

# THE SUMMIT

ENCOURAGING PEAK PERFORMANCE IN THE FIDELITY PARTNERSHIP

February 2007

Volume 3 Issue 1

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THE SUMMIT

## MESSAGE FROM BILL

BY BILL NEWLAND

FIRST VICE PRESIDENT, JACKSONVILLE OPERATIONS

On behalf of the entire team at FNFS, we are pleased to share another issue of *The Summit* with members of the Fidelity partnership. As we close 2006 and begin 2007, I would like to say "thank you" to all of our customers on behalf of the Fidelity National Foreclosure Solutions staff. As we move forward into 2007, we also move ahead with our focus on providing reliable, professional service to the law firms and clients who make up the Fidelity partnership. With that in mind, we introduce our corporate theme for the year: "*Customer Focused Solutions*."

Our theme for 2006 was "*Focus on the Future*," through which we aimed to achieve continued growth and opportunity for all members of the partnership. Through the combined efforts of our staff and our partners, we achieved remarkable success in meeting our strategic business goals to responsibly manage our continued growth and to drive additional improvements in timeline and quality. We are enthusiastic about applying that level of diligence and commitment to "*Customer Focused Solutions*," which will take our service levels to unprecedented heights.

At FNFS, we define our customers as the members of the FNFS Attorney Network, our clients, and our internal employees. Our goal is to focus on our customers and their needs by fostering an environment that creates both an outstanding first impression and a positive lasting impression.

One early step toward this goal was the recent decision by FNFS President and COO, Scott Barnes, to align our Foreclosure Attorney Management, Special Assets, and Document Retrieval Departments under one management structure. This change is a direct result of the measurable successes achieved within our Bankruptcy Departments, who underwent a similar alignment in mid-2006.

In the months to come, each department will place strong emphasis on working together to enhance our partnership with our customers. Our Foreclosure Attorney Management Department, led by Lynn McNamee, is now working on several projects recommended by the Network attorneys. One initial

recommendation includes small adjustments to "float days" in NewTrak for the completion of events (expected to significantly reduce reprojections and excessive communications by our staff and the staff at the Network firms). Another recommendation involves minor changes to the Attorney Performance Report (APR), designed to better reflect our goal of "total performance measurement." We intend to remove the attorney ranking within the "Service Performance" section of the scorecard and promote greater recognition of firms who consistently attain "Green" or "Best in Class" performance levels.

Our Special Assets department, led by Tara Engle, spearheaded a 20 percent reduction in the average percentage of accounts on Hold in 2006. This remarkable achievement was realized primarily through improved communication with the attorney network and our clients. In 2007, we plan to continue this reduction through additional partnership efforts with our internal customers in Foreclosure Attorney Management, including a shared incentive program for FNFS associates. We also plan to expand our current Special Assets resolution program, designed to review specific aged assets that are on Hold with our clients, to include similar collaborative solution-oriented reviews with the Network firms.

In 2007, our Document Retrieval department, led by Chrys Houston, will implement a new Missing Document process in NewTrak. This new process will offer improved communication and management of missing document requests for our associates, clients, and firms. We expect lift from these new Missing Document processes similar to that achieved after the rollout of our Signature Required processes for Document Execution. We are confident that this strategy will result in additional performance improvements and reduced workload for everyone.

Guided by the feedback and ideas of all our customers, we anticipate a variety of "*Customer Focused Solutions*" at Fidelity National Foreclosure Solutions in 2007. Thank you for your business, your input, and your continued support of our successful partnership.

A publication of Fidelity National Foreclosure Solutions, Inc.



# FIDELITY INFORMATION

Fidelity National Foreclosure Solutions, Inc.

A Division of Fidelity National Default Solutions

## FNFS CHARITY PROJECTS

**ARMFUL OF LOVE:** For the fourth consecutive year, employees at Fidelity's Mendota Heights campus participated in the Armful of Love program, orchestrated by the Community Action Council (CAC) of Dakota County. Employees joined forces to collect more than 200 gifts and nine grocery gift cards to donate to members of area families experiencing financial hardships.

"Armful of Love gives employees an opportunity to help others in the community who are struggling and would otherwise not be able to purchase gifts for their family. Employees are excited and eager to shop for their person(s) and each year we

add more families," said Barb Halverson, project coordinator and FNFS executive assistant. "And for participants, it's a wonderful feeling to know you're brightening the holidays for those who are going through tough times," she added.

**HUBBARD HOUSE:** For the second consecutive year, the Jacksonville campus of FNFS "adopted" a family from Hubbard House during the holiday season. Staff members donated a monetary gift of \$321 in addition to a variety of other gifts. Since 1976, Hubbard House has offered free care for the immediate safety needs of abuse victims and their children in the greater Jacksonville area.

Fidelity National Foreclosure Solutions, Inc. (FNFS) provides loan servicers with single-source solutions for managing foreclosures, bankruptcies, and related matters on a nationwide basis.

Possessing the expertise to manage diverse loan procedures and credit types, FNFS helps clients realize consistent pricing for default management services as well as reductions in the cost per loan serviced.

When clients refer a loan to FNFS, we manage and report on the loan until resolution. The individual

requirements of each loan are identified and processed to ensure the most efficient outcome. Stringent internal time limits are placed on every important event and active monitoring is conducted to minimize the overall timeframe. This loan level data is reported to Fidelity partners on a daily basis using FIS desktop, Fidelity's web-based default management tool.

FIS desktop is an industry-changing enterprise application that provides users with a single point of contact into technology-driven solutions, allowing clients to streamline their processes and manage all their document and invoicing needs online - ultimately reducing timelines and risk and saving resources.

FIS desktop Process Management (previously NewTrak) gives users the ability to efficiently direct and deliver all relevant information, images and services from one secure, real-time platform. Reconciliation of third-party information is simplified by utilizing a single, Web-based access point that bridges a client's third party service

providers and FIS. This means quicker processing and cost savings, while virtually eliminating the risk of error.

Document Management (previously NewImage Express), FIS desktop's end-to-end document imaging solution, virtually eliminates the need for paper by capturing, indexing, routing, archiving and retrieving documents through secure Web-based connections. This customized enterprise application manages a document's life cycle from data extraction and electronic generation, through preset routing protocols - ultimately automating a

company's unique document structure.

