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IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO: CACE 08-011097

CITIMORTGAGE, INC.,
Plaintiff,

-vs-

DENNIS BROWN,
Defendant.

_____ /

D E P O S I T I O N OF MS. SHANNON SMITH
Volume 1 of 1
Pages 1 through 30

Thursday, April 29, 2010
1:30 P.m. to 2:00 p.m.
101 N.E. 3rd Avenue, Suite 1500
Fort Lauderdale, Florida

Stenographically Reported By:
SHARON HODGE
Court Reporter

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1 Deposition taken before Sharon Hodge, Court
2 Reporter and Notary Public in and for the State of
3 Florida at Large in the above cause.

4 * * * * *

5 THE COURT REPORTER: Please raise your right
6 hand.

7 Do you solemnly swear that the testimony
8 you're about to give will be the truth, the whole
9 truth, and nothing but the truth so help you God?

10 THE WITNESS: Yes.

11 THE COURT REPORTER: Thank you.

12 THEREUPON:

13 MS. SHANNON SMITH

14 Having been first duly sworn, was examined,
15 and testified as follows:

16 DIRECT EXAMINATION

17

18 BY MR. TRENT:

19 Q Good afternoon. State your name please?

20 A Shannon Smith.

21 Q Do you have any identification with you
22 today?

23 A Yes.

24 Q May I see it please?

25 A Yes.

1 Q Thank you.

2 I assume, counsel, you are going to object to
3 me making a copy of this as you did at the last depo?

4 MR. TEW: That's right.

5 MR. TRENT: Thank you.

6 BY MR. TRENT:

7 Q Have you ever had your deposition taken
8 before?

9 A No.

10 Q My name is Kenneth Trent. I represent Dennis
11 Brown and his wife, Joyce Brown. There is a
12 foreclosure action that's been brought against him by
13 David J. Stern's office, purportedly in the name of
14 Citibank or CitiMortgage, Inc.

15 This deposition is being taken in that case
16 for potentially use at trial and for other purposes, so
17 that the parties can prove the case or any defenses
18 that they may have. The testimony you are going to
19 give here should be the same as the testimony that you
20 may give at the trial.

21 You are under oath and if you don't know the
22 answer to a question, you are free to say that you
23 don't know. If my question is poor or you just don't
24 understand it, you can ask me to rephrase it.

25 It's best that you give when indicating the

1 affirmative, a verbal response such as yes or when
2 indicating the negative, a verbal response of no rather
3 than uh-huh because this young lady to my right is
4 taking down everything that I say, and we don't want
5 there to be any confusion as to whether your response
6 was affirmative or negative.

7 Are you with me so far?

8 A Yes.

9 Q From time to time, your attorney may object,
10 that is Mr. Tew seated to your right. If he does
11 object, you just let him state his objection and then
12 go ahead and answer the question, unless he instructs
13 you not to answer.

14 Do you understand that?

15 A Yes.

16 Q Are you under the influence of any medication
17 or other substance that would impair your ability to
18 answer my questions?

19 A No, sir.

20 Q Who is your employer?

21 A David Stern.

22 Q How long have you worked for his office?

23 A Three years.

24 Q What is your position there?

25 A I am a foreclosure paralegal.

1 Q Did you go to school to obtain a paralegal
2 certificate?

3 A No.

4 Q Did you have experience in the legal
5 profession prior to working for David J. Stern?

6 A No.

7 Q How did you get the job?

8 A I worked at a title company and got laid off
9 and I found the job at David Stern's office.

10 Q What title company did you work for?

11 A Florida Relocation in Weston.

12 Q Are you a notary?

13 A Yes.

14 Q When did you first obtain your notary stamp?

15 A April of '08.

16 Q Was that before or after you began working
17 for the Law Office of David J. Stern?

18 A That was during.

19 Q What did you have to do to get your notary
20 stamp?

21 A I took an online course.

22 Q Have you ever had any complaints against you
23 as a notary?

24 A No.

25 Q Have you ever been charged with any crime?

1 A No.

2 Q Give me your background, where did you grow
3 up?

4 A Miami.

5 Q Do you have a high school diploma?

6 A Yes.

7 Q From what school?

8 A Hollywood Hills.

9 Q Did you go to college?

10 A No.

11 Q It is my understanding that you recently
12 decided to change your signature; is that correct?

13 A Correct.

14 Q Tell us all of the reasons that you decided
15 to do that.

16 A Because it is easier for me to sign my
17 initials rather than sign my whole name out.

18 Q Did someone suggest to you that that would
19 probably be a good plan?

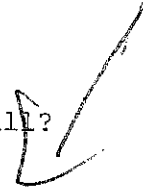
20 A No. It was my decision.

