

Transcript of the Oral Deposition of
Roberta L. Hook

Date: August 9, 2010

Case: In Re: Jackie Lee Miser, and Jewel Dean Miser, Debtors

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<p>1</p> <p style="text-align: center;">IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS</p> <p>IN RE: JACKIE LEE MISER,) and JEWEL DEAN MISER,) NO. 08-33007 Debtors.) CHAPTER 13</p> <hr/> <p style="text-align: center;">ORAL DEPOSITION OF ROBERTA L. HOOK AUGUST 9, 2010</p> <hr/> <p>ORAL DEPOSITION OF ROBERTA L.HOOK, produced as a witness at the instance of Debtors and duly sworn, was taken in the above-styled and numbered cause on the 9th day of August, 2010, from 9:39 a.m. to 10:23 a.m., before Carol R. Odle, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Alliance Reporting, LLC, 545 E. John Carpenter Freeway, Suite 300, City of Irving, County of Dallas, State of Texas, pursuant to the Federal Rules of Civil Procedure.</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>09:33</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>09:39</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>09:40</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>09:40</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>09:40</p> <p>25</p>	<p>3</p> <p>ROBERTA L. HOOK, having been first duly sworn, testified as follows: EXAMINATION BY MR. MAYER</p> <p>Q. Could you state your name, please?</p> <p>A. Roberta L. Hook.</p> <p>Q. What's your business address?</p> <p>A. Sure. Sorry, can I grab my business card?</p> <p>Q. Absolutely.</p> <p>A. Sorry. It is 2380 Performance Drive, Building C, Richardson, Texas, 75082.</p> <p>Q. What business is at that address?</p> <p>A. Bank of America.</p> <p>Q. How long -- is it also Bank of America Servicing?</p> <p>A. It's Bank of America.</p> <p>Q. How long have you worked for Bank of America?</p> <p>A. I was a legacy Countrywide employee, and when Bank of America purchased Countrywide I became a Bank of America employee.</p> <p>Q. How long -- when did you start as a Bank of America employee, when was that date?</p> <p>A. I don't know the exact date.</p> <p>Q. Can you tell me approximately?</p> <p>A. I believe it was in the first part of 2009, I believe, was our customer -- like customer and employee day one.</p>
<p>2</p> <p>1 APPEARANCES</p> <p>2 MR. RICHARD M. MAYER</p> <p>3 MAYER NEWTON</p> <p>4 LANDMARK CENTER SOUTH TOWER</p> <p>5 1111 NORTSHORE DRIVE, SUITE S-570</p> <p>6 KNOXVILLE, TENNESSEE 37919</p> <p>7 865.588.5111</p> <p>8 865.588.6143 (FAX)</p> <p>9 COUNSEL FOR THE DEBTORS</p> <p>10 MR. LAWRENCE W. KELLY</p> <p>11 JOHNSON & FREEDMAN, LLC</p> <p>12 1587 NORTHEAST EXPRESSWAY</p> <p>13 ATLANTA, GEORGIA 30329</p> <p>14 678.298.8883</p> <p>15 404.329.8013 (FAX)</p> <p>16 COUNSEL FOR BANK OF AMERICA HOME LOANS</p> <p>17 *****</p> <p>18 INDEX</p> <p>19 [1] THE WITNESS: ROBERTA L. HOOK</p> <p>20 [2] Examination by Mr. Mayer..... 3</p> <p>21 Examination by Mr. Kelly..... 26</p> <p>22 Further Examination by Mr. Mayer..... 28</p> <p>23 [3] EXHIBITS MARKED</p> <p>24 1 Assignment..... 8</p> <p>25 2 Reconveyance Authority..... 18</p> <p>3 Execution of Documents Agreement..... 19</p> <p>*****</p>	<p>2</p> <p>09:40</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>09:41</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>09:41</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>09:41</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>09:41</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>09:42</p> <p>25</p>	<p>4</p> <p>Q. Prior to that did you work for Countrywide?</p> <p>A. Yes.</p> <p>Q. How long did you work for them approximately?</p> <p>A. I started with Countrywide in April of 2006.</p> <p>Q. What is your title at Bank of America?</p> <p>A. Assistant vice-president.</p> <p>Q. Is Bank America as servicer owned by another entity?</p> <p>A. I don't know the answer to that.</p> <p>Q. Okay. Is Bank America the servicer of the loan that -- on the Miser loan that we're here talking about today, the Jackie and Jewel Miser loan?</p> <p>A. I have not looked at the loan.</p> <p>Q. Okay. Have you ever been deposed before?</p> <p>A. Yes.</p> <p>Q. How many times?</p> <p>A. Twice.</p> <p>Q. In what capacity?</p> <p>A. I don't understand. Are you --</p> <p>Q. As a fact witness or as an officer of Bank of America?</p> <p>Were you deposed as a fact witness in a particular case?</p> <p>A. I -- I don't know how to answer that. I -- I believe it would be a fact witness, yes.</p> <p>Q. What cases were you deposed in?</p> <p>A. A bankruptcy case in Pennsylvania.</p> <p>Q. And what other case?</p>

		5			7
09:42	1	A. That's the same one.	09:45	1	A. Brad Quick.