FIS desktop Invoice Management (previously NewInvoice) uses real-time, online services with specialized modules to automate every aspect of the billing and invoicing processes. From

presentment and processing to post-payment activities, Invoice Management's automation saves time and eliminates errors.

From referral to invoice, Fidelity National Foreclosure Solutions, Inc. and FIS desktop provide unique, money-saving solutions for the mortgage community.

## FIDELITY'S FIVE FUNDAMENTAL PRECEPTS



Autonomy and Entrepreneurship  
Bias for Action  
Employee Ownership  
Minimize Bureaucracy  
Close Customer Relationships

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<http://thesummit.fndsportal.com>

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# THE SUMMIT

*The Summit* is published quarterly by the Customer Relations Team for employees, clients, and attorney firms in the Fidelity National Foreclosure Solutions, Inc. partnership.

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\*The opinions expressed by contributing authors are those of the authors and do not necessarily reflect the opinions of Fidelity National Foreclosure Solutions, Inc.

Do you want to be featured in next quarter's issue of *The Summit*? We welcome all articles or comments about your company/firm.\*\* Tell us about changes, improvements, or legislation that affects you — whatever you think will be interesting to readers of *The Summit*! The deadline for submissions for the next issue is **March 5, 2007.**

We also welcome your photos (digital photos set to the highest resolution are preferred). Send comments, photos, and story ideas to:

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\*\*Fidelity reserves the right to edit submissions for space constraints.





## ARKANSAS COURT FINDS BROKER DUE A COMMISSION WITHOUT SHOWING PROCURING CAUSE

by Randall S. Bueter  
WILSON & ASSOCIATES, PLLC

The Arkansas Court of Appeals recently upheld a trial court verdict in favor of a real estate broker on the basis of the provisions in his listing contract, not by the traditional procuring cause theory. In this case, the listing had expired and the Buyer and Sellers had reached agreement without the broker, yet the court ordered the Seller to pay a 6 percent commission.

In Magby v. Atkinson (CA06-259) - The Sellers exclusively listed 80 acres in Franklin County with an Agent. Paragraph Seven of the listing contract specified a professional fee of 6 percent. Paragraph 10, captioned "EXPIRED LISTING CONDITIONS," stated that a commission would be due "*when information given by or obtained through Listing Agent Firm during the period of the listing resulted in or contributed in any manner to the sale of the Property, whether or not Listing Agent Firm was the procuring cause.*" Two weeks before the agreement was to expire, the Buyer saw the listing agent's sign and went to the real estate office to inquire. The Agent printed a "spec sheet," gave it to the Buyer and offered to take him to see the property, an offer which the Buyer declined. When the listing expired, the Sellers were not committed to re-listing the property. After the contract expired, the Buyer returned to the Agent's office and again inquired about the property. The Agent provided him with the property survey and plot map and again

offered to show him the property. The Buyer declined, but later returned and wanted to view the property. Since the listing was expired, the Agent called the Sellers for permission to show the property. The Sellers were out of town when the Buyer made an offer of \$180,000, but said they would discuss it and come by the real estate office upon their return. The agent prepared a one-month listing extension agreement and

presented it to the Sellers when they came to the office. The Sellers refused to sign the agreement so the Agent did not present the offer. The Agent then informed the Buyer of the Sellers' contact information and asked the Buyer to let him know if something worked out. The Seller testified that he learned of the Buyer through a cousin, got his information from a neighbor and called

the Buyer to come look at the property, which the Buyer eventually purchased for \$175,000.

The Agent filed suit, seeking judgment against the Sellers for the real estate commission pursuant to the contract or, in the alternative, on a theory of

"...UNDER THE TERMS OF THE CONTRACT, THE AGENT'S ACTION RESULTED IN OR CONTRIBUTED TO ANY MANNER TO THE SALE OF THE PROPERTY."

continued on page 5



RANDALL S. BUETER is an attorney with the law firm of Wilson & Associates, PLLC. Formerly a real estate broker, mortgage lender and general contractor, Mr. Bueter works in the part of the law firm named Associates Closing & Title. He closes real estate transactions statewide. Wilson & Associates is a member of the US Foreclosure Network.



implied contract or quantum meruit. The Agent sought 6 percent commission (a sum of \$10,500), plus prejudgment interest, and attorney's fees and costs. The trial court awarded the Agent all relief sought, finding that under the terms of the contract, the Agent's action *resulted in or contributed to any manner* to the sale of the property.

The Sellers appealed, arguing that the trial court erred in finding the Agent's actions were the procuring cause of the sale. The appellate court found this argument misplaced since the trial court decided on the basis of contract. The appellate court examined the contract and found that it was not ambiguous when giving the words their plain meaning.

This is a good case for real estate agents because it affirms the trial court's finding that the Agent was entitled to judgment pursuant to the Sellers' breach of contract without making the Agent prove a case of procuring cause.

Note that this summary is offered only as a matter of interest, not as a legal opinion or advice that a similar situation may be decided in the same manner.

## CLIENT SPOTLIGHT: SAXON AND EMC



SAXON (L TO R): Anna Goodpaster, Alicia Wood, Melinda Loyd (FNFS), Kelly O'Bannon.



EMC (L TO R): Melinda Loyd (FNFS), Mary Jacque Thompson, Ashley Stephenson, Becky Halfmann.



EMC successfully completed their office move to Lewisville, Texas in January.



## FIRM SPOTLIGHT: ROGERS, TOWNSEND & THOMAS, P.C.

by Samuel C. Waters

DIRECTOR, ROGERS, TOWNSEND & THOMAS, P.C.

In 1990, Rogers, Townsend & Thomas, P.C. was created in the capitol city of Columbia, SC by the merger of Rogers, Thomas, Cleveland, Koon, Waters & Tally with Sherill and Townsend. It is a full service firm comprised of four sections – Default Services, Real Estate, Litigation and Title Services – and employs 210 staff and 34 attorneys. Our Default Services Department of the firm has represented mortgage lenders, default services organizations, private investors, private mortgage insurers, title insurance companies, government agencies, and government-sponsored enterprises in mortgage foreclosures, bankruptcy, eviction, consumer litigation and REO dispositions throughout South Carolina.