21 Q Did you ask anyone else whether that would be
22 acceptable?

23 A No.

24 Q Did you discuss it with anyone at all?

25 A No.



1 Q When did you make that decision?

2 A I don't know.

3 Q You don't know?

4 A I couldn't give you an exact date.

5 Q I am not looking for an exact date, but
6 approximately when.

7 A I would say probably within four months of
8 receiving of my notary stamp.

9 Q After you made that decision to change your
10 signature, did you sign your new signature 100 percent
11 of the time or did you sometimes go back to your old
12 one?

13 A 100 percent of the time.

14 Q I am going to hand you what is premarked as
15 Exhibit Two.

16 MR. TRENT: Just for the record, I am going
17 to use the exhibits from the last hearing, some of
18 them. I will try to go in order and then I will
19 add a few more at the end.

20 BY MR. TRENT:

21 Q Just take a look at that and let me know when
22 you are finished reviewing it please.

23 You have handed it back to me. Does that
24 mean you are finished?

25 A Yes.

1 Q Did you sign this document?

2 A Yes, I did.

3 Q Show me the places on here where you signed
4 it please.

5 A The witness and the notary stamp.

6 Q How do you know that that is your signature?

7 A Because I signed it.

8 Q Do you remember this document?

9 A I do not.

10 Q So again, how do you know that this is your
11 signature?

12 A Because that is how I sign my signature.

13 Q Do you see here where it says Cheryl Samons?

14 A Yes.

15 Q Wouldn't you agree with me that that also
16 looks like your signature?

17 A It does.

18 Q How do you know that you didn't sign on that
19 line?

20 A Because that is not my signature.

21 Q Tell me the differences between the signature
22 on the witness and notary portion versus the signature
23 on the line above Cheryl Samons' printed name.

24 A This right here is not in that signature
25 there.

1 Q You are pointing at the loop in the center of
2 the signature above Cheryl Samons' name?

3 A Yes.

4 Q Do you ever sign one where you have a loop in
5 the middle like that?

6 A I couldn't recall.

7 Q Let's talk about your printed name here,
8 Shannon Smith. Did you write that?

9 A Yes, I did.

10 Q Did you write anything else on this document
11 other than the signature for witness, the signature for
12 notary, and your printed name?

13 A No.

14 Q How do you know that?

15 A Because I don't sign anything other than the
16 witness and the notary.

17 Q Okay. But I was asking you if you wrote
18 anything else?

19 A No, because that is not my -- I do not write
20 my five's like that.

21 Q Do you ever change the way you write your
22 five's?

23 A No.

24 Q Do you ever change the way you write your
25 printed name?

1 A No.

2 Q Does anyone else ever write your printed name
3 for you?

4 A No.

5 Q Have you ever let anyone else use your notary
6 stamp?

7 A No.

8 Q Do you ever write in the dates on documents
9 that you notarize?

10 A I do.

11 Q Can you tell me why it is that you would not
12 have written it on here, but you do sometimes on other
13 documents?

14 A On some documents, the date is already filled
15 in.

16 Q It is your testimony that from reviewing
17 this, it appears to you as if that date was already
18 filled in?

19 A Correct.

20 Q Have you ever had the date already filled in
21 and been asked to sign a document on a different date?

22 A No, I always sign on the date that I stamp it
23 and sign it.

24 Q Who would have written in that five, if you
25 know?

- 1 A Possibly Cheryl.
- 2 Q Don't you understand that this portion, this
3 paragraph at the bottom is for you to fill out?
- 4 A Yes.
- 5 Q But you didn't fill it out, correct?
- 6 A That does not look like it, no.
- 7 Q What knowledge do you have of assignments of
8 mortgage in general?
- 9 A They are prepared in our office. An attorney
10 reviews them. My job is only to notarize if asked.
- 11 Q Notarize it fast?
- 12 A Notarize if asked.
- 13 Q To notarize if asked?
- 14 A Yes.
- 15 Q About how many times on an average day at
16 work, are you asked to notarize an assignment of
17 mortgage?
- 18 A Not anymore.
- 19 Q When did it stop?
- 20 A I don't know.
- 21 Q Approximately, within the last year?
- 22 A I haven't notarized an assignment, I would
23 say within a year, yes.
- 24 Q I am sorry, I do not understand your answer.
25 Are you saying that you have not notarized