	2	Q. Okay. Are you familiar with what a deposition is?		2	Q. Who does Mr. Quick report to?
	3	A. Yes.		3	A. John Smith.
	4	Q. Okay. Ms. Hook, I'm going to ask that you respond		4	Q. Who does he report to?
09:42	5	based on your personal knowledge, and I do not want you to guess	09:45	5	A. At this time I believe it would be Rebecca Marione.
	6	or assume. And I assume what you're going to tell me is based on		6	Q. Do you have anyone under you that reports to you?
	7	your own personal knowledge.		7	A. Yes.
	8	Okay. You've seen the deposition in front of you; is		8	Q. Who is that?
	9	that corr -- which I've put in the front of you; is that correct?		9	A. I have three managers.
09:42	10	A. Yes.	09:46	10	Q. Are there others working for Bank of America who have
	11	Q. Okay. Have you reviewed it prior to today?		11	the same position as you?
	12	MR. KELLY: I believe you're referring to the		12	A. Yes.
	13	subpoena.		13	Q. Who are they?
	14	MR. MAYER: Yes, the subpoena.		14	A. In the bankruptcy department?
09:42	15	A. I have looked at the document, yes.	09:46	15	Q. Yes.
	16	Q. (By Mr. Mayer) Are you here to testify as the signer		16	A. Michelle Reinhard, Rita Garcia, Luanne Polak. That's
	17	of Exhibit I of Exhibit A to the subpoena?		17	all I can think of at this time.
	18	A. Yes.		18	Q. Are they in the same location as you?
	19	Q. And will your testimony be based on your own personal		19	A. No.
09:43	20	knowledge of the matter described in the subpoena before you?	09:46	20	Q. Where are they located?
	21	A. Yes.		21	A. Some of them are located in Simi, California, and some
	22	Q. Are you the most qualified person employed by Bank of		22	of them are located in Getzville, New York.
	23	America to testify in the matters contained and described in the		23	Q. Is Bank America Corporation owned by another entity?
	24	notice of the deposition?		24	A. I don't know.
09:43	25	A. I have not viewed the loan.	09:46	25	Q. Have you ever worked for Village Capital?
		6			8
09:43	1	Q. Who would be the most qualified?	09:47	1	A. No.
	2	A. For requesting the assignment or --		2	Q. Does Village Capital exist today?
	3	Q. No, for -- to testify in the matters pertaining to this		3	A. I don't know.
	4	loan.		4	Q. Do you know where it's headquartered?
09:44	5	THE WITNESS: Mr. Kelly, I'm not sure that I	09:47	5	A. No.
	6	understand necessarily.		6	Q. Do you know the names of the officers?
	7	MR. KELLY: Let's go off the record a moment.		7	A. No.
	8	MR. MAYER: Sure.		8	Q. Do you know if there was a parent company to Village?
	9	(Discussion off the record)		9	A. No.
09:44	10	Q. (By Mr. Mayer) Do you know who is more qualified than	09:47	10	Q. Are you a bankruptcy specialist with Village?
