> <p>19 Q But what do they -- what do they do?</p> <p>20 A As I stated before, the master file audit</p> <p>21 department looks at files that are failing eligibility</p> <p>22 rules and ensures that the data that is in our system</p> <p>23 matches the data that is on the documents. Our</p> <p>24 collateral deficiency department works with the branches</p> <p>25 or the borrowers to cure any defects it's found on</p> |
| Page 27   | Page 29   |
| <p>1 the trades to create a security.</p> <p>2 The traders put on trades for various amounts</p> <p>3 and coupons, and we look at the inventory to ensure that</p> <p>4 we can fill these trades, work with the settlements group</p> <p>5 to make sure that we do not fail on delivery of any of</p> <p>6 these trades to outside investors.</p> <p>7 Eligibility, we continually review the contracts</p> <p>8 and the data attributes that need to be written for rules</p> <p>9 that get put into eligibility. As contracts change,</p> <p>10 eligibility changes. So I work with that group as well.</p> <p>11 I also look at the collateral deficiency</p> <p>12 department. I look at inventory. We ensure that the</p> <p>13 inventory gets moved, does not get aged, that loans are</p> <p>14 getting cured in a timely manner.</p> <p>15 Master file audit I'll review, really look at</p> <p>16 loans to see if we have an issue. If loans are</p> <p>17 continually failing, the same rule, "What's going on?"</p> <p>18 We work with the branches. We work with the divisions to</p> <p>19 ensure that, if there is problems on loans and we find</p> <p>20 trends, that they're aware of it.</p> <p>21 Q Would you do all of that in a typical day?</p> <p>22 A In a typical day, it just depends on my day. My</p> <p>23 day is very busy.</p> <p>24 Q Now, you're referring to traders. What -- and</p> <p>25 you said that you had done trading in the past. Can you</p>   | <p>1 collateral.</p> <p>2 Q So how does -- I guess the question is: How</p> <p>3 does the endorsement of a note involve collateral</p> <p>4 operations?</p> <p>5 A If there's an issue with an endorsement, then it</p> <p>6 would come through my collateral deficiency department.</p> <p>7 Q Would you be alerted that that was the case?</p> <p>8 A We have reporting that shows any sort of</p> <p>9 deficiencies that are found on loans, yes.</p> <p>10 Q And what would you do if you got such a report?</p> <p>11 A I reviewed the report on a weekly basis. We</p> <p>12 review the collateral deficiencies and make sure that my</p> <p>13 group is working with the borrowers or with the bank in</p> <p>14 that case to cure the deficiency.</p> <p>15 Q Now, where do these collateral operations</p> <p>16 happen, I mean, physical location?</p> <p>17 A Simi Valley.</p> <p>18 Q Simi Valley. Okay. And what is the address of</p> <p>19 this?</p> <p>20 A 1800 Tapo Canyon Boulevard, Simi Valley,</p> <p>21 California.</p> <p>22 Q And do the collateral operations exclusively</p> <p>23 occur there?</p> <p>24 A Currently or in 2007?</p> <p>25 Q Let's say currently.</p>   |

| Page 30 |   | Page 32 |   |
|---------|---|---------|---|
| 1       | A Currently, part of it does, yes.                        | 1       | systems.  |
| 2       | Q What about in 2007?                                     | 2       | Q Oh, you said AS-400 is a servicing software             |
| 3       | A All of it did, yes.                                     | 3       | platform of some type?                                    |
| 4       | Q All of it, okay. Let's see. Now, you mentioned          | 4       | A Yes.  |
| 5       | documents that you had reviewed. The AS-400, that's a --  | 5       | Q And the imaging system, what -- can you describe        |
| 6       | can you just refresh my memory? What was that again?      | 6       | that?   |
| 7       | A A servicing system.                                     | 7       | A It's a --   |
| 8       | Q A servicing system, okay. Now, when you looked          | 8       | Q You know --   |
| 9       | over these records and documents before that you          | 9       | A It's when all of the collateral documents and           |
| 10      | mentioned before, where were you when you looked at       | 10      | credit file documents are imaged after the closing of a   |
| 11      | those?  | 11      | loan, and they are put in our imaging system, and we can  |
| 12      | A Simi Valley.  | 12      | go into the system by loan number and pull up the         |
| 13      | Q Simi Valley. And where were the documents that          | 13      | documentation of a loan --                                |
| 14      | you were looking at?                                      | 14      | Q I guess --  |
| 15      | A At that time, they were brought into my office.         | 15      | A -- if you have access to the system.                    |
| 16      | Q Do you have any idea where they were brought            | 16      | Q But imaging, I mean, I'm imagining a scanner of         |
| 17      | from?   | 17      | some sort. Is that what it is?                            |
| 18      | A They were printed off the system.                       | 18      | A It is not my area. I cannot tell you.                   |
| 19      | Q Printed off the system.                                 | 19      | Q Okay. Okay. Well, you brought up if you have            |
| 20      | A From one of my associates.                              | 20      | access. I mean, who would have access to records from     |
| 21      | Q Is that a computer system?                              | 21      | the imaging system?                                       |
| 22      | A As I said, the collateral tracking is printed           | 22      | A You would have to talk to the head of imaging.          |
| 23      | off the AS-400, which is our servicing system. The        | 23      | There are access point -- you have to fill out requests   |
| 24      | investor number commitment was printed off -- it's a      | 24      | for access.   |
| 25      | web-based application from secondary marketing. It's      | 25      | Q Requests for access. So you can't as a -- even          |
| Page 31 |   | Page 33 |   |
| 1       | printed off of that. The note was printed off of our      | 1       | as a senior vice president or executive vice president,   |
| 2       | imaging system. And I think in this case I asked for a    | 2       | in -- well, you're an executive vice president in '07,    |
| 3       | copy of the note showing the endorsements, because in our | 3       | senior vice president now. Even you can't just go pull    |
| 4       | imaging system it does not -- the note is actually imaged | 4       | up in the imaging system something that you want?         |
| 5       | prior to my endorsement stamp being in place. So I had    | 5       | A Not without access.                                     |
| 6       | my associate contact the bank, which is Recontrust, to    | 6       | Q Does this request for access, does it give              |
| 7       | get a copy of the original note to show my endorsement    | 7       | you -- I mean, what does that do for you?                 |
| 8       | stamps, because in imaging it is not shown.               | 8       | A Allows me to get into the system through my ID.         |
| 9       | Q So if a copy is made of a note that you got from        | 9       | Q Did you make a request for access in this case?         |
| 10      | Recontrust, it doesn't have an endorsement? Is that what  | 10      | A I already had access. It's not loan level. The          |
| 11      | you're saying?  | 11      | access is not loan level. You don't have to ask for       |
| 12      | A From our bank, it does. In our imaging system,          | 12      | access for each loan. You have to ask for access to get   |
| 13      | it does not. The note is imaged prior to an               | 13      | into the system to be able to view the documents that are |
| 14      | endorsement -- in '07, the note is imaged prior to an     | 14      | in the system.  |
| 15      | endorsement being placed on the note. So if you look in   | 15      | Q But is that access granted for a certain period         |
| 16      | our imaging system, you wouldn't see the chain of title   | 16      | of time, or is it granted for a one-time log-in?          |
| 17      | of endorsement.   | 17      | A We review access. I can't tell you how often,           |
| 18      | Q And where would you see that?                           | 18      | but access is reviewed during certain times of the year.  |
| 19      | A On the original note.                                   | 19      | Q Oh, okay. So --   |
| 20      | Q Which is -- which is where?                             | 20      | A From my associate, yes.                                 |
| 21      | A In this case, it was in the Fannie Mae vault in         | 21      | Q I'm sorry?  |
| 22      | Simi Valley, California.                                  | 22      | A So I review access, my boss will review my              |
| 23      | Q We'll come back to the Fannie Mae vault. Okay.          | 23      | access, and his boss will review his access.              |
| 24      | So they're printed off in AS-400 imaging system.          | 24      | Q So if I understand you correctly, even though           |
| 25      | A AS-400 and the imaging system are two different         | 25      | you have to fill out a request for access, a request for  |

