

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,  
IN AND FOR ST. LUCIE COUNTY, FLORIDA  
CIVIL DIVISION**

**WELLS FARGO BANK, N.A.,**

**PLAINTIFF,**

**CASE NO. 56-2010-CA-001813**

**v.**

**LAURIE HENDERSHOT, ET.AL.**

**DEFENDANT.**

---

**MOTION TO CANCEL FORECLOSURE SALE AND MOTION TO VACATE FINAL  
JUDGMENT WITH SANCTION OF DISMISSAL WITH PREJUDICE**

COMES NOW, Defendant LAURIE HENDERSHOT (hereinafter “Defendant”), and pursuant to applicable Florida Rules of Civil Procedure 1.130, 1.140(b), (f), respectfully motions this honorable Court to cancel foreclosure sale scheduled for April 23, 2013, and to vacate the final judgment of foreclosure ordered on November 27, 2012, and motions the court to dismiss with prejudice as a sanction, and as support would offer the following grounds:

1. Defendant received recent correspondence from “Choice Legal Group, P.A.” at 1600 NW 49<sup>th</sup> Street, Suite 120 in Fort Lauderdale, Florida 33309, representing themselves as Plaintiff’s counsel regarding this upcoming foreclosure sale. Plaintiff’s alleged counsel, Choice Legal Group, P.A. lacks jurisdiction and is illegally interfering with this foreclosure case, as they have not entered a Notice of Appearance to represent the Plaintiff in this case. They also filed a Notice of Foreclosure Sale to be published in the Fort Pierce Tribune referencing a “Final Judgment of Foreclosure” from “November 27, 2013” a date that has not yet occurred as of yet. (Exhibit A)

2. After some investigation Defendant has learned of recent suspension of the Law Offices Marshall C. Watson, the original counsel for Plaintiff, who has changed the name of the firm to reflect “Choice Legal Group” on December 31, 2012. Watson’s firm was fined \$2 million in 2011 by Florida Attorney General for its foreclosure practices, and ordered to close down his firm in December of 2012 and face a 91-day suspension. Plaintiff’s attorney, Choice Legal Group, is owned by John Watson, brother of Marshall, and has taken over the files since the 90-suspension was issued in December of 2012. The change of firm name has not been indicated in the court docket for this case. (Exhibit B)
3. Defendant has discovered a fraudulent mortgage assignment prepared and recorded by Plaintiff’s counsel. Plaintiff never had legal standing to bring this cause of action because the original complaint was filed on March 18, 2010, and the assignment was not recorded until September 8, 2010, nearly six months later. (Exhibit C)

Plaintiff lacks legal standing in bringing this Complaint by violating Florida Statute Title XL Real and Personal Property Section 701.01 Assignment, which states:

*“An assignment of a mortgage upon real property or of any interest therein, is not good or effectual in law or equity, against creditors or subsequent purchasers, for a valuable consideration, and without notice, unless the assignment is contained in a document that, in its title, indicates an assignment of mortgage and is recorded according to law.”*

4. Furthermore, the assignment prepared by Law Offices of Marshall C. Watson is fraudulent and was created internally with the sole purpose of perpetrating a fraud against the Defendant and this honorable court. The assignment was executed by John Kennerty, a Wells Fargo employee disguising himself as “Assistant Secretary” for Mortgage Electronic Registration Systems. Kennerty is a known “robo-signer” who has appeared on government fraud lists, including the **Southern Essex Registry of Deeds Robo-Signer List**, for Essex County, MA. (Exhibit D)

5. Plaintiff and its counsel have intentionally perjured this court in its claims that John Kennerty is “Assistant Secretary” for Mortgage Electronic Registration Systems, one of various titles used with various versions of his signature. In his deposition, Kennerty, when asked about his title with Wells Fargo, never acknowledges being an “Assistant Secretary”, nor does he acknowledge having been an executive for Mortgage Electronic Registration Systems. (Exhibits E, F)
6. An additional “Corporate Assignment of Mortgage” was recorded into county records on April 13, 2012, more than two years after the foreclosure complaint was filed. The assignment indicates that *Mortgage Electronic Registration Systems, Inc.* was the “Assignor”, but they were also the “Assignor” in the John Kennerty assignment recorded on September 8, 2010. Both assignments also have “*Wells Fargo Bank, N.A.*” as the “Assignee”. This second assignment is also a fraud, as according to the original assignment Plaintiff already had ownership of the mortgage in question. Defendant requests an explanation from Plaintiff regarding the multiple mortgage assignments and the parties involved with their execution. (Exhibit G)
7. Additionally, Plaintiff failed to notify Defendant of either mortgage assignment within 30 days of those assignments as required under 12 U.S.C. Section 2605 (b)(2)(B).
8. In their actions to defraud the Defendant and this honorable court, Plaintiff and its counsel, Law Offices of Marshall Watson, NKA, Choice Legal Group, P.A., in conspiring to prepare and file fraudulent documents, intentionally made incorrect and misleading statements under oath, and have violated Title 18 U.S.C. § Racketeering and Corrupt Organization’s Act (RICO).