- 1 one within the past year?
- 2 A Correct.
- 3 Q So it would have been some time prior to
4 April 9th, 2009 that you stopped notarizing assignment,
5 correct?
- 6 A Correct.
- 7 Q Do you think it was two years before?
- 8 A No.
- 9 Q Somewhere between one year ago and two years
10 ago you stopped signing?
- 11 A One year.
- 12 Q Why did you stop?
- 13 A Our office now gets assignments signed by the
14 client. They are prepared by the client.
- 15 Q Signed by the client, correct?
- 16 A Yes.
- 17 Q Was this assignment of mortgage assigned by
18 the client?
- 19 A No. Yes, it was Cheryl Samons.
- 20 Q She is the client?
- 21 A I don't know.
- 22 Q Would it be fair to say that you signed or
23 notarized hundreds, if not, thousands of these
24 assignments of mortgage?
- 25 A Have I signed?

1 Q Well, I guess, we should take it separately.
2 Would it be fair to that most of the
3 documents you notarized, most of the assignments you
4 notarized, you also witnessed?

5 MR. TEW: Object to the form of the question.

6 You can answer.

7 THE WITNESS: Yes.

8 BY MR. TRENT:

9 Q We will just say signing it meaning either
10 signing it as a witness or notarizing it and signing it
11 as a notary.

12 Would it be fair to say that you signed
13 probably thousands of these assignments?

14 A Yes.

15 Q Did you start signing these and/or notarizing
16 them shortly after you became employed by David J.
17 Stern's office?

18 A No, because I didn't get my notary until
19 probably about a year of me being employed there.

20 Q Did someone ask you to get your notary?

21 A No, I asked for it.

22 Q Shortly after getting your notary stamp,
23 would it be fair to say that you started notarizing
24 and/or assigning assignments on a regular basis?

25 A Yes.

1 Q Did you ever notice -- well, let me ask you
2 this. Do you read the document or did you, as a
3 general practice, read the documents prior to
4 witnessing and/or notarizing them?

5 A No.

6 Q Did you, as a general practice, actually see
7 the person who executed it, sign the document before
8 you notarized it?

9 A Yes.

10 Q In this printed area where it has your name
11 printed, I believe you told me that that is your
12 handwriting?

13 A Yes.

14 Q Do you see how you have that circular dot
15 over the I?

16 Do you always do that?

17 A It depends.

18 Q What does it depend on?

19 A My mood.

20 Q Are you right-handed or left-handed?

21 A Left -- right, I'm sorry.

22 Q Do you ever sign anything left-handed?

23 A No.

24 Q Are you familiar with the language in the top
25 half of this document, as a general --

- 1 A No.
- 2 Q -- experience?
- 3 A Generally, yes.
- 4 Q Did you ever notice that they say that the
5 corporate seal is affixed?
- 6 A No.
- 7 Q What did you do to prepare for this
8 deposition today?
- 9 A Nothing.
- 10 Q Did it ever come to your attention that we
11 had requested copies of assignments?
- 12 A Yes, I pulled those.
- 13 Q You pulled all of the ones that were sent to
14 us?
- 15 A I pulled the assignments and I pulled the
16 motions that had the affidavits that I notarized
17 attached.
- 18 Q Did anyone give you any instruction on which
19 ones to choose?
- 20 A No.
- 21 Q Did you apply any criteria in determining
22 which ones he would use?
- 23 A No.
- 24 Q Were there any that you found that you left
25 out?

1 A No.

2 Q As a notary, are you generally familiar with
3 the requirements that you have to go by when you
4 notarize a document?