	11	you to testify about this matter?		11	A. No.
	12	A. No, I don't.		12	Q. Okay.
	13	Q. Okay. What department or division do you work for at		13	MR. MAYER: Can you mark this as Exhibit 1,
	14	Bank of America?		14	please?
09:45	15	A. I work in the bankruptcy department.	09:47	15	(Exhibit No. 1 marked.)
	16	Q. How big is your department or division? How many		16	Q. (By Mr. Mayer) Ms. Hook, I'm going to hand you what's
	17	employees?		17	been marked as Exhibit 1. Can you identify that?
	18	A. At the Richardson site there are 126.		18	A. Yes, it's an assignment.
	19	Q. Are there other bankruptcy departments similar to yours		19	Q. Okay. Is that your name on there?
09:45	20	in other states?	09:47	20	A. Yes.
	21	A. Yes.		21	MR. MAYER: I'd like that to be introduced as
	22	Q. Who do you report to?		22	evidence as Exhibit 1 to this deposition. Do you have any
	23	A. Trent Thompson.		23	objection?
	24	Q. Do you know who your higher-ups reports to? Who does		24	MR. KELLY: No.
09:45	25	Mr. Thompson report to?	09:48	25	MR. MAYER: Okay.

		9			11
09:48	1	Q. (By Mr. Mayer) You've never been a bankruptcy specialist with Village Capital, have you?	09:50	1	questions that assume facts that are not in evidence.
	2	A. No.		2	MR. MAYER: Okay.
	3	Q. Have you ever become -- were you ever an assistant vice-president with Village?		3	Q. (By Mr. Mayer) What records did you review before you signed the assignment?
09:48	4	A. No.	09:50	4	A. A signing matrix.
	5	Q. Are you a -- how many assignments have you executed?		5	Q. Do you have access to the payment history of the Misers' loan?
	6	A. I have no idea as to volume.		6	A. I have access to it; I didn't look at it.
	7	Q. More than 100?		7	Q. How do you have access?
09:48	8	A. Yes.	09:51	8	A. I have access to our system that stores our accounts.
	9	Q. More than 200?		9	Q. Do you have a user name and password?
	10	A. Yes.		10	A. Yes.
	11	Q. More than 500?		11	Q. Who prepared the assignment that's marked as Exhibit 1?
	12	A. No, I don't believe so.		12	A. Our attorney that was working with the case tech.
09:48	13	Q. Okay. Were you aware of the debtors' bankruptcy at the time you executed the assignment?	09:51	13	Q. How was the assignment transmitted to you?
	14	A. I did not look at the loan, no.		14	A. I don't know.
	15	Q. Were you aware of the motion for relief and objections at the time that you executed the assignment?		15	Q. Describe the process of how assignments are presented to you for signing.
09:48	16	A. No.	09:51	16	A. Assignments can come in to me in two different ways.
	17	Q. What did you review to verify that Bank of America was the owner of the note?		17	The team leader will bring in a folder of all the assignments that their case associates have turned in to them that need to be assigned, or the case associate may actually bring it in themselves.
	18	A. I did not review any document for that, I reviewed a signing matrix.		18	Q. How many of these assignments do you sign per day on the average?
09:49	19	Q. Who is Mr. Olu -- I'm going to spell the name,	09:52	19	A. I don't know.
	20	O-L-U-C-H-U-K-W-U, and last name A-U-D-U?		20	Q. Be more than five?
	21	A. We actually call her Franca Audu, and she is the case associate on this loan.		21	A. I don't know. I don't want to guess.
	22	Q. Did she actually witness you sign the assignment?		22	Q. Do you believe you sign more than 100 -- have you signed more than 100 assignments in the time period from August 9th, 2009 through today, in the last 365 days?
09:49	23	A. Yes.	09:52	23	A. Yes.
	24	Q. Who is Leslie Adams?		24	Q. Did you appear in front of a notary and take an oath or affirmation before, during or after the signing?
	25	A. She is a manager on the floor.		25	A. I sign a book after the notary completes her task.
		Q. Did she witness you sign the assignment?			Q. How come you didn't sign -- take an oath?
09:49	1	A. She was in the office with the case associate when this was done.	09:53	1	A. I'm sorry?