**The Filing and Submission of Such a Fraudulent Affidavit is Grounds for Dismissal With Prejudice**

Filing and submitting to the Court such a blatantly fraudulent affidavit is grounds for the sanction of dismissal with prejudice. Trial courts have "the right and obligation to deter fraudulent claims from

proceeding in court." *Savino v. Fla. Drive In Theatre Mgmt., Inc.*, 697 So.2d 1011, 1012 (Fla. 4th DCA 1997). Florida courts have stated:

*"A trial judge has the inherent authority to dismiss actions based on fraud and collusion."* *Young v. Curgil*, 358 So.2d 58, 59 (Fla. 3d DCA 1978). However, this power of dismissal should be used *"cautiously and sparingly,"* and *"only upon the most blatant showing of fraud, pretense, collusion, or other similar wrongdoing."* *Id.* (citations omitted); *Morgan v. Campbell*, 816 So.2d 251, 253 (Fla. 2d DCA 2002). The party alleging fraudulent behavior must prove such by clear and convincing evidence. *Century Props., Inc. v. Machtinger*, 448 So.2d 570, 573 (Fla. 2d DCA 1984) (citation omitted). Fraud occurs when it can be demonstrated, *"clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense."* *Cox v. Burke*, 706 So.2d 43, 46 (Fla. 5th DCA 1998) (quoting *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir.1989)). When a party lies about matters bearing directly on the issue of damages, dismissal is an appropriate sanction. *Desimone v. Old Dominion Ins. Co.*, 740 So.2d 1233, 1234 (Fla. 4th DCA 1999). *Distefano v. State Farm Mutual Automobile Ins. Co.*, 846 So.2d 572, 574 (Fla. 1st DCA 2003.)

Defendant submits that all of the applicable standards for dismissing a case for fraud have been met in this case. As such, dismissal is a proper sanction.

WHEREFORE, Defendant asks the Court to dismiss this action with prejudice as a sanction for displaying blatant fraud upon the court. Plaintiff and its counsel have undoubtedly set in motion this process of trying to influence the foreclosure in its actions and filings in this case. Defendant asks for any additional sanctions the Court deems appropriate for having to uncover Plaintiff's conduct.

## **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the above and foregoing was delivered via US Certified Mail to CHOICE LEGAL GROUP at 1800 NW 49<sup>th</sup> Street in Fort Lauderdale, Florida 33309 and delivered via email to [eservice@clegalgroup.com](mailto:eservice@clegalgroup.com) on this 11<sup>th</sup> day of April 2013.

Respectfully submitted,

By: /s/Laurie Hendershot

6300 Floyd Johnson Road  
Fort Pierce, FL 34947  
Telephone: (772) 216-7777

SERVICE LIST

Case No: 56-2010-CA-001813

CHOICE LEGAL GROUP, P.A.  
ATTORNEY FOR PLAINTIFF  
1800 N.W. 49<sup>TH</sup> STREET SUITE 120  
FORT LAUDERDALE, FL 33309  
ESERVICE@CLEGALGROUP.COM

MARC B. COHEN, ESQ  
ATTORNEY FOR SEACOST NATIONAL BANK  
ONE CLEARLAKE CENTER, SUITE 700  
250 S. AUSTRALINA AVENUE  
WEST PALM BEACH, FL 33401  
MAC.COHEN@GMLAW.COM

# **EXHIBIT A**

IN THE CIRCUIT COURT OF THE  
19TH JUDICIAL CIRCUIT, IN AND FOR  
ST. LUCIE COUNTY, FLORIDA  
CIVIL DIVISION:  
CASE NO.: 56-2010-CA-001813

WELLS FARGO BANK, N.A.,  
Plaintiff,

vs.

LAURIE J. HENDERSHOT A/K/A LAURIE  
JEANNE HENDERSHOT A/K/A LAURIE J.  
MANALO; SEACOAST NATIONAL BANK;  
LESLIE S. MANALO; UNKNOWN SPOUSE  
OF LAURIE J. HENDERSHOT A/K/A LAURIE  
JEANNE HENDERSHOT A/K/A LAURIE J.  
MANALO; UNKNOWN TENANT(S); IN  
POSSESSION OF THE SUBJECT PROPERTY,  
Defendants.

