

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF GREENVILLE)	
)	C.A: 2008-CP-23-8296
U.S. BANK, N.A.)	
)	
PLAINTIFF)	
)	
VS.)	
)	
SILVIA ANN VANDROSS A/K/A))	
SYLVIA A. VANDROSS)	
)	
DEFENDANT)	
)	

COPY

TELEPHONIC DEPOSITION OF KARA KNABLE
APRIL 16, 2010

The telephonic deposition of **KARA KNABLE** was taken pursuant to Notice on the 16th day of April 2010, at the hour of 9:20 a.m. at the offices of U.S. Bank Home Mortgage, 800 Moreland Street, Owensboro, Kentucky; said deposition was taken for any and for all purposes permitted by law.

I N D E X

1		
2		
3	CAPTION AND APPEARANCE: -----	1-2
4	TESTIMONY OF KARA KNABLE: -----	3-70
	Direct Examination by Ms. Ingles: -----	3-62
5	Cross Examination by Mr. Gwynne: -----	62-67
	Redirect Examination by Ms. Ingles: -----	67-69
6	Recross Examination by Mr. Gwynne: -----	69-70
7	CERTIFICATE BY REPORTER: -----	71
8	EXHIBITS: -----	Attached
9		
10		
11		
12		

T E L E P H O N I C A P P E A R A N C E S

13	
14	
15	Hon. Charles S. Gwynne, Jr.
16	ROGERS TOWNSEND & THOMAS
17	220 Executive Center Drive
	Suite 109
18	Columbia, South Carolina 29210
	ATTORNEY FOR PLAINTIFF
19	
20	Hon. Susan Ingles
21	SOUTH CAROLINA LEGAL SERVICES
	701 South Main Street
22	Greenville, South Carolina 29601
	ATTORNEY FOR DEFENDANT
23	
24	
25	

Ohio Valley Reporting
(270) 683-7383

1 (Deposition begins at 9:20 a.m.)

2 THE WITNESS, BEING FIRST DULY SWORN UPON HER
3 OATH, TESTIFIED AS FOLLOWS:

4 MR. GWYNNE: This is Charlie Gwynne and I'm
5 one of the attorneys for the plaintiff. I just want
6 to put on the record that this deponent is being
7 produced pursuant to the deposition notice received
8 from Ms. Ingles dated April 6, 2010. Ms. Knable is
9 being produced as a fact witness. The deposition
10 notice included what appears to be topics to be
11 discussed. Since this is a fact deposition, Ms.
12 Knable is able to testify about her knowledge of the
13 case and not as a 30(b)6 witness. Thank you.

14 MS. INGLES: Thanks, Charlie.

15 Lynnette, can I ask you for the record to
16 state the circumstances where you are right now since
17 this is a telephonic deposition.

18 COURT REPORTER: Yes, ma'am. We are at U.S.
19 Bank Home Mortgage, 800 Moreland Street, Owensboro,
20 Kentucky 42301.

21 MS. INGLES: What kind of a room are you in?

22 COURT REPORTER: We are in a conference room.
23 Just a regular conference room.

24 MS. INGLES: And who is present in the
25 conference room?

1 COURT REPORTER: I'm present, Lynnette, and
2 just Ms. Knable. Just us two.

3 MS. INGLES: Could you tell me what type of
4 recording devices you're using?

5 COURT REPORTER: I have got my steno machine
6 and I have a Sony tape recorder.

7 MS. INGLES: Other than your equipment, are
8 there any other recording devices?

9 COURT REPORTER: No, ma'am.

10 DIRECT EXAMINATION BY HON. SUSAN INGLES,
11 ATTORNEY FOR DEFENDANT:

12 Q Ms. Knable, you've been sworn now,
13 and in that same regard I would ask if the phone line
14 that we are on is subject to a recording device?

15 A No, ma'am, it's not.

16 Q Thank you.

17 Lynnette, do you have all of Mr. Gwynne's
18 information?

19 COURT REPORTER: Yes, ma'am. He's at Rogers
20 Townsend & Thomas?

21 MR. INGLES: Yes, that's correct.

22 Charlie, could you state for the record, is
23 there anybody else joining you at the deposition
24 today?

25 MR. GWYNNE: No. I'm in my office by myself.

1 MS. INGLES: I would state for the record I'm
2 in the conference room at South Carolina Legal
3 Services at 701 South Main Street, and also with me is
4 another attorney in our office, Mark Fessler. That's
5 F-e-s-s-l-e-r.

6 EXAMINATION BY MS. INGLES:

7 Q Ms. Knable, if you would, state your
8 full name for me?

9 A Kara Knable.

10 Q Middle name?

11 A Michelle, sorry.

12 Q Ms. Knable, have you had your
13 deposition taken before?

14 A For another case?

15 Q Yes.

16 A Yes.

17 Q Can you tell me how often you've had
18 a deposition taken in a case prior to today?

19 A Once.

20 Q Once?

21 A Yes.

22 Q Was that as part of your duties there
23 at U.S. Bank?

24 A Yes.

25 Q I just want to go quickly over how

1 this will go.

2 Obviously, Lynnette is there taking down
3 everything you say on the equipment that she
4 mentioned. Because it's a telephonic deposition with
5 a short amount of time, I do apologize if it takes a
6 little while with the documents and so forth, but I'll
7 try to get through it as quickly as I can.

8 I will be asking you questions. Any time you
9 don't hear me or don't understand what I'm saying,
10 please feel free to ask me to respond. Also,
11 obviously if you need a break at any time, please let
12 me know that.

13 A Okay.

14 Q Do you have the notice of your
15 deposition in front of you?

16 A No, I do not have a notice of a
17 deposition.

18 (COURT REPORTER HANDS MS. KNABLE NOTICE OF
19 DEPOSITION.)

20 A Actually I do now.

21 Q You understand that this is a
22 deposition in the case of Sylvia Vandross?

23 A Yes.

24 Q You're familiar with that name and
25 that loan?

1 A Yes.

2 Q Tell me about your position. Before
3 we get into those specifics, I would like to know
4 about your position there at U.S. Bank.

5 A My actual title is assistant vice
6 president, bankruptcy manager.

7 Q Tell me the name of who employs you
8 as assistant vice president, bankruptcy manager.

9 A I don't think I understand that
10 question.

11 Q Is your employer U.S. Bank Home
12 Mortgage?

13 A No. It's U.S. Bank.

14 Q And that's the plaintiff in this
15 case?

16 A Yes.

17 Q Do you have anyone working under you?

18 A Yes.

19 Q Could you explain for me who works
20 under you? What type of employees?

21 A I have bankruptcy processors that
22 work for me.

23 Q Can you tell me what they do?

24 A Process bankrupt accounts on active
25 U.S. Bank loans.

1 Q What does that mean when you say
2 "process?" What do you they do exactly?

3 A Ensure that the bankruptcy code is
4 adhered to and file any necessary or send referrals
5 for any necessary documentation to the attorney.

6 Q Do you cover, what area do you cover
7 geographically?

8 A Nationwide.

9 Q Is that the only people that you
10 supervise?

11 A Yes, ma'am.

12 Q Can you tell me who supervises you,
13 if anyone?

14 A Greg Speer.

15 Q Could you state that name again,
16 please?

17 A Greg Speer.

18 Q What is his position?

19 A He is a senior vice president.

20 Q Of U.S. Bank?

21 A Yes.

22 Q Does all your direction and authority
23 come through him?

24 A Yes.

25 Q Do you answer to anyone other than

1 him?

2 A Not directly, no.

3 Q Who do you respond to indirectly?

4 A I guess that would be anyone above
5 Greg.

6 Q Have you prior to today discussed
7 this matter with Greg?

8 A No.

9 Q Have you discussed it with anyone
10 else, other than your attorney?

11 A Diana Rowland.

12 Q Tell me her position.

13 A She is the foreclosure supervisor for
14 conventional loans.

15 Q Anyone else?

16 A No.

17 Q Your title is assistant vice
18 president and bankruptcy manager?

19 A Yes.

20 Q Is the loan that we are going to be
21 discussing today, the Sylvia Vandross loan, why is
22 that in your department?