Over the past two decades, the default services practice at Rogers, Townsend & Thomas has consistently increased its presence state-wide, successfully prosecuting over 40,000 judicial foreclosure cases during that period. Our effective management of this practice has led to the development of retained counsel relationships with Freddie Mac and Fannie Mae and many other national lenders, servicers and outsourcers.

Our firm actively participates in the MBA, the MBA of the Carolinas, and the AFN boards or committees. We enjoy working with others in the mortgage industry along with the staff of Fidelity to seek improvement in the delivery of professional and legal services to our customers and clients.

We credit our ability to participate in this competitive environment to our commitment to value systems and a

business approach to the practice of law. Our vision is to be recognized as a growth oriented, innovative law firm with a reputation for consistent excellence in meeting the professional service needs of our clients. To achieve our vision, we use a functional, team-based approach for management of our case volume. Our Default Services Department structure places persons of demonstrated skill and ability in key positions to oversee the work of

others, all under the watchful eyes of our eight attorneys. We consistently recognize our staff financially because we believe in rewarding meritorious performance. Similarly, we applaud Fidelity's recognition of the law firms affiliated with its outsourcing model.

Our firm's approach to successful handling of a high volume of foreclosure cases while maintaining our commitment

to provide the highest quality legal services to our clients includes hard work, innovative use of technology and the continued pursuit of excellence by our team. Understanding the needs of our clients is paramount to our decisions on structure, organization and productivity. We believe that our emphasis on value systems and business principles compatible with those of our clients will enable us to most effectively meet the challenges of the future.

“UNDERSTANDING THE NEEDS OF OUR CLIENTS IS PARAMOUNT TO OUR DECISIONS ON STRUCTURE, ORGANIZATION AND PRODUCTIVITY.”

ROGERS, TOWNSEND & THOMAS, P.C.

BACK ROW (L TO R): Mary Powers, Eve Stacey, Jennifer Edwards-Kirton, Heather Martin, Michael Morris, Richard Martin, Jennifer Rubin, Reggie Corley

MIDDLE ROW (L TO R): Patricia LeBecq, Ellie Floyd, Tracy Slice, Edna Moody

FRONT ROW (L TO R): Sam Waters, Cheryl Fisher



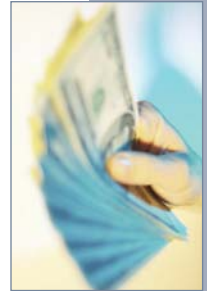


## APR INCENTIVE WINNERS

### Q4 - 2006 WINNERS BANKRUPTCY

AL	Shapiro & Pickett, LLP
FL	David J. Stern, P.A.
IL	Kluever and Platt, LLC
IL	Shapiro & Kreisman, LLC
IN	Reisenfeld & Associates
KY	Lerner, Sampson & Rothfuss
MA	Doonan, Graves & Longoria, LLC
MD	Shapiro & Burson, LLP
MS	Morris, Schneider & Prior, LLC
NV	McCarthy & Holthus, LLP
PA	Goldbeck McCafferty & McKeever
PA	Shapiro & Kreisman, LLC
PA	The Law Offices of Barbara A. Fein, PC
TX	Baxter & Schwartz
TX	Codilis & Stawiariski, PC
TX	Hughes, Watters, Askanase, LLP
VA	Friedman & MacFadyen, PA
VA	Samuel I. White, PC
VA	Shapiro & Burson, LLP
VA	Sykes, Bourdon, Ahern, & Levy, PC
WA	Pite Duncan, LLP

Each quarter, FNFS distributes financial incentive awards to the top 10 performing firms in Foreclosure and Bankruptcy in the form of \$20 per billable file, with the next 10 firms receiving \$10 per billable file. To date, FNFS has distributed over \$357,000 to top performing firms as quarterly incentive payouts.



### Q4 - 2006 WINNERS FORECLOSURE

AL	Scott J. Humphrey, LLC	OH (Cuyahoga County)	Shapiro & Felty, LLP
CO	Aronowitz & Ford, LLP	OR	Shapiro & Sutherland, LLC
IN	Bleecker Brodey and Andrews	RI	Nicholas Barrett & Associates
KY	Manley Deas Kochalski, LLC	SC	Rogers, Townsend & Thomas
ME	Shapiro & Morley, LLP	SD	Cadwell Sandford Deibert & Garry LLP
MS	Apperson, Crump, Duzane & Maxwell, PLC	VA	Bierman, Geesing & Ward, LLC
MS	Morris and Associates	VA	Friedman & MacFadyen, PA
MS	Shapiro & Massey, LLP	VA	Sykes, Bourdon, Ahern, & Levy
NY	Jonathan D. Pincus	WI	Vollmar and Huismann, SC
OH	Shapiro & Felty, LLP	WV	Daniel J. Mancini and Associates

## 2007-2008 ATTY ROUNDTABLE SELECTION

Each year, eight firms from across the nation are selected to represent the Attorney Network on the Attorney Roundtable to provide valuable feedback for our company and our clients. Each member serves a term of 12 months (terms are staggered so four new firms join every six months). Through this group, we will maintain representation across the USFN and AFN, large firms and small firms, judicial and non-judicial, as well as North, South, East and West regions.

As a result of the staggered terms, four firms rotated off the Roundtable in January. Fidelity would like to thank the Florida Default Law Group, Morris Schneider & Prior, Steven J. Baum and Kozeny & McCubbin for their previous representation in the Roundtable. Their support was greatly appreciated. Please join us in welcoming our newest roundtable members effective January 2007:

<u>NEW MEMBERS</u>	<u>CONTACT 1</u>	<u>PHONE 1</u>	<u>CONTACT 2</u>	<u>PHONE 2</u>
Bierman Geesing & Ward	Carrie Ward	301.469.3510	Rachel Bayard	301.469.3339
Fein Such Law Group	Alan Such	973.538.4700 x110	Mario Serra	973.538.4700 x196
Hughes Watters & Askanase	Carolyn Taylor	713.328.2804	Tina Pavlock	713.759.0818
McCabe Weisberg & Conway	Margaret Gairo	215.790.1010	Claudia Mbaya	215.790.5981
<u>CONTINUING FIRMS</u>	<u>CONTACT 1</u>	<u>PHONE 1</u>	<u>CONTACT 2</u>	<u>PHONE 2</u>
Shapiro & Kirsch	Jeremy Lipford	901.273.2478	Candice Rakowski	901.273.2456
Sirote & Permutt	Jerry Held	205.930.5151	Tom Tutten	205.930.5325
Tiffany & Bosco	Mark Bosco	602.255.6006	Olivia Todd	602.264.6101 x202
Trott & Trott	David Trott	248.594.5400	Karen Rehn	248.594.5405



## EMPLOYEE SPOTLIGHT: LIQUENDA ALLOTEY

by Christina Hladun

Whether it's immigrating to a new country or working with FIS desktop, FNFS Foreclosure Manager Liquenda Allotey adjusts to change with the panache of a true professional.