**NOTICE OF FORECLOSURE SALE**  
(Please publish in THE FORT PIERCE NEWS TRIBUNE)

**NOTICE IS HEREBY GIVEN** pursuant to Final Judgment of Foreclosure dated the 27<sup>th</sup> day of November, 2013, and entered in Case No. 56-2010-CA-001813, of the Circuit Court of the 19TH Judicial Circuit in and for St. Lucie County, Florida, wherein WELLS FARGO BANK, N.A. is the Plaintiff and LAURIE J. HENDERSHOT A/K/A LAURIE JEANNE HENDERSHOT A/K/A LAURIE J. MANALO; SEACOAST NATIONAL BANK; LESLIE S. MANALO, UNKNOWN TENANT(S) N/K/A WILLIAM P. WALSH and UNKNOWN TENANT(S) IN POSSESSION OF THE SUBJECT PROPERTY are defendants. The Clerk of this Court shall sell to the highest and best bidder for cash at the, at the Jury Assembly Room, St. Lucie County Courthouse, 218 South 2nd Street, Fort Pierce, Florida 34950, 11:00 AM on the 23<sup>rd</sup> day of April, 2013, the following described property as set forth in said Final Judgment, to wit:

**THE WEST 372.25 FEET OF THE EAST 392.25 FEET OF THE FOLLOWING DESCRIBED PROPERTY; ALL OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA.**

**SUBJECT, TO ANY RIGHT-OF-WAY TO THE NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT AS TO ALL OR ANY PART OF THE SOUTH 114.50 FEET AND THE WEST 42.5 FEET OF SAID SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; AND ALSO SUBJECT TO RIGHT-OF-WAY TO ST. LUCIE COUNTY, FLORIDA, AS TO THE NORTH 30 FEET OF THE SOUTH 74.5 FEET AND THE EAST 30 FEET OF THE WEST 52.5 FEET OF SAID SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST; SAID LANDS SITUATE, LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.**

**AN ' PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM WITHIN 60 DAYS AFTER THE SALE.**

Dated this 1<sup>st</sup> day of April

, 2013

By: 

**Gwen L. Kellman**  
Bar #793973

Submitted by:  
Choice Legal Group, P.A.  
1800 NW 49th Street, Suite 120  
Fort Lauderdale, Florida 33309  
Telephone: (954) 453-0365  
Facsimile: (954) 771-6052  
Toll Free: 1-800-441-2438  
DESIGNATED PRIMARY E-MAIL FOR SERVICE  
PURSUANT TO FLA. R. JUD. ADMIN 2.516  
eservice@clelegalgroup.com



# **EXHIBIT B**

P12000091863

Florida Department of State  
Division of Corporations  
Electronic Filing Cover Sheet

**Note: Please print this page and use it as a cover sheet.** Type the fax audit number (shown below) on the top and bottom of all pages of the document.

(((H12000305890 3)))



H120003058903ABC

**Note: DO NOT hit the REFRESH/RELOAD button on your browser from this page.**  
Doing so will generate another cover sheet.

## To:

Division of Corporations  
Fax Number : (850) 617-6380

## From:

Account Name : BERGER SINGERMAN - FORT LAUDERDALE  
Account Number : 120020000154  
Phone : (954) 525-9900  
Fax Number : (954) 523-2872

**\*\*Enter the email address for this business entity to be used for future annual report mailings. Enter only one email address please.\*\***

Email Address: marshall.watson@marshallwatson.com

FILED  
2012 DEC 31 PM 2:49  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

RECEIVED

12 DEC 31 AM 8:07

DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA

**COR AMND/RESTATE/CORRECT OR O/D RESIGN  
CHOICE LEGAL GROUP, P.A.**

Certificate of Status	0
Certified Copy	1
Page Count	01
Estimated Charge	\$43.75

This filing is being made simultaneously with H12000305894. Such filing is changing its name to Choice Legal Group, P.A.  
Thanks!

Electronic Filing Menu

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H12000305890

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2012 DEC 31 PM 2:49

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ARTICLES OF AMENDMENT  
TO  
ARTICLES OF INCORPORATION  
OF  
CHOICE LEGAL GROUP, P.A.

Pursuant to the provisions of Section 607.1006, Florida Statutes, Choice Legal Group, P.A., a Florida professional service corporation (the "Corporation"), document number P12000091863 adopts the following amendment to its Articles of Incorporation:

1. Article I of the Corporation's Articles of Incorporation is hereby amended by deleting it in its entirety and inserting a new Article I to read as follows:

ARTICLE I

The name of the corporation is LOOMW, P.A. (hereinafter, the "Corporation").

2. The amendment was adopted by the incorporator without shareholder action and shareholder action was not required.

The undersigned has executed these Articles of Amendment as of the 31 day of December, 2012.

CHOICE LEGAL GROUP, P.A.