23 MR. GWYNNE: Objection.

24 A The actual loan is not being handled
25 by my department.

1 Q Okay. What department is it handled
2 by?

3 A Foreclosure.

4 Q Can you tell me how you came to do
5 the Affidavit in this case?

6 A The foreclosure processor needed a
7 signature.

8 Q Who was the foreclosure processor?

9 A I do not know.

10 Q Is that something that's part of your
11 duties that you can provide affidavits like this --

12 A On occasion.

13 Q -- for the department?

14 A On occasion.

15 Q Then this was one of those occasions?

16 A Yes.

17 Q Now, do you have your Affidavit
18 that's dated December 14, 2009 in front of you at this
19 time? It's one of the ones that was e-mailed.

20 A Yes.

21 Q Do you recognize that?

22 A Yes.

23 MS. INGLES: I would like to go ahead and have
24 that marked as Exhibit 1.

25 (REPORTER SO MARKS EXHIBIT FOR IDENTIFICATION

1 PURPOSES AS EXHIBIT NUMBER 1.)

2 Q You do have that in front of you now?

3 A Yes.

4 Q As Exhibit 1?

5 A Yes.

6 Q I understand it sounds like that it
7 is not typical in your position as assistant vice
8 president and bankruptcy manager to prepare affidavits
9 for the foreclosure department, but on occasion you do
10 provide that signature; is that correct?

11 MR. GWYNNE: Object to the form of the
12 question.

13 A Yes.

14 Q Do you recall specifically the
15 circumstances of your signing of this affidavit?

16 A No.

17 Q Can you tell me what you would
18 normally do when this is requested of you by the
19 foreclosure department, the signing of an affidavit I
20 mean?

21 A Review the affidavit to ensure
22 everything on it is correct. Review the account for
23 whatever specific it is. Very generally.

24 Q In reviewing the account, what does
25 that entail when you say "review the account?" Would

1 that be just computer records or an actual file?

2 A Computer.

3 Q Can you tell me what would be
4 contained on those computer records?

5 A Again, I'm not sure I understand the
6 question.

7 Q When the affidavit is presented to
8 you for you to review and sign, as I understand your
9 answer, you would then review the account from
10 computer records?

11 A It's the loan information.

12 Q The loan information. Okay.

13 So what computer screen would you be looking
14 at and what loan information did it contain, would it
15 contain?

16 A I would ensure that the correct
17 account was associated with this borrower.

18 Q Okay. I see that in the caption
19 under U.S. Bank, N.A. there's a number 8400023787. Is
20 that the loan number?

21 A Yes.

22 Q Of Sylvia Vandross?

23 A Yes.

24 Q What else is contained in those
25 records?

1 A Other than the loan information?

2 Q Yes. Tell me what you mean when you
3 say "loan information." Is that the transaction
4 history of that loan or what are you looking at when
5 you review that?

6 A What I looked at was the name, the
7 account number and the address.

8 Q Did you look at anything else besides
9 those three things?

10 A No.

11 Q Did you take part at all in the
12 consideration of this loan for modification?

13 A No.

14 Q So when you signed the affidavit with
15 this information in it, was any of the information
16 contained in the computer screen that you were looking
17 at?

18 A No.

19 Q Was there anything else besides what
20 you've just mentioned that you accessed in signing
21 this affidavit and reviewing this loan?

22 A Not that I can recall, no.

23 Q I see that there's a notary here. It
24 looks like Terri A. Hagan?

25 A Yes.

1 Q Is that someone in your office?

2 A Yes.

3 Q Would that be the person who asked
4 you to do the signing of the affidavit?

5 A No.

6 Q Do you know who asked you to do the
7 signing of this affidavit?

8 A I do not remember.

9 Q Is there a record where that would be
10 contained, where I could find out that information?

11 A I don't know.

12 Q Who would know the answer to that?

13 A Maria Lawrence.

14 Q Maria Lawrence I believe signed a
15 more recent affidavit; is that correct?

16 A I believe so, yes.

17 Q What is her position at U.S. Bank?

18 A She is also an assistant vice
19 president. She is in charge of our conventional
20 foreclosure department.

21 Q Is she normally the one who signs
22 affidavits of this nature for the foreclosure
23 department?

24 A I wouldn't know.

25 Q Your job as assistant vice president

1 in the bankruptcy department, do you sign affidavits?

2 A On occasion.

3 Q Would you say that you review similar
4 records when signing those affidavits?

5 A Yes.

6 Q To what you reviewed in this case?

7 A Yes.

8 Q Now, I'm looking at the affidavit and
9 it says in paragraph 1 state your name and says you're
10 assistant vice president for the plaintiff. Then it
11 states, "I have personal knowledge of the facts set
12 forth in this affidavit and am authorized to execute
13 it on Plaintiff's behalf."

14 Can you tell me where you got your personal
15 knowledge of the facts in this affidavit?

16 A I depend on the processor that has
17 been assigned to the file.

18 Q Could you explain that to me? Are
19 you saying that the processor would provide the
20 information to you?

21 A Yes.

22 Q Can you tell me in what form that
23 information is provided to you?

24 A Verbally.

25 Q When you say "verbally," is that in

1 person, by telephone? What kind of communication?

2 A Could be in person, over the phone.

3 Q Could it be by e-mail?

4 A More than likely not.

5 Q Is it possible for it to be by
6 e-mail?

7 A No, I don't think so.

8 Q Do you know what processor it was
9 that provided the information to you on this Affidavit
10 that's Exhibit 1?

11 A I do not remember.

12 Q How would I find that out?

13 A I'm sure it would be with Maria
14 again.

15 Q What form would it be with Maria?
16 Would it be in written documents?

17 A I don't know.

18 Q Do you know how many processors she
19 has in her department approximately?

20 A No, I don't.

21 Q In paragraph 2 it says, "I have
22 reviewed the Administrative Order of the South
23 Carolina Supreme Court," and gives that information.
24 Do you recall doing that?

25 A Not the particular date, no.

1 Q Are you familiar in general with that
2 Order?

3 A Very very generally.

4 Q You're aware of it basically?

5 A Yes.

6 Q Have you ever had to deal with it in
7 your department at all?

8 A No.

9 Q Other than this affidavit, have you
10 had to deal with it in other matters that other
11 departments may have asked for your assistance in?

12 A Not that I can recall.

13 Q Are you saying then that this
14 affidavit is really your only specific contact with
15 that order?

16 A I don't know that for a fact, no.

17 Q So it's possible you have had other
18 matters where that order had to be consulted?

19 A Yes.

20 Q Number 3 you state, "The Plaintiff's
21 servicing agent" --

22 MR. GWYNNE: The last question, the answer to
23 it.

24 MS. INGLE: Lynnette, could you repeat Ms.
25 Knable's answer to that last question.

1 COURT REPORTER: Her answer was, "yes."

2 MR. GWYNNE: Thank you.

3 Q Ms. Knable, would you just review
4 Number 3 in the affidavit?

5 A (WITNESS REVIEWS DOCUMENT.)

6 Yes.

7 Q Can you tell me who the Plaintiff's
8 servicing agent is that you referred to there?

9 A No.

10 Q Where would you have found that
11 information?

12 A From the processor.

13 Q This again would be verbally that you
14 would get that information?

15 A Yes.

16 Q And the remainder of that statement
17 says, "the servicing agent is participating in the
18 Home Affordable Modification Program, but the subject
19 loan is not eligible for modification because the HMP
20 modification process has been completed without
21 modification."

