

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 WESTERN DISTRICT OF WASHINGTON 3 AT SEATTLE</p> <hr/> <p>4 5 Kristin Bain, 6 Plaintiff, 7 vs. Case No. 09-CV-00149-JCC 8 Metropolitan Mortgage Group, 9 Inc.; IndyMac Bank, FSB; Mortgage 10 Electronic Registration Systems; 11 Regional Trustee Service; 12 Lenders Processing Service, Inc., 13 inclusive, 14 Defendants.</p> <hr/> <p>15 16 DEPOSITION OF BETHANY A. HOOD 17 Taken January 13, 2010</p> <p>18 19 20 21 22 23 CINDY L. SCHULTZ, RMR, CRR, CLR 24 PARADIGM REPORTING & CAPTIONING INC. 25 612.339.0545 * 1.800.545.9668 * Fax 612.337.5575</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (Continued): 2 3 ON BEHALF OF DEFENDANT LENDER PROCESSING SERVICES: 4 Richard E. Spoonemore, Esq. 5 SIRIANNI YOUTZ MEIER & SPOONEMORE 6 1100 Millennium Tower 7 719 Second Avenue 8 Seattle, Washington 98104 9 206.223.0303 10 rspoonemore@sylaw.com 11 and 12 Ross Gloudeman, Esq. 13 LENDER PROCESSING SERVICES 14 Suite 200 15 1270 Northland Drive 16 Mendota Heights, Minnesota 55120 17 651.234.3662 18 ross.gloudeman@lpsdefaultsolutions.com 19 20 21 22 23 NOTE: The original transcript will be filed 24 with the Law Offices of Melissa Huelsman pursuant to 25 the applicable Rules of Civil Procedure.</p>
<p style="text-align: right;">Page 2</p> <p>1 The deposition of BETHANY A. HOOD, taken on 2 January 13, 2010, commencing at 4:07 p.m., taken at 3 1400 Rand Tower, 527 Marquette Avenue, South, 4 Minneapolis, Minnesota, before Cindy L. Schultz, 5 Registered Merit Reporter, Certified Realtime Reporter, 6 Certified LiveNote Reporter, and Notary Public of and 7 for the State of Minnesota.</p> <p>8 A P P E A R A N C E S 9 ON BEHALF OF PLAINTIFF KRISTIN BAIN: 10 Melissa A. Huelsman, Esq. 11 LAW OFFICES OF MELISSA A. HUELSMAN, P.S. 12 Suite 1050 13 705 Second Avenue 14 Seattle, Washington 98104 15 206.447.0103 16 TELEPHONICALLY ON BEHALF OF DEUTSCHE BANK NATIONAL 17 TRUST COMPANY AND JPMORGAN CHASE BANK (Wood v. 18 Deutsche Bank National Trust Company, et al.): 19 Josh Rataezky, Esq. 20 DAVIS WRIGHT TREMAINE LLP 21 Suite 2200 22 1201 Third Avenue 23 Seattle, Washington 98101 24 206.622.3150 25 joshrataezky@dwt.com</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X 2 WITNESS: BETHANY A. HOOD 3 EXAMINATION BY PAGE 4 Ms. Huelsman.5 5 6 INSTRUCTIONS NOT TO ANSWER 7 None 8 9 DOCUMENT REQUESTS 10 None 11 12 PLAINTIFF EXHIBITS MARKED/REFERRED TO 13 No. 3: 9/3/08 Assignment of Deed of Trust. . . 82 14 LPS-BAIN 0001 - 0002 15 No. 23: Default Services Agreement Between 16 IndyMac Bank, FSB and Fidelity National 17 Foreclosure Solutions, Inc. 16 18 LPS-BELL 0009 - 0012 19 No. 24: Agreement for Signing Authority. . . . 16 20 LPS-BELL 0005 - 0008 21 No. 25: First Addendum to Default Services 22 Agreement.16 23 LPS-BELL 0013 - 0015 24 No. 26: Appointment of Successor Trustee. . . .17 25 LPS-BELL 0003 - 0004</p>