By: 

Nick Jovanovich, Incorporator

H12000305890

# **EXHIBIT C**

RECORD & RETURN TO:  
Law Office of Marshall C. Watson  
1800 NW 49<sup>th</sup> Street, Suite 120  
Fort Lauderdale, Florida 33309  
Telephone: (954) 453-0365  
Facsimile: (954) 771-6052

ASSIGNMENT OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS:

THAT MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR SEACOAST NATIONAL BANK residing or located at 1818 Library Street, Suite 300, Reston, VA 20190 herein designated as the assignor, for and in consideration of the sum of \$1.00 Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, assign, transfer and set over unto WELLS FARGO BANK, NA residing or located at: \_\_\_\_\_ herein designated as the assignee, the mortgage executed by LAURIE J. HENDERSHOT A/K/A LAURIE JEANNE HENDERSHOT A/K/A LAURIE J. MANALO recorded May 31, 2007 in St. Lucie County, Florida at BOOK 2825 and PAGE 1701 encumbering the property more particularly described as follows:

THE WEST 372.25 FEET OF THE EAST 392.25 FEET OF THE FOLLOWING DESCRIBED PROPERTY; ALL OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA.

SUBJECT, TO ANY RIGHT-OF-WAY TO THE NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT AS TO ALL OR ANY PART OF THE SOUTH 114.50 FEET AND THE WEST 42.5 FEET OF SAID SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; AND ALSO SUBJECT TO RIGHT-OF-WAY TO ST. LUCIE COUNTY, FLORIDA, AS TO THE NORTH 30 FEET OF THE SOUTH 74.5 FEET AND THE EAST 30 FEET OF THE WEST 52.5 FEET OF SAID SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 39 EAST; SAID LANDS SITUATE, LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

Together with the note and each and every other obligation described in said mortgage and the money due and to become due thereon

TO HAVE AND TO HOLD the same unto the said assignee, its successors and assigns forever, but without recourse on the undersigned.


In Witness Whereof, the said Assignor has hereunto set his hand and seal or caused these presents to be signed by its proper corporate officer and its corporate seal to be hereto affixed this 8th day of April, 2010.

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. AS NOMINEE FOR SEACOAST  
NATIONAL BANK

ATTEST:   
PRINT NAME: John Kennedy, Assistant Secretary

Signed in the presence of:

WITNESS:   
Print Name: LaNika D Lucas

WITNESS:   
Print Name: Camille Garcia

STATE OF SOUTH CAROLINA

# **EXHIBIT D**

**DTC Systems**

Securitization Reverse Engineering and  
Failure Analysis -----  
Where Information Technology and  
Securitization Collide

---

**Southern Essex Registry of Deeds Robo-Signers List**

Posted on January 23, 2012 by Dan Edstrom

**Southern Essex Registry of Deeds Robo-Signers List**

By Daniel Edstrom  
DTC Systems, Inc.

The Massachusetts Southern Essex Registry of Deeds provides a list of the robo-signers identified by McDonnell Property Analytics. The list of robo-signers is as follows:

***Last First***

ADAMS MURIEL  
AGUILAR GREENE ANGELA  
ALAGIC SANELA  
ALFONSO LUISA  
AL-HAMMADI WENDY ALBERTSON  
ALLEN CHRISTINA  
ALLEN GREG  
ALLOTEY LIQUENDA  
ALTMAN ROBERT  
AMICO CHRISTOPHER  
ANDERSON CHRISTINE  
ANDERSON EARITHA  
ANDERSON SCOTT  
ANTONELLI ANITA  
ARIAS LETICIA  
BACHMAN MICALL  
BACKUS DEBORAH  
BAGGS LORAINA  
BAGLEY BRENT  
BAILEY DENISE  
BAILEY KIRSTEN  
BAILEY-SLYH MARTHA

JUSTICE MELONEE

KAMINSKI JOSEPH

KEMP KRISTEN

KENNERTY HERMAN JOHN

KENNERTY JOHN

KENNERTY JOHN HERMAN

KERR JOHN

KINGSTON PAT

KIRCHNER BAILEY

KIRKLAND TIFFANY

KIRKPATRICK DENNIS

KIST MARY

KNISLEY NICOLE

KNOWLES RITA

KNOX CECELIA

KOCH BILL

KOWAL VICTORIA

KRAKOVIAK KIM

KUSICH BRYAN

LADE JOSHUA

LAIRD PAUL

LANDERS VANESSA

LANG LUCY

LAWRENCE JOEL

LAYTON DERICK

LEE PATRICIA

LEETE JESSICA

LENAIR TOCCOA

LEONARD SHEILA

LINDHORST SUSAN

LITTLE KRISTI A.