Liquenda came to the United States from the West African country of the Republic of Ghana in February 1997. By June of the same year he embarked upon his career with FNFS (then Northwest Mortgage Services) as a mailroom clerk, distributing mail to co-workers.

Even though it was a very different position from his previous one, as an Assistant Research Officer with the Food Research Institute of Ghana, Liquenda offered that he enjoyed every moment of it due to his belief that you should always do your best and make your job fun.

Liquenda quickly adapted to his new role, but the frigid Minnesota weather was more difficult to get used to. "Emigrating from a place with an average temperature of 90 degrees to the sometimes negative temperatures in Minnesota was difficult," he admitted. He added that he quickly learned the importance of dressing properly.

With the initial wardrobe hurdles cleared, Liquenda set to work learning the ins and outs of the company he was now a part of. Less than a year after being hired, he was promoted to a Financial Specialist. This new job outline included preparing and auditing bidding instructions, judgment figures and VA 567s.

Liquenda received another promotion in March 2000, this time to Foreclosure Specialist, when Fidelity acquired the HomeEq outsource business. He was one of three employees to handle the portfolio, a process he describes as being very exciting.

Subsequent promotions followed: Foreclosure Team Lead in October 2000, Operational Analyst in September 2002, and Foreclosure Supervisor in March 2003. In October 2003, he

was promoted to his current position of Foreclosure Manager. "Communicating with clients and attorneys to resolve foreclosure issues is what I like best about my job," Liquenda explained. He added that having been through several other foreclosure case management systems, none comes close to FIS desktop Process Management. "I love NewTrak [FIS desktop]," he stated simply.

Liquenda's talent in handling attorney and client foreclosure issues is also noted and acknowledged by his fellow workers.

"COMMUNICATING  
WITH CLIENTS AND  
ATTORNEYS TO  
RESOLVE  
FORECLOSURE ISSUES  
IS WHAT I LIKE BEST  
ABOUT MY JOB."

"There is something that has always been consistent with Liquenda, which is his genuine commitment to working with both attorney and client to get things resolved. Just the nature of this business can sometimes be tense and stressful, but Liquenda never waivers from his calm demeanor and willingness to help others. He ensures that the needs of clients, fellow workers, employees and attorneys are met," said Lynn McNamee, VP, Foreclosure Attorney

Management. "I have had the pleasure of working with Liquenda throughout my 5-year career at Fidelity. I am very proud to have Liquenda on my team and part of the Fidelity family," she added.

When he's not busy resolving foreclosure issues, Liquenda is spending time with his wife Shamera and their children: Laurenda, Linda, Loretta and newborn son, Leon. He especially enjoys helping his children with their schoolwork so that someday they will be able to take advantage of the same opportunities he has since arriving in the United States.

(RIGHT): Liquenda recently spoke to a local 3rd grade class that was studying Africa. Liquenda explained that, when he was a child in Ghana, they decided that children were old enough to attend school when they could reach their arm over their head and touch their ear. Prior to the age of 5, it is physically impossible to do this. Because birth records are rare, this test is used to determine if a child has reached the age of 5 instead of birth dates.





## NEW COURT RULES IN PENNSYLVANIA ALLOW ADDITIONAL SALE

by Lisa A. Lee, Esquire and Michael McKeever, Esquire

GOLDBECK McCafferty & McKEEVER

Reprinted with consent from the January 2007 USFN e-Update

The Supreme Court of Pennsylvania enacted a rule change that will make the sheriff's sale process in Pennsylvania more flexible for lenders. The new rule of civil procedure (Rule 3129.3) went into effect on Jan. 1, 2007, and applies to sales held after that date. Previously, the lender could postpone a sheriff's sale once to a certain date within 100 days of the original sale date without having to give additional notice or additional advertising. After the first postponement, the lender or borrower needed to obtain a court order to postpone. If the court denied the motion, it was necessary for the lender to stay the pending sale and reschedule an entirely new sale date at considerable cost and delay.

The new rule allows the lender two postponements without additional costs or court order, as long as both of the postponements are within 130 days of the originally scheduled sale date. This greater flexibility allows lenders more time to explore home retention options such as short sales and repayment plans. In addition, this change will keep the fees and costs associated with postponements to a minimum, and reduce the need for court orders for a second postponement. There is a possibility that the local courts may be more reluctant to postpone sales by court order; we will wait and see how the courts react to those requests.

**"THIS CHANGE WILL KEEP THE FEES AND COSTS ASSOCIATED WITH POSTPONEMENTS TO A MINIMUM, AND REDUCE THE NEED FOR COURT ORDERS FOR A SECOND POSTPONEMENT."**

### The Flat Tire Rule:

The new rule also provides that a sheriff's sale will be stayed if a representative of the lender is not present at the sale. Before the enactment of this new provision, some Pennsylvania sheriffs would conduct the sale even if the lender's attorney or representative were not present at the sale due to an emergency or miscommunication. If no one bid on behalf of the lender and a third party purchased the property for an amount less than the lender's bid, the result would be a windfall for the third party and a loss for the lender. The rule change, which was prompted in part by an actual case where an attorney missed a sheriff's sale due to a flat tire, should prevent this inequitable result.

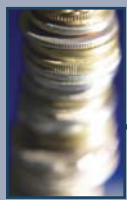
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(L TO R): Michael McKeever and Lisa A. Lee.





## DEPARTMENT SPOTLIGHT: BIDDING, CASH SUPPORT, STOP/HOLD AND FEES AND COSTS

by Kevin Stoutenburg  
MANAGER, FINANCIAL SUPPORT

What started out as a staff of six employees on one team in January of 2005 has grown to encompass more than 50 staff members spanning a total of four teams today. This rapid expansion results from a growth in business and additions to the Jacksonville servicing site.

