

THE SUMMIT

ENCOURAGING PEAK PERFORMANCE IN THE FIDELITY PARTNERSHIP

November 2006

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FNFS DEFAULT TECHNOLOGY

BY JAMES IREDALE
SENIOR VICE PRESIDENT, DEFAULT TECHNOLOGY

On any given day, the FNFS Data Center processes approximately 160,000 web service updates to MSP, almost 30,000 separate login attempts to NewTrak, \$6.5 million in invoices through NewInvoice and 425,000 pages of documents in NewImage. This calls for a high degree of coordination between not only the technology resources in FNFS but also our attorney, client and operational partners. Guiding our work is the demand to deliver highly *available*, *innovative* applications that *add value* to the default process.

Available- NewTrak, FNFS' workflow and communication tool, is used by approximately 7,000 users on an average day. In the last three months, NewTrak's uptime was 99.96%, with NewInvoice and NewImage Classic achieving similar uptime measures. FNFS continues to invest in its technology and people to produce highly available and innovative software.

Innovative - As soon as software reaches production, the entire development dynamic changes. At the flip of a switch, innovation can quickly get trumped by the need to support thousands of users and millions of transactions. FNFS endeavors to balance the innovation/production dynamic by: a) Providing an opportunity for users to communicate ideas to us through user groups, conferences and other feedback channels (our NewTrak servicer clients alone have made over 300 suggestions for product enhancements). b) Maintaining regular product release cycles. NewInvoice has

released a new version of its application on a monthly basis since the release of 5.0. c) Staying relevant. We work closely not only with our user groups, but also with the FNFS Operations Team which, for us, represents a 500 user in-house research and development lab. d) Investing heavily in new product development, including NewInvoice 5.0 and NewImage Express 2, while expanding our existing products into other areas, such as NewInvoice REO Broker and NewTrak Asset Management.

Add Value - Our aim is to deliver products that add benefit across the entire value chain of the business processes we manage with our partners. New technology such as web services allows us to share data independent of underlying technology. This means we can more easily, reliably and quickly integrate with third party systems, whether they are attorney case management systems (using NTIEE or the NewInvoice Vendor Import) or client servicing systems such as MSP or MortgageServ. Outside of our web-sites, we integrate business-to-business with well over 100 separate business partners representing multiple different service relationships.

On behalf of the IT professionals in FNFS Default Technology, we would like to express our thanks to all our IT colleagues at the attorney and servicer organizations that we work closely with. And most importantly, thank you to all our end users who give our day-to-day work relevance.



FIS ANNOUNCEMENT

On November 9, FIS (FNFS' parent company) was informed that it had been appointed to the Standard & Poor's S&P 500. Standard & Poor's is widely regarded as the best single gauge of the U.S. equities market. This world-renowned index includes 500 leading U.S. companies and is often used to assess the performance of the U.S. economy.

Our selection was based solely on an evaluation of FIS and became effective on November 9, the date FIS became an independent, publicly traded company. By becoming a part of this prominent list, FIS is being recognized as a key player in the financial services global market.

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 NewTrak, Fidelity's web-based default management tool. NewTrak allows Fidelity and its clients to view status from the lowest level of detail on a case all the way up to an aggregated view of the statewide and nationwide performance of the vendor. It provides unparalleled efficiency by delivering critical case and management data at the fingertips of vendors, clients, and Fidelity employees.

NewImage Express (NIE) is another collaborative technology product offered by FNFS. NIE assists Fidelity clients and vendors with the expanding document retention requirements they face today. It is a secure, stand-alone scanning and document management system that reduces manual servicing requirements by transitioning hard copied documents to an electronic, indexed format for easy filing, retrieval, and storage. Once information has been transferred to electronic format, it becomes a more valuable strategic resource. The integration of

Additionally, the recently released FinTech 100 ranks FIS as the nation's market leader in providing banking technology services and the number two overall provider of financial technology. The FinTech100 is an annual ranking of technology companies that derive more than a third of their revenue from the financial services industry. This ranking, which is well-respected in the industry, was co-developed by American Banker and Financial Insights, a leading independent research firm. FIS was ranked number three in 2005.

NewTrak and NIE allows users to manage their files along with the variety of documents associated with those files. The system offers a secure 128-bit encrypted bidirectional conduit for transmission of documents between FNFS and our clients' offices. Stored documents can be viewed, searched, and printed worldwide from any computer through a secure password-authenticated Internet connection. An NIE user can easily find and send a document created years ago without rummaging through endless filing cabinets, making copies, and paying for the postage to mail it.

NewInvoice 5.0 is an important tool for the mortgage community that provides the most complete vendor management solution for B2B electronic invoice submission and processing in the industry. NewInvoice has made a significant investment in enhancing the ability to create, present,

and process the many thousands of invoices received daily by clients. Using approved stage pricing, newInvoice has made the invoice approval process fully automated, allowing focus to be limited to exceptions.

From referral to invoice, Fidelity National Foreclosure Solutions, Inc. provides 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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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, legislation that affects you — whatever you think will be interesting to readers of *The Summit*! The deadline for submissions for the next issue is December 11.

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.

APPRAISER LIABILITY AND MORTGAGE FRAUD

Geoffrey Milne

HUNT LEIBERT JACOBSON, P.C.

In almost every mortgage loan tainted by fraud, there is an inflated appraisal which has caused a loss to the holder of the note. Inflated appraisals, in addition to causing lender losses, also increase the risk of litigation. At least one study has concluded that over-valuation errors, whether negligent or intentional, materially increase default risk at the rate of 2-3% for each percentage point of upward appraisal bias. Lacour-Little and Malpezzi, *Journal of Real Estate Finance and Economics*, 27:2, 211-233 (2003). Courts are recognizing this reality, and are holding appraisers liable for their misdeeds. Originating lenders and assignees of mortgages have various legal theories that are successfully being asserted against appraisers, including breach of fiduciary duty.

In a recent case, the Connecticut Superior Court held that a real estate appraiser may have a fiduciary duty to a lender when valuing collateral for a mortgage loan. The opinion further holds that such a fiduciary duty may extend to third parties in the secondary mortgage market, who are anticipated users of such appraisal reports. In instances in which a mortgage loan is not repurchased by the original lender, the assignee may assert a breach of fiduciary duty claim directly against the appraiser. This current trend recognizes the commercial realities of the market and the impact that defective appraisals have on the industry. It provides a defense against the argument that an absence of privity between the appraiser and the assignee means that there is no cause of action.