LOVE TOPAKO

LUCAS PATRICIA

LYNCH MARY

MADEJA NANCY

MANNING SHANNON

MARTINEZ KIM

MATHIS ELIZABETH

MCGOWAN MARY JO

MCKINNON ELSA



# **EXHIBIT E**

**Wells Fargo Bank NA dba Americas Servicing Company**

By: Herman John Kennedy  
VP of Loan Documentation

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.  
(CORPORATE SEAL)

BY: John Kennedy  
PRINT NAME: John Kennedy  
TITLE: Assistant Secretary

**Wells Fargo Bank, N.A.**

By: Herman John Kennedy  
VP of Loan Documentation

U.S. Bank National Association, as Trustee by Wells Fargo Bank, N.A. as Attorney in Fact\*

By: Herman John Kennedy  
Herman John Kennedy, V.P. Loan Documentation/  
Attorney in Fact\*

Deutsche Bank National Trust Company, as Trustee for GSAA Home Equity Trust 2006-8 by Wells Fargo Bank, N.A. as Attorney in Fact\*

By: Herman John Kennedy  
Herman John Kennedy  
Vice President Loan Documentation Attorney in Fact\*

Wells Fargo Bank, N.A. Attorney-in-Fact for New Century Mortgage Corporation

By: Herman John Kennedy  
It's: VP of Loan Documentation

Wells Fargo Bank, N.A. Attorney-in-Fact for U.S. Bank National Association, as Trustee for SABR 2006-NC2

By: Herman John Kennedy  
Herman John Kennedy  
Its: VP of Loan Documentation

Mortgage Electronic Registration Systems, Inc. as nominee for Lend America

BY: John Kennedy  
John Kennedy, Assistant Vice President

# **EXHIBIT F**

**In The Matter Of:**  
*Geline v.*  
*Northwest Trustee Services, et al*

---

*H. John Kennerty*  
*May 20, 2010*

---

*Van Pelt, Corbett, Bellows*  
*Court Reporters*  
*401 Second Avenue South, Suite 700*  
*Seattle, Washington 98104*

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1	SUPERIOR COURT FOR THE STATE OF WASHINGTON
2	IN AND FOR THE COUNTY OF KING
3	
4	LYDIA GELINE, )
5	Plaintiff, )
6	v. ) Case No. 09-2-46576-2 SEA
7	
8	NORTHWEST TRUSTEE SERVICES, )
9	INC.; WELLS FARGO BANK, N.A. )
10	dba WELLS FARGO HOME MORTGAGE; )
11	LINEAR HOME, L.P. dba QUADRANT )
12	HOME LOANS; U.S. BANK, N.A. as )
13	Trustee for and Doe Defendants )
14	1 through 20, inclusive, )
15	Defendants.)
16	
17	DEPOSITION UPON ORAL EXAMINATION OF
18	H. JOHN KENNERTY
19	
20	9:00 a.m.
21	May 20, 2010
22	LAW OFFICES OF MELISSA A. HUELSMAN
23	705 Second Avenue, Suite 1050
24	Seattle, Washington 98104
25	May 20, 2010
	9:00 a.m.
	JUDITH A. ROBINSON
	VAN PELT, CORBETT, BELLOWES
	401 Second Avenue South, Suite 700
	Seattle, WA 98104

Page 2	
1	A P P E A R A N C E S
2	
3	FOR THE PLAINTIFF:
4	MELISSA A. HUELSMAN
5	LAW OFFICES OF MELISSA A. HUELSMAN
6	705 Second Avenue, Suite #1050
7	Seattle, Washington 98104
8	Phone 206.447.0103
9	Fax 206.447.0115
10	Email mhuelsman@predatorylendinglaw.com
11	
12	FOR THE DEFENDANTS,
13	WELLS FARGO:
14	ANDREW G. YATES
15	LANE POWELL
16	1420 5th Avenue, Suite #4100
17	Seattle, Washington 98101-2338
18	Phone 206.223.7034
19	Fax 206.223.7107
20	Email yatesa@lanepowell.com
21	
22	Court Reporter: JUDITH A. ROBINSON
23	VAN PELT, CORBETT, BELLOWES
24	100 South King Street, Ste. 560
25	Seattle, WA 98104

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5	By Ms. Huelsman ..... 4-76
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1	SEATTLE, WASHINGTON; THURSDAY, MAY 20, 2010;
2	9:00 A.M.
3	*****
4	H. JOHN KENNERTY having been first duly
5	sworn by the Notary
6	Public, appeared and
7	testified as follows:
8	E X A M I N A T I O N
9	BY MS. HUELSMAN:
10	Q. Will you please state and spell your name.
11	A. Herman John Kennerty, K-E-N-N-E-R-T-Y.
12	Q. Thank you. So you're here today pursuant to a
13	notice of deposition that I sent to your Counsel; is that
14	correct?
15	A. Yes.
16	Q. I should clarify and say Counsel for your employer;
17	correct?
18	A. Yes.
19	Q. Can you please tell me your address?
20	A. Work or home?
21	Q. Work is fine.
22	A. 3476 Stateview Boulevard, Fort Mill, South
23	Carolina.
24	Q. By whom are you employed?
25	A. Wells Fargo.