22 Can you tell me what independent review you
23 did to make the determination that's stated in
24 paragraph 3?

25 A I did nothing.

1 Q So a processor from the foreclosure
2 department verbally told you that this information was
3 accurate?

4 A Yes.

5 Q And you signed the affidavit on that
6 basis?

7 A Yes.

8 Q Going back to Terri Hagan. Tell me,
9 that's a female, Terri?

10 A Yes.

11 Q Where is she located in your office?

12 A As far as?

13 Q What department is she in?

14 A Foreclosure.

15 Q Is she a processor?

16 A I don't know.

17 Q Would it be typical that a processor
18 would be the one to notarize an affidavit?

19 A I don't know.

20 Q They normally have someone else
21 notarize their signature?

22 A I'm not sure I understand that
23 question.

24 Q Do you know if a processor normally
25 has someone else such as Terri Hagan do their

1 notarization or do they just have someone within their
2 own department do it?

3 A I don't know.

4 Q Do you personally know Terri Hagan?

5 A Yes.

6 Q But you don't know what her position
7 is?

8 A No.

9 Q Do you know what part of the office
10 she is located in?

11 A Yes.

12 Q Tell me where she is located.

13 A About 20 feet from my office.

14 Q But you don't know what her job is?

15 A No.

16 Q You just know that she's a notary?

17 A Yes.

18 Q How many notaries do you have there?

19 A I don't know.

20 Q A pretty substantial number?

21 A I don't know.

22 Q Are you a notary?

23 A No.

24 Q Are any of your processors notaries?

25 A Yes.

1 Q Are all of them required to be a
2 notary?

3 A No.

4 Q How many do you have, processors I
5 mean, in your department?

6 A Fifteen.

7 Q Out of those 15, how many are
8 notaries?

9 A One that I know of.

10 Q Number 4 in this affidavit states,
11 "Therefore, no mortgagor in this action is entitled to
12 relief under the said Order."

13 Did you know of your own knowledge whether
14 that was true?

15 A No.

16 Q You again were going based on the
17 information provided by the processor?

18 A Yes.

19 Q You're unable to determine right now
20 who that processor was? There's records you'd have to
21 go back and look at in the foreclosure department?

22 A That is correct.

23 Q Can you tell me if there were any
24 records that you reviewed prior to today to prepare
25 for this deposition?

1 A No.

2 Q Did you do anything to prepare for
3 the deposition?

4 A Yes.

5 Q Tell me what you did.

6 A I reviewed the account.

7 Q Would that be the same review that
8 you did in order to do this affidavit?

9 A No.

10 Q Tell me what review you did for today
11 of the account.

12 A I'm sorry?

13 Q Describe in a detailed way what you
14 reviewed on the account in preparation for today's
15 deposition.

16 A I reviewed the letters that were
17 sent.

18 Q During what time period?

19 A From August, I believe it was August
20 19th until December 14th.

21 Q Okay. What else?

22 A I also reviewed the comment notes
23 from that same period.

24 Q Okay.

25 A I think I had one conversation with

1 Diana regarding the account.

2 Q Tell me what that conversation was
3 about.

4 A Can you be more specific?

5 Q Well, you discussed this account with
6 Diana?

7 A Yes.

8 Q When did you do that?

9 A I'm not sure on the date. It was
10 some time this week.

11 Q She's the foreclosure supervisor; is
12 that correct?

13 A That is correct.

14 Q Did she provide you with the
15 information that you reviewed for the deposition?

16 A Yes.

17 Q Did she provide you verbally any
18 information about the account?

19 A Yes.

20 Q Tell me what she told you.

21 A I don't recall the specific details.

22 Q Was this part of your review of the
23 account for today's deposition?

24 A Yes.

25 Q Did you request that she review it

1 with you or did she request it?

2 A I don't recall.

3 Q Did you review with Diana your
4 affidavit from December 14th of 2009, Exhibit 1?

5 A Yes, I believe so.

6 Q Tell me what you and Diana discussed
7 about your affidavit.

8 A The specifics?

9 Q Yes.

10 A About the affidavit, nothing
11 specifically.

12 Q Did you look at any records to
13 determine who the processor was that asked you to sign
14 this?

15 A No.

16 Q Didn't provide that information to
17 you?

18 A No.

19 Q Did she provide any documents to you?

20 A Documents meaning?

21 Q Papers.

22 A Yes.

23 Q What papers did she provide?

24 A Copies of the letters and copies of
25 the work-out package.

1 Q Did you review those before today?

2 A No.

3 Q Your attorney has provided me with
4 documents from this account. Are those the same
5 documents that you were provided by Diana Rowland?

6 A I would guess so. I don't know what
7 you're looking at.

8 Q I think the court reporter has those
9 documents. They were attached to a letter.

10 A Okay.

11 MS. INGLES: Madam Court Reporter, could you
12 provide that packet of documents to Ms. Knable?

13 COURT REPORTER: Yes, she's got them in front
14 of her.

15 MR. GWYNNE: Can you identify the letter for
16 the record, please?

17 Q That was a letter dated April 13,
18 2010, from your attorney, Mr. Gwynne. Is that what is
19 in front of you?

20 A Yes.

21 Q Could you just review that package of
22 information and tell me, was that provided by you or
23 was that provided to you by Diana Rowland?

24 A This was provided to me from Diana.

25 Q Then you provided it to your

1 attorney?

2 A No. She provided it to him as well.

3 Q Okay. Then she gave you a copy of
4 what she had provided?

5 A Yes.

6 Q Did you review that before today?

7 A Yes. This week.

8 Q You said it contained the letters
9 from August to December and the work-out package?

10 A I said that's what I reviewed.

11 Q Had you reviewed any of this when you
12 signed your affidavit of December 14, 2009?

13 A No.

14 Q I'd like for you to go through the
15 documents there and make a separate stack so-to-speak
16 of the documents that you did review this week.

17 A (WITNESS COMPLIES WITH REQUEST.)

18 I believe it's all there.

19 Q So you reviewed that entire packet of
20 documents?

21 A Oh, no, ma'am. I have three separate
22 stacks.

23 Q Okay. I'm sorry. How many separate
24 stacks?

25 A Three.

1 Q Could you describe for me what's in
2 each stack?

3 A The first stack is seven pages of the
4 comment log from this account.

5 MS. INGLES: Madam Court Reporter, could you
6 mark that as Exhibit 2, please.

7 (REPORTER SO MARKS EXHIBIT FOR IDENTIFICATION
8 PURPOSES AS EXHIBIT NUMBER 2.)

9 Q Ms. Knable, the seven pages of the
10 comment report that have been marked as Exhibit 2, is
11 that only a portion of the comment notes or is that
12 all of them?

13 A It's a portion.

14 Q Is that the portion that goes through
15 the period from August 19, 2009 through December 14,
16 2009?

17 A Yes, it includes those.

18 Q Could you then describe for me what
19 the second stack is?

20 A It appears to be faxed work-out
21 package from Sylvia Vandross.

22 MS. INGLES: Let's mark that as Exhibit 3.

23 (REPORTER SO MARKS EXHIBIT FOR IDENTIFICATION
24 PURPOSES AS EXHIBIT NUMBER 3.)

25 Q What's the remaining stack?

1 A Copies of letters that U.S. Bank sent
2 to Ms. Vandross.

3 Q Are there any documents remaining
4 that are not in one of those three stacks?

5 A There is a copy of my affidavit.

6 Q Okay.

7 A And it looks like an Assignment of
8 Mortgage.

9 MS. INGLES: Let's mark as Exhibit 4 the
10 letters from U.S. Bank, please.

11 (REPORTER SO MARKS EXHIBIT FOR IDENTIFICATION
12 PURPOSES AS EXHIBIT NUMBER 4.)