“THIS DOCTRINE IS BEING APPLIED TO ALLOW ASSIGNEES OF MORTGAGE LOANS TO ASSERT CLAIMS DIRECTLY AGAINST APPRAISERS.”

The current trend in negligence cases is to impose tort liability on real estate appraisers if it was foreseeable that the appraisal would be relied upon by a third party. The Restatement Second of Torts § 552, provides that liability may be imposed for negligent misrepresentation for losses suffered by the person “or one of a limited group of persons for whose benefit and guidance he intends to supply the information or knows that the recipient intends to supply it.” This doctrine is being applied to allow assignees of mortgage loans to assert claims directly against appraisers. Some courts have also extended liability for intentional torts such as fraud, such that the misrepresentation need not have been made directly to the plaintiff, provided that the content of the information was repeated to a third party, who then acts upon it. Semipione v. Provident Bank of Maryland, 75 F. 3d 951, 962, appeal after remand 160 F. 3d 992 (4th Cir. 1996).

These decisions provide a remedy to the assignee of a mortgage loan who has been unable to succeed in efforts to have the original lender repurchase the loan. Even if the original lender refuses to repurchase the

CONTINUED ON NEXT PAGE



GEOFFREY K. MILNE is a Partner with the Hartford, Connecticut law firm of Hunt Leibert Jacobson, PC, where he concentrates his practice in the areas of commercial litigation and mortgage fraud recovery.

WASHINGTON MUTUAL

loan, perhaps it will consider assigning its contractual rights under a mortgage broker agreement to the purchaser of the loan. Often, these agreements provide for contractual liability against the broker for any losses caused by parties engaged by the broker, such as an appraiser. Typically, these agreements provide for attorneys fees, an “actual loss” measure of damages, and may not even require an expert as part of the lender’s case in chief. A Connecticut court has held that it is erroneous for a trial court not to apply the measure of damages set forth in such an agreement when a mortgage loan has been declared void based upon fraud. Valentin v. Community Remodeling Company, Inc., 90 Conn. App. 255 (2005).

Another remedy which may exist for lenders who have been saddled with inflated appraisals is a complaint with the state department of banking against a correspondent lender. In Cornelius v. Department of Banking, 94 Conn. App. 547 (2006), the Connecticut Appellate Court affirmed the revocation of a correspondent lender’s license, based upon an agency theory, when forged appraisals were contained in the correspondent’s files and were submitted to lenders to fund mortgage loans. It appears that the principal’s absence of knowledge of the intentional acts of a third party were of no consequence.

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BANKRUPTCY TEAM

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FORECLOSURE MANAGER

FNFS PROCEDURE MANUAL

by Lindsey Lesch

In an effort to improve the FNFS Company Procedure Manual, the procedures were recently transferred into software by Macromedia called RoboHelp. This software provides search functionality and fast access that better serves FNFS and our clients.

The previous online Company Procedure Manual on the Web Reporting site used a series of folders in which PDF versions of each procedure were located. Organized alphabetically as well as by FNFS department, this site provided a structured, centralized location for all FNFS Company procedures which was accessible at any time by only clients and FNFS employees. Complex protection for each PDF document allowed clients access to only their specific procedures.

This was an improvement over the original Company Procedure Manual, which was a single Word document located in each FNFS departmental drive. However, after months of using this website, FNFS' Technical Writer received suggestions from both FNFS employees and clients regarding how to make the Company Procedure Manual even more user-friendly. Many users felt that there needed to be a search function within the procedures that would allow someone looking for a specific term to search through all of the procedures at once. It was also decided that the access time that it took to load each PDF was too long. Although

the alphabetical folders were well-organized, users also found that organization by client and then by alphabetical listing would be more useful.

Using this feedback, the RoboHelp software was selected as the software that would best provide the needed features. This software is primarily used for building online help, so it proved useful to create the Company Procedure Manual site using this software. With the tutoring of Kyle Selph, a Technical Writer for NewTrak, the Customer

Relations team was able to build the initial RoboHelp projects for each client's FNFS procedures and released the enhanced procedures in July, 2006.

Now the Company Procedure Manual, still located on the FNDS Web Reporting site, is in an html based format. This allows the site to perform and respond much more quickly and is much more user-friendly. The welcome page provides contact information

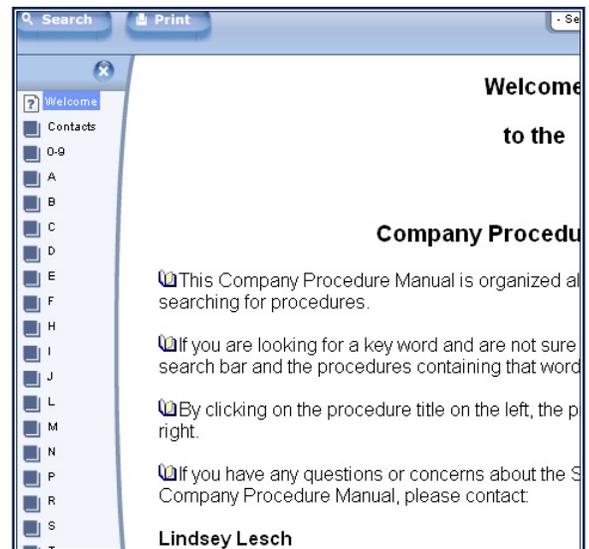
in case you require assistance. The Table of Contents runs along the left side of the screen and can be viewed simultaneously with a procedure. There is no wait time for selected procedures to load, and information may be selected and copied directly from the word processor-compatible documents. The FNFS Company Procedure Manual is more practical than ever before.

“THERE IS NO WAIT TIME FOR SELECTED PROCEDURES TO LOAD, AND INFORMATION MAY BE SELECTED AND COPIED DIRECTLY FROM THE WORD PROCESSOR-LIKE DOCUMENTS.”



To access the Company Procedure Manual, click on the Procedures link on the Web Reporting site.

Once you select a client name, those procedures will appear in the new Flash format.