	2	Q. How did she verify that you were the bankruptcy specialist at Village -- of Village Capital?		2	Q. Why did you not take an oath or affirmation?
	3	MR. KELLY: Objection. There's nothing to establish that she is a bankruptcy specialist for Village Capital.		3	A. I don't know what you're saying to me, I'm sorry.
09:50	4	Q. (By Mr. Mayer) Did she verify that you were a bankruptcy specialist for Village Capital?	09:53	4	The -- the team lead who did the notary was present when this document was signed. I'm not aware of an oath.
	5	MR. KELLY: I'll object for the same reason I just --		5	Q. Did you present proof of authority to sign to the notary on that Exhibit 1?
09:50	6	MR. MAYER: Well, I'm just asking if she verified, if your name's as a notary.	09:53	6	A. The team leader and the case tech have the same signing authority matrix that I have so that they know what I can and cannot sign.
	7	MR. KELLY: Well, she's just said she's not a -- she's not a bankruptcy specialist for Village Capital. You've already asked her that question, she said she's not, so how could someone verify that? You're asking, you know -- you're asking		7	Q. So that's why you didn't present proof of authority. Or tell me why you did not present proof of authority.
	8			8	A. It would be common knowledge for everybody with the signing matrix that I could sign the document.

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09:54	1	Q. What is LPS Desktop?		09:57	1	correct?	
	2	A. LPS Desktop is a mortgage servicing -- it's like an			2	A. No, I am not.	
	3	attorney communication system. Bank of America is not on LPS.			3	Q. Have you ever attended a board of directors meeting of	
	4	Q. Do you have access to that system?			4	Village Capital?	
09:54	5	A. No.		09:57	5	A. No, I have not.	
	6	Q. Are documents transmitted to you via LPS Desktop?			6	Q. Have you ever been paid money by Village Capital?	
	7	A. No.			7	A. No, I have not.	
	8	Q. Are you rated or timed on how fast you open documents?			8	Q. Have you ever been to the principal place of business	
	9	A. No.			9	of Village Capital?	
09:54	10	Q. Did anybody -- as far as you know, this assignment was		09:58	10	A. No, I have not.	
	11	never uploaded to an LPS Desktop.			11	Q. Have you ever received a 1099 tax form from Village	
	12	A. No.			12	Capital?	
	13	Q. Who opens, download, and printed this assignment?			13	A. No.	
	14	A. I don't know.			14	Q. Did Village Capital pay you to sign these documents?	
09:55	15	Q. What is Newel -- and I'm going to spell this,		09:58	15	A. No.	
	16	N-E-W-E-L-M-A-G-E, Express?			16	Q. As a vice-president could you accept service of a	
	17	A. I don't know.			17	summons and complaint for the assignor?	
	18	Q. Okay. Do you know if LPS Desktop would allow you to			18	A. I'm not a vice-president, I'm an assistant	
	19	open a particular mortgage loan file?			19	vice-president. And I would not accept a summons, that would	
09:55	20	A. I don't know, we're not on LPS.		09:58	20	be -- anything like -- anything with that type of a legal issue	
	21	Q. Okay. You did not prepare the assignment; is that			21	would be referred to our legal department.	
	22	correct?			22	Q. Can you name any employees or officers of Village	
	23	A. No, I did not.			23	Capital other than your -- well, if you're not --	
	24	Q. Who told you to sign it if you did not prepare it?			24	A. No, I'm not.	
09:56	25	A. The assignment is prepared by our attorney. I view the		09:58	25	Q. Do you know what state Village Capital is incorporated	
			14				16
09:56	1	signing authority matrix and verify that I can sign the document.		09:58	1	in?	
	2	Q. Where did you get the date to insert in the document?			2	A. No, I do not.	
	3	A. It is the date that the document was completed.			3	Q. Do you know the principal place of business of Village	
	4	Q. Did you review the description of the real estate			4	Capital?	
09:56	5	before you signed?		09:59	5	A. No, I do not.	