| Page 34   | Page 36   |
|---|---|
| <p>1 access, once granted, could be granted until a review?</p> <p>2 Is that what I understand? If you don't understand the</p> <p>3 question, I'll try to clarify.</p> <p>4 A Please.</p> <p>5 Q Okay. I imagine, when you said you had to fill</p> <p>6 out a request for access, that if you wanted to go to the</p> <p>7 imaging system or AS-400, you would -- each time you</p> <p>8 wanted to do that you would have to go fill out a request</p> <p>9 for access form and -- but -- so -- you're shaking your</p> <p>10 head no. That's not what you have to do?</p> <p>11 A Once you're granted access in the particular</p> <p>12 system, you're granted access in that system. There</p> <p>13 are -- and I can't say what -- exactly what the review</p> <p>14 period is. Some are monthly. Some are quarterly. You</p> <p>15 review access of your associates to make sure that they</p> <p>16 can still have access of those systems.</p> <p>17 So we go into an approval process on at least</p> <p>18 a -- on certain systems monthly. On certain systems -- I</p> <p>19 can't break them down for you -- quarterly and review our</p> <p>20 associates to make sure that they're still allowed to</p> <p>21 have access.</p> <p>22 Q What sort of situation might arise to cut off</p> <p>23 someone's access or limit their access?</p> <p>24 A They change their department.</p> <p>25 Q I mean, that's -- is that it? Or is there</p> | <p>1 oversight of; is that correct?</p> <p>2 A I have oversight of other systems, as well, that</p> <p>3 are underneath me.</p> <p>4 Q And those are the wiring and the -- okay.</p> <p>5 So I think we kind of covered this here. Let's</p> <p>6 say -- okay. So when you talk in the declaration in</p> <p>7 paragraph 4 on page 2, you mentioned that it was the</p> <p>8 routine practice for all of the origination documents</p> <p>9 such as loan disclosures, applications, credit reports,</p> <p>10 and the promissory note to be scanned and placed into an</p> <p>11 electronic file. Now, how do -- I mean, how do you know</p> <p>12 that?</p> <p>13 A How do I know that it's placed into an</p> <p>14 electronic file, because I view the file on imaging.</p> <p>15 Q All right. But I guess what I'm asking you is:</p> <p>16 You're not in charge of scanning it and making the</p> <p>17 electronic file?</p> <p>18 A That is a true statement.</p> <p>19 Q Do you know where that scanning is done?</p> <p>20 A Currently?</p> <p>21 Q Let's say in 2007.</p> <p>22 A 2007 I do not know where it was done.</p> <p>23 Q Okay. What about now?</p> <p>24 A It's done in Texas.</p> <p>25 Q Texas, okay.</p> |
| Page 35   | Page 37   |
| <p>1 anything else that would, you know --</p> <p>2 A I review to ensure that they're still reporting</p> <p>3 to me, that they're still in the same position and that</p> <p>4 that position still requires access to the system.</p> <p>5 Q All right. But just to get back, and I hate to</p> <p>6 belabor this, but you -- you would have had standing</p> <p>7 access to the relevant systems at the time that you --</p> <p>8 A Yes, I had access.</p> <p>9 Q -- had access to these documents?</p> <p>10 Who inputs the information contained in the</p> <p>11 imaging file and the AS-400 and the Mustang Engine and</p> <p>12 those -- all of those collectively, the business records</p> <p>13 I mean, who?</p> <p>14 A That's out of my scope. The only thing that's</p> <p>15 in my scope is the Mustang Engine. We create the rules</p> <p>16 that get put into the Mustang Engine, my department.</p> <p>17 Q And that's the --</p> <p>18 A Eligibility system.</p> <p>19 Q Right, eligibility, okay. And so you said you</p> <p>20 are in charge of the Mustang Engine or your group?</p> <p>21 A The rules that are input into the Mustang</p> <p>22 Engine, my group is in charge of that, yes, reviewing</p> <p>23 those rules.</p> <p>24 Q Okay. And so, therefore, that would be the only</p> <p>25 business record as such that you personally would have</p>   | <p>1 A In our vault in Texas.</p> <p>2 Q And that's Richardson, Texas; is that --</p> <p>3 A Fort Worth.</p> <p>4 Q Fort Worth. Is that a Bank of American</p> <p>5 location, or what --</p> <p>6 A Yes, it is.</p> <p>7 Q Who does that? I guess so -- so what I'm saying</p> <p>8 is: You base this statement on the fact -- you base the</p> <p>9 statement about scanning -- correct me if I'm wrong, but</p> <p>10 you base the statement about the scanning on the fact</p> <p>11 that there are scans, not that you participate in the</p> <p>12 scanning; is that --</p> <p>13 A I base the statement on the fact that the file</p> <p>14 is -- that on a -- as a course of business, the file is</p> <p>15 scanned and imaged to an electronic file.</p> <p>16 Q But that's what I'm saying. How do you --</p> <p>17 A I've been there.</p> <p>18 Q -- personally know that?</p> <p>19 A I have watched this happen.</p> <p>20 Q Oh, did you watch it happen in this case?</p> <p>21 A On this -- your loan?</p> <p>22 Q Right.</p> <p>23 A No.</p> <p>24 Q So are you saying you've watched this in Texas?</p> <p>25 A Yes.</p>   |

| Page 38 |   | Page 40 |   |
|---------|---|---------|---|
| 1       | Q Oh, this is at Fort Worth. So you have -- so            | 1       | A We would travel together.                               |
| 2       | you've seen the process yourself?                         | 2       | Q Oh, okay. So, again, as part of these audits --         |
| 3       | A Yes.  | 3       | you kind of touched on this, but maybe if I -- I'm trying |
| 4       | Q Okay. Was that -- did you ever work in that             | 4       | to think how to phrase this. Do you know what controls    |
| 5       | department, or was that -- how did you come to be there?  | 5       | are in place to prevent unauthorized input of data in the |
| 6       | A I am -- I have oversight of the collateral              | 6       | system, in the imaging system and that sort of thing?     |
| 7       | vaults. And I visit the sites that have the imaging to    | 7       | A That's out of my scope.                                 |
| 8       | ensure that our files are imaged properly and that we are | 8       | Q I mean, but if you -- so if you -- if you found         |
| 9       | in compliance to the guides.                              | 9       | that unauthorized data were being input, you would just   |
| 10      | Q And how often do you travel?                            | 10      | make a note of that on an audit report?                   |
| 11      | A Every six months.                                       | 11      | A If I find a deficiency in the data, I will then         |
| 12      | Q Every six months. And where do you go? Do you           | 12      | work to cure the deficiency.                              |
| 13      | go to all of the facilities?                              | 13      | Q But so you don't -- you don't -- I mean, do you         |
| 14      | A I go to our Tampa facility, which we have a             | 14      | have a checklist of what you're looking for?              |
| 15      | collateral vault in Tampa, Florida. We have a vault in    | 15      | A When I -- when I am visiting the vault sites, I         |
| 16      | Texas, Fort Worth, Texas, and we have a vault in          | 16      | have a checklist that I go through, yes.                  |
| 17      | Jacksonville.   | 17      | Q And the vaults, again, are where the original           |
| 18      | Q Jacksonville?   | 18      | files are imaged or scanned as you're talking about?      |
| 19      | A Florida, and we have a vault in Simi Valley,            | 19      | A Where they are scanned and where they are held          |
| 20      | California, which is my location.                         | 20      | for safekeeping.  |
| 21      | Q So you say four?  | 21      | Q Okay. Okay. We've covered some of this                  |
| 22      | A Currently we have four sites.                           | 22      | already. So just let me --                                |
| 23      | Q Two in Florida, one in Texas, and one in                | 23      | A It's okay.  |
| 24      | California. Okay. And so on these biannual visits, do     | 24      | Q Okay. At these scanning facilities -- and just          |
| 25      | you ever, yourself, do any scanning, or do you -- I mean, | 25      | to be clear, we're talking about four vaults that also do |
| Page 39 |   | Page 41 |   |
| 1       | what do your visits consist of? I'm sorry. What would     | 1       | the scanning?   |
| 2       | you do when you go there?                                 | 2       | A No. We have four vaults.                                |
| 3       | A I audit the facility. I ensure that the                 | 3       | Q I'm sorry. I misunderstood that.                        |
| 4       | collateral is stored in a locked -- locked location. I    | 4       | A We have four vaults, and scanning is currently          |
| 5       | pull different files off of the shelves to ensure the     | 5       | performed in two of the vaults.                           |
| 6       | correct collateral documents are in those shelves, are in | 6       | Q Oh. What about in 2007?                                 |
| 7       | the files. I ensure fire safety, anything that is in the  | 7       | A In 2007, I would have to look at where the              |
| 8       | Fannie and Freddie selling guides according to the        | 8       | scanning was.   |
| 9       | vaults. I watch the process of when the collateral        | 9       | Q And where are the two that it's done now?               |
| 10      | arrives, how it is logged in, how it is scanned, how it   | 10      | A Fort Worth and Tampa, Florida.                          |
| 11      | is processed in the file, and put into the vault. I look  | 11      | Q I'm sorry. You said that before.                        |
| 12      | at the security measures around the vault.                | 12      | A That's okay.  |
| 13      | Q And you had said earlier that you were -- I             | 13      | Q Okay. Now, let me write it down, so I don't --          |
| 14      | forget exactly how you said it, but you said you were     | 14      | A That's okay.  |
| 15      | over that. Is it you exclusively?                         | 15      | Q Tampa scans now. Oh, that's what I was going to         |
| 16      | A I have oversight over the vaults. I do not              | 16      | ask you. So at these scanning facilities, are there -- I  |
| 17      | own -- they do not report to me, but they are a part of   | 17      | mean, who is there doing the scanning? Is it a group of   |
| 18      | Bank of America, and I have oversight into that.          | 18      | people? Is it automated somehow, you know?                |
| 19      | Q But I guess what I'm asking: Are you and only           | 19      | A Yes. There's a machine that scans the file.             |
| 20      | you the designated auditor?                               | 20      | There's a person at the front of the machine and in the   |
| 21      | A No.   | 21      | middle of the machine and at the end of the machine that  |
| 22      | Q Are there other auditors?                               | 22      | ensures the file is stacked appropriately and that it     |
| 23      | A Yes.  | 23      | goes through correctly, all of the pages go through.      |
| 24      | Q Would these other auditors make visits separate         | 24      | Q So is it some sort of scanner? Is that what --          |
| 25      | from yours?   | 25      | A This machine is not mine. I can't tell you.             |

| Page 42 |   | Page 44 |   |
|---------|---|---------|---|
| 1       | Q Well, no.   | 1       | America site in Tampa, or I'm going to Recontrust site in |
| 2       | A I can't --  | 2       | Florida, Tampa"?  |
| 3       | Q I'm not saying --                                       | 3       | A Both.   |
| 4       | A The description -- they do not report to me.            | 4       | Q Okay. Okay. We covered that. We covered that.           |
| 5       | All I can say is I've seen it. This is what happens. It   | 5       | Paragraph 5, you mentioned that, after the origination    |
| 6       | goes through a machine. You can see the images on a       | 6       | file is created, a more limited collateral file is        |
| 7       | computer screen, and it shoots out. It is -- if you --    | 7       | created. I think you said sometime after. Can you give    |
| 8       | you would have to talk to imaging for really what it does | 8       | me some idea of, you know, how long a time goes between   |
| 9       | and what it's about.                                      | 9       | the origination file creation and the collateral file     |
| 10      | Q I'm sorry.  | 10      | creation, how much time elapses?                          |
| 11      | A It's okay. It just doesn't report to me.                | 11      | A It is not my area, out of my scope.                     |
| 12      | Q I was just trying to ascertain the nature of the        | 12      | Q So, I mean, you don't -- I mean, the reason I           |
| 13      | machine.  | 13      | ask is just because it's in the declaration.              |
| 14      | A And I'm not that machine savvy.                         | 14      | A Right. As the collateral comes into the door,           |
| 15      | Q Okay. So you see a process happening.                   | 15      | it is scanned, and the origination file is scanned, and   |
| 16      | A Uh-huh.   | 16      | the collateral is pulled out. The collateral then is      |
| 17      | Q And whether it's a scanner or not, you don't            | 17      | sent over to the bank, currently.                         |
| 18      | know. And are there multiple machines that do this, or    | 18      | Q All right. What about in 2007?                          |
| 19      | is it just one? I mean, is there a -- is there a wing     | 19      | A 2007, the branch created the collateral file, so        |
| 20      | devoted to the scanning, or is it just one machine?       | 20      | after the loan funds, the branch would receive it from    |
| 21      | A In our Florida facility, I -- I can't even tell         | 21      | the title company. They would take the collateral file,   |
| 22      | you how many machines. I don't know.                      | 22      | create a collateral package, and then create their credit |
| 23      | Q But more than one?                                      | 23      | file and take copies from what's in the collateral file   |
| 24      | A Yes, maybe two.   | 24      | and put it into the credit file.                          |
| 25      | Q Maybe two. And all of these vaults, those               | 25      | Q And that was all done at the branch. What do            |
| Page 43 |   | Page 45 |   |
| 1       | are -- I'm just trying to understand. Those are -- who    | 1       | you mean by the branch?                                   |
| 2       | owns the vaults? I mean, what company is over the         | 2       | A Whoever closed the loan, that branch.                   |
| 3       | vaults?   | 3       | Q That was how it was done in 2007?                       |
| 4       | A Today?  | 4       | A Yes.  |
| 5       | Q Let's say today, yes.                                   | 5       | Q And just to clarify, the collateral file is             |
| 6       | A Recontrust. And it's owned by Bank of America.          | 6       | created at the branch?                                    |
| 7       | It's under Bank of America.                               | 7       | A Uh-huh, yes.  |
| 8       | Q "It" meaning Recontrust or the vaults?                  | 8       | Q In 2007?  |
| 9       | A Recontrust is the custodian of our collateral --        | 9       | A Uh-huh, and sent directly to the custodian.             |
| 10      | Q Right.  | 10      | Q Did the branch do the imaging in 2007?                  |
| 11      | A -- and has owned the vaults or -- I don't know          | 11      | A No.   |
| 12      | what the phrase is.                                       | 12      | Q I'm sorry. Just let me make a note of this.             |
| 13      | Q Okay. Just so I can clarify --                          | 13      | The branch created the collateral file?                   |
| 14      | A I can't say if they own it. Bank of America             | 14      | A They would take copies of what's in the                 |
| 15      | owns the vault.   | 15      | collateral file and stick it in the origination file for  |
| 16      | Q But are you saying Recontrust --                        | 16      | it to go off to imaging.                                  |
| 17      | A Recontrust is the --                                    | 17      | Q Copies of originals, okay. And the originals,           |
| 18      | Q -- are the people that run the vaults? Is that          | 18      | you said, were sent to the custodian by the branch?       |
| 19      | what you mean to say? I don't want to put words in your   | 19      | A Directly by the custodian.                              |
| 20      | mouth, but -- I mean, what is -- if Bank of America --    | 20      | Q 2007. So do you know what documents from the            |
| 21      | A Recontrust is our custodian. They are the               | 21      | origination files are excluded from the collateral files? |
| 22      | custodian for Bank of America.                            | 22      | A I could tell you what's in the collateral file.         |
| 23      | Q But I guess that's what I'm saying. So these            | 23      | Q Well, it's just, you know -- what's in the              |
| 24      | are -- these four locations are owned by Bank of America, | 24      | collateral file, I guess.                                 |
| 25      | but do you call them Bank -- "I'm going to the Bank of    | 25      | A Typically includes the promissory note, the             |