PRESS RELEASE: HYBRID TECH SOURCE MODEL

FIS Press Release: Jacksonville, FL (October 24, 2006)

Fidelity National Foreclosure Solutions, Inc. (FNFS), a division of Fidelity National Information Services, Inc. (NYSE:FIS), today announced the launch of its Tech Source model. Tech Source combines industry-leading foreclosure and bankruptcy management technology with elements of FNFS' foreclosure and bankruptcy outsourcing model to provide servicers with an option that bridges the gap between technology only solutions deployed for in-house foreclosure and bankruptcy management and complete outsourcing. This solution is designed to help in-house servicing operations reduce cycle times, minimize costs and, ultimately, help more borrowers stay in their homes.

"Although we believe full outsourcing offers servicers and investors the greatest value proposition, we realize that some servicers prefer to manage their foreclosures and bankruptcies in house," stated Gregory Whitworth, president and chief operating officer of FNFS. "To better serve this market segment, we created the Tech Source model to help servicers leverage many of the benefits available with our full outsourcing solution while retaining these processes in-house as a core competency," he concluded.

Servicers using Tech Source will manage foreclosure and bankruptcy processes with their own staff and deploy the FNFS management technology to boost productivity and simplify workflow and process management. In addition, users will receive a high level of daily interaction, process support and additional services from the FNFS team of professionals as part of the comprehensive solution.

The Tech Source model enables servicers to employ NewTrak(TM), FNFS' Web-based process management system, and also gives them access to NewImage Express(TM), FNFS' sophisticated, Web-based imaging solution that facilitates additional efficiencies and cost reductions.

In addition to technology, servicers using Tech Source receive a significant portion of the business process support and value-added services that were previously available only with FNFS' full outsourcing model, including onsite referral and collateral document support; access to the Automated Access to Court Electronic Records (AACER) database; loan- and event-level reconciliation reports; month-end management summaries; attorney performance rating of

client network and client performance rating. The attorney performance and client performance ratings enable servicers to see how their attorney selection and process performance compares to peers who are also using FNFS' Tech Source and full outsourcing solutions. With more than one-third of U.S. foreclosures processed through FNFS, these comparisons provide Tech Source users with realistic best-practice benchmarks to help them target improvement areas that will increase their efficiency and benefit investors and borrowers as well.

"TECH SOURCE USERS WILL EXPERIENCE PRODUCTIVITY GAINS, COST REDUCTIONS AND RESOLUTION RATE INCREASES SIMILAR TO THOSE OF OUR OUTSOURCING CLIENTS."

According to Scott Barnes, Senior Vice President of Operations for FNFS, everything associated with Tech Source has a significant positive impact on efficiency. "With access to most of the support and services available in FNFS' full outsourcing solution, Tech Source users will experience productivity gains, cost reductions and resolution rate increases similar to those of our outsourcing clients – and those efficiencies are impressive," he stated. "For example, our Attorney Performance Reports show a 16-day reduction in the overall foreclosure timeline for our full outsourcing clients over the last year. That timeline reduction has saved servicers, investors and borrowers around \$48 million over the last 12 months alone," he concluded.

Fidelity National Foreclosure Solutions, Inc. released performance metrics to quantify other benefits of its full outsourcing solution that may also apply to the Tech Source model. For instance, FNFS' milestone-based billing agreement with its network of attorney providers, which dictates that borrowers are charged only for the portion of work completed on their bankruptcy or foreclosure, has enabled FNFS to deliver a \$220-250 reduction in attorney fees. FNFS' milestone billing and attorney network relationships have also resulted in a reduction in the time it takes to obtain foreclosure fee and cost information for borrowers. The industry average timeframe to obtain this information is days, while FNFS clients now receive the same information in an average of 59 minutes, giving borrowers the ability to quickly move forward with reinstatements and payoffs. Further, the division's outsourcing solution enables servicers to quote accurate foreclosure fees and costs at the beginning of the loss mitigation process, minimizing the time spent resolving invoice disputes.

FIRM SPOTLIGHT: LAW OFFICES OF DAVID J. STERN, P.A.

by David J. Stern

LAW OFFICES OF DAVID J. STERN, P.A.

The Law Offices of David J. Stern, P.A. was chosen for this quarter's firm spotlight for their consistent performance in both Bankruptcy and Foreclosure in Florida.

The Law Offices of David J. Stern is a Professional Association founded by its principal, David J. Stern, in 1993. The firm represents Mortgage Lenders and Servicers throughout the State of Florida in the areas of Foreclosure, Bankruptcy, Eviction, Title, Closings and related Litigation.

At the Law Offices of David J. Stern, P.A., we believe in the adage that the reward for a job well done is the opportunity to do more. I have the privilege of being surrounded by a group of hard working, loyal employees who pour their hearts into our philosophy that a commitment to excellence will produce a self-gratifying reflection of our collective efforts. Hard work, innovation, and continued development of legal and business expertise in the field of foreclosures combined with a profound dedication to my clients and their needs have always been at the foundation of my practice. A large part

of what has made us so successful over the years is our ability to adapt to each client's personal style of default portfolio management. The business side of the equation is always factored into our work

process while we seek innovative ways to weave the practice of law into the fabric of industry demands. In fact, we are often called upon by Freddie Mac and Fannie Mae for our legal and business advice to set and/or tweak their designated counsel goals and policies nationwide. This is an accomplishment that we are extremely proud of and continually seek to

translate into our everyday practice.

Presently, the firm employs a staff in excess of one hundred individuals, including twenty five staff attorneys, all with an expertise in the above referenced areas. It is our belief that the combination of our joint experience and ideas enhances the quality of service made available to our clients in Florida.

"WE BELIEVE IN THE ADAGE THAT THE REWARD FOR A JOB WELL DONE IS THE OPPORTUNITY TO DO MORE."



BANKRUPTCY TEAM

LAW OFFICES OF DAVID J. STERN

BANKRUPTCY TEAM: (BACK L TO R) Joann Garcia-Nazario and Jackie Mora. (FRONT L TO R) Ameena Shaheed and Diane Smith.

FORECLOSURE AND REINSTATEMENTS TEAM: (L TO R) Amy Swadlow, Margo Langlois, Jean Schwartz, Anna Jones, Cheryl Samons (office manager).