13 Q Then I believe Exhibit 1, the
14 affidavit, is already marked as Exhibit 1; is that
15 correct?

16 A Yes.

17 Q I thought you said you had three
18 stacks of documents that you had made?

19 A Yes.

20 Q So the last one, as I understand it,
21 was the letters from U.S. Bank to Ms. Vandross?

22 A Yes.

23 Q And we've marked that as Exhibit 4?

24 A Yes.

25 Q Other than those three stacks, the

1 Exhibit 2, seven pages of comment report, Exhibit 3,
2 the work-out package, and Exhibit 4, the letters from
3 U.S. Bank to Ms. Vandross, are there any other
4 documents in that submission that you reviewed?

5 A Yes.

6 Q Tell me what those are.

7 A It is the remaining letters and
8 comment logs, and then there is the Assignment of
9 Mortgage and the affidavit that I signed.

10 Q So the remaining letters and comment
11 logs, tell me why we have those in a different stack.

12 A Because I didn't look at those for
13 this hearing.

14 Q Do you know if you reviewed those at
15 any time?

16 A Briefly last week.

17 MS. INGLES: Let's mark that stack as Exhibit
18 5.

19 (REPORTER SO MARKS EXHIBIT FOR IDENTIFICATION
20 PURPOSES AS EXHIBIT NUMBER 5.)

21 MR. GWYNNE: Not being present it's a little
22 hard for me to follow sometimes. I just want to make
23 sure that Kara is not marking any documents that I
24 haven't viewed. I want to make sure there is no
25 attorney/client privileged communication in those

1 documents.

2 MS. INGLES: As I understand it, and it's good
3 to make that clear on the record. I forwarded to the
4 court reporter the e-mail that Mr. Gwynne sent to me
5 with the documents that he was providing for this
6 deposition.

7 MR. GWYNNE: With the redacted versions?

8 MS. INGLES: With the redacted version, that's
9 correct.

10 MR. GWYNNE: What else is being marked? If we
11 need to take a break and go through what's being
12 marked, I'd appreciate that. Not a break off the
13 record. Just a review of what's being marked exactly.

14 We can go off the record. That's fine, but I
15 just want to know what's being marked.

16 MS. INGLES: I agree and we are on the record.

17 As I understand it, Exhibit 5 is the remaining
18 letters and comment logs from the Plaintiff's
19 submission to me for this deposition and those
20 represent documents that Ms. Knable did not review in
21 preparation for this deposition, but that she has
22 previously reviewed.

23 Is that correct?

24 A Yes.

25 MR. GWYNNE: Easiest way to do it is maybe the

1 letter I sent to you dated April 13th is 62 pages
2 long. That may be the easiest way to figure out and
3 make sure what we're marking. Are we only marking
4 what I sent you because that's the only documents I
5 know that my firm has provided to you on this case.

6 MS. INGLES: I believe that is all that we
7 have marked so far; although, I don't think Ms.
8 Knable's Affidavit was contained in that.

9 MR. GWYNNE: That's fine, of course.

10 MS. INGLES: Although Ms. Lawrence's
11 supplemental affidavit was contained in that.

12 MR. GWYNNE: Can I just ask Kara a question so
13 she can confirm that? That the only thing that she's
14 marking is the 62 pages that were provided through my
15 letter?

16 MS. INGLES: Yes. And the only other two
17 things which I mentioned at the beginning of the
18 deposition that I have provided are the affidavit that
19 was signed and filed by Ms. Knable and then also the
20 Assignment of Mortgage that was signed by Ms. Knable
21 and filed in this case.

22 As I understand it, other than what we've just
23 marked as Exhibits 2 through 5, which was the
24 documents provided by Mr. Gwynne, the 62 pages, the
25 only other two documents are that Assignment and then

1 that Affidavit, both of which were signed by Ms.
2 Knable.

3 If you want to take some time now to make sure
4 which of your 62 pages is contained in each of
5 Exhibits 2 through 5, I'm happy to do that.

6 MR. GWYNNE: I think the easy way to do it is
7 just let me ask Kara.

8 Kara, is everything that you're marking as
9 exhibits was given to you by the court reporter?

10 WITNESS: Yes.

11 MR. GWYNNE: That settles it because obviously
12 the court reporter would only have documents that you
13 provided to her, Susan.

14 MS. INGLES: That's correct.

15 MR. GWYNNE: You talk about an Assignment of
16 Mortgage?

17 MS. INGLES: Yes.

18 MR. GWYNNE: I don't remember that being in
19 the stack I gave you, but I assume, Susan, that you
20 had given that to the court reporter somehow?

21 MS. INGLES: Right. I just e-mailed it to her
22 with Ms. Knable's Affidavit earlier today.

23 MR. GWYNNE: Kara, as long as you don't mark
24 anything that you brought into the deposition, I think
25 we're fine because obviously everything would have

1 gone through Susan to get to the court reporter.

2 Thank you.

3 MS. INGLES: Charlie, I'm assuming that you
4 have a copy of this Assignment of Mortgage in your
5 file because that's how it was provided to me
6 originally in various pleadings. I can, if you'd
7 like, e-mail to you the exact document that I'm
8 looking at.

9 MR. GWYNNE: If you tell me the date of it, I
10 can probably pull it up.

11 MS. INGLES: Okay. Dated November 10, 2008.

12 MR. GWYNNE: All set. I've got it.

13 BY MS. INGLES:

14 Q This Assignment of Mortgage would be
15 marked as Exhibit 6, I believe is the next one.

16 (REPORTER SO MARKS EXHIBIT FOR IDENTIFICATION
17 PURPOSES AS EXHIBIT NUMBER 6.)

18 Q Ms. Knable, of the letters that are
19 contained in Exhibit 4, did you have any knowledge of
20 how those, procedurally how those are sent to the
21 client?

22 A No.

23 Q So you have reviewed those to see
24 what they communicated to the client, but you don't
25 know anything about how they were communicated to the

1 client?

2 A No.

3 Q Let me just ask: Have you yourself
4 ever spoken to Sylvia Vandross?

5 A No.

6 Q The comment logs that are contained
7 in both Exhibit 2 as well as Exhibit 5, did any of
8 those reflect activity by you personally?

9 A Not that I saw, no.

10 Q If it did reflect activity by you,
11 how would that be indicated?

12 A My processor code would be documented
13 on the note.

14 Q And what's your processor code?

15 A BAK.

16 Q Would you repeat that for me?

17 A B like boy, A like apple, K like
18 Kara.

19 Q Okay. Thank you.

20 Has that been your processor code as long as
21 you've been there at U.S. Bank?

22 A No.

23 Q How long has that been your processor
24 code?

25 A I don't know an exact time frame.

1 Q Can you tell me how that gets
2 assigned to you?

3 A It's assigned by our mortgage systems
4 department.

5 Q How do you get the information from
6 them? Is that something that just comes into an
7 e-mail, comes to you in an e-mail, this is your new
8 processor code, or how is that communicated?

9 A I don't remember.

10 Q So you don't have any knowledge of
11 how the processor codes are assigned?

12 A Not specifically, no.

13 Q Tell me generally how they're
14 assigned.

15 A I open a request and tell mortgage
16 systems I have a new employee. They send me an e-mail
17 with the information.

18 Q How long have you been there at U.S.
19 Bank?

20 A Twelve years.

21 Q Have you always been in the position
22 that you're in now?

23 A No.

24 Q Tell me what you were, what positions
25 you held prior to being the assistant vice president,

1 bankruptcy manager.

2 A I was a bankruptcy processor. I was
3 a bankruptcy manager and now I am assistant vice
4 president.

5 Q Can you tell me what your duties are
6 currently?

7 First, tell me how long you've been in the
8 current position.

9 A Since -- I don't know the exact date.

10 Q Can you give me the month and year?

11 A I can give you the year maybe.

12 Q Okay.

13 A I think it was 2005.

14 MS. INGLES: I'm going to go off the record
15 for just a minute because someone has entered the room
16 here.

17 - - - - (OFF THE RECORD) - - - -

18 BY MS. INGLES:

19 Q You said since 2005 you've been in
20 your current position?

21 A I believe so, yes.

22 Q As part of your current position, do
23 you have any kind of ongoing training that you
24 participate in either as a trainer or trainee?