Page 5

1 Q. Can you tell me which part of Wells Fargo?  
2 A. Wells Fargo Home Mortgage.  
3 Q. Which is a subsidiary of Wells Fargo Bank?  
4 A. Right.  
5 Q. Can I get your educational background starting  
6 after high school?  
7 A. I attended Appalachian State University and went  
8 into the military after that and then joined HFC in 1984.  
9 Q. That's Household Finance?  
10 A. Yes. I was with Household until May of 2008, and  
11 then in August of 2008 I joined Wells Fargo.  
12 Q. Did you get a degree from Appalachian State?  
13 A. No.  
14 Q. What was your job at HFC?  
15 A. It varied.  
16 Q. Why don't you start with your first job and take me  
17 through. I'm also going to tell you I want a little job  
18 description. If you could provide that, that would be  
19 fantastic.  
20 A. When I first started with HFC, I was a branch  
21 representative manager in training. I went through the ranks  
22 and became a manager.  
23 From there I went into their first mortgage  
24 program. I stayed in that for a brief period. Then I went  
25 into the collections, real estate collections.

Page 6

1 Q. Can you kind of give me some time lines?  
2 A. Sure. The original branch representative manager  
3 in training program was July '84 through '85 or thereabouts.  
4 Q. I understand we're not going to be totally precise.  
5 But if you can give me ballpark that would be great.  
6 A. Sure.  
7 Q. Thank you.  
8 A. I was a manager in the '85-'86 time frame, through  
9 '87-'88. First mortgage program, '88 to '89. Real estate  
10 collections, '89 through '92, March of '92.  
11 From there I went into policy and compliance, and I  
12 was in the compliance department as a state manager. Then I  
13 was the manager of the forms group within the compliance  
14 group until 2001.  
15 2001 through 2008 I was specifically with Decision  
16 One Mortgage which is a subsidiary of Household as the  
17 operations manager, reconciling sales to investors as well as  
18 managing the processing and posting of payments.  
19 Q. And that's what you're doing now?  
20 A. No. With Wells Fargo I am a --  
21 Q. Sorry. I lost track. Go ahead.  
22 A. With Wells Fargo, I am a loan administration  
23 manager managing our default document group.  
24 Q. Why don't you tell me what your job duties are of  
25 that.

Page 7

1 A. There's three main areas within the default doc.  
2 group. The first one is the ordering and obtaining of  
3 collateral documents for loans. The assignment team, the  
4 execution of assignments, as well as the executable team  
5 which is the executing of other foreclosure-related  
6 documents.  
7 Q. So in summary it is -- your department goes and  
8 gets original loan documents when they're necessary and it  
9 executes documents in connection with foreclosures, whether  
10 it's assignments or other necessary documents?  
11 A. Correct.  
12 Q. Is that pretty much what your unit does all day  
13 long?  
14 A. Pretty much, yes.  
15 Q. And does it do it for the entire country for your  
16 employer?  
17 A. Yes.  
18 Q. Are there other locations as well, or is your  
19 office the one that handles all of it?  
20 A. My office is the one that handles all of it.  
21 Q. So your title is Loan Administration Manager?  
22 A. Yes.  
23 Q. Are you also vice president?  
24 A. Of loan documentation.  
25 Q. Have you had the vice president title since you

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1 became employed there?  
2 A. Shortly thereafter.  
3 Q. So the official title is vice president of Loan  
4 Administration?  
5 A. No.  
6 Q. I'm sorry. Can you --  
7 A. Vice president of Loan Documentation.  
8 Q. Vice president of Loan Documentation. I'm sorry.  
9 My fingers are faster than my brain.  
10 How many employees do you supervise?  
11 A. 53 full-time employees. And we currently have 15  
12 contract workers.  
13 Q. Are they the people who are actually executing the  
14 documents that you were just describing?  
15 A. Yes.  
16 Q. And you're their supervisor?  
17 A. I manage the department. I have direct reports  
18 that are supervisors that manage the day-to-day.  
19 Q. So you supervise the supervisors?  
20 A. As well as the processors.  
21 Q. Right, okay. And when is it that you -- or I  
22 should say, excuse me.  
23 How often do you actually sign documents?  
24 A. Daily.  
25 Q. Can you tell me about how many documents you sign a

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1 day?  
2 A. Anywhere from 50 to 150.  
3 Q. That actually reminds me because I was running late  
4 and again I apologize.  
5 Have you ever had your deposition taken before?  
6 A. It has been quite some time.  
7 Q. Did you have it taken while you were an employee of  
8 HFC?  
9 A. No.  
10 Q. For what reason did you have your deposition taken?  
11 A. It was a child custody hearing.  
12 Q. So you have never had your deposition taken in  
13 connection with your employment at Wells Fargo?  
14 A. No.  
15 Q. Going back to the question we were on, you said  
16 from what I understood just a second ago, you're the  
17 supervisor or you manage the unit, and then there are  
18 supervisors who actually then manage the day-to-day  
19 operations of the unit; correct?  
20 A. Correct.  
21 Q. Do you know how many documents per day on average  
22 the supervisors sign documents?  
23 A. I would -- roughly the same amount.  
24 Q. Is it the same then for the people that are  
25 subordinate to the supervisors?