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<p>1 BETHANY A. HOOD, 2 being first duly sworn, was examined and testified as 3 follows: 4 EXAMINATION 5 BY MS. HUELSMAN: 6 Q. Good afternoon, Ms. Hood. 7 A. Good afternoon. 8 Q. My name is Melissa Huelsman. I'll be taking 9 your deposition today. 10 Can you please state your full name and your 11 business address? 12 A. My name is Bethany Ann Hood. Business 13 address, 1270 Northland Drive, Suite 200, 14 Mendota Heights, Minnesota, 55120. 15 Q. And have you ever had your deposition taken 16 before? 17 A. No. 18 Q. No? 19 A. No. 20 Q. Okay. So I'm sure Mr. Spoonemore has gone 21 over the rules with you, but I'm just going to give you 22 a few quick reminders. We need to both be careful not 23 to speak over each other. It's extremely common when 24 people are regularly talking, but we can't do it for 25 purposes of deposition or the court reporter gets</p>	<p>1 not no mislead you. I want your best testimony, I want 2 it to be accurate, and I want it to be based upon a 3 correct understanding of the questions that I have 4 asked. So just let me know if you need me to rephrase 5 it or you don't understand it. 6 A. Okay. 7 Q. Okay. And remember that if you don't know, 8 "I don't know" is a perfectly acceptable answer. All 9 right? 10 A. All right. 11 Q. Okay. Can you please tell me your current 12 role or job title at LPS? 13 A. My current job title at LPS is manager of the 14 customer support department. 15 Q. And what does the customer support department 16 do? 17 A. They provide customer support. 18 Q. What does that mean? Can you explain to me 19 with more specificity? 20 A. The customer support department at LPS 21 handles communication between our clients and our 22 attorney firms or other vendors to make sure that the 23 flow of communication is correct and accurate. 24 Q. Okay. Is that it? 25 A. Basically, yes.</p>
<p>1 confused, because she has to taken down every word that 2 we say. 3 You also need to make sure that you answer a 4 question audibly, and so, in other words, if it's a yes 5 or no, you need to either say yes or no. Don't say 6 mm-hmm or un-unh, because that's very vague and 7 ambiguous on the deposition transcript. Okay? 8 A. Okay. 9 Q. All right. And you need to keep your voice 10 up so the court reporter can hear you. 11 I am here today trying to get your best 12 testimony, and so I don't want you to guess at an 13 answer. Inevitably what happens when people guess is 14 they guess wrong, and then we find out later that 15 they've guessed wrong, and then it doesn't look good on 16 your testimony because you've testified under oath to 17 something which is incorrect. I don't want you to do 18 that unintentionally. However -- or, actually, I don't 19 want you to do it, period, as well. But I can ask for 20 your best estimate. So if you can make a reasonable 21 estimation, then please do so. And that's not a guess. 22 A. All right. 23 Q. Okay. If I ask a question that you don't 24 understand or which is unclear, let me know. I'll be 25 happy to rephrase it. I don't want -- My goal here is</p>	<p>1 Q. Why don't you give me your education 2 background, starting after high school. 3 A. I completed two semesters at the University 4 of Minnesota. 5 Q. And that's all? 6 A. Yes. 7 Q. I don't mean -- I don't mean that negatively, 8 I just mean that this is -- 9 A. That is all. 10 Q. All right. 11 And can you give me your job history, then, 12 after high school? 13 A. I -- Directly after high school I worked for 14 Arby's Restaurant in West St. Paul, Minnesota. After 15 that I worked for Bruegger's Bagels, and then I became 16 an employee of Fidelity, now known as LPS. 17 Q. And when did you become an employee of 18 Fidelity? 19 A. March of 2006. 20 Q. And what was your role when you were hired by 21 Fidelity? 22 A. My role was supervisor in the customer 23 support department. 24 Q. Is that the same role you hold now -- or the 25 job title you hold now?</p>