25 A No.

1 Q As part of your job, have you become
2 familiar with the Home Affordable Modification
3 Program?

4 A Not familiar, no.

5 Q But you are aware of it?

6 A Yes, I know what it is.

7 Q But on a day-to-day basis, you are
8 not involved with that particular program or reviewing
9 loans under that program?

10 A No.

11 Q Are your processors involved with
12 that?

13 A Yes.

14 Q Are they familiar with it?

15 A Yes.

16 Q How do they become familiar with it?

17 A Training.

18 Q What kind of training is provided to
19 them?

20 A Can you be more specific, please?

21 Q Your processors become familiar with
22 the Home Affordable Modification Program through
23 training. I'm asking what type of training is
24 provided to them?

25 A My processor actually trains with

1 someone in our default resolution department.

2 Q And who is that?

3 A The person's name I don't know.

4 Q What's the name of your processors?

5 Are you talking about all of your processors?

6 A No. I have three processors that do
7 default resolution.

8 Q What are their names?

9 A Melinda Daughtry, Anna Wright, and
10 Penny Mathews.

11 Q In signing an affidavit such as the
12 one that is Exhibit 1 to this deposition, do you
13 consult with them at all about that program?

14 A No.

15 Q Is that something that you don't need
16 to be familiar with in your position?

17 A Is what?

18 Q The Home Affordable Modification
19 Program.

20 A No, I do not.

21 Q If your processors have a question
22 that relates to the Home Affordable Modification
23 Program, who do they go to? Do they go to this person
24 in the default resolution department?

25 A Possibly.

1 Q The default resolution department is
2 different from your bankruptcy department and
3 different from the foreclosure department; is that
4 correct?

5 A Yes.

6 Q Is the default resolution department
7 the first contact prior to foreclosure department?

8 A The first contact for?

9 Q For the borrower that's in default.

10 A Not necessarily, no.

11 Q Tell me what the default resolution
12 department does.

13 A Loss mitigation.

14 Q Are you familiar with how a loan gets
15 transferred from loss mitigation or default resolution
16 department to the foreclosure department?

17 A No.

18 Q Do you know what department this loan
19 is currently in?

20 A Yes.

21 Q What department is that?

22 A Foreclosure.

23 Q Maria Lawrence is in charge of the
24 foreclosure department?

25 A Yes.

1 Q I would like for you to look at
2 Exhibit 6, which is the Assignment of Mortgage
3 document.

4 A Yes.

5 Q Is that your signature?

6 A Yes, it is.

7 Q Can you tell me, can you identify who
8 those witnesses are? Do those signatures look
9 familiar to you?

10 A No, they don't.

11 Q That was in November of 2008?

12 A Uh-huh.

13 Q I presume, but I don't want to
14 presume. Was this assignment done in the same way
15 that you described your affidavit being done?

16 A I don't recall.

17 Q This states that you are an assistant
18 secretary of Mortgage Electronic Registration Systems,
19 Inc.?

20 A Yes, it does.

21 Q Is that a position that you hold?

22 A Yes, it is.

23 Q Is that a different entity from U.S.
24 Bank?

25 A Yes.

1 Q Tell me about your employment with
2 Mortgage Electronic Registration Systems, Inc.

3 MR. GWYNNE: Susan, I'm going to object to
4 this line of questioning. The Judge made it clear
5 that the reason for this department was HAMP issue.
6 Not the Assignment issue. So I'm going to object to
7 this line of questioning.

8 MS. INGLES: Okay. I want to continue with
9 the line of questioning while I have Ms. Knable on the
10 record to determine in what capacity she is signing
11 the affidavit for HAMP.

12 A I'm sorry?

13 Q I'm going to continue the line of
14 questioning with you. I'm going to be exploring the
15 capacity in which you're signing the affidavit of
16 December 14, 2009, to determine if it's in any way
17 related to the capacity in which you assigned the
18 mortgage here in Exhibit 6.

19 A Okay.

20 MR. GWYNNE: Susan, I don't think that's
21 relevant. You can ask her what capacity she signed
22 the HAMP Affidavit. I think she's already stated
23 that. Time is irrelevant to the Judge's Order.

24 MS. INGLES: Well, I think it's relevant in
25 that it was, we're determining in what capacity she

1 signed the affidavit of December 14th. It's my
2 understanding that she signed that affidavit without
3 reviewing anything, but just based on verbal
4 information from a processor. I think it's relevant
5 to her position with the plaintiff and in what
6 capacity she signs her name. That's relevant.

7 Now, I don't want to argue about the relevancy
8 on the record, but I do think I am entitled to go
9 ahead and get that information while I have her under
10 deposition. Now, if you want to continue the
11 deposition to have the Judge answer that question, I
12 mean obviously I want to finish what I can today, but
13 I would reserve the right to continue her deposition
14 for that purpose.

15 MR. GWYNNE: First of all, I do want to have
16 this discussion on the record so the Judge can review
17 it at a later date.

18 Secondly, she's already testified about what
19 capacity she signed the HAMP Affidavit. I would like
20 to try and get the Judge on the phone so we can get a
21 ruling on this. I don't consent to keeping this
22 deposition open. I was not at the hearing in which
23 the judge allowed this deposition to go forward, but
24 my understanding is that it was limited, and I believe
25 that certainly your questions up until the issue of

1 the Assignment of Mortgage has been directed towards
2 what the Judge asked for, but I would like to get a
3 ruling from the Judge, if we can. We can take a break
4 and try and get him on the phone, if we have to.

5 MS. INGLES: That's certainly fine with me. I
6 would like to -- I think I've made my position clear
7 on the record. I certainly think that I am entitled
8 to go into the area of in what capacity Ms. Knable
9 signs documents on behalf of this plaintiff, given the
10 testimony that she's already given. I think this
11 bears on the accuracy of the affidavit that she
12 signed. I'm happy though to try to get Judge Simmons
13 on the phone.

14 MR. GWYNNE: Do you want to try and call him
15 or do you want me to?

16 MS. INGLES: Why don't you call him. I'm
17 afraid I might disconnect us somehow if I try to do it
18 from here.

19 MR. GWYNNE: All right. Let me go to the
20 office next to mine and see if I can get his office on
21 the phone and see if he's available and I'll be right
22 back, as soon as I can.

23 MS. INGLES: Okay.

24 - - - - (OFF THE RECORD) - - - -

25 MS. INGLES: I guess we'll just each state our

1 position.

2 It's my position that I should be allowed to
3 continue a limited questioning of Kara Knable
4 regarding her signature on the Assignment of Mortgage
5 in this matter. The line of questioning being
6 relevant to this deposition because although the
7 deposition is focused on the HAMP review, as part of
8 that I'm reviewing Ms. Knable's capacity to sign
9 documents on behalf of U.S. Bank, the plaintiff in
10 this case. As part of that, since she did sign the
11 Assignment of Mortgage in this case, I feel that that
12 is relevant to how she came to sign the affidavit that
13 is Exhibit 1.

14 Charlie, you want to state your position?

15 MR. GWYNNE: Yes. I think I've already said
16 it. I'm not going to rehash it. This is limited to
17 HAMP. Not limited to her signing. It's not --
18 anything outside of HAMP and the Assignment of
19 Mortgage is certainly not relevant to HAMP. I am not
20 going to -- we tried to get the Judge on the phone.
21 He's out of the office until Monday. I am not going
22 to instruct my client not to answer the questions. I
23 would like to put on the record that I think this line
24 of questioning is irrelevant to what the Judge ordered
25 the deposition to be. I would ask the Judge to

1 disregard this line of questioning as being irrelevant
2 to why we're here today and proceed.