	6	A. No.			6	Q. Do you know the actual address of the primary office of	
	7	Q. Why not?			7	Village Capital?	
	8	A. I rely on my attorneys that they have reviewed and			8	A. No, I do not.	
	9	prepared the document correctly.			9	Q. Do you have an assigned telephone number and extension	
09:56	10	Q. Did you verify that the assignor had ownership of the		09:59	10	at the office of Village Capital?	
	11	security instrument before you signed?			11	A. No, I do not.	
	12	A. No.			12	Q. What is your current contact number?	
	13	Q. Why not?			13	A. (972)498-6191.	
	14	A. I again was looking at Village Capital & Investment,			14	Q. How is that -- is that number at all related to Village	
09:57	15	LLC, I was looking at my signing authority matrix.		09:59	15	Capital?	
	16	Q. How do you determine the name of the assignee?			16	A. No, it is not.	
	17	A. I don't determine that, my attorney does.			17	Q. Do you have an assigned e-mail address at Village	
	18	Q. How do you verify that this was the correct assignee?			18	Capital?	
	19	A. I rely on my attorney to do that.			19	A. No, I do not.	
09:57	20	Q. What legal authority did you have to sign the document		09:59	20	Q. What is your current mailing address -- e-mail address?	
	21	as vice-president of the assignor?			21	A. Bobbi.hook@bankofamerica.com.	
	22	A. I again have -- according to the signing matrix, as an			22	Q. Did Bank of America issue that e-mail address to you?	
	23	officer of Bank of America, I can sign for Village Capital &			23	A. Yes, they did.	
	24	Investment.			24	Q. Who pays your compensation right now, is it Bank	
09:57	25	Q. You're not a vice-president of Village Capital; is that		09:59	25	America?	

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		17			19
09:59	1	A. Yes.	10:02	1	MR. MAYER: I'd like what has been marked as
	2	Q. Do you receive compensation from any other source?		2	Exhibit 2 introduced into evidence.
	3	A. No.		3	MR. KELLY: No objection.
	4	Q. Do you have any business cards as assistant		4	MR. MAYER: Okay. Can we go off the record?
09:59	5	vice-president of Village Capital?	10:02	5	MR. KELLY: Sure.
	6	A. No.		6	(Discussion off the record)
	7	Q. Do you have any letterhead stationery showing you as a		7	MR. MAYER: Could I have this marked as Exhibit 3,
	8	assistant vice-president of Village Capital?		8	please?
	9	A. No.		9	(Exhibit No. 3 marked.)
10:00	10	Q. Do you have any personal knowledge of the factual	10:05	10	Q. (By Mr. Mayer) Can you identify what has been marked
	11	information of the assignment you executed?		11	as Exhibit 3?
	12	A. Do I have any personal knowledge?		12	A. Execution of Documents Agreement.
	13	Q. Yes.		13	Q. Is your name on the list of -- on page 2 anywhere?
	14	A. I -- this is my signature, I did sign this document.		14	A. No, it is not.
10:00	15	Q. When you signed that document, who did you deliver it	10:06	15	MR. MAYER: Okay. I'd like what has been marked
	16	to?		16	as Exhibit 3 introduced as evidence.
	17	A. To the case associate.		17	MR. KELLY: No objection.
	18	Q. Why to that person?		18	MR. MAYER: Okay.
	19	A. The case associate would then be responsible for making		19	Q. (By Mr. Mayer) You've never been approved as a
10:00	20	sure that this gets back to the attorney.	10:06	20	vice-president of Village Capital, have you?
	21	Q. Do you have a certain time during the day when you sign		21	A. No.
	22	these documents?		22	Q. Okay. You're not familiar with the books and records
	23	A. No.		23	of Village Capital, are you?
	24	Q. Where do you sign them?		24	A. No.
10:00	25	A. In my office.	10:06	25	Q. Did you make or suggest any changes to the assignment
		18			20
10:00	1	Q. Is that -- do you have just one office?	10:06	1	before you executed it?