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1 **A. No, it is not.**
 2 Q. Okay. So you were a supervisor, now you're a
 3 manager?
 4 **A. Correct.**
 5 Q. Have there been any job titles in between?
 6 **A. No.**
 7 Q. Okay. And what was your job when you were a
 8 supervisor?
 9 **A. When I was a supervisor, I held basically the**
 10 **same role as I do now, the flow of communication**
 11 **between clients and attorneys. Not a whole lot**
 12 **different, actually, than what I do now.**
 13 Q. Okay. So based upon my understanding of
 14 taking testimony all day here today, what that means is
 15 you help banks, lenders, and servicers communicate with
 16 the attorneys that are in the attorney network in order
 17 to facilitate either foreclosures or Motions for Relief
 18 From Stay or bankruptcy-related issues; is that
 19 correct?
 20 **A. Yes, that's correct.**
 21 Q. Okay. And so your department deals with
 22 foreclosures and bankruptcies?
 23 **A. Yes. Mainly foreclosure, but some**
 24 **bankruptcy.**
 25 Q. Okay. And do you have particular lenders and

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1 servicers or attorney firms that you're assigned to
 2 work with?
 3 **A. No.**
 4 Q. So it's just kind of a mixed bag of -- you
 5 could be working with anybody?
 6 **A. Correct.**
 7 Q. Okay. All right.
 8 And are you also required to sign documents,
 9 Assignments of Deeds of Trust, Appointment of Successor
 10 Trustee documents?
 11 **A. Yes, that is one of my roles.**
 12 Q. And how often do you do that, signing
 13 documents?
 14 **A. Daily.**
 15 Q. Okay. Do you know how many times a day you
 16 do that?
 17 **A. I can estimate.**
 18 Q. That's what I want, your best estimate.
 19 **A. Anywhere between 25 to 75 per day.**
 20 Q. Okay. And can you describe that process to
 21 me, how you get the documents?
 22 **A. The documents are brought over by a member of**
 23 **the document execution department and delivered to me**
 24 **for review and signature.**
 25 Q. Okay. And do you review them before you sign

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1 them?
 2 **A. I do a cursory review of the documents to**
 3 **ensure that, you know, it's something that I have**
 4 **proper signing authority for, and I check the -- the**
 5 **loan itself to make sure that it's -- the document is**
 6 **for the loan of record in our system prior to signing.**
 7 Q. So you're making sure that the -- the
 8 numbers -- the identifying numbers match up so you're
 9 executing the right document for the right loan?
 10 **A. Correct.**
 11 Q. Okay. Is that the extent of your review?
 12 **A. Yes.**
 13 Q. Okay. Do you also make certain that -- So
 14 you did say you also make certain that you have the
 15 authority to sign on behalf of whatever entity you're
 16 being asked to sign on behalf of?
 17 **A. Correct.**
 18 Q. Okay. I want to -- In that stack I want to
 19 turn your attention to pull out Exhibits 1, 3 and 17.
 20 You're going to need 18 in a minute, so set it aside.
 21 **A. I apologize, these do not appear to be in**
 22 **order.**
 23 Q. No. We jumbled them up. We like to keep on
 24 our toes. I'll tell you what, can you find 23, 24 and
 25 25?