3 MS. INGLES: Thank you.

4 BY MS. INGLES:

5 Q Ms. Knable, I'm going to return then
6 to Exhibit 6, the Assignment of Mortgage.

7 Has that been marked already?

8 A Yes.

9 Q I don't want to be repetitive to what
10 I said before, but it does have -- you've acknowledged
11 this is your signature. Can you describe for me the
12 authority under which you signed the Assignment of
13 Mortgage?

14 A Can you explain the question, please?

15 Q Yes. This was signed, as I
16 understand it, from the document with you as assistant
17 secretary of Mortgage Electronic Registration Systems,
18 Inc.; is that correct?

19 A Yes.

20 Q And you are an assistant secretary of
21 that entity?

22 A Yes.

23 Q Tell me under what -- is there a
24 document that I could look to or --

25 A Yes.

1 Q -- anything of that nature to verify
2 that?

3 A How?

4 Q Beg your pardon?

5 A What do you mean "verify that?"

6 Q To verify that you're an assistant
7 secretary of MERS.

8 A Yes. There is a corporate
9 resolution.

10 Q Is that something that you have a
11 copy of that could be provided to me?

12 A I don't know for sure.

13 Q You don't know if you have a copy of
14 it?

15 A No, I don't know.

16 Q Or don't know if it could be
17 provided?

18 A I don't know if I have a copy of it,
19 but yes, I could provide a copy.

20 Q Is there a difference in the
21 authority that you have to sign this Assignment of
22 Mortgage and the authority that you have to sign the
23 affidavit, Exhibit Number 1?

24 A I don't know.

25 Q Tell me where the authority to sign

1 Exhibit 1, the affidavit, is derived from.

2 A Also a corporate resolution.

3 Q Is that a corporate resolution of
4 U.S. Bank?

5 A Yes.

6 Q Tell me how that comes into being.
7 Is that as part of your promotion to the position that
8 you are in now?

9 A I don't know.

10 Q How do you know that there's a
11 corporate resolution that authorizes you to sign an
12 affidavit on behalf of the plaintiff in this case?

13 A I have a copy.

14 Q Does anyone else in your department
15 that works for you have a similar corporate resolution
16 for themselves?

17 A No.

18 Q Is that something that only a
19 department head such as yourself has?

20 A I don't know.

21 Q Does Maria Lawrence have one of
22 those; do you know?

23 A I don't know.

24 Q Do you routinely sign Assignments of
25 Mortgages?

1 A Yes.

2 Q Do you also routinely sign affidavits
3 on behalf of the plaintiff?

4 A No.

5 Q Are there other types of affidavits,
6 other than the one that you signed in this case,
7 Exhibit 1, that you routinely sign for the plaintiff?

8 A I'm sorry, could you repeat that?

9 Q Other than the type of affidavit that
10 you signed in this case, that Exhibit 1, which is
11 specific to South Carolina, are there any other types
12 of affidavits that you routinely sign, in your
13 capacity with the plaintiff?

14 A No.

15 Q So would you say that affidavit
16 signing is limited to this --

17 A No.

18 Q -- type of affidavit or are there
19 others?

20 A There are others.

21 Q Can you tell me what type of
22 affidavits those are?

23 A Specifically, no.

24 Q You can pretty much sign any type of
25 affidavit that's needed?

1 A I don't know.

2 Q What other departments are you
3 authorized to sign affidavits for besides yours and
4 the foreclosure department?

5 A Authorized?

6 Q Yes.

7 A I'm authorized to sign as an
8 assistant vice president for U.S. Bank. No specific
9 department is detailed.

10 Q Is there a policy on what types of
11 affidavits can be signed by an assistant vice
12 president?

13 A Not that I'm aware of.

14 Q So you make that determination on
15 your own?

16 A What determination?

17 Q As to whether or not you have the
18 authority to sign a particular affidavit?

19 A Yes.

20 Q Is there any instance in which you go
21 to Greg Speer to make that determination?

22 A Not that I can recall, no.

23 Q Is there anyone that supervises your
24 signing of documents besides Greg?

25 A No.

1 Q When you sign a document on behalf of
2 Mortgage Electronic Registration Systems, Inc., is
3 that in your capacity with U.S. Bank that you sign
4 that?

5 A I don't understand the question.

6 Q In your job as assistant vice
7 president of U.S. Bank, how do you come to sign a
8 document on one of the U.S. Bank accounts on behalf of
9 another entity? Is that part of your authority within
10 U.S. Bank?

11 A I truly don't understand the
12 question, I'm sorry.

13 Q Maybe I can just state this on the
14 Assignment of Mortgage itself.

15 You said that your capacity as an assistant
16 secretary to sign this assignment is derived from a
17 corporate resolution, correct?

18 A Yes.

19 Q Is that a corporate resolution of
20 Mortgage Electronic Registration Systems, Inc.?

21 A I believe so, yes.

22 Q Is that part of the arrangement
23 between U.S. Bank and that entity, Mortgage Electronic
24 Registration Systems, Inc.?

25 A I don't know.

1 Q Is there any guidance that you are
2 given in signing documents as assistant secretary of
3 MERS as you did on Exhibit 6?

4 A Can you explain what you mean by
5 "guidance?"

6 Q Are you an employee of that entity?

7 A No.

8 Q So your authority is derived from a
9 corporate resolution?

10 A Yes.

11 Q That corporate resolution names you
12 an assistant secretary?

13 A Yes.

14 Q Does that resolution detail or
15 outline in any way what you are allowed to sign as an
16 assistant secretary?

17 A I don't know.

18 Q But you do have a copy of it?

19 A Somewhere, yes.

20 Q So do you typically sign Assignments
21 of Mortgage?

22 A On occasion.

23 Q So pretty much the same as with your
24 affidavit of December 14, you're just on occasion
25 asked to sign something like this?

1 A Yes.

2 Q Would it go through the same process
3 as you've described you went through for the December
4 14th affidavit; in other words, someone gives you the
5 information verbally?

6 A Yes.

7 Q Anything different about those two
8 processes?

9 A Not that I can recall, no.

10 Q Let's go back to Exhibit Number 2.

11 A Okay.

12 Q That's the seven pages of comments?

13 A Yes.

14 Q I understand that those are documents
15 that you reviewed for today but that you did not play
16 any part in?

17 A That is correct.

18 Q As I understand it, you did not
19 review any of those in signing, for the purpose of
20 signing the affidavit that's Exhibit Number 1?

21 A That's correct.

22 Q Then Exhibit 3 is the work-out
23 package?

24 A Yes.

25 Q Is that something that you are

1 familiar with as a HAMP work-out package or work-out
2 package under the Home Affordable Modification Program
3 for your company?

4 A I'm not familiar with the package
5 itself, no.

6 Q Do you ever take part in the
7 modification process at all?

8 A No, I don't.

9 Q Do you ever take part in the review
10 of loans for modification under Home Affordable
11 Modification Program or any other program?

12 A No, I don't.

13 Q Today you do not have any knowledge
14 of whether or not Sylvia Vandross is eligible for a
15 modification of her loan?

16 A No, I'm not.

17 Q Have you ever been?

18 A No.

19 Q So can you provide any information or
20 description of how the conclusion was reached that
21 there would be no modification of Ms. Vandross's loan?

22 A No specifics, no.

23 Q When you say "no specifics," does
24 that mean there is some general information you could
25 provide?

1 A Well, according to the comment log,
2 yes. It states she didn't complete her package.

3 Q Do you have any access to documents
4 that she may have sent in, other than those that are
5 included in Exhibit 3?

6 A No, I don't.

7 Q Do you know what documents Ms.
8 Vandross provided?

9 A Provided when?

10 Q At any time.

11 A Only the ones in this exhibit.

12 Q So as far as you know, that's all
13 that she has provided to your company?

14 A Yes.

15 Q For consideration of her
16 modification?

17 A Yes.

18 Q Are you familiar with what, if
19 anything, has been sent to Ms. Vandross from your
20 company to solicit her for modification of any kind?