| Page 46   | Page 48   |
|---|---|
| <p>1 riders, a copy of power of attorney, and a copy of the</p> <p>2 deed of trust.</p> <p>3 Q And that's it?</p> <p>4 A That is it.</p> <p>5 Q Now, you say typically. Does that mean</p> <p>6 sometimes it has other documents or sometimes it doesn't,</p> <p>7 or does that --</p> <p>8 A Sometimes, if there's no power of attorney, it</p> <p>9 would not be in the file.</p> <p>10 Q And what is the power of attorney for? I mean,</p> <p>11 just what would that have to do with?</p> <p>12 A Well, if -- in your loan, you do not have a</p> <p>13 power of attorney. If some people have a power of</p> <p>14 attorney, and the power of attorney signs for them to</p> <p>15 close the mortgage, in that case, a copy of the power of</p> <p>16 attorney would have to be in the collateral file.</p> <p>17 Q Wait. Wait. You're saying -- you're saying,</p> <p>18 that last part about if someone needed a power of</p> <p>19 attorney to sign a note, you mean at closing? Is that</p> <p>20 what you mean?</p> <p>21 A Uh-huh.</p> <p>22 Q Oh, okay. Do you need to take a break?</p> <p>23 A No. I'm fine.</p> <p>24 Q So you said, in 2007, the collateral file was</p> <p>25 created at the branch. Do you have any idea from your</p> | <p>1 A A loan, to the best of my knowledge -- this is</p> <p>2 not -- none of these areas report to me, so this is to</p> <p>3 the best of my knowledge.</p> <p>4 A loan funds. The branch receives the</p> <p>5 collateral, the mortgage file back, breaks it up into two</p> <p>6 sections, makes a copy of the collateral, puts it in the</p> <p>7 origination file. That goes off to imaging. Collateral</p> <p>8 file gets sent over to -- at that time it was Countrywide</p> <p>9 Bank, which was our custodian. The custodian would then</p> <p>10 receive the collateral and log it in.</p> <p>11 Q And two things. The custodian you're talking</p> <p>12 about, who was that for this particular case?</p> <p>13 A For this case, the custodian was Countrywide</p> <p>14 Bank Reconstruct. I'm not sure what their -- the entity.</p> <p>15 It could have been Treasury Bank. Their name has changed</p> <p>16 through the course of my --</p> <p>17 Q Which entity's name has changed?</p> <p>18 A The custodian's name.</p> <p>19 Q Oh, so all right. I think we'll get to that in</p> <p>20 a minute. But so -- and you say it was logged in, and</p> <p>21 then what would happen?</p> <p>22 A Can I refer to an exhibit?</p> <p>23 Q Sure. Sure.</p> <p>24 A You refer to Exhibit B. You can see a send from</p> <p>25 the branch into collateral processing on 9-4.</p> |
| Page 47   | Page 49   |
| <p>1 review of this particular case what that branch was?</p> <p>2 A No.</p> <p>3 Q No. Okay. But now collateral files are created</p> <p>4 at the scanning facilities, Fort Worth and Tampa?</p> <p>5 A Uh-huh.</p> <p>6 Q Okay. I mean, that's a "yes"?</p> <p>7 A Yes.</p> <p>8 Q Okay. Now, just to touch back on the 2007</p> <p>9 sending of the originals to the custodian from the</p> <p>10 branch, how were they sent? What method of delivery was</p> <p>11 used? Any idea?</p> <p>12 A FedEx or UPS, whoever was our mail source at the</p> <p>13 time.</p> <p>14 Q Are receipts from FedEx or UPS -- excuse me --</p> <p>15 kept with this information, or just is it --</p> <p>16 A It's out of my scope.</p> <p>17 Q Okay. And at this point, I mean, now, as</p> <p>18 opposed to 2007, is it -- is it the same process of</p> <p>19 sending the originals, or how are they -- how are they</p> <p>20 actually physically delivered? I mean, is it still FedEx</p> <p>21 or UPS, or is it something else?</p> <p>22 A Yes, still FedEx or UPS.</p> <p>23 Q Okay. Now, you've touched on this a little bit,</p> <p>24 but what happens to the collateral file once it comes</p> <p>25 into existence? And let's start with 2007.</p>       | <p>1 Q Right.</p> <p>2 A Collateral processing then received it and sent</p> <p>3 it -- this loan was pooled into a Fannie Mae security and</p> <p>4 sent it to FP, which is known as Fannie Mae processing.</p> <p>5 The loan was then processed through Fannie Mae's</p> <p>6 custodial eligibility, went from the Fannie Mae</p> <p>7 processing to FV, which is the Fannie Mae vault.</p> <p>8 Q Right.</p> <p>9 A It stays in the Fannie Mae vault for</p> <p>10 safekeeping, and then you can see that it was released</p> <p>11 from the Fannie Mae vault in April on -- on April 22nd,</p> <p>12 2011, and that was probably due to this case to the</p> <p>13 attorney.</p> <p>14 Q Okay. So is this where collateral transaction</p> <p>15 tracking -- I mean, I don't know if the attorney still</p> <p>16 has the note or -- I mean, that was obviously last year.</p> <p>17 Would the attorney still have the note, or would it have</p> <p>18 been returned or -- I mean, if it were returned, there</p> <p>19 would not be an entry past that?</p> <p>20 MR. HEMBREE: For the record, I do have</p> <p>21 possession of the original note in my office in Jackson,</p> <p>22 Mississippi, and have had it for quite some time.</p> <p>23 BY MR. KIRBY:</p> <p>24 Q So --</p> <p>25 A If the note was then received back into the</p>                                       |