The Bidding, Cash Support, Stop/Hold and Fees and Costs teams are a part of the Fidelity National Foreclosure Solutions, Inc. (FNFS) Financial Support department. The department reports to Bill Geary, AVP of Jacksonville Operations, with the above teams managed by Kevin Stoutenburg. As one of the largest and most diversified departments at FNFS, the philosophy of “same team, same mission” has evolved into a motto the teams strive to live by. It also helps them focus on their goal of providing the most timely and accurate support possible. The following is a closer look at how each of the four Financial Support teams mentioned above function on a daily basis.

### BIDDING

The Bidding team is supervised by Brett Link and Susan Nightingale. The team works on three different platforms: MortgageServ, Loan Servicing and Account Management Software (LSAMS), and FIS. The responsibility falls to this area for obtaining and creating bidding instructions and ensuring that a client’s bidding strategies and direction are adhered to. There are a number of internal, automated mechanisms used to calculate bidding figures, including a client-supplied matrix. Simply put, this team runs data through the FIS bidding system to

generate a bid based on the client’s needs. Members of this team also work to obtain approval for and communicate a bid to the attorney in culmination of the foreclosure process. Finally, the Bidding team supports the Veterans Administration (VA) desk by coordinating the submission of 567 financial documents in an effort

to obtain bidding instructions. In the event the VA responds with “no bid,” the team coordinates with the client to process a buydown so the bid may be obtained from the VA or bid as directed by the client. More than 10,000 bids are processed per month within the bidding team.

### CASH SUPPORT

This team, supervised by Joe McGarr, assists in reviewing instructions for cash amounts applied to loans in default. They reconcile loans with funds applied during the default phase to ensure all applicable balances have been cleared. They also monitor accounts that have been placed on hold due to funds being received and ensure the funds are posted to the client systems. In addition, the team coordinates with clients to ensure timely application and closing of workstations both in FIS Process Management and the client systems.

### STOP/HOLD

With the help of Supervisor Nancy Green, the Stop/Hold team maintains within Process Management all requests for placing a file on hold or closing a file. The team serves the important function

“THE PHILOSOPHY OF  
‘SAME TEAM, SAME  
MISSION’ HAS EVOLVED  
INTO A MOTTO THE  
TEAMS STRIVE TO  
LIVE BY.”

continued on page 11



of ensuring that FIS Process Management and the client systems reflect the most current status of a file. This process is extremely time-sensitive and ensures files do not go to sale when loss mitigation workouts, payoff funds, or reinstatement funds are received. An average of 15,000 requests are processed each month, with an average turnaround time of 80 minutes.

#### FEES AND COSTS

Also supervised by Nancy Green, this team handles all requests for fees and costs for payoffs, reinstatements, POCs or loss mitigation. Prior to the introduction of the Fees and Costs Module in 2005, fees and costs requests from servicers were received via a designated email box and had a turnaround time of about 30 hours. Since the Module's introduction, immediate tracking and timeline documentation of when and by whom requests are made and completed through Process Management have been available. With the automation of the system and measurable performance through Process Management, the two Fees and Costs associates are able to monitor about 49,000 requests per month and maintain a rolling 90-day average response time of 71 minutes.

From bidding and cash support to Stop/Hold and fees and costs, the Financial Support department at FNFS works together to ensure that clients are provided the most timely and accurate support possible.



**BIDDING**  
BACK ROW (L to R): Ella Spencer, Michelle Vickers, Anthony Dopson, Blake Harper, Charles Lee, Luke Mahoney, Vicki Shelley, Susan Nightingale (supervisor).  
FRONT ROW (L to R): Kevin Stoutenburg (manager), Gwin Cossano, Diana Daw, Cindy Armstrong, Angela Mattox (lead), Sharonlyn White, Sherry Bennett.



**BIDDING**  
(L to R): Brett Link (supervisor), Rhoda Hanson, Debra Fairfield, Susan Johnson, Michelle Noisette, Catherine McCloud, Maribeth Southard, Shoane Flournoy, Karla Deering, Kimbretta Duncan (lead), Shawyn Redding, Alissa Hinson (lead), Eric Houston, Kevin Stoutenburg (manager). NOT PICTURED: Tracey Welch.



**CASH SUPPORT**  
(L to R): Scott Keller, Tonya Knowles, Lynette Byrd, September Stoudemire, Mike Reap, Chris Gordon (lead), Kevin Stoutenburg (manager), Joe McGarr (supervisor).



**FEES & COSTS AND STOP/HOLD**  
(L to R): Kevin Stoutenburg (manager), Nancy Green (supervisor), Kathryn Altman, Stephanie Holloway, Angela Bryan-Withers, Stracey Juitt (lead), Tran Pham, Destiny Whitehead, Cynetress Willie, Linda Thursam, Katrina Bailey, Jennifer Lyon. NOT PICTURED: Tammy Brooks-Saleh.



# NATIONAL TITLE COVERAGE WITH LOCAL EXPERTISE

by Eileen Richmond

FIS DEFAULT SOLUTIONS - TITLE AND CLOSINGS DIVISION

The Default Title Operations of Fidelity Information Services (FIS) Default Solutions offers nationwide title and closing services from pre-foreclosure through REO asset disposition. By leveraging our national scope and leading edge technologies, we are committed to providing centralized default title and closing services faster and more cost-effectively than ever before possible, but never at the expense of a quality product.

Unlike some of our title competitors, FIS works closely with attorneys by utilizing their local vendors and title companies to produce much of its title work. FIS issues title directly in approximately 30 percent of the United States, primarily in states where attorneys typically have their own title agencies. In other areas of the country, FIS works diligently with local counsel to provide our mutual clients with the highest quality title work at the lowest price. Working closely with local attorneys assures that clients will have the benefit of local title expertise. Our clients can also be assured that foreclosure timelines are closely monitored because FIS manages the process nationally.

Attorneys and servicers have access to the web-based portal for our order management system, [www.fnds.com](http://www.fnds.com). This real-time website allows our clients to access current information, including recording confirmations, title work and curative data. The [fnds.com](http://fnds.com) website also interfaces with FIS Desktop, allowing bi-directional transfer of data, including order placement via Process Management (NewTrak) and the uploading of title reports directly into Document Management (NewImage Express). This is a big bonus for our clients.