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1 **A. Yes.**
 2 Q. Okay. So put this aside. Okay. You can put
 3 some -- this one aside, because it's duplicated in
 4 that. Okay, so we're looking at Exhibits 23, 24 and
 5 25, right?
 6 **A. Yes.**
 7 Q. Okay. As well as Exhibit 3. You also have
 8 Exhibit 3 there, right?
 9 **A. Yes.**
 10 Q. Okay. So turning to Exhibit 3, is that your
 11 signature on the first page?
 12 **A. Yes.**
 13 Q. And you signed that document on behalf of
 14 Mortgage Electronic Registrations Systems, Inc. as a
 15 nominee for its successors and assigns; is that
 16 correct?
 17 **A. Yes.**
 18 Q. Do you know who its successors and assigns
 19 are for purposes of this document?
 20 **A. I do not.**
 21 Q. Okay. And when you described the process for
 22 me a minute ago about when you sign, you described
 23 someone from the document execution team bringing you
 24 the documents, correct?
 25 **A. Yes.**

<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. Do you sign the documents in front of 2 that person? 3 A. Yes, I do. 4 Q. Is that person the notary -- a notary? 5 A. I am not aware if that person is a notary or 6 not. 7 Q. Okay. And does that person simply watch you 8 sign and then takes the documents back? 9 A. Correct. 10 Q. Okay. Do you ever sign a notary log in 11 connection with your signing? 12 A. No. 13 Q. Do you keep track of the documents that you 14 sign? 15 A. No. 16 Q. Okay. And is Paris Jackson an employee of 17 LPS -- or was an employee of LPS? 18 A. Yes. 19 Q. It's a she, I'm assuming? 20 A. Yes. 21 Q. Okay. Did she -- was she one of the people 22 who would bring you documents for signing? 23 A. Yes, she was. 24 Q. Okay. And -- But you don't know if she was 25 acting as a notary whenever she watched you sign?</p>	<p style="text-align: right;">Page 15</p> <p>1 document? 2 A. I do not tell them information about the 3 document. 4 Q. Okay. And when you sign documents like 5 Exhibit 3 that we're looking at and when there's 6 information filled in on the notary thing about who 7 signed and when, in this case it doesn't have the 8 company name or anything, do you fill out any of that 9 part of it, the notary block? 10 A. I do not. 11 Q. And do you know what happens to the documents 12 after you sign them? 13 A. After I sign the documents, they are then 14 notarized and a step is entered in our system of record 15 to indicate that it is being returned back to the 16 requester. 17 Q. And after that, you're aware -- and you only 18 know that because of your role as the manager of the 19 department, correct? 20 A. That's correct. 21 Q. Okay. You're not involved in that process? 22 A. No, I'm not. 23 Q. Okay. And then the documents, do they ever 24 come back to LPS after being recorded? 25 A. No.</p>
<p style="text-align: right;">Page 14</p> <p>1 A. I am aware that Paris Jackson is a notary, 2 and she was the one who delivered the documents to me 3 and watched me sign them. 4 Q. You remember that about this specific 5 document? 6 A. It was -- Having documents delivered and 7 having them delivered by a notary is a daily 8 occurrence. 9 Q. So the people who deliver them are always 10 notaries? 11 A. Yes. 12 Q. You know that for a fact? 13 A. Yes. 14 Q. Okay. And how do you know that? 15 A. Part of the customer support department is 16 the document execution department, and I'm a manager of 17 the customer support department, so I am also over the 18 document execution group. 19 Q. Okay. And do you provide any information to 20 the people who bring you this document about in what 21 capacity you're signing the document? 22 A. Could you rephrase? 23 Q. Do they -- do you tell the person who's 24 bringing you the document on whose behalf you're 25 signing, or do they just simply ascertain that from the</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. And when you -- Do you recall signing 2 Exhibit 3? 3 A. I do not specifically recall signing 4 Exhibit 3. 5 Q. Okay. I want you to turn to Exhibits 23, 24 6 and 25, and I just want to know if you were relying 7 upon these documents to give you authority to sign when 8 you signed Exhibit 3? 9 A. (Reviewing documents). When I signed 10 Exhibit 3, I was relying on Exhibits 23 and 24. 11 Q. Right, because 25 had not been signed yet? 12 A. Exactly, 25 had not been signed yet. 13 Q. Okay. I want to point you back at Exhibit 3, 14 though. Do you see where it says in the second 15 paragraph on the first page that IndyMac Federal Bank 16 is the one doing the appointment? 17 A. I am looking now at Exhibit 3. 18 Q. Oh, I'm sorry. Oh, here I go. Sorry. Wrong 19 document. Sorry. 20 The first paragraph, do you see where it says 21 the loan is -- the Deed of Trust is being assigned to 22 IndyMac Federal Bank, FSB? 23 A. I see that. 24 Q. Okay. 25 Do you -- Only if you know, do you know of</p>