| Page 50  | Page 52  |
|--|--|
| <p>1 facility, yes, it would be logged back in. You would see</p> <p>2 a release to FV, which is the Fannie Mae vault, because</p> <p>3 it has to go back to Fannie --</p> <p>4 Q So --</p> <p>5 A -- the original location.</p> <p>6 Q If it were put back in, we would see REL to FV?</p> <p>7 A Yes.</p> <p>8 Q Okay. Now, what are these -- are these users</p> <p>9 here in this -- what is this one, two, three, four, fifth</p> <p>10 column?</p> <p>11 A Yes.</p> <p>12 Q Are those people's names?</p> <p>13 A Some -- they are their IDs, or Carousel is a</p> <p>14 system. Hotman is a system. The others are IDs of who</p> <p>15 logged it in and who processed the collateral.</p> <p>16 Q So SS pound sign SS YED, that's -- what is that?</p> <p>17 Do you know what that is?</p> <p>18 A That is showing that the collateral's reviewed</p> <p>19 without a deficiency. It was then certified, and then it</p> <p>20 was sent to the Fannie Mae's vault for safekeeping.</p> <p>21 Q And this appears to have been done</p> <p>22 electronically; is that correct? I mean, it's all -- it</p> <p>23 took place, I guess, at 9:03:15 and then 9:03:15 for the</p> <p>24 other one and then 9:03:16. That was automated, I take</p> <p>25 it?</p>                | <p>1 Q Okay.</p> <p>2 A This is completely out of my scope of --</p> <p>3 Q Okay. But just -- just to clarify, is it your</p> <p>4 understanding -- I mean, I understand it's not your</p> <p>5 department. I mean, have you ever seen this process</p> <p>6 happen, this -- I mean, I know you said you've seen the</p> <p>7 scanning of the documents, but as far as the collateral</p> <p>8 file in the manila folder being scanned, have you ever</p> <p>9 witnessed that?</p> <p>10 A Yes. I walked through this process, yes. I've</p> <p>11 seen it received into collateral -- I've not seen the</p> <p>12 send from the branch to collateral processing, but if</p> <p>13 receiving from collateral processing, yes, I've seen it</p> <p>14 received in. I've seen it then scanned, you know, to go</p> <p>15 into the Fannie Mae processing. I've been in the Fannie</p> <p>16 Mae processing room. I have watched the loan be</p> <p>17 reviewed, how it goes through that procedure. And in</p> <p>18 this case, it was reviewed without a deficiency. The</p> <p>19 loan was then certified and then sent to the Fannie Mae</p> <p>20 vault, and I walked through the Fannie Mae vault.</p> <p>21 Q And so all I'm asking is -- and just since you</p> <p>22 say you saw it, I mean, so the manila folder goes through</p> <p>23 a machine? Is that how it happened? I mean, how is</p> <p>24 this --</p> <p>25 A It is wanded in. Each processor has a wand at</p> |
| Page 51  | Page 53  |
| <p>1 A Each collateral file has a bar code, and as it</p> <p>2 goes through the different facilities, it is logged in or</p> <p>3 bar coded in so that we can track where the file is at</p> <p>4 all times.</p> <p>5 Q Well, and that brings me back to a question I</p> <p>6 was going to ask you a minute ago. When you talk about a</p> <p>7 collateral file, are you talking about something -- I</p> <p>8 mean, an actual folder? You know, what does it look</p> <p>9 like?</p> <p>10 A A manila folder.</p> <p>11 Q Just a run-of-the-mill manila folder?</p> <p>12 A It starts out that way.</p> <p>13 Q How would it have been at the time it ran</p> <p>14 through this?</p> <p>15 A It would have a bar code at the bottom.</p> <p>16 Q On the folder?</p> <p>17 A On the folder. It would have a bar code, a tab</p> <p>18 at the top with the loan number, the name of the</p> <p>19 borrower, and then inside each document has the bar code</p> <p>20 that matches the bottom of the document.</p> <p>21 Q So essentially what I understand you to say is</p> <p>22 that the bar codes on the outside on the folder, on the</p> <p>23 file folder are --</p> <p>24 A As I said, this is not my department. I did</p> <p>25 not -- this is not my department.</p> | <p>1 their desk. And as they're certifying, they wand it in</p> <p>2 to ensure that all of the collateral documents stay with</p> <p>3 that file.</p> <p>4 Q All right. But I guess the question is: If</p> <p>5 it's people wandering -- are you talking about like the</p> <p>6 security guard type wands? Is that --</p> <p>7 A Well, the Hotman is a machine that it goes</p> <p>8 through. That's our original machine that it will go</p> <p>9 through, so that is a machine. And then the other is the</p> <p>10 receives are reviewed without defi's is wandering. And as</p> <p>11 I said, it's not my area. I can't -- I don't know.</p> <p>12 Q Would one of the wandering people look inside to</p> <p>13 see if it were certified, if you know?</p> <p>14 A You would -- to certify the collateral, you need</p> <p>15 to review the collateral to ensure that you have original</p> <p>16 documentation. So they will have to look inside the file</p> <p>17 to ensure your original signature, all of the note -- the</p> <p>18 pages of the note are initialed, that the correct</p> <p>19 documentation is in there and that that -- that the</p> <p>20 information that is on the note matches the data that was</p> <p>21 transmitted in my loan delivery system to them for the</p> <p>22 security.</p> <p>23 Q Okay. And I'm just -- I mean, that could be</p> <p>24 done in the space of a minute or, you know, in two</p> <p>25 seconds?</p>              |

|  |  |
|--|--|
| <p style="text-align: right;">Page 54</p> <p>1 A As you can see, it went into Fannie Mae<br/>2 processing on 9-6. It was processed from 9-7 to 9-10.<br/>3 So during those three days, it went through these<br/>4 procedures.<br/>5 Q Right. But I'm saying, on 9-7, everything on<br/>6 9-7 happened at 9:03?<br/>7 A And that is -- it is probably reviewed on -- it<br/>8 came in at 9-6 in the afternoon. It was probably<br/>9 reviewed, and then at that time, they wanded it in to<br/>10 saying it was reviewed without deficiency and -- reviewed<br/>11 without deficiency and certified is the same thing. It's<br/>12 just showing us that we certified it for that pool. And<br/>13 then they sent it over to be received into the other --<br/>14 to the vault.<br/>15 Q And what system is this Exhibit B to the<br/>16 declaration? What system is that?<br/>17 A The AS-400 system.<br/>18 Q AS-400, okay. All right. Okay.<br/>19 What time is it?<br/>20 THE REPORTER: 10:57.<br/>21 MR. KIRBY: I think I need a break. Could we go<br/>22 off the record?<br/>23 (Recess taken.)<br/>24 THE REPORTER: Back on the record.<br/>25 ///</p>            | <p style="text-align: right;">Page 56</p> <p>1 and Without Recourse"? Or, I mean, just exactly as it<br/>2 appears with the signatures and everything?<br/>3 A Exactly how it appears.<br/>4 Q Okay. So that is an endorsement rubber stamp,<br/>5 okay. Is the note endorsed at the same time the<br/>6 collateral file is created? And maybe that's not a good<br/>7 way to phrase it.<br/>8 A The endorsement stamp is placed when the<br/>9 collateral file is received into collateral processing.<br/>10 Q So branch collateral documents, they get the<br/>11 package from the branch, stamp the endorsement, and then<br/>12 that's how it's done; is that correct?<br/>13 A That is correct.<br/>14 Q Okay. So where in -- well, in general, would<br/>15 the endorsement all take place at the -- at the<br/>16 custodian, at the custodian's place of business?<br/>17 A The endorsement stamp is placed when it's<br/>18 received into collateral processing, yes.<br/>19 Q Which is at the custodian's?<br/>20 A Which is in the --<br/>21 Q The Tampa -- the four locations?<br/>22 A That's one of the four locations, yes. In this<br/>23 case, it was received into Simi Valley, California.<br/>24 Q Okay. So let's see. So what happens after the<br/>25 note is put in the collateral file? Where does the</p> |
| <p style="text-align: right;">Page 55</p> <p>1 BY MR. KIRBY:<br/>2 Q Now, how is it -- or what's the routine process<br/>3 by which notes get endorsed? I mean, how -- and let's<br/>4 say in 2007. How are notes endorsed?<br/>5 A When the collateral is received from the branch<br/>6 into collateral processing, an endorsement stamp is<br/>7 placed on the note.<br/>8 Q Okay. And can you -- I mean, what kind of stamp<br/>9 are you talking about?<br/>10 A A facsimile stamp.<br/>11 Q But I guess a physical description, is it -- can<br/>12 you describe the stamp? I mean, what does it look like<br/>13 is what I'm asking?<br/>14 A It looks like a stamp on a note.<br/>15 Q But, I mean, I'm talking about the thing that<br/>16 you hold, the part that you hold. Is it -- I mean, is<br/>17 this a rubber stamp?<br/>18 A Yes.<br/>19 Q It's not one of those gray self-inking kinds?<br/>20 You know what I'm talking about?<br/>21 A It's a rubber stamp.<br/>22 Q A rubber stamp. And it has -- on the rubber<br/>23 side, it has this information in the endorsement?<br/>24 A Yes.<br/>25 Q I mean, it has, "Countrywide Home Loans, Inc.,</p> | <p style="text-align: right;">Page 57</p> <p>1 collateral file go?<br/>2 A In this case, the note -- the collateral file<br/>3 went right to Fannie Mae processing.<br/>4 Q And what is Fannie Mae processing?<br/>5 A Your loan -- the loan was already in a Fannie<br/>6 Mae security, and so it was sent to Fannie Mae's<br/>7 processing group for it to be certified and reviewed and<br/>8 certified for the security.<br/>9 Q And that is a -- again, we're talking about<br/>10 2007. The Fannie Mae processing, is that a Fannie Mae<br/>11 operation, or is that a Countrywide? Again, we're<br/>12 talking about 2007. Is that a Countrywide department?<br/>13 A In 2007, Fannie Mae processing was run by<br/>14 Countrywide associates.<br/>15 Q Okay. And I think we touched on this before,<br/>16 but let me just make sure. Now, I think this is somewhat<br/>17 different. I know we talked about access requests, but<br/>18 so this particular collateral file went to Simi Valley.<br/>19 And, I mean -- is that correct?<br/>20 A Yes.<br/>21 Q And who would then have access to that<br/>22 collateral file?<br/>23 A Only associates of the bank.<br/>24 Q Which bank?<br/>25 A Part of Recontrust, the custodian.</p>   |



| Page 58 |   | Page 60 |  |
|---------|---|---------|--|
| 1       | Q So when you say the bank in this context, you're        | 1       | A Through one elevator, which is a -- I don't get        |
| 2       | referring to Reconstit?                                   | 2       | in. I mean, I personally cannot get in.                  |
| 3       | A Yes, I am. And when I said the bank, I was              | 3       | Q Uh-huh.  |
| 4       | referring to the custodian. I apologize for that.         | 4       | A I need to have someone that has access. I do           |
| 5       | Q Oh, okay. I follow you. Sorry. So who will              | 5       | not have access.   |
| 6       | have access to the note, you know, separate from the      | 6       | Q Oh, so you're saying that, when I asked you who        |
| 7       | collateral file? Do you understand what I'm saying?       | 7       | has access to the collateral file, you said Reconstit    |
| 8       | A No, I don't.  | 8       | employees. I mean, you're not a Reconstit employee?      |
| 9       | Q What I'm saying, obviously, the note is within          | 9       | A No, I'm not.   |
| 10      | the collateral file. If Reconstit employees have access   | 10      | Q No, okay. So you have to be --                         |
| 11      | to the collateral file, would they always have access to  | 11      | A And I'd like to clarify that. Not all                  |
| 12      | just the note by itself?                                  | 12      | Reconstit associates could have access to the vault. If  |
| 13      | A The note is in the collateral file.                     | 13      | they do not report to me, I do not know who has access   |
| 14      | Q Okay. I'm not making myself clear. Is the               | 14      | and who doesn't. I know it is limited --                 |
| 15      | note -- at this point, when it's in Reconstit's           | 15      | Q Okay.  |
| 16      | possession, and it's been logged in, as you said, for     | 16      | A -- and background checks. There are --                 |
| 17      | storage, safekeeping, is it then still in a manila file   | 17      | Q Right.   |
| 18      | folder?   | 18      | A There are measures that they have to go through.       |
| 19      | A Yes.  | 19      | Q But the times that you have been there, and been       |
| 20      | Q So if someone wanted to take the note out, they         | 20      | in the vault, you've been escorted by one of these       |
| 21      | could? I mean, it's just a file folder?                   | 21      | cleared people?  |
| 22      | A You could not leave the vault with collateral in        | 22      | A Yes.   |
| 23      | your hand. You are -- there are measures, security        | 23      | Q Okay. Okay. Now, just to clarify what -- okay.         |
| 24      | measures, cameras in the vault.                           | 24      | What is Reconstit? I know you -- you've said it's a      |
| 25      | Q Is there some sort of guards or anything like           | 25      | custodian, but what -- and what does that mean exactly?  |
| Page 59 |   | Page 61 |  |
| 1       | that?   | 1       | What is Reconstit's relationship to Bank of America as   |
| 2       | A Security guards?  | 2       | you understand it?                                       |
| 3       | Q Right.  | 3       | A Reconstit is Bank of America's custodian. If           |
| 4       | A No.   | 4       | you want to know the legal, you would have to talk to    |
| 5       | Q No. Are there any other, you know, safekeeping          | 5       | someone in legal.  |
| 6       | security apparatuses around the --                        | 6       | Q Oh, I understand, but your understanding is that       |
| 7       | A It is a true contained vault.                           | 7       | Reconstit is a custodian?                                |
| 8       | Q Oh, it's an actual vault. So when you say               | 8       | A Is our custodian is there, and that was true in        |
| 9       | Fannie vault, you mean literally what you picture in your | 9       | 2007 with Countrywide was Reconstit. I don't think it    |
| 10      | mind of a vault of steel doors?                           | 10      | was called Reconstit at that time in 2007. It's the      |
| 11      | A It is a -- there are -- it is under the                 | 11      | same facility. It -- I think it was named Countrywide    |
| 12      | guidelines of the custodial guides of what a vault has to | 12      | Bank or Treasury Bank.                                   |
| 13      | be. If you look in the Fannie or the Freddie guides, it   | 13      | Q Now, when you say Countrywide Bank, you mean           |
| 14      | will tell you what the -- what a vault has to be, fire    | 14      | FSB?   |
| 15      | rated.  | 15      | A Yes.   |
| 16      | Q Do you know what --                                     | 16      | Q And so there's not a separate Countrywide Bank         |
| 17      | A I don't. I mean, I could --                             | 17      | versus Countrywide Bank FSB; when you say Countrywide    |
| 18      | Q Okay. And you've been to this particular vault?         | 18      | Bank, you mean Countrywide Bank FSB?                     |
| 19      | A Yes.  | 19      | A Like I said, you would need to talk to someone         |
| 20      | Q I mean, can you describe it, just in your own           | 20      | in legal to talk about the legal entities and how that   |
| 21      | terms, just in your own words, what it looks like, what   | 21      | works.   |
| 22      | we would see if we went to it?                            | 22      | Q I understand. I understand. Okay. Let me see.          |
| 23      | A Unfinished walls, fire rating, cold, dark, rows         | 23      | So, again, we've talked about this a little bit, but let |
| 24      | of collateral.  | 24      | me just -- do you know the procedure for -- now, we      |
| 25      | Q And what is the entry? How do you get in?               | 25      | talked about who has access to the collateral file. But  |