5 A Yes.

6 Q Are you allowed to notarize a document prior
7 to the person's signature being placed on the document?

8 Let me try that again.

9 Are you able to notarize it before the person
10 whose signature that you are notarizing has signed it?

11 A I don't understand.

12 Q Taking a look at Exhibit Two, do you see
13 where Cheryl Samons' name is printed and someone has
14 signed there?

15 A Yes.

16 Q Imagine for me that there was no signature on
17 that line.

18 A Correct.

19 Q Would it be proper for you to notarize it?

20 A Absolutely not.

21 Q Why isn't that proper?

22 A Because you are making a signature official
23 when you notarize.

24 Q Can you explain that a little bit more? What
25 do you mean by official?

1 A No.

2 Q I am going to ask you to take a look here at
3 what was marked as Exhibit Five to the prior
4 deposition. I will just represent to you that this
5 about 69 pages of document production from yourself,
6 Ms. Samons, and David J. Stern, P.A.

7 If you could just take a look at that. You
8 will probably need to take a minute to go through it
9 and see if those are, in fact, the documents that you
10 picked out, or whether all of the documents that you
11 picked out are in there.

12 A I pulled the documents with my signature on
13 it.

14 Q Do all of those documents that contain what
15 appear to be your signature, actually contain your real
16 signature?

17 A Yes.

18 Q So you are testifying that you did, in fact,
19 sign all of these documents which contain your name?

20 A Yes.

21 Q How do you know that?

22 A Because I sign my signature on a daily basis.

23 Q Do you see these ones where it says --

24 MR. TRENT: Just to tell you guys on the
25 record, these are in the same order that I

1 received them.

2 BY MR. TRENT:

3 Q Let's start the third page back, which is the
4 first assignment that you provided to us that has the
5 bate stamp number one.

6 Do you see here in the notary portion where
7 someone wrote in Cheryl Samons?

8 A Correct.

9 Q Whose handwriting is that?

10 A Cheryl Samons.

11 Q Where you have the date there, the 15th?

12 A Correct.

13 Q Whose handwriting is that?

14 A Cheryl Samons.

15 Q So you didn't fill in the date on this one
16 either?

17 A I did not.

18 Q I will ask you the same question at the
19 bottom, where it says the 15th day of December. Is
20 that also Cheryl Samons?

21 A Yes.

22 Q Moving on to the next one, it is bate stamp
23 number two. I am asking you again to direct your
24 attention to the notary portion of the document. The
25 first place it says the 3rd day of January.

1 Do you know whose handwriting that is?

2 A That's my handwriting.

3 Q Where it says Cheryl Samons, on that same
4 line --

5 A It's my handwriting.

6 Q Where it says 3rd day of January, 2008 at the
7 end?

8 A My handwriting.

9 Q Any particular reason that you would write in
10 the date and the name sometimes and Cheryl would write
11 in other times?

12 A No.

13 Q Do you understand that this is the portion
14 that you are supposed to fill out?

15 A Correct.

16 Q Do you think it is proper for the person
17 whose signature is being notarized to fill out the
18 notary portion of the document?

19 A I don't know.

20 Q Would it be fair to say that, in general,
21 whenever the writing Cheryl Samons is in lower case,
22 except for the first letter of each name, that it is
23 your handwriting?

24 A Yes.

25 Q When it is in all capital letters, is it fair

1 to say that generally that's probably Cheryl Samons?

2 A Yes.

3 Q Did it ever occur to you that when you
4 decided to change your signature that it might cause
5 some problems with all of these official documents that
6 you sign and notarize?

7 A No.

8 Q When you produced these documents, did you
9 discuss the request with Cheryl at all?

10 A No.

11 Q Have you had any conversations prior to
12 starting this deposition today with Cheryl Samons about
13 these documents or your testimony?

14 A No.

15 Q Have you had any discussions with her about
16 you having changed your signature?

17 A No.

18 Q Now, you signed an affidavit dated April
19 19th, 2010 in this case. Do you remember that?

20 A Yes.

21 Q You stated in there that you signed two
22 different assignments that we had attached to one of
23 our motions. Do you remember that?

24 MR. TRENT: We will mark that as Exhibit Six.

25 (Defendant's Exhibit Six was marked for

1 identification.)