Once a title report is completed in our office or received from a local title vendor, each report is reviewed

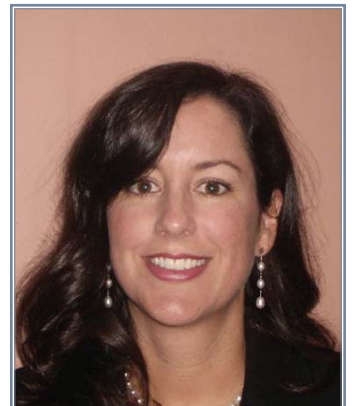
and graded depending upon the various types of outstanding title issues. Our skillful title curative department determines the best course of action in order to clear title issues.

The synergies available in our "cradle to grave" title service further enhance the value propositions of the foreclosure and REO title products. Our goal is to achieve "insurable" title for our clients so that post-foreclosure, the property is ready to market and sell quickly. We work diligently to reduce search and exam fees and apply all available REO discounts.

FIS Default Solutions has established sound relationships with closers in each state who are dedicated to handling REO properties. We work hand in hand with these closers to provide training where necessary and to make them familiar with each individual client's needs. This familiarity with the process ensures accurate and timely completion of even the most difficult closing.

FIS Default Solutions has worked arduously in order to become a "one-stop shop." We have streamlined processes while maintaining accuracy and strong attorney relationships. FIS is dedicated and committed to providing the utmost customer service to all clients, ensuring their needs are met in the most efficient and cost-effective manner possible.

**"UNLIKE SOME OF OUR TITLE COMPETITORS, FIS WORKS CLOSELY WITH ATTORNEYS BY UTILIZING THEIR LOCAL VENDORS AND TITLE COMPANIES."**



EILEEN RICHMOND is the Client Relations Manager in the title division of FIS Default Solutions and has been with the company for 9 years.





## EMPLOYEE ANNIVERSARIES

### FEBRUARY

Tela Amyotte  
Cindy Armstrong  
Gwin Cassano  
Chris Gordon  
Quincy Harkins

Valerij Kalandya  
Peggy Langhann  
Nicholas Langlois  
Barbara Muehlbauer  
Theresa Nkeze

Patricia Rojo  
Michelle Washington  
Sharolyn White  
Shandra Willis

**1 YEAR**

### MARCH

Marinda Bottoms  
Brian Britten  
Erin Chernick  
Amanda Combs  
Dava Dawson  
Gwen Fete  
Bethany Hood  
Paris Jackson  
Barbara Jackson

Vatsan Jayaraman  
Jack Junier  
Shawn Lauby  
Jennifer Lyon  
Angela Mattox  
Gabby Mukandwa  
Barbara Padgett  
Christina Palacios-Wooten  
Chauncy Peters

Benjamin Purcell  
Juanita Simmons  
Ella Spencer  
Rita Steverson  
Michael Thomas  
Janice Turner  
Brian Woodring

**1 YEAR**

### APRIL

Vivian Angulo  
Rhonden Baker  
Jasmine Gibson  
Brandon Lancaster  
Cornell Lang

Angelica Lopez  
Chuck Martisek  
Carol Metzger  
Debra Rigdon  
Tim Ryan

Robert Stockdale  
Elizabeth Vang  
Greg Wainright  
Wonza Wilcher  
Lanaya Wright

**1 YEAR**

### FEBRUARY

**5** Mathew Casey  
**5** Tara Engle  
**7** Maria Benesh  
**9** Steve Gerths  
**13** Kevin Krautbauer  
**13** Dave Funk

### MARCH

**5** Catherine Ford  
**6** Austin Leichner  
**8** Anne Neal  
**9** Matthew Rogina  
**12** Wendy Wilde  
**13** Laura MacIntyre  
**21** Thor Temple

### APRIL

**5** Barbara Nickel  
**10** Kim Hall

**5 YEARS  
OR MORE**



# EC Purchasing

by Steve Mizes

PRESIDENT, EC PURCHASING

EC Purchasing is a subsidiary of Fidelity National Financial and has been in business since 1999. Currently, EC Purchasing has more than 28,000 business members, some of whom are saving tens of thousands of dollars annually. These members look to EC Purchasing for all of their office purchasing decisions including computers, copiers, overnight delivery, office supplies, wireless phones, and more.

EC Purchasing allows business partners of Fidelity to save money by purchasing products and services from national companies at discounts afforded *only* to the nation's largest companies. Members enjoy discounts of *up to 60 percent* based on Fidelity's national contracts. There are no membership costs, obligations, or minimum order sizes for members of EC Purchasing. EC Purchasing is simply a "value added" benefit being offered through your relationship with Fidelity National Foreclosure Solutions, Inc.

## MEET THE EC PURCHASING TEAM



BACK (L TO R): Steve Mizes (President), Stacy Smith, Jason Paris  
FRONT (L TO R): Pam Gerlin, Jackie Penella, Adolfo Fernandez

### SIGN UP IN THREE EASY STEPS

1. Log on to [www.ecpurchasing.com](http://www.ecpurchasing.com) and click on "Sign Up Here."
2. Complete the application and provide contact information for your Fidelity sponsor.
3. EC Purchasing will contact you and assist with savings.

**Great discounts from these trusted brands. No membership costs! No obligation!**







## ATTORNEY CONFERENCE TOUR EXPANSION

by Selena Edwards

MANAGER, ATTORNEY RELATIONS

Managing Attorney Relations has been an exciting venture for me. One of the first projects I began working on was the Attorney Conference Tour. Once I began facilitating these calls, I immediately recognized the need for them based on the enormous response we received from attorneys. It was also evident that the calls were critical to the success of the firm, our clients and Fidelity because of the frequent changes in the industry, state laws and specific requirements from our clients. After several months, I began to explore topics of discussion based on the most common inquiries being raised by our attorney network and internal Operations team about Foreclosure and Bankruptcy trends. The most common topics were then incorporated into the monthly agendas.

The Attorney Conference Tour serves as a vehicle for us to disseminate information. It consistently allows us to bridge any potential gaps between Fidelity, our attorney network and clients. Improving communications is our first priority and we strive to address concerns at the onset to avoid any impact or delay to the network attorneys and our clients.

The Tour is also an opportunity for the network attorneys to discuss issues related to new and existing processes, network updates and other Foreclosure, Bankruptcy, Special Assets, Customer Support and Financial Support related concerns. In addition, the Tour allows firms to share with us any of their suggestions on process improvements.