	2	A. Yes.		2	A. I don't recall.
	3	Q. Is that your regular office?		3	Q. Do you ever prepare any of these assignments yourself?
	4	A. Yes.		4	A. No.
10:00	5	Q. Did you sign them in your Bank America loan office?	10:06	5	Q. Does anyone -- who at Bank of America prepares these
	6	A. Yes.		6	assignments?
	7	Q. Does Bank of -- did Bank America know that you were		7	A. No one in my department prepares assignments.
	8	working for Village Capital when you signed this?		8	Q. Are you an attorney?
	9	MR. KELLY: Objection. You're assuming facts not		9	A. No, I am not.
10:01	10	in evidence. She's never said she worked for Village Capital.	10:07	10	Q. Do you have any legal training in real estate law?
	11	MR. MAYER: Okay.		11	A. No, I do not.
	12	Q. (By Mr. Mayer) Do you have some documents from Village		12	Q. Do you have any training in the securitization of
	13	Capital that gives you authority to sign?		13	residential mortgage loans?
	14	A. I have the matrix that gives me the authority, that		14	A. No, I do not.
10:01	15	tells me that I have the authority to sign.	10:07	15	Q. Do you know what M-E-R-S is, MERS?
	16	Q. I'm going to hand you --		16	A. Yes.
	17	MR. MAYER: Can I have this marked Exhibit 2?		17	Q. What is MERSCORP, Inc.?
	18	(Exhibit No. 2 marked.)		18	A. It is an entity, I think for myself, is the best way to
	19	Q. (By Mr. Mayer) Can you identify that, please?		19	explain it.
10:02	20	A. Yes, it is a corporate resolution.	10:07	20	Q. Do you know if MERS and MERSCORP, Inc. are related?
	21	Q. And what does that provide?		21	A. I do not.
	22	A. In the corporate resolution it gives myself and two		22	Q. Do you know the state of incorporation for MERSCORP?
	23	other assistant vice-presidents the authority to sign documents.		23	A. No, I do not.
	24	Q. On whose behalf?		24	Q. Are you a vice-president of MERS?
10:02	25	A. On behalf of Bank of America.	10:07	25	A. No, I am not.

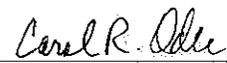
		21			23
10:07	1	Q. Are you any officer at all -- do you have any	10:10	1	A. One is the note where the debtor agrees to pay, one is
	2	relationship to MERS?		2	the deed or the deed of trust that securitizes the property.
	3	A. No.		3	Q. Have you ever assigned a note and a mortgage for MERS?
	4	Q. Are you an officer of any kind?		4	A. Can you repeat that?
10:07	5	A. No.	10:10	5	Q. Have you ever assigned a note and a mortgage for MERS?
	6	Q. Are you employed?		6	A. Have I ever signed?
	7	A. No.		7	Q. Assigned.
	8	Q. You haven't been paid by MERS.		8	A. Assigned.
	9	A. No.		9	Q. Yes. A note and a -- just like you did on Exhibit 1
10:08	10	Q. Are you a certified signing officer of MERS?	10:10	10	here.
	11	A. According to my signing matrix through Bank of America		11	A. Yes, I have. I have assigned a -- I have done a -- I
	12	I can sign for MERS.		12	have completed an assignment.
	13	Q. How were you so certified to sign for MERS?		13	Q. How many?
	14	A. According to the signing matrix that I have at work I		14	A. I don't know.
10:08	15	can sign for them.	10:10	15	Q. More than 20?
	16	Q. Did you take a -- take any test to become certified?		16	A. I don't know.
	17	A. No.		17	Q. Do you know how to negotiate a mortgage note?
	18	Q. Have you ever been to MERS's office in Reston,		18	A. Do I know how to negotiate a mortgage note. I don't --
	19	Virginia?		19	can you --
10:08	20	A. No.	10:10	20	Q. How do you negotiate a mortgage note?
	21	Q. Do you communicate with MERS before you sign a document		21	A. I don't know.
	22	if you were to sign as an assistant vice-president of MERS?		22	Q. Do you know what an endorsement is?
	23	A. No.		23	A. An endorsement is from one company to the other. It's
	24	Q. Do you have an immediate supervisor at MERS?		24	usually completed on the back of the note.
10:08	25	A. No.	10:11	25	Q. How do you endorse a mortgage note?