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1 A. Not quite. Simply because if they process it, they  
2 obviously can't sign it.  
3 Q. I'm sorry. Why is it obvious that they can't sign  
4 it?  
5 A. They -- not all the processors or any of the  
6 processors hold a title of vice president of Loan  
7 Documentation, so they can't sign it, depending upon the  
8 nature of the document.  
9 Q. So only people who have a title can sign documents,  
10 depending upon the nature of the document?  
11 A. Yes.  
12 Q. What kind of documents require a title?  
13 A. Just about everything that we do, with the  
14 exception of when we order collateral files.  
15 Q. We'll go through that in a second.  
16 So what kind of documents do you regularly sign?  
17 A. Assignments; declarations; various affidavits.  
18 Q. Are they all in connection with foreclosures or  
19 motions for relief to stay in bankruptcy?  
20 A. More so foreclosure.  
21 Q. You would still also participate in bankruptcy  
22 motions for relief?  
23 A. It's rare --  
24 Q. Oh, okay.  
25 A. -- that I would.

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1 Q. Usually those two departments are combined so  
2 that's why I was asking.  
3 And are there other people that you supervise who  
4 also have a title?  
5 A. Yes.  
6 Q. And do all the supervisors then have a title that  
7 you supervise? I'm talking about your unit.  
8 A. Not all of them.  
9 Q. So is it only the ones that have titles that are  
10 allowed to sign the documents?  
11 A. Yes.  
12 Q. What titles do supervisors have?  
13 A. Other than supervisor it would be vice president of  
14 Loan Documentation.  
15 Q. So is it true that they have that title simply for  
16 purposes of signing documents?  
17 MR. YATES: Object to the form. It misstates  
18 prior testimony. You can answer.  
19 A. Can you repeat the question?  
20 (Requested testimony was read.)  
21 A. I can't really answer that question. That's not --  
22 I mean, I don't grant authorizations for that title, so I  
23 really can't answer that.  
24 BY MS. HUELSMAN:  
25 Q. Do they act as officers of the company to perform

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1 other functions?  
2 MR. YATES: Object to the extent it calls for  
3 a legal conclusion. You can answer.  
4 A. With respect to the execution of documents, yes.  
5 BY MS. HUELSMAN:  
6 Q. But that's their only function as the vice  
7 president; correct?  
8 A. For loan documentation, yes.  
9 Q. So in other words, they are not going to board  
10 meetings or interacting with the board of directors or other  
11 corporate officers; correct?  
12 A. They interact with other officers of the company.  
13 Now, as far as board members, I can't answer that.  
14 Q. What other officers of the company do they interact  
15 with?  
16 A. They interact with vice presidents as well as  
17 assistant vice presidents.  
18 Q. Those are just other people that perform similar  
19 functions in the company; correct?  
20 A. Similar --  
21 MR. YATES: I'm just going to object to the  
22 extent it misstates prior testimony. You can answer.  
23 A. Similar how? I don't understand your --  
24 BY MS. HUELSMAN:  
25 Q. You understand that I do not want you to have to

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1 come to a legal conclusion. I just want to get your general  
2 understanding regarding the role of a president of the  
3 company, you understand what a president of the company is;  
4 correct?  
5 A. Yes.  
6 Q. And the other officers underneath a president.  
7 Vice president and secretary and things like that.  
8 You understand that; correct?  
9 A. Yes.  
10 Q. Are you and the supervisors who work for you in  
11 what would be kind of a stereotypical vice president role, in  
12 other words, involved in operations of the company?  
13 A. With respect to operations of the company, with the  
14 execution of documents, yes.  
15 Q. But that's what I'm saying. It's limited to the  
16 execution of documents; correct?  
17 A. Yes.  
18 Q. You're not making decisions about shareholders or  
19 things like that; correct?  
20 A. No.  
21 Q. In your role as a supervisor of the department, the  
22 loan documentation department, do you ever sign anything  
23 other than the assignments and declarations using the title  
24 vice president?  
25 A. Yes.