| Page 62   | Page 64  |
|---|--|
| <p>1 do you know, if you wanted a collateral file, what you</p> <p>2 would have to do to get that from Recontrust?</p> <p>3 A You would -- you would have to request for a</p> <p>4 release of the collateral.</p> <p>5 Q I mean, did you do that in this case?</p> <p>6 A No.</p> <p>7 Q Have you ever done that?</p> <p>8 A No.</p> <p>9 Q Okay. So you request a release, and then, I</p> <p>10 mean, do you know beyond that?</p> <p>11 A It's completely out of my scope.</p> <p>12 Q Okay. All right. And even though you just said</p> <p>13 that, let me -- just in case you know, once a collateral</p> <p>14 file is released, do you know how it's transferred to</p> <p>15 wherever it goes?</p> <p>16 A It's completely out of my scope.</p> <p>17 Q Okay. So you wouldn't have any idea whether</p> <p>18 it's mailed or FedEx'd or anything like that? Do you</p> <p>19 have any idea about that?</p> <p>20 A It is completely out of my scope.</p> <p>21 Q Okay. And as far as being able to tell when a</p> <p>22 particular collateral file initially arrives at</p> <p>23 Recontrust, how would you -- how would you be able to</p> <p>24 tell that?</p> <p>25 A I have reporting from -- we have reporting that</p>   | <p>1 when the file is removed from or released or taken out of</p> <p>2 Recontrust?</p> <p>3 A The source elements?</p> <p>4 Q Right.</p> <p>5 A Yes.</p> <p>6 Q Okay. Now, you were saying that Recontrust used</p> <p>7 to be called Treasury Bank?</p> <p>8 A Yes.</p> <p>9 Q And that was in -- during your time at</p> <p>10 Countrywide it had been called that?</p> <p>11 A Yes.</p> <p>12 Q But you don't have any -- do you have any idea</p> <p>13 of when that changed?</p> <p>14 A No.</p> <p>15 Q Okay. Would there be any way to tell -- if the</p> <p>16 collateral file that has the note that we're talking</p> <p>17 about, would there be a way to tell if that was ever held</p> <p>18 by an entity other than Recontrust?</p> <p>19 A It stayed in the same spot from 2007 till 2011.</p> <p>20 Q And you're saying that based on the information</p> <p>21 there in Exhibit B?</p> <p>22 A Yes.</p> <p>23 Q Okay. Now, in paragraph 7, you say that you've</p> <p>24 reviewed the promissory note where it says, "I have</p> <p>25 reviewed the promissory note as it exists now." I mean,</p>   |
| Page 63   | Page 65  |
| <p>1 shows us that the loan was received into Recontrust.</p> <p>2 Q Is that something other than Exhibit B that we</p> <p>3 were looking at earlier?</p> <p>4 A Yes.</p> <p>5 Q What -- I mean, is that another program, or --</p> <p>6 A It's all derived off of the same coding of the</p> <p>7 loan being logged into the Hotman machine.</p> <p>8 Q So if there is a different -- I mean, okay. Let</p> <p>9 me rephrase that.</p> <p>10 If there are two sources of the date of when the</p> <p>11 collateral file arrives at Recontrust, can you explain</p> <p>12 why you chose that one?</p> <p>13 A There is not two sources of the date. The date</p> <p>14 is derived off of one source. In other words, this log</p> <p>15 is in -- it's just there are different types of reporting</p> <p>16 that we can look at. I looked at that one because this</p> <p>17 is on a loan level report. In my course of business, I</p> <p>18 do not look at individual loans. I look at the loans as</p> <p>19 a whole to ensure that the loans are getting -- going --</p> <p>20 you know, getting processed into collateral processing.</p> <p>21 Q Okay.</p> <p>22 A The source of the date is the same.</p> <p>23 Q Now, let me -- well, let me ask this: Is the</p> <p>24 same true that we just talked about as far as where the</p> <p>25 date comes from? Is that the same situation is true for</p> | <p>1 what -- you kind of touched on this earlier, but what</p> <p>2 exactly were you reviewing when you --</p> <p>3 A I reviewed Exhibit A.</p> <p>4 Q Exhibit A. And who provided that to you, or how</p> <p>5 was that provided to you?</p> <p>6 A It was brought in to me by one of my associates.</p> <p>7 May I say, not the original.</p> <p>8 Q Right, not the original. Presumably because, at</p> <p>9 the time you were reviewing it, the original, as we saw</p> <p>10 in Exhibit B, had been released back in April of 2011.</p> <p>11 A The exhibit, yes. The original had been</p> <p>12 released to the attorneys.</p> <p>13 Q And that -- and so when you -- when you were --</p> <p>14 I mean, obviously you signed this according to this as --</p> <p>15 on November 1st, 2011; correct? I mean, that's what</p> <p>16 it -- yeah. Okay.</p> <p>17 So you were not looking at the original note</p> <p>18 when you -- when you performed this review referred to in</p> <p>19 paragraph 7?</p> <p>20 A I believe, when I performed this review, the</p> <p>21 attorney sent me a copy of the note, as well as I wanted</p> <p>22 to confirm that the copy that they sent me was the copy</p> <p>23 that was in our system, so I did review both.</p> <p>24 Q You reviewed both --</p> <p>25 A Copies.</p> |

| Page 66  | Page 68   |
|--|---|
| <p>1 Q -- the copy that the attorney sent you and the</p> <p>2 copy that was in the system? Is that what you said?</p> <p>3 A Yes.</p> <p>4 Q But not the actual original paper note?</p> <p>5 A Nope.</p> <p>6 Q And do you know which attorney it was that had</p> <p>7 this that sent this to you?</p> <p>8 A I would have to look at my e-mail.</p> <p>9 MR. HEMBREE: Just -- I've let it go as far as</p> <p>10 communications with attorneys, but at some point I'm</p> <p>11 going to have to object on privilege if we get too far</p> <p>12 into privilege.</p> <p>13 MR. KIRBY: I understand.</p> <p>14 MR. HEMBREE: But no problem so far.</p> <p>15 MR. KIRBY: Okay.</p> <p>16 Q Okay. So when you reviewed these copies, where</p> <p>17 were you when you did that?</p> <p>18 A My Simi Valley office.</p> <p>19 Q So do you know for certain when --</p> <p>20 The endorsement that you, you know -- that you</p> <p>21 said was on the note at the time you reviewed it for the</p> <p>22 declaration, do you know when that endorsement came to be</p> <p>23 placed on the note in this case?</p> <p>24 A I stated in the declaration that the endorsement</p> <p>25 was placed at the time that it was received into</p> | <p>1 knowledge of the transfer inputs the action taken</p> <p>2 regarding that collateral file."</p> <p>3 Have you ever witnessed that going on?</p> <p>4 A The loan is scanned into collateral tracking</p> <p>5 system?</p> <p>6 Q No. This second sentence of paragraph 8. It</p> <p>7 says, "At the time that a collateral file is transferred,</p> <p>8 an individual with personal knowledge of the transfer</p> <p>9 inputs the action taken regarding that collateral file</p> <p>10 including the date and time of the action into the</p> <p>11 tracking system."</p> <p>12 A Have I seen that happen?</p> <p>13 Q Yeah. I mean, have you been there?</p> <p>14 A Yes, from my audits.</p> <p>15 Q Okay. Now, is there -- is there a specific</p> <p>16 person or group that would be responsible for inputting</p> <p>17 that information?</p> <p>18 A You would have to talk to the bank or</p> <p>19 Recontrust.</p> <p>20 Q Okay. But are you ever in contact with the</p> <p>21 people that do that?</p> <p>22 A On my audits, yes.</p> <p>23 Q But other than the audits?</p> <p>24 A No.</p> <p>25 Q So you're not in charge of that process?</p>  |
| Page 67  | Page 69   |
| <p>1 collateral processing.</p> <p>2 Q And so what date is that?</p> <p>3 A It was received into collateral processing on</p> <p>4 9-5 on -- the file was received at Recontrust on</p> <p>5 September 5th, and September 6th the file was received in</p> <p>6 Recontrust unit.</p> <p>7 Q Okay. So you're saying that the endorsement was</p> <p>8 placed on the note at -- I mean, when was it, what date</p> <p>9 would you say?</p> <p>10 A I'm saying --</p> <p>11 MR. HEMBREE: I seem to recall that it's in</p> <p>12 here.</p> <p>13 THE WITNESS: It is in here.</p> <p>14 MR. HEMBREE: I couldn't begin to tell you</p> <p>15 where.</p> <p>16 THE WITNESS: On September 5th.</p> <p>17 BY MR. KIRBY:</p> <p>18 Q Okay. On September 5th, for certain, or -- it</p> <p>19 does say -- I mean, September 5th, 2007, for certain?</p> <p>20 A As I said in the declaration, consistent with</p> <p>21 the routine practices, these endorsements would have been</p> <p>22 placed on the note on or about September 5th of 2007.</p> <p>23 Q Okay. Now, in Exhibit 8, you say -- not</p> <p>24 Exhibit 8, paragraph 8. You say that, "When a collateral</p> <p>25 file is transferred, an individual with personal</p>              | <p>1 A Correct.</p> <p>2 Q Now, I'm just -- I'm reading this question just</p> <p>3 to make sure I don't ask it again.</p> <p>4 A It's okay.</p> <p>5 Q So on September 5th, according to Exhibit B, as</p> <p>6 we've been over, the branch -- and you said CP on</p> <p>7 Exhibit B means?</p> <p>8 A Collateral processing.</p> <p>9 Q Collateral processing. And do you have any idea</p> <p>10 what was happening to these documents between August 21st</p> <p>11 when the note was signed and September 4th when it was</p> <p>12 sent from the branch according to this?</p> <p>13 A As I said, these departments did not report to</p> <p>14 me.</p> <p>15 Q So you wouldn't have any idea where those</p> <p>16 documents were for those two weeks?</p> <p>17 A These departments don't report to me.</p> <p>18 Q But I understand that those departments don't</p> <p>19 report to you, but are you saying that you don't have any</p> <p>20 idea what -- I mean, you know where the note goes between</p> <p>21 the branch and the collateral -- between the branch and</p> <p>22 the custodian?</p> <p>23 A The loan funds. The branch creates the</p> <p>24 collateral file and sends it to the custodian.</p> <p>25 Q I understand that, but my question is -- I mean,</p> |