		22			24
10:08	1	Q. Do you have any e-mail contacts at MERS?	10:11	1	A. I have never done one.
	2	A. No.		2	Q. Do you know what an allonge to a mortgage note is?
	3	Q. Have you ever -- you've never been an employee of MERS,		3	A. Yes.
	4	have you?		4	Q. When can an allonge be used versus an endorsement on
10:09	5	A. No.	10:11	5	the note?
	6	Q. Have you ever received a 1099 from them?		6	A. I don't know.
	7	A. No.		7	Q. Have you ever endorsed a note?
	8	Q. Have you been paid any money by MERS or MERSCORP to		8	A. No.
	9	sign any assignments?		9	Q. Do you have a corporate resolution from the board of
10:09	10	A. No.	10:11	10	director of MERS naming you as an assistant vice-president of
	11	Q. Do you know what a nominee is?		11	MERS?
	12	A. A nominee is giving someone the authority.		12	A. No.
	13	Q. Do you know who the nominee is in a MERS assignment?		13	Q. Do you have a MERS incumbency certificate signed by
	14	A. According to the signing matrix at work, I have the		14	William Hultman?
10:09	15	authority to sign documents for MERS.	10:12	15	A. No.
	16	Q. Did you get -- did you only get your authority from		16	Q. Do you know who William Hultman is?
	17	Bank of America?		17	A. No.
	18	A. Yes.		18	Q. Do you know who R.K. Arnold is?
	19	Q. Does MERS, as far as you know, own the mortgage note in		19	A. No.
10:09	20	one of these assignments?	10:12	20	Q. Can you explain for the record why you do not know
	21	A. I don't know.		21	either Arnold or Hultman?
	22	Q. Okay. Do you know the difference between a mortgage		22	MR. KELLY: Objection. I mean, if she says she
	23	note and a mortgage deed of trust?		23	doesn't know how can she say how she doesn't know them?
	24	A. Yes.		24	MR. MAYER: Okay. That's fine.
10:10	25	Q. Tell me what the difference is.	10:12	25	Q. (By Mr. Mayer) Are you aware of the statutory notary

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	25		27
10:12	1 laws in your state?	10:21	1 in August of 2009, and it lists all of the businesses or
	2 A. No.		2 companies that we have the authority to complete assignments for,
	3 Q. Do you supervise any notaries at Bank of America?		3 to sign assignments for.
	4 A. The -- I have team leaders who report up to the	10:21	4 Q. Okay. Is Village Capital one of the companies that's
10:12	5 managers that are notaries. I am not a notary.		5 on that list?
	6 Q. Do these notaries, as far -- in your personal knowledge		6 A. Yes.
	7 have log books?		7 Q. And from that list were you able to determine that you
	8 A. Yes.		8 had authority to sign for Village Capital?
	9 Q. Do they require identification and signing authority		9 A. Yes.
10:12	10 from each signer?	10:21	10 Q. Okay. To the best of your knowledge, how does that
	11 A. I think because we work with each other all the time we		11 list get prepared, that signing matrix, did you prepare it?
	12 know who each other is when we're signing.		12 A. No. To the best of my knowledge, that authority matrix
	13 Q. Do they require each signer take an oath or affirmation		13 probably comes from our legal department.
	14 before they notarize the documents?	10:22	14 Q. Okay. Was the Village Capital document that you were
10:13	15 A. No.		15 shown where Village Capital gave authority to some persons at
	16 Q. Why not?		16 Bank of America or Countrywide, I believe it was Countrywide, to
	17 A. I don't know.		17 sign documents, are there other documents like that for other
	18 Q. Do they require the signor to sign the document in		18 companies that your legal department would have?
	19 their presence?		19 A. Yes.
10:13	20 A. I know that typically I am signing them in front of	10:22	20 Q. Okay. And do they use those to -- best of your
	21 them. I can't answer for everyone.		21 knowledge, to create that signing matrix?