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1 Q. What other documents do you sign using that title?  
2 A. There's two declarations that come to mind. One is  
3 for California and one for Washington.  
4 Q. Those are the beneficiary declarations?  
5 A. For Washington there's a loss mitigation  
6 declaration, as well as in California there's actually two  
7 types of declarations. There is a default and notice of  
8 sale.  
9 Q. But whenever you're filling out say internal forms,  
10 or I guess I'm assuming you probably do evaluations of  
11 employees or sign off on, you know, write ups of employees  
12 and things like that.  
13 A. Yes.  
14 Q. I'm assuming that's what you do as a supervisor.  
15 Do you ever use your title, vice president, when  
16 you're filling out those types of internal company documents?  
17 A. Title is not required.  
18 Q. So internal company documents, you never use your  
19 title?  
20 A. No.  
21 Q. You described your department as being involved in  
22 ordering collateral files; is that correct?  
23 A. Correct.  
24 Q. Can you explain to me what that means?  
25 A. The collateral files are held by various

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1 custodians.  
2 Q. First of all, I'm going to have you define what a  
3 collateral file is. I know what it means, but just to put it  
4 in the record.  
5 A. A collateral file would consist of an original  
6 signed note or loan agreement. An original signed and  
7 recorded mortgage or deed of trust. Final title policy. And  
8 it could also contain original signed documents such as  
9 writers and various other documents associated with the loan  
10 itself signed by the borrower or borrowers.  
11 Q. So those are the only kinds of documents that are  
12 in collateral files; correct?  
13 A. Correct.  
14 Q. Those are all the original documents; correct?  
15 A. Correct.  
16 Q. That's because the rest of the time -- excuse me --  
17 most of the time when you're using -- you're operating your  
18 department, you're using electronic records of documents;  
19 correct?  
20 MR. YATES: I'm going to object to the extent  
21 that misstates prior testimony. I understand you want to  
22 lead to little bit to save time, but I have to make that  
23 objection.  
24 BY MS. HUELSMAN:  
25 Q. How do you look at documents normally when you're

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1 performing your job?  
2 A. Depends upon the state. Approximately half the  
3 states are copy states.  
4 Q. What do you mean by "copy states"?  
5 A. The actual state does not require original loan  
6 documents to proceed with any type of foreclosure or  
7 bankruptcy action.  
8 Q. So when it's a copy state where are the records  
9 kept?  
10 A. They are kept with a custodian. However we request  
11 them if they have not been previously imaged. And if they  
12 have not been previously imaged then we order them and they  
13 get reimaged and then returned to the custodian.  
14 Q. So in -- in copy states, really all you're using is  
15 the images; right?  
16 A. Correct.  
17 Q. In non-copy states, explain your process.  
18 You still have images of the documents; correct?  
19 A. Yes.  
20 Q. Right.  
21 A. We refer to them as original document states where  
22 we order the collateral file from the custodian. They are  
23 processed by being imaged, and then we actually receive that  
24 collateral file and retain it until the file or the loan goes  
25 active in foreclosure.



# **EXHIBIT G**

Recording Requested By:  
WELLS FARGO BANK, N.A.

When Recorded Return To:

DEFAULT ASSIGNMENT  
WELLS FARGO BANK, N.A.  
MAC: X9999-018  
PO BOX 1629  
MINNEAPOLIS, MN 55440-9790


2012 APR 16 PM 11:15

ST. LUCIE COUNTY  
CLERK OF CIRCUIT

**COPY**

**CORPORATE ASSIGNMENT OF MORTGAGE**

Saint Lucie, Florida  
"HENDERSHOT"



MERS #: 1002418-0000578002-8 SIS #: 1-888-679-6377

Date of Assignment: April 13th, 2012

Assignor: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR SEACOAST NATIONAL BANK, ITS SUCCESSORS AND ASSIGNS at BOX 2026 FLINT MI 48501, 1901 E VOORHEES ST STE C., DANVILLE, IL 61834

Assignee: WELLS FARGO BANK, NA at 1 HOME CAMPUS, DES MOINES, IA 50328

Executed By: LAURIE J HENDERSHOT, AN UNMARRIED WOMAN. To: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR SEACOAST NATIONAL BANK, ITS SUCCESSORS AND ASSIGNS

Date of Mortgage: 05/23/2007 Recorded: 05/31/2007 in Book/Reel/Liber: 2825 Page/Folio: 1701 In the County of Saint Lucie, State of Florida.

Property Address: 6300 FLOYD JOHNSON RD, FT PIERCE, FL 34947


**COPY**

KNOW ALL MEN BY THESE PRESENTS, that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said Assignor hereby assigns unto the above-named Assignee, the said Mortgage having an original principal sum of \$417,000.00 with interest, secured thereby, with all moneys now owing or that may hereafter become due or owing in respect thereof, and the full benefit of all the powers and of all the covenants and provisos therein contained, and the said Assignor hereby grants and conveys unto the said Assignee, the Assignor's beneficial interest under the Mortgage.

TO HAVE AND TO HOLD the said Mortgage, and the said property unto the said Assignee forever, subject to the terms contained in said Mortgage.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR SEACOAST NATIONAL BANK, ITS SUCCESSORS AND ASSIGNS

On 4-16-12

By:   
Diana Niles, Assistant Secretary

STATE OF Iowa  
COUNTY OF Polk

**COPY**

On 4-16-12, before me, Kou Phongphetnannha, a Notary Public in and for Polk in the State of Iowa, personally appeared Diana Niles, Assistant Secretary, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the