The initial plan was to rotate firms off the tour on an annual basis. However, because of the success of the program and the useful feedback we have received about the Tour, we have decided to instead reinvest in the network and expand the number of calls we hold each month. We currently manage a total of 130 calls per month with a select group of firms. We have

increased our staff to provide additional support to 130 more firms by the end of January 2007. We will take into consideration those firms that were previously on the Tour.

If you have ever participated and/or would like to participate on the Attorney Conference Tour, please forward your request to

[attyfeedback@fnfs.net](mailto:attyfeedback@fnfs.net) or notify me directly at [selena.edwards@fnfs.net](mailto:selena.edwards@fnfs.net) or 904.470.7837.

“IMPROVING COMMUNICATIONS IS OUR FIRST PRIORITY AND WE STRIVE TO ADDRESS CONCERNS AT THE ONSET...”

ATTORNEY RELATIONS (L TO R): Polina Belinskaya (coordinator), Selena Edwards (manager), Lakesha Adams (coordinator).







## CAN A CREDITOR ACTUALLY OBTAIN *IN REM* RELIEF FROM AN AUTOMATIC BANKRUPTCY STAY IF THE CREDITOR CANNOT PROVE FRAUD ON BEHALF OF AN ABUSIVE FILER?

by Kathleen T. Madigan  
REINER, REINER & BENDETT

Pursuant to Section 362(a) of the United States Bankruptcy Code, when a debtor files bankruptcy, a creditor is stayed from pursuing action against the debtor and the debtor's property to collect a debt. Section 362(d)(4) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) was enacted to provide creditors *In Rem* Relief where the court finds that a bankruptcy petition was filed as "part of a scheme to delay, hinder and defraud creditors that involved ... (B) multiple bankruptcy filings affecting such real property." However, courts have held that multiple filings alone do not show that the debtor intends to defraud the creditor and the courts require creditors to prove fraud in order to obtain *In Rem* Relief. Creditors may not be able to make a *prima facie* showing of fraud without incurring substantial costs and delay. Therefore, creditors are often unable to attain *In Rem* Relief under Section 362(d)(4) even where the debtor has filed abusively.

Prior to the enactment of BAPCPA, creditors often employed Section 105(a) of the Bankruptcy Code to obtain *In Rem* Relief to prevent abuse of the bankruptcy process. Section 105(a) states, "[the] court may issue any order ... necessary or appropriate to carry out the provisions of this title. No provision of this title ... shall be construed to preclude the court

from, sua sponte, taking any action ... appropriate to enforce or implement court orders or rules, or to prevent abuse of process." See *Gonzalez-Ruiz, et al v. Doral Financial Corp.*, 341 B.R. 371, 384 (Bankr. App. Panel 1<sup>st</sup> Cir 2006), where The U.S. Bankruptcy Appellate Panel for the First Circuit affirmed the bankruptcy court's ruling granting *In Rem* Relief stating, "Section 105(a) ... authorizes a bankruptcy court to grant *In Rem* Relief in connection with granting relief from under 362(d) ... where an ordinary stay relief order will not ... protect a secured lender's rights, as demonstrated by the prior history of the parties.... The remedy is imposed where there has been an abuse of the bankruptcy laws and of the automatic stay resulting from the filings of multiple bankruptcy cases." While *Doral* concerned a case that was filed before BAPCPA's effective date, and thus Section 362(d)(4) was not yet available, *Doral* illustrates that, pre-BAPCPA, Section 105(a) of the Code was the only Section that could provide the court with the authority to grant *In Rem* Relief.

"CREDITORS ARE OFTEN UNABLE TO ATTAIN *IN REM* RELIEF UNDER SECTION 362(D)(4) EVEN WHERE THE DEBTOR HAS FILED ABUSIVELY."

continued on page 17



KATHLEEN T. MADIGAN is an Attorney at Reiner Reiner & Bendett in Farmington, CT where she practices in the areas of Real Estate, Bankruptcy, Collections and Foreclosure.



## HOLIDAY DECORATIONS

Each year, the Mendota Heights and Jacksonville campuses of FNFS hold holiday cubicle decorating contests, with departments competing against one another in each office. This year, the winning team in Minnesota decorated with a Muppet Christmas Carol theme while the teams sharing the prize in Florida decorated as a giant gingerbread house and Whoville from *How the Grinch Stole Christmas*.

Since the enactment of the BAPCPA, there have not been many reported cases where 105(a) has been employed to obtain *In Rem* Relief pursuant to 362(d)(4). At least one case has held that courts may still look to Section 105(a) to grant *In Rem* Relief when the creditor would otherwise be unable to obtain *In Rem* Relief under Section 362(d)(4). See *In re McCray*, 342 B.R. 668, (Bankr. D. D.C. 2006). In *McCray*, the court noted that in enacting 362(d)(4) Congress gave no indication that it intended to prevent bankruptcy courts from employing 105(a) to prevent harm from abusive filings, and that the amendments made in 2005 reflect a congressional intent to “crack down” on abusive filers. Therefore, while a court may not be inclined to grant a creditor *In Rem* Relief from the bankruptcy stay under § 362(d)(4) without a showing of fraud, arguably a court has the power, under § 105(a) to issue *In Rem* Relief in order to carry out the provisions and intent of BAPCPA and prevent abuse of the bankruptcy process by debtors.



A MUPPET CHRISTMAS CAROL



GINGERBREAD HOUSE



WHOVILLE



# ATTORNEY GUEST SEMINARS

Fidelity National Foreclosure Solutions, Inc.

A Division of Fidelity National Default Solutions



ROGERS TOWNSEND, THOMAS, P.C. (SC)  
(L TO R): Reggie Corley, Sam Waters, and Richard Martin.



BISHOP WHITE & MARSHALL (OR/WA)  
(L TO R): Jennifer Aspess, Polina Belinskaya (FNFS), Selena Edwards (FNFS), Maryanne Anderson, Dave Weibel.



BROCK & SCOTT (NC)  
(L TO R): Jenny Holman, James Bonner, and Brian Campbell.



MARSHALL WATSON (FL)  
(L TO R): Kelly Anderson, Caryn Graham, Yolanda Kampervcen.