FC AND REINSTATEMENTS TEAM

STATUTORY PENALTIES FOR TARDY SATISFACTION OF MORTGAGES IN NEW YORK

by Kiyam Poulson
DRUCKMAN & SINEL, LLP

Effective November 7, 2005, New York adopted a statutory penalty on mortgagees who fail to record satisfactions of mortgages in a timely fashion. Prior to these changes, the operative statutes lacked the requisite “bite” to ensure that mortgagees would remain in compliance. The new penalty provision was added to New York’s Real Property Law (the “RPL”) Section 275, with identical language simultaneously added to New York Real Property Actions and Proceedings Law (the “RPAPL”) Section 1921. Chapter 748 of the laws of 1990 amended RPL Section 275 to require a mortgagee to arrange for a certificate of discharge to be presented for recording within thirty days of the date on which the full amount due the mortgagee is paid (partial payments will not invoke this provision). Chapter 467 of the Laws of 2005 amended RPAPL Section 1921 to require a mortgagee to arrange for a certificate of discharge to be presented for recording or, upon request, delivered to the mortgagor or the mortgagor’s designee within thirty days of payment. The amendments cut the time frame within which a release must be presented for recording from 45 days to 30 days from the payoff date. Mortgagees are excluded from the penalty provision if they make fewer than five mortgage loans in any calendar year.

“A RELEASE PRESENTED FOR RECORDING 91 DAYS AFTER PAYOFF WOULD RESULT IN A TOTAL PENALTY OF \$3,000.”

In addition, both RPL Section 275 and RPAPL Section 1921 were amended to provide that the mortgagee shall be liable to the mortgagor in the amount of \$500.00 if the certificate of discharge is not presented for recording within 30 days, \$1,000.00 if the certificate is not presented for recording within 60 days, and \$1,500.00 if the certificate is not presented for recording within 90 days. The penalty is payable by the mortgagee directly to the mortgagor.

It is ambiguous as to whether the three levels of penalty are intended to apply exclusively or cumulatively. The statutory language appears to suggest that they apply cumulatively.

Therefore, a release presented for recording 91 days after payoff would result in a total penalty of \$3,000.

(\$500 because more than 30 days after payoff, \$1,000 because more than 60 days after payoff, \$1,500 because more than 90 after payoff).

Although these new penalties may appear onerous to the mortgagee, there is case law to suggest that penalties within statutes requiring mortgagees to provide timely satisfactions of mortgages are intended to compensate homeowners for any economic damages they might suffer from a mortgagee’s tardiness, rather than to punish the mortgagee.



KIYAM POULSON is an attorney with the New York firm of Druckman and Sinel with a concentration in Mortgage Foreclosure, Bankruptcy and Evictions.

DEPARTMENT SPOTLIGHT: FIGURES AND SALES REPORTING

by Carlos Branum
MANAGER, FINANCIAL SUPPORT

I'm a new comer to the company and my initial response to seeing all the functions of the Figures and Sales Result team can be summed in one word, "Wow!" I was awestruck to watch associates navigate through various clients' systems with such speed and accuracy, and was stunned to see the production volume each area outputs every day. In trying to take it all in, it was a little overwhelming at first. However, in sitting with the team members it was so refreshing and encouraging to hear and witness associates helping each other—truly embodying a team environment.

This environment of the Figures and Sales Reporting team is the leading contributor to its overall success. Team members constantly pitch in when needed to help others complete their tasks. The team is comprised of 37 associates whom I manage. The Financial Support team as a whole is overseen by Bill Geary, AVP of Operations in Jacksonville. The Figures and Sales Reporting team is further divided into two specialized units that handle specific tasks for over 16 different clients, with just as many variations in the processes. The Figures unit is divided into Payoffs/Reinstatements, Breakdowns, and Judgment Figures and is supervised by Ingrid Pittman. The Sales Reporting unit is divided into Sales Results and HUD 1st Action, supervised by Dimitra Goodwin. Although the function of the team is straight forward, the procedures for completing the requests vary depending on the client's servicing system, policies, and special requests.

Payoffs/Reinstatements

When a requester needs a payoff or reinstatement, an issue is opened in NewTrak. On average, FNFS receives

over 1,400 payoff and reinstatement issues daily for this team to review and process. The team's turnaround time to complete the request is between 1-3 days, compared to traditional industry timelines of 7-10 days. Once the request is completed, the document is uploaded into New Image Express (NIE) for the requester to retrieve. This process was further enhanced by the use of the Fees and Costs Module, introduced in March 2005, which has greatly helped to reduce the volume of multiple requests for payoffs/reinstatements because the amounts provided are more reliable.

**"TEAM MEMBERS
CONSTANTLY PITCH IN
WHEN NEEDED TO
HELP OTHERS
COMPLETE TASKS."**

Breakdowns

The Figures unit also provides detailed breakdowns of escrow balances, corporate advances, and/or other fees as requested. The Figures unit works very closely with the client to retrieve and verify the amounts

sent to the attorneys. These amounts must be precise so that there are no losses recognized by the client. If an attorney needs a breakdown of an amount, they open an issue in NewTrak, indicating that they need clarification of either a corporate advance or an escrow amount. There is an average of 200 total breakdown issues entered daily.

Judgment Figures

Also under the umbrella of the Figures unit are the judgment figures that attorneys must have in order to complete affidavits for the foreclosure process. This area is able to produce many of the judgment figures through automation to the attorneys within hours. The manually-produced figures are typically provided to the attorneys within 1-3 days, compared to traditional industry timelines of 30 days. On average, judgment figure are requested 275 times daily.

CONTINUED ON NEXT PAGE



PAYOFFS AND REINSTATEMENTS

BACK (L TO R) Loranzo Roundtree (Lead), Bill Geary (AVP), Marsha Cunningham, Bill Newland (1st VP).
MIDDLE (L TO R) Silena Rivera, Terri Walker (lead) Adrian Lofton, Lauren Schmitt, Quincy Harkins
FRONT (L TO R) Carlos Branum (Manager), Ingrid Pittman (Supervisor).