| Page 70  | Page 72  |
|--|--|
| <p>1 there's two weeks between those -- you know, between the</p> <p>2 signing of the note and the sending out of it by the</p> <p>3 branch. And I was just -- and, you know, I'm just</p> <p>4 asking. If you don't know, that's fine. And you seem to</p> <p>5 be indicating that you don't know. But I'm just --</p> <p>6 A There's a rescission period that goes on. The</p> <p>7 branch also has to take the file and pull out all of the</p> <p>8 collateral documents. This loan funded, I think, on</p> <p>9 August 21st, which is probably towards the end of the</p> <p>10 month, which is when a branch is most -- is busiest, so</p> <p>11 I'm sure that it went in the line of being through the</p> <p>12 processor to get processed and the collateral being put</p> <p>13 into the file and sent off.</p> <p>14 Q And just so -- just because we've talked about</p> <p>15 so many vault locations, you said earlier that this</p> <p>16 particular note was sent to the Simi Valley vault?</p> <p>17 A Yes.</p> <p>18 Q From the branch?</p> <p>19 A Yes.</p> <p>20 Q Does that have anything to do with it being a</p> <p>21 Fannie Mae collateral file?</p> <p>22 A In 2007 we did not have Fort Worth open, and it</p> <p>23 was not a correspondent lending loan, so I know it did</p> <p>24 not go to Tampa.</p> <p>25 Q Okay.</p> | <p>1 very patient.</p> <p>2 So your declaration indicates -- I think it's</p> <p>3 paragraph 10, but also throughout, but I think I'm</p> <p>4 talking particularly about paragraph 10, that it's the</p> <p>5 routine practice for notes to be -- I mean, for</p> <p>6 endorsements to be placed on notes on the day the</p> <p>7 collateral file is received at Recontrust, but the</p> <p>8 endorsements themselves are not dated. So is there any</p> <p>9 way to know absolutely for sure that it was done on that</p> <p>10 particular day?</p> <p>11 A No. However, the loan would have not passed</p> <p>12 certification if there was no endorsements applied on</p> <p>13 September 7th of 2007.</p> <p>14 Q And what would have happened on September 7th?</p> <p>15 A Instead of it being reviewed without deficiency,</p> <p>16 it would have been reviewed with a deficiency showing</p> <p>17 stating that there was no endorsement on the note.</p> <p>18 Q Okay. You had said this earlier, but I just --</p> <p>19 I just want to make sure. So what you had said earlier</p> <p>20 was that, according to Exhibit B to the declaration, the</p> <p>21 note was received into the Fannie vault on September</p> <p>22 10th. Is that correct?</p> <p>23 A Yes.</p> <p>24 Q And then it was released on April 22nd. Nothing</p> <p>25 else happened to it during that time. Is that -- I mean,</p> |
| Page 71  | Page 73  |
| <p>1 A All noncorrespondent lending loans were</p> <p>2 processed through Simi Valley at that time.</p> <p>3 Q Okay. So my understanding is -- and please</p> <p>4 correct me if I'm wrong. Well, let me phrase it as a</p> <p>5 question.</p> <p>6 It's employees at Recontrust that stamp the</p> <p>7 endorsements on the notes in general, including this one;</p> <p>8 is that right?</p> <p>9 A Yes.</p> <p>10 Q And you've seen that taking place?</p> <p>11 A Yes.</p> <p>12 Q In Simi Valley?</p> <p>13 A Yes.</p> <p>14 Q Is there some type of manual or set of</p> <p>15 instructions?</p> <p>16 A They have my power of attorney.</p> <p>17 Q Well, okay. That's not what I'm asking. But I</p> <p>18 do want to know about that. But what I'm saying: Is</p> <p>19 there some sort of manual or instructions or --</p> <p>20 A If you want to know the desk procedures, you</p> <p>21 would have to speak with an associate of Recontrust.</p> <p>22 Q Okay. Okay. Sorry. I'm just reading the notes</p> <p>23 again. Now, I'm going to try to explain this. I may</p> <p>24 have to do it a couple of times, but just bear with me.</p> <p>25 And you've been very helpful so far. I appreciate it,</p>   | <p>1 there it sat is I guess what I'm asking.</p> <p>2 A In safekeeping, yes.</p> <p>3 Q Okay. All right. Now, this is something you</p> <p>4 touched on a minute ago. I'm going to try to phrase it</p> <p>5 in a way that makes sense. Who -- and let's just deal</p> <p>6 with Countrywide in 2007.</p> <p>7 Who is allowed to be an endorser as you were? I</p> <p>8 mean, who -- let me leave it at that and see if that</p> <p>9 makes sense to you.</p> <p>10 A I don't know what you're asking.</p> <p>11 Q What I'm saying is: Are there people other than</p> <p>12 you at Countrywide in 2007 whose names would appear on a</p> <p>13 note as an endorsement?</p> <p>14 A For Countrywide Home Loans, Inc.?</p> <p>15 Q Yes.</p> <p>16 A In 2007, I was the endorser for Countrywide Home</p> <p>17 Loans, Inc.</p> <p>18 Q Okay. And, I mean, can you explain why you, in</p> <p>19 particular? I mean, how is that established?</p> <p>20 A Just lucky.</p> <p>21 Q I mean, I know this is going to sound silly, but</p> <p>22 was there some competition for it? Did they come to you</p> <p>23 and say, "Ms. Sjolander, we choose you?" I mean, how did</p> <p>24 you come to be designated the person?</p> <p>25 A It is the position I held within Countrywide.</p>   |

| Page 74   | Page 76   |
|---|---|
| <p>1 Q Okay. And did you know that going in; you know,</p> <p>2 if you take this job, you're going to be the endorser?</p> <p>3 Was that explained to you at some point?</p> <p>4 A I knew that my previous boss was the endorser,</p> <p>5 yes.</p> <p>6 Q Oh, okay. Now, we covered this, that other</p> <p>7 people stamped your signature and the other -- her name</p> <p>8 is -- oh, it's Laurie Meder?</p> <p>9 A Meder.</p> <p>10 Q Okay. So other people have a stamp with her</p> <p>11 name and your name on it, and how do those people have</p> <p>12 the authority to put her name and your name on a note for</p> <p>13 it to be an effective endorsement?</p> <p>14 A With my name, they have a power of attorney.</p> <p>15 Q And what does the power of attorney say?</p> <p>16 A The power of attorney allows them to place my</p> <p>17 endorsement stamp on collateral.</p> <p>18 Q How do they come to have your power of attorney?</p> <p>19 A I gave that to them.</p> <p>20 Q But, I mean, in what sort of process? You know,</p> <p>21 how does someone at Reconstitute -- I mean, I understand</p> <p>22 that a power of attorney document exists, I'm assuming;</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q And how do those people come to operate under</p> | <p>1 document.</p> <p>2 Q Okay. But just to clarify, once again, you</p> <p>3 don't actually know the legal mechanism by which these</p> <p>4 people with the stamps operate under this power of</p> <p>5 attorney?</p> <p>6 A As I said, I would have to go back through all</p> <p>7 of the documentation that surrounds the power of</p> <p>8 attorney, and Reconstitute has desk procedures, and it</p> <p>9 would be their procedures for them to assign that, to</p> <p>10 place the stamp on the collateral.</p> <p>11 Q And this was a procedure in 2007, what we're</p> <p>12 talking here is 2007?</p> <p>13 A Correct.</p> <p>14 Q And to the present?</p> <p>15 A No.</p> <p>16 Q Okay. Let me see.</p> <p>17 And I don't know if you -- was there any way we</p> <p>18 could get a copy of that power of attorney, or is that,</p> <p>19 you know --</p> <p>20 MR. HEMBREE: I can try. Countrywide Home</p> <p>21 Loans, Inc., is not a party to the litigation.</p> <p>22 MR. KIRBY: Right.</p> <p>23 MR. HEMBREE: So that creates some issues for</p> <p>24 us, but we could take a look at it and see.</p> <p>25 MR. KIRBY: Oh, okay. I follow you.</p>   |
| Page 75   | Page 77   |
| <p>1 it?</p> <p>2 A It's common, standard practice.</p> <p>3 Q I may not be asking it quite right. I guess</p> <p>4 what I'm asking is: Do they -- the people who actually</p> <p>5 use the stamps -- is there more than one, or is there</p> <p>6 just one stamp? I said "stamps" multiple. Is there only</p> <p>7 one, or is there --</p> <p>8 A No, there's multiple stamps.</p> <p>9 Q So do these people sign something that says, "I</p> <p>10 understand I'm under Michele Sjolander's power of</p> <p>11 attorney"?</p> <p>12 A Once again, you would have to look at the desk</p> <p>13 procedures for Reconstitute, and you would have to talk to</p> <p>14 someone at Reconstitute.</p> <p>15 Q So that's your understanding that you -- did you</p> <p>16 sign a power of attorney document?</p> <p>17 A Yes, I did.</p> <p>18 Q And, I mean, can you explain just in -- you</p> <p>19 know, in general, not word for word what it says, but</p> <p>20 what does it purport to grant as power of attorney?</p> <p>21 A It grants Reconstitute. They can endorse and</p> <p>22 assign notes on behalf of myself.</p> <p>23 Q And do you know if this applies to a select</p> <p>24 group of people?</p> <p>25 A I do not have -- I would have to read the</p>                      | <p>1 MR. HEMBREE: See what I'm saying? This is the</p> <p>2 first I've heard about it today, so I can certainly look</p> <p>3 into it.</p> <p>4 MR. KIRBY: But so you're saying -- and that's</p> <p>5 a -- I'm glad you said that.</p> <p>6 Q So this was -- this power of attorney was not</p> <p>7 just for your name; it was for your name as executive</p> <p>8 vice president of Countrywide Home Loans, Inc.?</p> <p>9 A As an officer of Countrywide Home Loans, Inc.</p> <p>10 Q Right. And you said you had previously been an</p> <p>11 officer of Countrywide Bank FSB?</p> <p>12 A Yes.</p> <p>13 Q And that was before?</p> <p>14 A I cannot tell you the timing of --</p> <p>15 Q Okay. Okay. And let me just clarify this one</p> <p>16 more time. The people at Reconstitute who do the actual</p> <p>17 stamping, I mean, do you know who they are? Do you know</p> <p>18 them by name, for example?</p> <p>19 A No.</p> <p>20 Q Is that considered an entry level job? Do you</p> <p>21 know?</p> <p>22 A It's out of my scope. You would have to speak</p> <p>23 with someone at Reconstitute.</p> <p>24 Q But you do have an office at the Reconstitute</p> <p>25 facility in Simi Valley?</p> |