21 A Only the letters that we previously
22 discussed.

23 Q And those are the ones that are
24 contained in Exhibit 4 and then some of the ones,
25 there's some also in Exhibit 5; is that correct?

1 A Yes.

2 Q To your knowledge are there any other
3 letters that were sent to Ms. Vandross?

4 A I do not know.

5 Q So it could be that other letters
6 were sent but you're not familiar with them?

7 A I don't know.

8 Q Are you familiar in any way with any
9 guidelines or modification, opportunities or other
10 programs that Ms. Vandross, that might be available to
11 Ms. Vandross?

12 A No.

13 Q Other than what's on these documents,
14 you have no personal or independent knowledge of how
15 her eligibility was determined?

16 A No, I don't.

17 Q Do you as part of your duties there
18 at U.S. Bank ever review documents such as those that
19 are before you in those exhibits to make a
20 determination --

21 A No, I don't.

22 Q -- about any borrower's eligibility
23 for modification?

24 A No, I don't.

25 Q So other than what's on the comment

1 logs and in the letters, you don't have any knowledge
2 of what would have been requested from Ms. Vandross as
3 far as application documents?

4 A No.

5 Q Can you tell me going back to Exhibit
6 Number 1 in your affidavit, it states, "The subject
7 loan is not eligible for modification because the HAMP
8 modification process has been completed without a
9 modification."

10 Can you tell me what that means?

11 A What the line means?

12 Q Yes. In other words, what you meant
13 by that in that affidavit?

14 A It means she was denied for the Home
15 Affordable Modification Program.

16 Q But you didn't have any knowledge of
17 how that process went or how it was completed or
18 whether it was completed?

19 A The process, no.

20 Q In your review of those records, were
21 you able to determine if there was any difficulty for
22 your company in getting the modification documents and
23 application to Ms. Vandross or any difficulty
24 communicating with her on the telephone?

25 Let's separate that. First tell me any

1 difficulty in getting the documents to her.

2 A No.

3 Q Do you know how they were sent to
4 her?

5 A It appears they were mailed.

6 Q How many times were they mailed?

7 A I don't know.

8 Q In your review of the documents, can
9 you tell?

10 A (WITNESS REVIEWS DOCUMENTS.)

11 It appears twice maybe.

12 Q What were those dates?

13 A I know for sure the first package was
14 sent on August 19th.

15 Q Is there any confirmation that she
16 received that?

17 A Not in the documents, no.

18 Q On what other occasion were they sent
19 to her?

20 A I don't know the date.

21 Q Is there a letter there, but it just
22 doesn't have a date?

23 A It appears it was sent on October
24 20th.

25 Q Is there any confirmation that she

1 received that?

2 A Only when we received it back.

3 Q When was that?

4 A December 10th.

5 Q Was that application part of the
6 account at the time that you signed your affidavit on
7 December 14th?

8 A Yes.

9 Q So it was between December 10th and
10 14th that a decision was made, as far as you can tell?

11 A As far as I can see.

12 Q Are you familiar with what
13 modification programs are available to Ms. Vandross?

14 A No, I'm not.

15 Q You mentioned earlier in your
16 testimony that you accessed mortgage systems. Can you
17 tell me what that is?

18 A I don't recall saying that.

19 Q Tell me then just, maybe you can
20 review for me what kind of software your company uses.

21 A We're on LPS.

22 Q Is that the sole software package
23 that you utilize to produce these records?

24 A To my knowledge, yes.

25 Q Do you know if your company has any

1 policy for determining how long a borrower has to
2 return the documents to you?

3 A I don't know.

4 Q Who would know that?

5 A I don't know.

6 Q Do you think it would be -- you have
7 no knowledge?

8 A I have no knowledge, no.

9 Q Let me go back just briefly to your
10 affidavit and ask you: Was this affidavit presented
11 to you in this form or did you prepare it?

12 A It was presented in this form.

13 Q As I understand it, your records
14 would reflect what processor presented it to you for
15 signature, but you don't know today who that was?

16 A That's correct.

17 Q Can you tell me who the servicer is
18 for this loan?

19 A Not based on my information in here,
20 no.

21 Q So you're not aware independently of
22 who the servicer is?

23 A No.

24 Q Is there any established procedure
25 for doing these affidavits, other than what you have

1 told me in your deposition today, that I could look
2 to?

3 A Not that I'm aware of.

4 Q The departments there in your office
5 building, do all of you have access to the same
6 records on these loans?

7 A Yes.

8 Q So when you accessed the records on
9 this particular loan on your computer, you had
10 available to you the same information that the
11 processor had who was presenting you with the
12 affidavit?

13 A Yes.

14 Q As I understand it, your affidavit,
15 the reason of denial that you're now saying from the
16 other documents, the reason for the denial of a
17 modification to Ms. Vandross at that point was because
18 she had not returned information or documentation?

19 A I don't recall the exact
20 conversation.

21 Q From your review of the documents in
22 front of you today, do you know why at that point
23 there was a denial?

24 A It appears Ms. Vandross sent an
25 incomplete package of information in.

1 Q Incomplete. Okay.

2 Are there any other facts that went into this
3 decision making process that you are aware of
4 personally that you have not stated today?

5 A No.

6 Q Other than what's been provided to me
7 today in the exhibits that you see before you that
8 we've gone over, Exhibits 1 through 6, there is
9 nothing else in the way of documentation that went
10 into the decision making process?

11 A Not that I'm aware of. I'm not aware
12 of anything else.

13 Q Can you tell me from those records
14 when this package that was incomplete was received by
15 your company?

16 A Well, we show it received on the
17 comment log on December 10th.

18 Q December 10th?

19 A Yes.

20 Q Is that when you received it?

21 A I'm sorry?

22 Q In other words, you said the package
23 that was received back from her you said was
24 incomplete. I'm trying to determine when it is that
25 you actually received it.

1 A When it is that I received it?

2 Q That your company received it.

3 A According to the comment log it was
4 December 10th.

5 Q And according to the comment log when
6 was the denial?

7 A That it does not show.

8 Q Would it be safe to say that the date
9 of your affidavit is the only date we have on that?

10 A It's the only one I'm aware of.

11 Q At that point, on December 14th,
12 that's the extent of your participation in this
13 particular loan or your knowledge of anything being
14 done on this particular loan?

15 A Yes.

16 Q That's all I have for you today.
17 Thank you so much for your time.

18 CROSS EXAMINATION BY HON. CHARLES S. GWYNNE,
19 JR., ATTORNEY FOR PLAINTIFF:

20 Q Kara, based on your knowledge, does
21 the consolidated notes log record all communication
22 with the borrower?

23 A Record all communication?

24 Q Yes.

25 A I'm really not aware if it records

1 everything.

2 Q What are you aware of that it
3 records?

4 A Only what the processor documents and
5 when a letter is generated. It's really the only ones
6 I know.

7 Q I'm going to refer to some documents.
8 Unfortunately I did not number these documents so it
9 may just take a minute, but I'll try and be as
10 descriptive as possible.

11 A Okay.

12 Q The August 19, 2009 letter, can you
13 find that one for me?

14 A Yes.

15 Q Now, is that letter a HAMP
16 solicitation offer to the borrower?

17 A Yes, it is.

18 Q It lists eight documents or eight
19 actions that the borrower has to take in order to be
20 considered for HAMP; is that correct?

21 A Yes, it is.

22 Q One of those requirements is that she
23 submit pay stubs; is that correct?

24 A Yes, it is.

25 Q Part of the exhibits, I think it's

1 Exhibit 3, the borrower did provide some documents to
2 U.S. Bank; is that correct?

3 A Yes, she did.

4 Q Based on your knowledge, did she
5 provide, the borrower provide any other documents
6 besides what is marked as Exhibit 3?