BREAKDOWNS AND JFIGS

BACK (L TO R) Brock Suriano, Erica Reed, Bill Geary (AVP), Rhoden Baker, Bill Newland (1st VP).
MIDDLE (L TO R) Terri Walker (Lead), Esmeralda Robles, Lacsra Citizen, Sofia Vallecillo, Jacqueline Brown, Jamie Gooden (Lead), Tia Williams, Jaqueline Lehman-Meggison, Shanna Blackley, Melinda ODonnell.
FRONT (L TO R) Carlos Branum (Manager), Ingrid Pittman (Supervisor).



SALES RESULTS

BACK (L TO R) Carlos Branum (Manager), Brett Bewley, Yari Floyd, Carlton Graham, Delza Smith, Chris Smith, and Bill Geary (AVP).
MIDDLE (L TO R) Owen Overstreet, Mary Muratore (Lead), Leesa Bardunias, Mason Segers, Leo Stanfield (lead).
FRONT (L TO R) Dimitra Goodwin (Supervisor), Angie Crawford, Sandra Schroeder.

Sales Results

The Sales Results unit notifies both clients and investors with the results of foreclosure sales as reported by attorneys. This information is extremely time-sensitive, as the results must be reported within 24 hours of the sale being held. The team's busiest time of the month is on "Super Tuesday," the first Tuesday of every month. On this day, all foreclosures in Georgia and Texas go to sale. September of 2006 was a record breaking month for FNFS, with over 10,000 sales held, and the Sales Results team reported a large amount of these. The reporting of the sales also needs to be accurate, as many of the steps are tied into automation that maps to the various client systems. In the event that a sale is rescinded, this also unit tracks the loan to confirm with the attorney that the sale is completely reversed before removing the dates in the foreclosure sale process in NewTrak.

"Wow" is surely an understatement in realizing all the functions of the Figures and Sales Reporting department. There are countless intricacies within all the developed processes to meet the needs of clients keeping losses to a minimum. As state laws continue to change, these processes must be quickly adapted to be in compliance. This is why teamwork is so vital to all of the team's achievements and accomplishments. If one member is notified about a change in a law, it is immediately spread throughout the team and suggestions for process changes are bounced around until a suitable and timely resolution is reached. The team's diligent work and environment will allow for continued success.

GENERAL SESSIONS FOR THE AUTOMATIC STAY

by Katherine Kuhn
WILSON & ASSOCIATES, PLLC

The Automatic Stay provision of the Bankruptcy Code (11 USC §362) is one of the most powerful legal tools invented. Not only does it stop any collection efforts and any new liens against an estate, it also stops any civil procedure that could subject the debtor to liability cold. It has the ability to stop a foreclosure sale in a single fax, or continue indefinitely any collection court proceedings with a single notice. Yes, it is that strong. It is also difficult to get the stay lifted with any semblance of timeliness.

The new Bankruptcy law (BAPCPA) is aiming to limit this by provisions not staying civil paternity suits, domestic support obligations, child custody or visitation, dissolution of marriage (except to the extent that such proceedings seeks to determine the division of the property that is property of the estate) and domestic violence. The question that this article will focus on however is the effect of the Automatic Stay on Eviction (Detainer) proceedings.

In a Detainer action, the Plaintiff mortgage company has already foreclosed on the property and is now proceeding to evict the former owners from the property so it can be resold. In such cases, depending on the mortgage company's policy, there may be room to negotiate a move-out timeframe or possible repurchase of the property with new financing. If this is true and the property has been

foreclosed, the question still remains regarding how the Stay will affect the proceedings. The answer (in typical lawyer style) is that it depends on when the Bankruptcy was filed.

Assuming that the Bankruptcy was filed before the sale, the property would have to be removed from the Bankruptcy Estate before the sale happens. Once the property is removed from the Estate, the Stay is lifted as to the sale and the Detainer proceedings. This is the most obvious and straightforward situation.

The next situation is where the Bankruptcy is filed between the sale and the Detainer proceedings. The Detainer proceedings should be continued if there is not time to address the post-sale issues in the Bankruptcy court and the Bankruptcy filings should be looked

at to make sure the real property is not included. Even though there is no property interest for the debtor to claim there can be occasion where the property is included in the Chapter 13 or listed as an asset in the Chapter 7 and therefore either the Plan would be objected to or a Post-Sale Motion for Relief would be filed. After the Confirmation Hearing or the

CONTINUED ON NEXT PAGE

“THE MOST INTERESTING SITUATION IS A BANKRUPTCY THAT HAS BEEN DISMISSED BEFORE THE DATE OF THE SALE...”



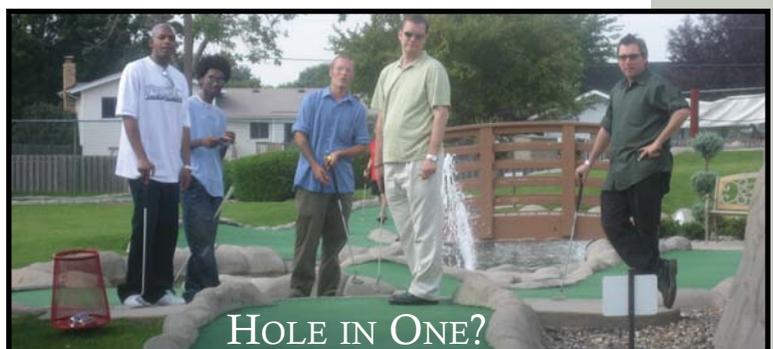
KATHERINE KUHN is an attorney in the Nashville, TN office of Wilson & Associates, PLLC. She has been practicing for one year and has been with the firm since July 2005.

FNFS MINNESOTA CADDYSHACK MINIATURE GOLF TOURNAMENT

Post-Sale Motion, the Detainer proceedings can be reset. This is more roundabout than if the Bankruptcy had been filed before the sale, but the results would be the same and the Detainer would proceed.

The most interesting situation is a Bankruptcy that has been dismissed before the date of the sale and the Debtor has filed a motion to reopen the case the day before the Detainer hearing arguing that the property could be used as equity for the Bankruptcy Estate. In this case, there arguably is no stay in effect whatsoever and the Detainer action can go forward that day. Here, the Stay was lifted once the Bankruptcy case was dismissed and therefore would not affect the sale of the property nor the Detainer action. The stay would not be automatically placed back into effect with the filing of the motion nor would it be retroactively effective against the foreclosure sale. On these facts at the General Sessions level an Order for possession is granted. This is the most unique situation in a Detainer action with an Automatic Stay but one that would allow for resolution of the Detainer action that Day.

