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17 On behalf of the Defendants.

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I N D E X

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(By Mr. Zacks)	

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EXHIBITS	MARKED
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(Amount Due Affidavit)	
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1 P R O C E E D I N G S

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3 BETH ANN COTTRELL,

4 being by me first duly sworn, as hereinafter  
5 certified, deposes and says as follows:

6 CROSS-EXAMINATION

7 BY MR. ZACKS:

8 Q. All right. If you would state your name,  
9 please.

10 A. Beth Cottrell.

11 Q. And Dustin Zacks here for the defendant.

12 MR. MANCILLA: Joseph Mancilla for the  
13 plaintiff.

14 BY MR. ZACKS:

15 Q. And your title.

16 A. Operation supervisor.

17 Q. And your employer.

18 A. Chase Manhattan. Chase Home Finance.

19 MR. ZACKS: If we could, myself and  
20 Mr. Mancilla have agreed, we have stipulated that the  
21 answers taken in the deposition yesterday in the case  
22 of Chase Home Finance versus Koren, the answers given  
23 yesterday that were not specific to the Koren case  
24 may be used for today's deposition.

25 MR. MANCILLA: That's correct.



1 A. No.

2 Q. Paragraph 1 states that "The affidavit was  
3 submitted for the purpose of showing that there was  
4 no genuine issue as to any material fact." Did you  
5 have personal knowledge of that statement when you  
6 signed this document?

7 A. No.

8 Q. Did you do anything to verify that  
9 statement?

10 A. No.

11 Q. Next, "That plaintiff is entitled to  
12 enforce the note and mortgage." Do you have personal  
13 knowledge of that statement or did you when you  
14 signed this document?

15 A. No.

16 Q. Did you do anything to verify that  
17 statement prior to signing this document?

18 A. No.

19 Q. And finally, "For the purpose of showing  
20 that plaintiff is entitled to a judgment as a matter  
21 of law." Did you have personal knowledge of that  
22 statement?

23 A. No.

24 Q. And did you do anything to verify that  
25 statement before signing this document?

1 A. No.

2 Q. Paragraph 2 states that you're assistant  
3 secretary of Chase Home Finance. Your actual title  
4 you said is operation supervisor.

5 A. Yes.

6 Q. And do your duties change as you sign as  
7 assistant secretary or do your -- does your  
8 day-to-day job description change?

9 A. Only that I'm authorized to sign these  
10 documents.

11 Q. So you don't have any extra duties or  
12 extra meetings to attend or extra supervisors to  
13 report to based on the fact that you also have this  
14 alternate title of assistant secretary.

15 A. No.

16 Q. Also in paragraph 2 states "That you are  
17 familiar with the books of account and have examined  
18 all books, records, and documents kept by Chase  
19 concerning the transactions alleged in the  
20 complaint." Were you familiar with all the books,  
21 records, and documents prior to signing this  
22 affidavit?

23 A. No.

24 Q. Did you look at any books, records, and  
25 documents concerning the transactions alleged in the

1 complaint prior to signing this document?

2 A. No.

3 Q. It goes on to say "The books, records, and  
4 documents are kept by Chase Home Finance in the  
5 regular course of its business as servicer of the  
6 loan transaction." Is Chase the servicer of this  
7 loan?

8 A. Yes.

9 Q. And does Chase also own the loan?

10 A. Yes.

11 Q. And how do you know?

12 A. They're listed as the plaintiff.

13 Q. And did you look at any other document to  
14 see if plaintiff owned the loan?

15 A. No.

16 Q. Any reason to know why the affidavit would  
17 state that Chase would keep these documents in the  
18 regular course of its business as servicer of the  
19 loan transaction rather than just saying Chase has  
20 these records because they own the loan?

21 A. If the loan were owned by somebody else --  
22 basically the Chase Home Finance listed as the  
23 servicer gives us the right to sign.

24 Q. And do you know in this case if the loan  
25 was owned by someone else?



1 A. Previously, no.

2 Q. Do you know who would have more knowledge  
3 of that?

4 A. The folks that have the file in Monroe.

5 Q. And that's in Monroe, Louisiana.

6 A. Yes.

7 Q. And that's where -- well, tell me what's  
8 there.

9 A. The original files.

10 Q. And by original files, are you speaking of  
11 a custodial vault that would hold the original note,  
12 if any, and the original mortgage, if any?

13 A. Yes.

14 Q. Do you know what else would be stored in  
15 Monroe, Louisiana?

16 A. In addition to the note, the mortgage  
17 would be, the title policy, the assignments, if any.

18 Q. Those documents, the originals would be  
19 kept in Monroe and you would have access to see those  
20 documents through iVault if you so chose, correct?