7 A Not to my knowledge, no.

8 Q Well, there's a document that at the
9 top left says, "Greenville County Recreation
10 District." Do you see that?

11 A Yes.

12 Q That appears to be a three-page
13 document; is that correct?

14 A Yes.

15 Q On the top left, is it correct that
16 that document, the fax stamp date on that document is
17 December 21, 2009?

18 A Yes, it is.

19 Q The next series of documents appears
20 to be 10 pages. Sorry, it starts at Page 3 of 10. So
21 I assume it's 7 pages?

22 A Yes.

23 Q The stamp date at the top says,
24 December 1, 2009; is that correct?

25 A Yes.

1 Q Your consolidated notes log record
2 that as being received or documents being received on
3 December 10th; is that correct?

4 A Yes.

5 Q Might there be a few days delay in
6 actually recording documents that come in?

7 A Yes.

8 Q So is it correct to say that the
9 first documents you received from the borrower
10 regarding HAMP or any other type of loan modification,
11 the earliest that she possibly faxed them to you or
12 sent them to you was December 1, 2009; is that
13 correct?

14 A Yes, it is.

15 Q That's approximately three and a half
16 months after she was solicited for HAMP; is that
17 correct?

18 A Yes.

19 Q After you signed your affidavit on
20 December 14, 2009, did you have any involvement in the
21 review of this borrower's loan for HAMP?

22 A No.

23 Q Although you didn't have any personal
24 involvement, are you aware if this loan was actually
25 reviewed for HAMP at some point after you signed your

1 affidavit?

2 A It appears it was.

3 Q As part of the documents that are
4 attached to the April 13th letter, there is a
5 supplemental affidavit that was signed by Maria
6 Lawrence. Do you see that?

7 A Yes.

8 Q Is it correct to say that your
9 affidavit of December 14, 2009 is no longer the most
10 current affidavit regarding the HAMP review of this
11 loan; is that correct?

12 A That is correct.

13 Q The supplemental affidavit from Maria
14 Lawrence states that the loan has actually been
15 through the review process for HAMP; is that correct?

16 A Yes, it does.

17 Q Does it also state that it was denied
18 based on the mortgager's debt to income ratio being
19 less than 31 percent?

20 A Yes, it does.

21 Q That would imply that eventually the
22 borrower did send in everything that was required; is
23 that correct?

24 A Yes.

25 Q To be reviewed for HAMP?

1 A Yes.

2 Q And it was reviewed; is that correct,
3 for HAMP?

4 A Yes.

5 Q And it was denied; is that correct?

6 A Yes.

7 Q That's all the questions I have.

8 Thank you.

9 REDIRECT EXAMINATION BY MS. INGLES:

10 Q I'd like to just follow up with a
11 couple of questions as we conclude.

12 The answers, Ms. Knable, that you just gave to
13 Mr. Gwynne's questions, are those based on personal
14 knowledge or those are based on the records to this
15 deposition?

16 A To the records in this deposition.

17 Q You mentioned that there can be a
18 delay in recording documents that come in. Can you
19 explain under what circumstance there would be a delay
20 or what kind of delay you're talking about?

21 A A delay in recording the documents on
22 the comment log. Is that what you're referring to?

23 Q Yes.

24 A It could be any number of reasons.

25 Q What are some of those reasons that

1 you can think of that you were referring to when you
2 said that?

3 A The sheer volume of work-out packages
4 we receive daily. Whether or not the processor that
5 does the recording of that information is available
6 and in the office. Whether or not the fax machine is
7 working correctly. Whether or not our computer
8 systems are working correctly. There's several.

9 Q Your own affidavit of December 14,
10 2009, in signing that you did intend that the court
11 rely on the information in that document, correct?

12 A Yes.

13 Q Then you answered a few questions
14 regarding Ms. Vandross's eligibility for HAMP and why
15 she may have been later denied after your affidavit,
16 but you are providing those answers based on what you
17 see in the comment log and those other documents that
18 are attached to this deposition?

19 A Yes.

20 Q You're not familiar with the HAMP
21 process, as I understand your previous testimony?

22 A That is correct.

23 Q And you're not familiar with the
24 review of this particular loan under HAMP or any other
25 modification program?

1 A No, I'm not.

2 Q That's all I have.

3 RECROSS EXAMINATION BY MR. GWYNNE:

4 Q Kara, I want to be very clear.

5 You're basing your knowledge regarding the
6 fact that this loan was denied for HAMP because the
7 borrower's debt to income ratio is below 31 percent.
8 That's based on the records of your company; is that
9 correct?

10 A That is based specifically off
11 Maria's affidavit.

12 Q Let's look at one of the consolidated
13 notes log, which is the note from February 20, 2010.
14 I believe that's the only one from February 20, 2010.
15 Can you please find that entry?

16 A You said February 20th?

17 Q That's right.

18 A Okay.

19 Q Does that entry state, "That HAMP
20 denial letter due to DTI below 32 percent?"

21 A Yes, it does.

22 Q This document is a print-out from
23 your company's computer system; is that correct?

24 A Yes, it is.

25 Q That statement, that entry confirms

1 the supplemental affidavit signed by Maria Lawrence;
2 is that correct?

3 A It appears so, yes.

4 Q That's all I have. Thank you.

5 MS. INGLES: I have nothing further.

6 (Deposition ends at 11:15 a.m.)

7 AND FURTHER DEPONENT SAYETH NOT: - -

8 DEPONENT'S SIGNATURE NOT REQUESTED: - -

9 (WHEREUPON, DOCUMENTS REFERRED TO DURING THE
10 COURSE OF THE DEPOSITION HAVE BEEN MARKED FOR
11 IDENTIFICATION AND HAVE BEEN ATTACHED HERETO AND MADE
12 A PART HEREOF.)

13 (UNLESS OTHERWISE NOTIFIED BY THE PARTIES
14 INVOLVED, THE TAPED RECORDING MADE IN CONNECTION WITH
15 THE TAKING OF THE DEPOSITION WILL BE DESTROYED SIX
16 MONTHS FROM THE DATE OF THE DEPOSITION.)

17

18

19

20

21

22

23

24

25

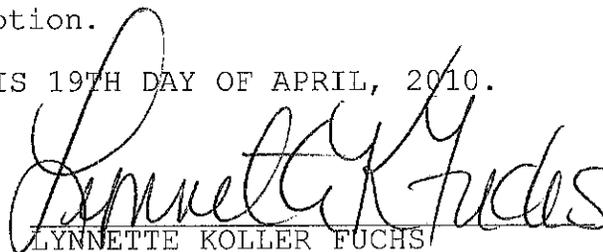
1 COMMONWEALTH OF KENTUCKY)
 2 COUNTY OF DAVIESS) SS:

3 I, Lynnette Koller Fuchs, Notary Public,
 4 State-at-Large, do hereby certify, that the foregoing
 5 deposition was taken by me at the said time, place and
 6 for said purposes as stated in the caption; that the
 7 witness was sworn by me before giving same; that the
 8 deposition was reported by me in stenotype and
 9 electronically recorded and foregoing is a true,
 10 correct, and complete transcript thereof.

11 I further certify I'm not a relative or
 12 employee or attorney or counsel of any of the parties
 13 hereto, nor a relative or employee of such attorney or
 14 counsel, nor do I have any interest in the outcome or
 15 events of this action.

16 I hereby certify that the appearances were as
 17 stated in the caption.

18 DATED THIS 19TH DAY OF APRIL, 2010.

19 

20 LYNNETTE KOLLER FUCHS
 21 OHIO VALLEY REPORTING SERVICES
 22 202 WEST THIRD STREET, SUITE 12
 OWENSBORO, KENTUCKY 42303

23 COMMISSION EXPIRES: DECEMBER 19, 2010

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25
 Ohio Valley Reporting
 (270) 683-7383