| Page 78 |   | Page 80 |   |
|---------|---|---------|---|
| 1       | A I have an office in Simi Valley, yes.                   | 1       | complex is considered Bank of America? Is that what       |
| 2       | Q But is it considered an office -- I mean, is it         | 2       | you're saying?  |
| 3       | in the Recontrust building?                               | 3       | A Yes.  |
| 4       | A It is in that building.                                 | 4       | Q And then there's another part of the complex            |
| 5       | Q Are you in charge of hiring any of these people         | 5       | that's considered Recontrust?                             |
| 6       | that do that.   | 6       | A Yes.  |
| 7       | A No.   | 7       | Q And you're separate?                                    |
| 8       | Q When you're in the Simi Valley office, do you           | 8       | A We're in the same building, but, yes, we're             |
| 9       | ever observe the endorsing going on?                      | 9       | separate, completely separated.                           |
| 10      | A Only when I do an audit. Security based, I do           | 10      | Q And I think I know -- I think you've covered            |
| 11      | not have a security level to be in there without being in | 11      | this, but just let me ask it anyway. Do you know what     |
| 12      | the company.  | 12      | type of controls there are to exist -- what type of       |
| 13      | Q So you're not even allowed, unless accompanied          | 13      | controls exist to prevent the unauthorized use of your    |
| 14      | on the floor where this is happening?                     | 14      | stamp? Does that make sense?                              |
| 15      | A Unless I'm performing an audit and unless               | 15      | A I don't know what you're asking.                        |
| 16      | escorted by a Recontrust associate.                       | 16      | Q Well, I'm just saying, you know, if there are           |
| 17      | Q So you wouldn't know anything or would you --           | 17      | multiple stamps, are there some procedures in place that  |
| 18      | Let me ask you: Would you know the name of the            | 18      | keep people from -- I don't know -- taking one, for       |
| 19      | person who did this stamping, for example?                | 19      | example, or --  |
| 20      | A No.   | 20      | A The stamps are in a secured environment on the          |
| 21      | Q I mean, would you be able to tell which floor           | 21      | floor, and it is part of Recontrust's security.           |
| 22      | they were on when they did it?                            | 22      | Q And, again, security, are there cameras on that         |
| 23      | A I know where they are located, yes.                     | 23      | floor that you know of?                                   |
| 24      | Q Okay. But, I mean, you weren't there when it            | 24      | A I do believe so. I don't know when they were            |
| 25      | happened?   | 25      | installed.  |
| Page 79 |   | Page 81 |   |
| 1       | A No.   | 1       | Q Are there security guards there?                        |
| 2       | Q And of the individuals that do it, that did this        | 2       | A No. It is completely badge -- access by badge.          |
| 3       | in 2007, you wouldn't be able to identify which           | 3       | You need to have access to the doors. You can't get in.   |
| 4       | particular individual put the stamp on this particular    | 4       | Q So you've done audits at this place where the           |
| 5       | note?   | 5       | endorsements take place. I mean, can you just describe    |
| 6       | A Correct.  | 6       | in general, I mean, just what it even looks like? Are     |
| 7       | Q This Laurie Meder, is she in the same office as         | 7       | people sitting at desks?                                  |
| 8       | you?  | 8       | A It looks like a room like this. It's completely         |
| 9       | A She's part of Recontrust, yes.                          | 9       | secured with a door access that you have to access with a |
| 10      | Q I mean, is she like you? She has an office at           | 10      | badge to get into.  |
| 11      | Recontrust and at --                                      | 11      | Q So it's a conference room type of?                      |
| 12      | A No.   | 12      | A It's a warehouse room, yes. I mean, it's a              |
| 13      | Q I guess, at this time, Countrywide?                     | 13      | room.   |
| 14      | A I do not have an office at Recontrust. I have           | 14      | Q But, I mean, it has tables for people to work           |
| 15      | a -- we are located in the same building. I do not        | 15      | at?   |
| 16      | have -- the building is not considered Recontrust.        | 16      | A It's not one big table. It's desks, yes.                |
| 17      | Q Okay. I guess I misunderstood.                          | 17      | Q So you wouldn't know how many people at                 |
| 18      | A The vault is attached to the building. It is            | 18      | Recontrust are responsible -- or let me rephrase that.    |
| 19      | located at 1800 Tapo Canyon. But my office is not within  | 19      | Would you know how many individuals at Recontrust are     |
| 20      | Recontrust. There are other parts of Bank of America      | 20      | responsible for endorsing notes on your behalf?           |
| 21      | that are located at that same facility.                   | 21      | A No.   |
| 22      | Q So are you describing -- this 1800 Tapo Canyon          | 22      | Q Do you know if the people that do the                   |
| 23      | Road, is it a large complex?                              | 23      | endorsements, is that their only function is to do        |
| 24      | A Yes.  | 24      | endorsements?   |
| 25      | Q And you're saying your particular part of the           | 25      | A They do not report to me.                               |

| Page 82 |  | Page 84 |   |
|---------|--|---------|---|
| 1       | Q Okay. Are the procedures that are used in                | 1       | Q What I was saying was I don't understand.             |
| 2       | endorsing notes set aside for Fannie Mae the same as       | 2       | You're not an employee of Reconstituted, but you have   |
| 3       | those used for non-Fannie Mae notes? Do you know?          | 3       | oversight of the employees at Reconstituted?            |
| 4       | A They do not report to me.                                | 4       | A As I said, no.  |
| 5       | Q I mean, have you ever personally, you know, with         | 5       | Q Right.  |
| 6       | a pen signed an endorsement on a promissory note?          | 6       | A I have no oversight of any of the associates at       |
| 7       | A No.  | 7       | Reconstituted.  |
| 8       | Q I think I'm just about done.                             | 8       | Q Okay.   |
| 9       | So you were not an employee of Reconstituted?              | 9       | A I do not -- none of those associates report to        |
| 10      | A Correct.   | 10      | me or have ever reported to me.                         |
| 11      | Q Are you involved at all with any aspects of              | 11      | Q Right.  |
| 12      | Reconstituted's operation?                                 | 12      | A I have oversight of the operations that go on to      |
| 13      | A I have oversight.  | 13      | ensure that we are in compliance to the Fannie and      |
| 14      | Q Oversight of Reconstituted?                              | 14      | Freddie guidelines, that we are in compliance with the  |
| 15      | A Oversight of the collateral.                             | 15      | securities that we create.                              |
| 16      | Q Well, so, for example, just in general, who              | 16      | Q So is what you're saying that you establish the       |
| 17      | would you contact about collateral at Reconstituted? I     | 17      | procedure for Reconstituted?                            |
| 18      | mean, a name, if you know it?                              | 18      | A I am the police officer. How's that?                  |
| 19      | A Laurie Meder.  | 19      | Q Okay. I think I know what you're saying, but          |
| 20      | Q She is your contact at Reconstituted, and that was       | 20      | what I mean --  |
| 21      | true in 2007 we're talking about?                          | 21      | A I ensure --   |
| 22      | A Yes.   | 22      | Q Because the auditor that --                           |
| 23      | Q The same now?  | 23      | A We are following the guides for Fannie and            |
| 24      | A Yes.   | 24      | Freddie for our investors.                              |
| 25      | Q I mean, how often would you estimate that you            | 25      | Q Right, and that is your --                            |
| Page 83 |  | Page 85 |   |
| 1       | contact Ms. Meder?   | 1       | A That is one of my job responsibilities.               |
| 2       | A I talk to Ms. Meder at least weekly.                     | 2       | Q Right. But as it relates to Reconstituted in          |
| 3       | Q I mean, is it a situation where it's like                | 3       | particular you're talking about?                        |
| 4       | Ms. Meder -- I mean, would she call you with a problem?    | 4       | A As it relates to the custodian, yes.                  |
| 5       | Is that how it worked?                                     | 5       | Q So that's all Countrywide in 2007 and Bank of         |
| 6       | A When I say spoke to, sometimes the                       | 6       | America now custodians?                                 |
| 7       | correspondence was via e-mail.                             | 7       | A Yes.  |
| 8       | Q Right, right.  | 8       | Q I'm assuming -- well, don't let me assume. Are        |
| 9       | A We go back and forth on different deals that             | 9       | there other custodians besides Reconstituted?           |
| 10      | we're working on.  | 10      | A Yes.  |
| 11      | Q So I'm still -- I think this may be -- this may          | 11      | Q Okay. But in this case, we're talking                 |
| 12      | be my last point, barring a little review. I'm still not   | 12      | specifically about Reconstituted?                       |
| 13      | exactly clear on: You're not an employee of Reconstituted? | 13      | A Yes.  |
| 14      | A Correct.   | 14      | MR. KIRBY: Okay. Let me -- can we go off the            |
| 15      | Q But you have oversight of Reconstituted employees?       | 15      | record just to let me go over just to make sure I've    |
| 16      | A I do not have oversight of their employees. I            | 16      | covered everything I want to cover?                     |
| 17      | have oversight of the collateral. So the collateral that   | 17      | MR. HEMBREE: Sure.                                      |
| 18      | is at the bank, I am --                                    | 18      | (Discussion held off the record.)                       |
| 19      | Q Wait. I'm sorry. And by "bank" --                        | 19      | MR. KIRBY: We can go back on the record.                |
| 20      | A I'm sorry. At Reconstituted. I use it                    | 20      | Q Okay. We're back on the record. Looking at            |
| 21      | interchangeably.   | 21      | Exhibit C to the declaration, we see the loan number. I |
| 22      | Q Okay. So start over. I'm sorry. I'm --                   | 22      | know what that means. I assume that the next data field |
| 23      | A Can you repeat the question?                             | 23      | is event, day, and time. Is that right?                 |
| 24      | Q Yes, yes.  | 24      | A Yes.  |
| 25      | A And I will start over.                                   | 25      | Q And then the next data field is the package           |