	22 Q. Do you supervise anyone in the notary process?		22 A. Yes.
	23 A. I have team leaders that report up to managers that are		23 Q. Okay. Is the signing matrix authority itself or is it
	24 notaries and I have team leaders that are notaries; so by virtue		24 just kind of a go-by or document you can refer to to see if you
10:13	25 of those managers being notaries, then, yes, they would report to	10:22	25 have authority to sign?
	26		28
10:13	1 me.	10:22	1 A. It is in an Excel format, and it lists for me the
	2 Q. Who determines when these individuals act as notaries		2 businesses that I have authority to sign for.
	3 or signors?		3 Q. Okay. When you signed the assignment in this case,
	4 A. The only people in my department that can sign an	10:23	4 were you signing in a representative capacity of Village Capital
10:14	5 assignment based on the signing matrix is myself or Trent		5 or as an employee of Village Capital?
	6 Thompson.		6 A. I would view it as a representative.
	7 Q. Are all these --		7 Q. Okay. And is that true when you sign assignments for
	8 A. Nobody else has that ability.		8 MERS or any other company that you're authorized to sign for?
	9 Q. Are all these individuals full time employees of Bank		9 A. That is -- yes.
10:14	10 of America?	10:23	10 Q. Okay. Would you consider that document, that Village
	11 A. Yes.		11 Capital document to be similar to a power of attorney, for
	12 MR. MAYER: Okay. That's all I have.		12 example?
	13 MR. KELLY: Okay. Let's take a five-minute recess		13 A. Yes.
	14 and then I'll see if I'm going to have any questions for her at		14 Q. Okay.
10:14	15 all.	10:23	15 MR. KELLY: That's all.
	16 MR. MAYER: Sure.		16 FURTHER EXAMINATION
	17 (Recess from 10:14 a.m. to 10:20 a.m.)		17 BY MR. MAYER
	18 EXAMINATION		18 Q. You're not a vice-president of Village Capital, are
	19 BY MR. KELLY		19 you?
10:20	20 Q. Ms. Hook --	10:23	20 A. No.
	21 A. Yes.		21 MR. MAYER: Okay. That's all.
	22 Q. -- in response to Mr. Mayer's questions you several		22 (Proceedings concluded at 10:23 a.m.)
	23 times mentioned signing matrix. Could you generally explain		23 *****
	24 what -- what you mean, what is a signing matrix?		24
10:21	25 A. The signing matrix is a -- it is a list that I received		25

1 WITNESS: Roberta L. Hook
 2 DATE TAKEN: August 9, 2010
 3 CHANGES AND SIGNATURE
 4 PAGE LINE CHANGE REASON
 5 _____
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1 STATE OF TEXAS
 2 COUNTY OF DALLAS
 3
 4 REPORTER'S CERTIFICATE
 5 ORAL DEPOSITION OF ROBERTA L. HOOK
 6 AUGUST 9, 2010
 7
 8 I, Carol R. Odle, the undersigned Certified Shorthand
 9 Reporter in and for the State of Texas, certify that the facts
 10 stated in the foregoing pages are true and correct.
 11 I further certify that I am neither attorney or counsel for,
 12 related to, nor employed by any parties to the action in which
 13 this testimony is taken and, further, that I am not a relative or
 14 employee of any counsel employed by the parties hereto or
 15 financially interested in the action.
 16 SUBSCRIBED AND SWORN TO under my hand and seal of office on
 17 this the 17th day of August, 2010.
 18
 19 
 20 
 21 Carol R. Odle, CSR
 22 Texas CSR 1045
 23 Expiration: 12/31/10
 24 Alliance Reporting, L.L.C.
 25 15851 Dallas Parkway, Suite 600
 Addison, Texas 75001
 (214)599-0600
 (214)276-1701 (Fax)
 alliancereporting@att.net
 Firm Registration #272

1 I declare under penalty of perjury that the foregoing is
 2 true and correct.
 3
 4 _____
 5 ROBERTA L. HOOK
 6
 7 SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned
 8 authority, by the witness, ROBERTA L. HOOK, on this the ____
 9 day of _____,
 10
 11 _____
 12 NOTARY PUBLIC IN AND FOR
 13 THE STATE OF _____
 14 My Commission Expires: _____
 15
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