With the nature of real property and the expedited basis in which the courts take matters involving real property, it is useful to see a few situations where the Automatic Stay may or may not affect the timeliness of the orders.



AACER

by Scott Walter

AVP, BANKRUPTCY ATTORNEY MANAGEMENT

In our continuing efforts and dedication to “Focus on the Future,” Fidelity National Foreclosure Solutions is pleased to announce the Phase I implementation of bankruptcy data from Automatic Access to Court Electronic Records (AACER). AACER, a product of Jupiter eServices, is an algorithm-based search engine that searches PACER Dockets, identifies key events in the Bankruptcy, and delivers that data digitally to be utilized within the FNFS model. By virtually eliminating the need for manual review of PACER dockets and the time delay associated with Service by Mail, FNFS is now able to focus resources on those bankruptcy events requiring immediate action. We anticipate that this will continue to reduce the timelines associated with bankruptcy cases.

Phase I consists of two primary components: First, active bankruptcy cases in NewTrak are “scanned” by AACER every two weeks and then that data is delivered back to FNFS. Second, an archive of the data (including but not limited to Case Cover Sheets, the docket itself, links to the Trustee web sites) is housed in a web-based platform operated by FNFS at www.NewTrakBK.com.

AACER provides data on and notification of many milestone events within the life of a

bankruptcy filing, including: dismissals, discharge orders, no asset reports, reinstatement orders, confirmation dates, and the filing of plans and amended plans, as well as many others. In addition, AACER provides an entity search by Servicer providing notices of adversary actions, objections to claims, and other litigated, “high risk” events that require rapid notification. AACER also enables access to the court documents associated with the actions identified during the searches and will then archive those documents through www.NewTrakBK.com.

Future implementation phases include technology-based initiatives that will continue to support our clients and the FNFS Attorney Network. These plans include access to the archive for clients and Network firms, as well as the seamless integration of the data and the archive to the NewTrak platform by the systematic launching of specific NewTrak Issues and Processes based upon search results. As we continue to implement and enhance this new product, we are confident that AACER will become a vital part of our bankruptcy model and a further example of our dedication to invest in the future of the FNFS Partnership.

“AACER PROVIDES DATA ON AND NOTIFICATION OF MANY MILESTONE EVENTS WITHIN THE LIFE OF A BANKRUPTCY FILING.”



SCOTT WALTER is the AVP of Bankruptcy Attorney Management in the FNFS Minnesota office.

EMPLOYEE SPOTLIGHT: DIMITRA GOODWIN

by Lindsey Lesch

In the world of FNFS Financial Support, a petite, yet formidable force has aided almost every area of this department's functions at one time or another. This force is Dimitra Goodwin, supervisor of Sales Results, VA Cutoffs, and HUD 1st extensions for FNFS.

Dimitra started with Fidelity in April of 2004 as one of the original 7 FNFS employees in the Jacksonville office. Her original functions included handling judgment figures, bids, and foreclosure escrow breakdowns. The team was so small at that time that Scott Barnes (then SVP of Operations) helped her with bids on her first Super Tuesday. Having quickly learned her workload functions, Dimitra then added payoffs, reinstatements, cash applications, and VA bids to her responsibilities to help her team. She not only learned these functions, but proved that she was willing and able to handle additional responsibilities. Within a couple months, she had already been promoted to lead over Financial Support. Shortly after her promotion, Dimitra was trained on the PEGA process for WaMu and assisted with this function as needed.

Once she was promoted to supervisor, Dimitra inherited the sales results, VA cutoffs, and HUD 1st Actions processes. Before the teams were separated due to FNFS' growth, Dimitra was the supervisor over Payoffs, Reinstatements, Judgment Figures, Escrow Breakdowns, Sales Results, VA Cutoffs, and HUD 1st Actions. These functions have now been divided into three teams, with Dimitra supervising a portion of them. According to Bill Geary, AVP of Operations in Jacksonville, Dimitra's "ability to learn things quickly and her willingness to learn processes outside of her scope has made her a valuable resource and made her a great fit for supervisor. Dimitra has filled in during meetings and answered questions for her peers that were not able to attend."

Although her practical skills with the Financial

Support area may seem to be Dimitra's most obvious strengths, the first thing her fellow employees mention about her is that she is a pleasure to work with. Her perpetual upbeat attitude and willingness to set aside time for her employees makes her fun to be around. Even with her many responsibilities, Dimitra loves working with her staff and is always looking for ways to enhance the employees' experience, whether it is through pot lucks, monthly contests, or events to light the mood on Super Tuesday, the team's longest day of the month. When

**"DIMITRA'S
KNOWLEDGE, ATTITUDE
AND LOYALTY HAVE
MADE HER AN
INTEGRAL PART OF
THE FINANCIAL
SUPPORT TEAM."**

asked to provide some information about herself for this article, Dimitra's only request was that I mention how wonderful her staff is. As she says "a lot of this would not be possible without them, and I try to make sure they get the credit they deserve. I have a lot of knowledgeable people on my staff, and I feel that I would not be where I am today if it wasn't for them. I would like to thank them for all their hard work and dedication that they give every day."

Loyal to both her coworkers and her football teams, Dimitra has been the target of some light-hearted jabs for maintaining her devotion to the University of Miami. Through good seasons and bad, Dimitra smiles and replies, "They are still my team. No matter what, they are still my team."

Dimitra's knowledge, attitude and loyalty have made her an integral part of the Financial Support team. She will be missed by all in the Jacksonville office as she transitions to work from home for FNFS to be closer to her family in Atlanta.