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<p>1 any documents -- do you know what the policy -- what 2 LPS's policy was as regards IndyMac Bank and then it 3 being converted over to IndyMac Federal Bank for 4 purposes of the authority of LPS? 5 A. I do know a little. I'm not a member of the 6 legal department -- 7 Q. I understand. 8 A. -- but I do understand that the -- the -- the 9 contracts that LPS had in effect with IndyMac Bank were 10 not repudiated by the FDIC. And we were informed by 11 OneWest that the contracts and the signing authority 12 were, in fact, still valid. 13 Q. Okay. Okay. All right. I want to turn your 14 attention -- Go ahead and put those away so you don't 15 get them confused. We're going to look at Exhibits 16, 16 18 and 26. 17 A. Okay. 16? 18 Q. 16, 18 and 26. Got them? 19 A. Yes. 20 Q. Okay. So we're going to look at Exhibit 26, 21 which is the Appointment of Successor Trustee document. 22 Is that your signature on the second page? 23 A. Yes, it is. 24 Q. Now, excuse me, is that your handwriting to 25 the left of your signature where it has the date and it</p>	<p>1 Q. Okay. And do you date your signature 2 normally when there's a blank for it? 3 A. If there were to be a blank there, I would 4 certainly date it with the date that I'm executing the 5 document. 6 Q. Okay. All right. 7 And do you know Matthew ban-a-zou-ski? 8 A. Banaszewsi. 9 Q. Banaszewsi, okay. 10 A. Yes, I do know him. 11 Q. And he's an employee of LPS? 12 A. That is correct. 13 Q. Okay. And is he participant of the document 14 execution team? 15 A. He was at this time, yes. 16 Q. Okay. In August of '08? 17 A. Correct. 18 Q. Okay. And did he -- Was he one of the people 19 who would regularly bring you documents to be signed? 20 A. Yes, he was. 21 Q. And -- I'm sorry I had it screwed up. The -- 22 this -- we don't need 16 and 18. Sorry. 23 So when you signed this document, this was 24 also an IndyMac document. And so we looked just a few 25 minutes ago at the corporate resolutions. Would you</p>
<p>1 has "08/22/08"? 2 A. No, that is not my handwriting. 3 Q. Okay. And is it your handwriting below that 4 where it has an asterisk and it says "Effective 5 8/29/08"? 6 A. No, that is not my handwriting. 7 Q. Do you know if that handwriting was on the 8 document when you signed it? 9 A. I do not recall. 10 Q. Do you have any specific recollection of 11 signing this document? 12 A. I do not have any specific recollection of 13 signing this document. 14 Q. Okay. And is it normal, I guess, for there 15 to be any writing similar to this before you sign on 16 these Appointment of Successor Trustee documents, you 17 know, this "Effective" as of a certain date? 18 A. I have seen similar language "Effective" and 19 then a date. 20 Q. Before you signed? 21 A. Yes. 22 Q. All right. But you don't know when this 23 information got filled in on this document? 24 A. I am not aware of when this information was 25 filled in.</p>	<p>1 have relied upon those same documents to let you know 2 that you had authority to sign this document as well? 3 A. Yes. I don't believe we specifically looked 4 at the corporate resolution from IndyMac Bank, but that 5 is what I would have relied on. 6 Q. Okay. So you just have a list at your desk 7 that shows everybody that you're authorized to sign on 8 behalf of, and you aren't necessarily looking each time 9 at each resolution; is that correct? 10 A. Yeah. It's a little bit unique because I am 11 over that department, and so all of the signers do have 12 books on their desks, and I also have one containing 13 all of the signing authority pertinent. And I actually 14 prepared those books, so I also have the knowledge 15 memorized. 16 Q. Okay. Well, that's good. And I'm sorry if 17 I'm repeating myself. Did I ask you how many people -- 18 how many entities you have authority to sign on behalf 19 of? 20 A. You did not ask that. 21 Q. Okay. Then I'm not repeating myself, so go 22 ahead and answer that question, please. 23 A. I can estimate I believe I have authority to 24 execute documents for perhaps 15 entities. 25 Q. Okay. And did you ever have authority to</p>