| Page 86   | Page 88  |
|---|--|
| <p>1 number. What are those? What is package number 1322 and<br/>2 1323?<br/>3 A 1323 just shows that it was in application<br/>4 stage, and then it went into inventory.<br/>5 Q Well, but even at the third line down on 8-27,<br/>6 the note had been signed by then, so it was in package<br/>7 1323?<br/>8 A Yes, but it shows that it was now at inventory<br/>9 stage. It went from application to inventory, which<br/>10 means that the note was signed.<br/>11 Q Okay. Oh, okay. So 1323 is a package for --<br/>12 A Just a package number that shows that we have<br/>13 not put the loan into any sort of security.<br/>14 Q So conventional -- I'm just going to assume that<br/>15 the package description, the abbreviation, is that<br/>16 conventional 30-year first TD? What is that? Do you<br/>17 know?<br/>18 A Just that it's in a 30-year package. Your loan<br/>19 was a conventional 30-year. A different package number<br/>20 would show up if it was a 15-year, if it was an ARM.<br/>21 Q So this TD, you just don't know what that<br/>22 abbreviation means, okay. And the investor number, I<br/>23 think that's fairly self-explanatory. I mean, is that<br/>24 the bank of -- the investment number for Bank of America?<br/>25 A Yes.</p> | <p>1 showing -- this has nothing to do with your documents.<br/>2 It's showing -- giving us a view that your loan was in<br/>3 application stage. Then it went to inventory. Then it<br/>4 went to sold and what it was sold into. And then your<br/>5 payments were being remitted into Fannie Mae on a<br/>6 scheduled schedule and then, of course, actual actual,<br/>7 two completely different views.<br/>8 Q Okay. I understand, but about the -- let me --<br/>9 but you referred to it for some reason.<br/>10 A I referred to it showing that the loan was<br/>11 pooled into a Fannie Mae security.<br/>12 Q Okay. So then the last entry -- well, so we<br/>13 know that the collateral file from the Exhibit B was<br/>14 removed or released on April 22nd, 2011. And so April<br/>15 26th, 2011, the package number is zero, and the<br/>16 collateral file is out of the vault. I mean --<br/>17 A This -- as I said, the commitment history has<br/>18 nothing to do with the collateral file. This is strictly<br/>19 showing us that the loan was sold to Fannie Mae and that<br/>20 it resided into a Fannie Mae security.<br/>21 Q But what would package number zero and investor<br/>22 number zero, what does that indicate?<br/>23 A Probably indicates you went into bankruptcy or<br/>24 foreclosure. This is a warning code telling me that your<br/>25 loan is not current and to go dig in deeper, that it's</p> |
| Page 87   | Page 89  |
| <p>1 Q And HFS is held for sale; is that right?<br/>2 A Yes.<br/>3 Q And what is Lynx, L-y-n-x?<br/>4 A That's our system of data. That's our<br/>5 depository or repository of data.<br/>6 Q And this down here where it says FNMA SCH slash<br/>7 SCH, what does that stand for?<br/>8 A This loan was pooled into a Fannie Mae security.<br/>9 We remitted on a scheduled schedule MBS, so it was a<br/>10 scheduled scheduled remittance.<br/>11 Q That's what's SCH and SCH. And then ACT, next<br/>12 line FNMA ACT slash ACT, what is that?<br/>13 A Actual actual. It means remitted actual<br/>14 balance. It's probably because you went -- you didn't<br/>15 make a payment, so we had to remit an actual balance<br/>16 showing there was no payment made on the property.<br/>17 Q And so you said that, when we were looking at<br/>18 Exhibit B earlier, that April 22nd, 2011, the note was<br/>19 released according to Exhibit B; correct?<br/>20 A These two exhibits have nothing to do with each<br/>21 other. You're aware of that; right?<br/>22 Q No. No.<br/>23 A So the Exhibit B is strictly your collateral,<br/>24 which is your documents. This exhibit -- this is<br/>25 strictly your -- the security level. So this is</p>                   | <p>1 probably in bankruptcy or foreclosure, and I would have<br/>2 to talk to either one of those representatives to get any<br/>3 further information on your loan.<br/>4 Q That is something that you would do personally?<br/>5 A I did not do, no. I mean, that's just -- if<br/>6 anyone that looks into this and wants to know, you know,<br/>7 if the loan was sold and where it was sold to, and then<br/>8 it's just a warning saying, "Loan's in foreclosure."<br/>9 Q Okay.<br/>10 A "Contact the foreclosure unit."<br/>11 Q Okay. Just one other check. Now, I'm sorry.<br/>12 One last question, last question, for sure last<br/>13 question. It says on April 10 that -- I think the<br/>14 last -- the last sentence, it says, "Pursuant to the<br/>15 routine practice, these endorsements would have been<br/>16 placed on the note signed by the Kirbys on or about<br/>17 September 5th, 2007."<br/>18 I don't understand that construction, "Would<br/>19 have been." I mean, isn't it either they were or they<br/>20 weren't? "Would have been" seems to indicate that maybe<br/>21 they were, maybe they weren't. Do you know why that<br/>22 particular phrase was used?<br/>23 A I used "would have been," because it's September<br/>24 5th, and then the collateral was reviewed, I think, on<br/>25 September 7th. So between September 5th and the review</p>   |



|   |  |
|---|--|
| <p style="text-align: right;">Page 90</p> <p>1 of -- review without deficiency is when the endorsement<br/> 2 stamp would have been placed.<br/> 3 Q I'm sorry. September 5th, you said, the<br/> 4 endorsement stamp?<br/> 5 A The endorsement stamp, I said, would have been<br/> 6 placed on September 5th.<br/> 7 Q So the "would have been" you're saying is in<br/> 8 reference to -- what did you mean by "would have been"<br/> 9 again? I mean, because it can be read as the<br/> 10 endorsement -- these endorsements would have been placed<br/> 11 on the note; meaning, that maybe the endorsements weren't<br/> 12 placed on the note?<br/> 13 A Well, obviously the endorsements were placed on<br/> 14 the note. There's endorsements on the note.<br/> 15 Q Well, at some point, yes. But so you're saying<br/> 16 that the "would have been" is more having to do with the<br/> 17 exact date?<br/> 18 A I'm saying would have been placed on the note,<br/> 19 because the loan was obviously reviewed without defi the<br/> 20 next day.<br/> 21 Q But it says on or about September 5th. I mean,<br/> 22 could it have been September 6th?<br/> 23 A It could have been, yes. It could have been at<br/> 24 midnight. I don't know.<br/> 25 MR. KIRBY: Okay. All right. No more</p> | <p style="text-align: right;">Page 92</p> <p>1 STATE OF CALIFORNIA )<br/> 2 COUNTY OF LOS ANGELES ) ss.<br/> 3<br/> 4 I, MICHELE SJOLANDER, hereby certify under<br/> 5 penalty of perjury under the laws of the State of<br/> 6 California that the foregoing is true and correct.<br/> 7 Executed this _____ day of<br/> 8 _____, 2012, at<br/> 9 _____, California.<br/> 10<br/> 11<br/> 12 _____<br/> 13 MICHELE SJOLANDER<br/> 14<br/> 15<br/> 16<br/> 17<br/> 18<br/> 19<br/> 20<br/> 21<br/> 22<br/> 23<br/> 24<br/> 25</p>   |
| <p style="text-align: right;">Page 91</p> <p>1 questions.<br/> 2 MR. HEMBREE: No questions.<br/> 3 MR. KIRBY: All right. We are done.<br/> 4 THE REPORTER: You'd like a copy, Counsel?<br/> 5 MR. HEMBREE: Yes, I would like a copy.<br/> 6 (Discussion held off the record.)<br/> 7 MR. KIRBY: All right. So we're going to send<br/> 8 the original deposition transcript to the witness who<br/> 9 will review and sign it and then send it to me.<br/> 10 MR. HEMBREE: So stipulated.<br/> 11 (Whereupon at 12:15 P.M., the deposition<br/> 12 of MICHELE SJOLANDER was adjourned.)<br/> 13<br/> 14 ---o0o---<br/> 15<br/> 16<br/> 17<br/> 18<br/> 19<br/> 20<br/> 21<br/> 22<br/> 23<br/> 24<br/> 25</p>   | <p style="text-align: right;">Page 93</p> <p>1 STATE OF CALIFORNIA )<br/> 2 COUNTY OF LOS ANGELES ) ss.<br/> 3<br/> 4 I, Colleen Crissman, C.S.R. No. 10683, in and for the<br/> 5 State of California, do hereby certify:<br/> 6 That, prior to being examined, the deponent named in<br/> 7 the foregoing deposition was by me duly sworn to testify<br/> 8 the truth, the whole truth, and nothing but the truth;<br/> 9 That said deposition was taken down by me in<br/> 10 shorthand at the time and place therein named and<br/> 11 thereafter reduced to typewriting under my direction, and<br/> 12 the same is a true, correct, and complete transcript of<br/> 13 said proceedings;<br/> 14 That if the foregoing pertains to the original<br/> 15 transcript of a deposition in a Federal Case, before<br/> 16 completion of the proceedings, review of the transcript<br/> 17 [ ] was [ ] was not required.<br/> 18 I further certify that I am not interested in the<br/> 19 event of the action.<br/> 20 Witness my hand this ____ day of _____, 2012.<br/> 21 _____<br/> 22 Certified Shorthand Reporter<br/> 23 for the State of California<br/> 24<br/> 25</p> |