EMPLOYEE ANNIVERSARIES

1 YEAR

NOVEMBER

Kimberly Anoka	Kimberly Engle	Joshua Lade	Sandra Saycocie
Dana Balsavich	John Feaster	Shamera Lawrence	Joe Sheire
Dameyan Barrett	Jackie Freeman	Maly Lo	Leo Stanfield
Peter Buchy	Jill Gorsche	Tara McGraw	Kriston Trueblood
Donald Carlson	Susan Halpern	Annetta Milligan	Sofia Vallecillo
Nateira Carlson	Kristopher Harvick	James Ockwig	Jeremy Vinar
Frances Chowdhury	Sean Irby	Kimyetta Ramseur	Richard Wangler
Sarah Driscoll	Andrea Kafura	James Rieck	Sabrina Wright
Angel Edwards	Devon Kortz	Cathryn Saunders	Katherine Zorn

DECEMBER

Edwin Alvarado	Susan Johnson	Christine Pruitt	Christopher Smith
Kurtiss Bryant	Gregg Kispert	Maria Quinones	Delza Smith
Angela Bryan-Withers	Tou Lee	Stephen Randazzo	Jennifer Strader
Lacresa Citizen	Rebecca Lombardi	Peter Read	Lisa Thor
Dawn Easton	Reginald Lynch	Shawyn Reddick	Yollanda Whitaker
Bridgette Fuller	Catrina Mathisen	Kelly Rivera	Linda Williams
Karen Harrison	Billie McShee	Marques Robertson	Angela Williams-Hall
Denton Holt	John Michael	Loranzo Roundtree	Cynetress Willie
Eric Houston	Maria Noisette	Angela Smith	Shoua Thao Yang

1 YEAR

JANUARY

Rebecca Asif	Bill Geary	Nathan McMillen	Carl Segers
Leonora Bigelow	Jamie Gooden	Amy Mooney	Vicki Shelley
Natalie Bowling	Alfonzo Greene	Hilton Morris	Lisa Tran
Tiffany Chambers	Valestine Hughes	Elanda Mulloy	Sonika Tucker
Darin Ciccaglione	Donnett Jones	Andrew Peltier	Michelle Vickers
Scott Cobb	Shandela Joyner	Angie Peterson	Dan Walmsley
Rebecca Conrin	Stracey Juitt	Danielle Puckett	Melynda Welch
John Emmrich	Melissa Lucero	Sandi Roehrer	
Cheryl Gardner	Joe McGarr	Gay Schwieger	

1 YEAR

NOVEMBER

5	Norma Folley
5	John Cody
5	Jackie Notch
6	Greg Whitworth
7	Gina Akdeniz

7	Jim Coad
7	Stacey Rubbelke
10	Karen Froggatte
12	Carmela Lagarile

DECEMBER

5	Lynn McNamee
5	Scott Topel
8	Theresa McCoy

JANUARY

5	Kathleen Milsow
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5 YEARS
OR MORE

APR INCENTIVE WINNERS

Q3 - 2006 WINNERS BANKRUPTCY

AL	Shapiro & Pickett, LLP
CA	McCarthy & Holthus
CT	Reiner & Reiner, PC
IA	Petosa, Petosa, Boecker & Nervig
IL	Fisher & Shapiro, LLC
IL	Kluever and Platt
IN	Reisenfeld & Associates
IN	Nelson & Frankenberger
MN	Shapiro, Nordmeyer & Zielke, LLP
MS	Morris, Schneider & Prior, LLC
NE	Kozeny & McCubbin
NE	Eric H.Lindquist, PC, LLO
NY	Shapiro & DiCaro
NY	Rosicki, Rosicki & Associates, PC
OR	Shapiro & Sutherland, LLC
PA	Shapiro & Kreisman
PA	McCabe Weisberg
VA	Friedman & MacFadyen, PA
VA	Sykes, Bourdon, Ahern, & Levy, PC
VA	Samuel I. White

Each quarter, FNFS distributes financial incentive awards to the top ten performing firms in Foreclosure and Bankruptcy in the form of \$20 per billable file, with the next ten firms receiving \$10 per billable file. To date, FNFS has distributed over \$315,000 to top performing firms as quarterly incentive payouts.



Q3 - 2006 WINNERS FORECLOSURE

AL	Scott J. Humphrey	NC	Shapiro & Ingle
CO	Aronowitz & Ford, LLP	NY	Jonathan D. Pincus
IN	Bleecker Brodey and Andrews	OH	Shapiro & Felty, LLP
KS	Shapiro & Mock, LLP	PA	Shapiro & Kreisman
MD	Friedman & MacFadyen, PA	RI	Nicholas Barrett & Associates
ME	Shapiro & Morley, LLP	SC	Finkel Law Firm, LLC
MS	Apperson, Crump, Duzane & Maxwell, PLC	SC	Weston Adams Law Firm
MS	Shapiro & Massey, LLP	VA	Roger, Townsend, and Thomas
MS	Morris and Associates	VA	Bierman, Geesing & Ward, LLC
NC	Morris, Schneider & Prior, LLC	WI	Vollmar and Huismann, SC

“We just wanted to say thank you for the Quarterly APR Incentive Check. We were the #5 firm in the country this time around, and it is definitely nice to be recognized for it. I know our staff appreciates it as well. Bob Aronowitz likes to play the "wheel of fun" in which every employee gets to spin for varying amounts of cash. The entire APR check goes towards our staff.”

- JOEL MECKLENBURG, ARONOWITZ & FORD, LLP

From a letter addressed to the FNFS team:

“It’s been our mission in the past few months to improve our scores and keep raising the bar when it comes to our APR reports. We just received notification from Fidelity that we’ve broken into the top twenty and were named as a Fidelity Attorney Performance Report Incentive Winner for Q3, 2006. This couldn’t have been done without the help and guidance you have all provided, in answering questions, addressing issues, and talking over the progress we’ve made. We look forward to working with all of you in the future, and again, thank you for all the support and assistance!”

- MICHAEL T. FREEMAN, ESQ. - SAMUEL I. WHITE, P.C.

“Our staff at Shapiro, Nordmeyer & Zielke, LLP (Minnesota) was very pleased to be recognized in the Quarterly APR awards for Bankruptcy Performance. We appreciate the help and support from the personnel at Fidelity who have partnered with us in bringing our scores up significantly this year. It really has been a team effort, both internally and in partnership with Fidelity. Thank you.”

- LAWRENCE P. ZIELKE - SHAPIRO, NORDMEYER & ZIELKE, L.L.P.