DRUCKMAN & SINEL (NY)  
BACK (L TO R): Dan Amtsen, Anne Marie Morrison (FNFS), Peter Read (FNFS).  
FRONT (L TO R): Topako Love (FNFS), Rebecca Verdeja (FNFS), Kiyam Poulson, Stuart Druckman, and Liqueunda Allotey (FNFS).



FOUTTY & FOUTTY (IN)  
BACK (L TO R): Carlos Branum (FNFS), Mike Foutty, Steve Foutty, Michelle Minglin, Vanja Trivuncic (FNFS).  
FRONT (L TO R): Sarah Yarbrough (FNFS), Lakesha Adams (FNFS), Selena Edwards (FNFS), Polina Belinskaya (FNFS).  
ATTENDEES NOT PICTURED: Tony Manna and Stacy DeLee.



## NEW TO THE FIDELITY PARTNERSHIP

Fidelity National Foreclosure Solutions welcomes the following clients and firms to the Fidelity partnership from November, December and January.

### CLIENTS

Foreclosure Solutions	Franklin Credit
Foreclosure Solutions	HSBC Mortgage Corporation
Foreclosure Solutions	Litton Loan Servicing
FNFS/Invoice Management	Wells Fargo
Invoice Management	Fifth Third
Invoice Management	Franklin Credit
Process Management	National City

### FIRMS

CA	Law Offices of Les Zieve
GA	Heath W. Williams, LLC
GA	Stites & Harbison, PLLC
HI	Dwyer Schraff Meyer Grant & Green, Attorneys At Law
IN	Wood, Tuohy, Gleason, Mercer PC
MA	Massachusetts Foreclosure Management, LLC
NH	Flagg Law, PLLC
NJ	Williams, Caliri, Miller & Otley, P.C.
PA	Daniel J. Mancini & Associates
SC	Morris, Schneider & Prior
TX	Mackie Wolf & Zientz, P.C.
TX	McCarthy, Holthus & Ackerman, LLP



## FNFS ANNOUNCEMENT

We would like to highlight the following FNFS organizational changes effective for February 2007:

**FC Timeline Management** - FNFS Special Assets, FC Attorney Management, and the Missing Documents/Client Document Execution Teams will now be working together reporting to First Vice President, Bill Newland.

**BK Timeline Management/BK Support/BK Special Projects/Customer Support/Client System Maintenance** - BK Issue Resolution will now report up through Manager Dory Goebel. This team, along with BK Attorney Management, BK High Risk, and BK POC/Plans will now be reporting up through AVP John Cody. Customer Support Reconciliation, Customer Support Referrals, and BK Setups and Closings will report up through AVP Scott Walter. The Signature Required (Document Execution) and Mail teams will now report to Manager Jeanelle Gray. These departments will continue to report to First Vice President, Chris Hymer.

**Financial Support** - Our Financial Support department will now report to VP Michael Cloin along with the Reporting/Data Analysis team.



## FIS LPS ANNOUNCEMENT



FIS Loan Portfolio Solutions is pleased to introduce FIS desktop, FIS' industry-changing enterprise application.

### PROCESS MANAGEMENT:

(Previously NewTrak)

- Allows for effortless communication, plus status and reporting capability
- Fully customizable to meet specific client needs
- Minimizes duplication of effort and manages workflow

### DOCUMENT MANAGEMENT:

(Previously NewImage Express)

- Automates document routing and tracking protocol
- Guarantees prompt disaster recovery through secure repository
- Eliminates lost and misplaced files

### INVOICE MANAGEMENT:

(Previously NewInvoice)

- Automates every aspect of bill presentment, processing and post-payment processes
- Eliminates redundancies and errors
- Provides online services with specialized modules

The screenshots show the FIS desktop application interface. The top window displays 'Document Management' with fields for Document Name, Doc Type, Content Type, Created By, Size, and Status. Below this is a 'Route Information' section with a list of steps: Step 1: Review Document, Step 2: Approve Document, Step 3: Secondary Approval, and Step 4: File Document. The bottom window displays 'Process Management' with a table showing the progress of various tasks.

Event	Days	Orig Date	Due Date	Com
1. File Referred to Attorney	1	1/02/2007	1/02/2007	1/02
2. File Received by Attorney	0	1/02/2007	1/02/2007	1/02
3. Title Report Received	20	1/22/2007	1/22/2007	
4. Complaint Filed	10	1/12/2007	1/12/2007	
5. Service Complete	30	2/14/2007	2/14/2007	
6. Judgment Entered	45	3/21/2007	3/21/2007	
7. Sale Scheduled For	10	4/12/2007	4/12/2007	

For more information about FIS desktop, please see page 2.



## PEAK PERFORMANCE AWARD WINNERS

The Peak Performance Award program was created to recognize superior employee performance at FNFS. Employees are nominated for noteworthy performance, customer praise, suggestions or improvements, or completion of additional tasks. Peak Performance Award winners have taken it upon themselves to improve our company through their exceptional work ethic, creativity and customer service.



Jermaine Holloway

Jermaine Holloway, a Foreclosure specialist in the Minnesota office, earned a Peak Performance Award for the excellent service he continually provides to a Network firm. A representative from the firm communicated that Jermaine "has been incredibly responsive to all of our questions and concerns...he is truly a great asset to your team."



Amy Weis

During a Fidelity client's recent transitional period, Amy's attentiveness and knowledge served to make the transition a smooth process. Special Assets AVP Tara Engle said "the overall consensus from [the client] is that Amy has been a tremendous help." Amy is a manager in the Special Assets Title Management department.



Edna Ugato

An FNFS client contacted Edna Ugato's AVP, Tara Engle, in January to explain what a comprehensive job Edna has done in working with their files. As the client wrote, "Edna has become my 'Fidelity go-to' person." Edna is a manager in the Special Assets Title Management department.

**SAVE THE DATE**  
**JUNE 13 – 15, 2007**

**FIS»**

FIDELITY NATIONAL  
FORECLOSURE SOLUTIONS, INC.  
A DIVISION OF FIDELITY NATIONAL INFORMATION SERVICES™

### Sixth Annual Attorney Summit

Minneapolis, Minnesota

For more information about  
the Summit, please call Lindsey  
Lesch at 904.470.7831 or e-mail

[attorneysummit@fnfs.net](mailto:attorneysummit@fnfs.net)



**FIS»** | desktop