2 BY MR. TRENT:

3 Q Do you see where I am saying that you
4 represented that you signed both of those documents?

5 A Yes.

6 Q How do you know that you signed?

7 A Because that is my signature.

8 Q Because you recognize your signature?

9 A Yes.

10 Q You are not saying that because you actually
11 remember the document, correct?

12 A No.

13 Q Do you see on the second page, the signature
14 of Elizabeth Lee?

15 A Correct.

16 Q To your knowledge, does she always sign her
17 name about like that?

18 A Yes.

19 Q Has it occurred to you that that kind of
20 looks like the signature of yourself and the one that
21 is allegedly that of Ms. Samons?

22 A Yes.

23 Q Does it strike you as odd that all three of
24 you would have similar signatures?

25 A No.

1 Q I will now hand you what I am marking as
2 Exhibit Seven.

3 (Defendant's Exhibit Seven was marked for
4 identification.)

5 BY MR. TRENT:

6 Q I will ask you to take a look at that and
7 tell me if you recognize it.

8 A Yes.

9 Q I would like to direct your attention to
10 paragraph six please.

11 Can you tell us how it is that you know that
12 in February of 2009, Mr. Stern's office had between
13 50,000 and 100,000 active foreclosure files?

14 A No.

15 Q You can't tell me how you know that?

16 A No.

17 Q You signed this document attesting to the
18 truth of that fact, didn't you?

19 A Yes.

20 Q Is this your signature at the bottom?

21 A Yes.

22 Q Wouldn't you agree with me that it is
23 improper for you to sign something and have it
24 notarized when, in fact, you don't know whether or not
25 it's true?

1 A I don't know.

2 Q As to paragraph seven, can you explain to me
3 how you know that in November of 2009, Mr. Stern's
4 office had between 50,000 and 100,000 active
5 foreclosure files?

6 A No.

7 Q Did you write this affidavit?

8 A No.

9 Q Who wrote it?

10 A I don't know.

11 Q Who gave it to you?

12 A Cheryl. Actually, I'm sorry, Jeff.

13 Q Why did you think for a second it was Cheryl
14 who had given it to you?

15 A Because I got it in the e-mail.

16 Q Did you read it before you signed it?

17 A Yes, I did.

18 Q Can you explain why it is that you don't keep
19 a log or record of the documents that you notarize?

20 A No.

21 Q Are you aware of the Attorney General's
22 opinion that that is the preferred practice for
23 notaries?

24 A I'm sorry?

25 Q Are you aware that the Attorney General has

1 issued an opinion that notaries should keep a log?

2 A No.

3 Q Did you ever sign any assignments at a time
4 when you are not in the presence of the person
5 executing it, Cheryl, in this case?

6 A I'm sorry?

7 Q Do you ever sign, as a witness, outside of
8 the presence of the person whose signature you are
9 witnessing?

10 A I don't understand the question.

11 Q Has there ever been a time that you witnessed
12 the document prior to the signature being placed on it?

13 A Absolutely not.

14 Q Has there ever been a time that you witnessed
15 a document after the signature was placed on it, but
16 outside of the presence of the person who signed it?

17 A No.

18 MR. TRENT: I have no further questions.

19 MR. TEW: I don't have anything. She will
20 read.

21 (The deposition was concluded.)

22

23

24

25

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA

3 COUNTY OF BROWARD

4

5 I, Sharon Hodge, Court Reporter, certify that
6 I was authorized to and did stenographically
7 report the deposition of MS. SHANNON SMITH, pages
8 1 through 26; that a review of the transcript was
9 requested; and that the transcript is a true and
10 correct record of stenographic notes.

11 I further certify that I am not a relative,
12 employee, attorney, or counsel of any of the
13 parties, nor am I a relative or employee of any of
14 the parties' attorneys or counsel connected with
15 the action, nor am I financially interested in the
16 action.

17 Dated this 7th day of May, 2010.

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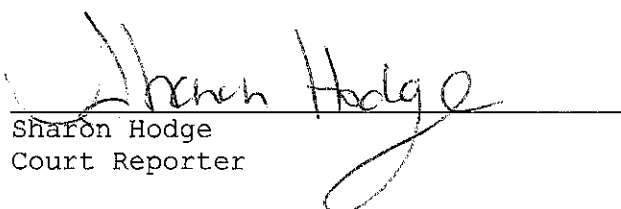
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Sharon Hodge
Court Reporter


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