<p style="text-align: right;">Page 21</p> <p>1 sign on behalf of Arjent or AmeriQuest?</p> <p>2 A. No.</p> <p>3 Q. No, okay. What happens, as just regular</p> <p>4 policy and procedure, at LPS when an entity, upon whose</p> <p>5 behalf you have signing authority, ceases to exist?</p> <p>6 A. There is specific language within the signing</p> <p>7 authorities themselves indicating that should the</p> <p>8 entity cease to exist, then the signing authority will</p> <p>9 be null.</p> <p>10 Q. It's terminated?</p> <p>11 A. It's terminated, in which case we would</p> <p>12 discontinue executing documents on behalf of that</p> <p>13 entity.</p> <p>14 Q. And how do you get informed about a company</p> <p>15 ceasing to exist?</p> <p>16 A. I do not personally get informed, but our --</p> <p>17 I'm sure our legal team -- legal department would</p> <p>18 receive that information. I'm not privy to it --</p> <p>19 Q. Sure.</p> <p>20 A. -- at the front.</p> <p>21 Q. Do they disseminate it to you, though?</p> <p>22 A. Yes.</p> <p>23 Q. Because if you're preparing the books that</p> <p>24 you just told me about, you need to take out the</p> <p>25 signing authority from the books for an entity that</p>	
<p style="text-align: right;">Page 22</p> <p>1 ceases to exist; is that correct?</p> <p>2 A. Correct.</p> <p>3 MS. HUELSMAN: Okay. That's it. You're</p> <p>4 done.</p> <p>5 THE WITNESS: I'm done?</p> <p>6 MR. SPOONEMORE: You're done.</p> <p>7 MS. HUELSMAN: You're done.</p> <p>8 MR. SPOONEMORE: That's it. We will read</p> <p>9 and sign. Thank you.</p> <p>10</p> <p>11 (The deposition was terminated at 4:27 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

1 STATE OF MINNESOTA)
 2 COUNTY OF HENNEPIN) : ss CERTIFICATE

3
 4 I, Cindy L. Schultz, RMR, CRR, CLR, a notary public in
 5 and for the County of Hennepin, certify that I reported
 6 the deposition of BETHANY A. HOOD, who was first duly
 7 sworn by me, having been taken on January 13, 2010, at
 8 1400 Rand Tower, 527 Marquette Avenue, South,
 9 Minneapolis, Minnesota;

10 I further certify that I am not a relative or employee
 11 or attorney or counsel of any of the parties or a
 12 relative or employee of such attorney or counsel;

13 That I am not financially interested in the action and
 14 have no contract with the parties, attorneys, or
 15 persons with an interest in the action that affects or
 16 has a substantial tendency to affect my impartiality;
 17 that all parties who ordered copies have been charged
 18 at the same rate for such copies;

19 That the right to read and sign the deposition by the
 20 Witness was not waived.

21 IN WITNESS WHEREOF, I have hereunto set my hand and
 22 affixed my seal of office at Minneapolis, Minnesota,
 23 this 18th day of January 2010.

24
 25

 Cindy L. Schultz, RMR, CRR, CLR
 My commission expires 1/31/2010