“I wanted to thank Fidelity very much for the incentive check for our third quarter bankruptcy performance. It was very much appreciated. As always, we will use the incentive check for a celebration with our staff, who play such a large role in our performance. Thanks again.”

- ADAM L. BENDETT - REINER, REINER & BENDETT, PC

ATTORNEY GUEST SEMINARS

Fidelity National Foreclosure Solutions, Inc.

A Division of Fidelity National Default Solutions



AUGUST - MN

DYKE, HENRY, GOLDSHOLL, & WINZERLING

(L TO R): Scot P. Goldsholl, Kim Waldroff, Jackie Freeman, and Rosanna Henry.



AUGUST - FL

TROTT AND TROTT

BACK (L TO R): Sabrina Wright (FNFS), Selena Edwards (FNFS), Polina Belinskaya (FNFS), Chrys Houston (FNFS), Michelle Halyard (FNFS), and Reginald Lynch (FNFS).
FRONT (L TO R): Jeanne Kivi and Kathleen Conger



SEPTEMBER - MN

REISENFELD & ASSOCIATES

(L TO R): Bradley A. Reisenfeld, Jerry Howard, and Dennis V. Ferguson.



SEPTEMBER - FL

LAW OFFICES OF DAVID J. STERN

(L TO R): Polina Belinskaya (FNFS), David J. Stern, and Selena Edwards (FNFS).

RICHMOND OFFICE

VIRGINIA BEACH OFFICE



OCTOBER - MN



OCTOBER - MN

SAMUEL I. WHITE

RICHMOND OFFICE (L TO R): Michael Freeman and Maria Fufts.
VIRGINIA BEACH OFFICE (L TO R): Laura Pollard, Emmanuel Voces, and Melissa Adams.



OCTOBER - FL

MCDONALD MCKENSIE

(L TO R): Andrea Grinstead, Kevin Brown, Courtney Cookson, Ben Miller.

NEW TO THE FIDELITY PARTNERSHIP

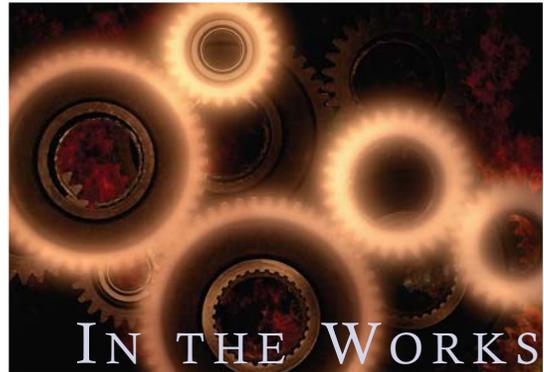
Fidelity National Foreclosure Solutions welcomes the following clients and firms to the Fidelity partnership from July, August, September, and October.

CLIENTS

NewInvoice	LoanCare
NewTrak	Dovenmuehle

FIRMS

CA/NV	Robert E Weiss, Inc.
CT	Law Offices of Robert M. Meyers LLC
IA	Dunakey & Klatt
KY	Kibbey-Apple
ME	Flagg Law, PLLC
NH/VT	Law Offices of Jonathan F. Weidman
NM/MS	Butler & Hosch
NY	Ezratty, Ezratty, & Levine, LLP
NY	Hecker, Colasurdo & Segall, P.C.
SC	Riley Pope & Laney, LLC
UT	Smith Knowles, P.C.
VA	Specialized, Inc. of Virginia



NEWINVOICE: NewInvoice is currently working on new modules and enhancements within NewInvoice to better serve our clients and customers. Coming soon to NewInvoice, REO module, Milestone based billing, ACH payment options and trustee billing services.

NEWTRAK: Upcoming projects for NewTrak include enhancements to Pull-in Steps, the creation of a Stop and Hold module, and NewInvoice integration. Additional general improvements include 1) The display of case number on the Process Information Page, 2) A new security level to allow team leads to work on other users' Intercoms, 3) An improved referral transfer page, and 4) The display of count items in the NIE Inbox on the home page.

NIE 2: NewImage Express 2 is currently making enhancements to Document Versioning, document routing, integration with NewInvoice to store documents, BRE integration, and added information to the view route info page to show the users/groups on a stop.

NTBPI/NTIEE: NewTrak Business Partner Interface, FNFS' bi-directional data exchange mechanism, is currently working on Quandis integration with Freddie Mac.

2007-2008 ATTY ROUNDTABLE SELECTION

Each year, Fidelity will select six firms from across the nation to represent our Attorney Network and to provide valuable feedback to our company and our clients. In selecting these firms, Fidelity hopes to create a diverse membership based on the following criteria: 1) geographic region, 2) firm size, 3) judicial/non-judicial state, and 4) organization affiliations. In addition, two "At-Large" members are selected by the AFN and USFN boards. To retain continuity, the current terms are staggered in twelve and eighteen month intervals, with four new firms joining the group every six months. Subsequent firms will serve twelve months.

Roundtable members are responsible for the following: 1) to present the ideas and interests of the Fidelity Attorney Network and serve as a "Review Panel" for current and upcoming FNFS initiatives, 2) to disseminate information and obtain feedback about process improvements at FNFS and our clients, 3) to assist in decisions about the direction and focus of our operation, and 4) identify and discuss industry standards, changes and concerns, and assist Fidelity and clients with how these may affect operations and practices.

If you would like to submit a topic of importance to be reviewed and approved for discussion, please reach out to any one of the Roundtable members or email Attyfeedback@fnfs.net.

If you are interested in participation in the 2007-2008 Attorney Roundtable, please send your name and contact information to Attyfeedback@fnfs.net. Please include information for two firm representatives (one attorney and one operations representative).

We are excited about the opportunities offered by this collaborative effort and will be announcing the Roundtable members for 2007-2008 in December.

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.



Margaret Bowen

This July, Margaret Bowen received a Peak Performance Award for her assistance with 146 files for referral that were received after 2:00pm CT. Margaret stayed late and personally made sure that the referrals were handled that day. We thank her for her dedication.



Joe Sheire

Joe Sheire was awarded a Peak Performance Award this September for his work on a 15-year payment ledger for an FNFS client. FNFS received an email from this client remarking that this complicated, extensive ledger was completely error-free.

JACKSONVILLE TECHNOLOGY TEAM