21 A. Yes.

22 Q. And that would include all documents, I  
23 guess, pertinent to the foreclosure action.

24 A. Yes.

25 Q. When you look at a document on iVault, are

1 they color copies?

2 A. No.

3 Q. Are any documents color copies on iVault?

4 A. Not that I'm aware of.

5 Q. Do you know if in this case any documents  
6 in the iVault were color copies?

7 A. No.

8 Q. No, you don't know --

9 A. I don't --

10 Q. -- or --

11 A. None of them are color copies.

12 Q. And how do you know? When did you look at  
13 the iVault records pertinent to this case?

14 A. I looked at some yesterday.

15 Q. And what did you look at?

16 A. Just the amount due affidavit. Actually,  
17 no. It wasn't the affidavit because I don't believe  
18 that that was imaged. I don't -- I'm trying to  
19 remember. I don't believe I did look on this case.  
20 It was the Koren file.

21 Q. Do you ever print documents that have been  
22 scanned into iVault?

23 A. Yes.

24 Q. And when would you have occasion to do  
25 that?

1 A. When they're being asked to provide the  
2 deed of trust or assignment or the note.

3 Q. And when you say when they are being  
4 asked, who would be doing the asking and who would be  
5 asked?

6 A. Usually it's the trustee and when we're  
7 doing a verification to verify that the loan is in  
8 Chase's name.

9 Q. And do you know if in this case any copies  
10 were requested to be printed out from iVault?

11 A. I do not know.

12 Q. Do you know who would have more knowledge  
13 of that?

14 A. No.

15 Q. Do you know Tom Reardon?

16 A. Yes.

17 Q. What's his position?

18 A. He is assistant vice president.

19 Q. What is his relation to you in term of  
20 professionally? Is he on the same level as yourself  
21 or is he a supervisor?

22 A. He is over a group of litigation support  
23 team. He's above me, but I do not report to him.

24 Q. The litigation support team, can you tell  
25 me what their duties are to the extent you know?

1 A. No.

2 Q. Besides the deposition yesterday taken  
3 again in the Chase Home Finance versus Koren case,  
4 when were you deposed prior to that?

5 A. Last week.

6 Q. And what -- was it a foreclosure case?

7 A. Yes.

8 Q. And can I ask about what matters you  
9 testified? For example, was it in regards to another  
10 affidavit you had signed or some other document you  
11 had signed?

12 A. An affidavit I had signed.

13 Q. It was an affidavit as to amounts due and  
14 owing?

15 A. Yes.

16 Q. You said yesterday that was the only prior  
17 deposition you had; is that correct?

18 A. Yes. Chase related.

19 Q. Okay. You had taken depositions prior to  
20 that.

21 A. Yes.

22 Q. In what capacity?

23 A. Witness.

24 Q. So that was the only -- whether Chase,  
25 First American, J.P. Morgan, that was the only

1 deposition prior to yesterday that you had given in a  
2 foreclosure case.

3 A. Yes.

4 Q. I asked a similar question in regards to  
5 your assistant secretary title, but you also sign  
6 documents as vice president, correct?

7 A. Yes.

8 Q. Do your duties change in any fashion based  
9 upon the fact that you also have the title of vice  
10 president on some documents?

11 A. No.

12 Q. So you don't attend any extra meetings.

13 A. No.

14 Q. And you don't have any extra supervisory  
15 duties.

16 A. No.

17 Q. Back to paragraph 2 on the affidavit. You  
18 stated that "The records were made at or near the  
19 time by and from information transmitted by persons  
20 with personal knowledge of the facts such as your  
21 affiant." The persons with personal knowledge who  
22 made the records, do you know who they are?

23 A. On the system do you mean?

24 Q. Well, just what you said here.

25 A. Basically those are the records that we go

1 by.

2 Q. Records in the system. In what system are  
3 you referring to?

4 A. MSP.

5 Q. So when this says that "Those records  
6 which are referred to in this affidavit were made by  
7 persons with personal knowledge of the facts," who  
8 were the persons with personal knowledge of the facts  
9 that made those records if you know?

10 A. I don't know.

11 Q. Can you name anyone who made some of the  
12 records referred to in that sentence?

13 A. No.

14 Q. It goes on to state "The books, records,  
15 and documents which affiant has examined are managed  
16 by employees or agents whose duty it is to keep the  
17 books accurately and completely." Can you state who  
18 the employees or agents were?

19 A. I can only state who provided the numbers  
20 based on the system.

21 Q. So in terms of the day-to-day management  
22 of these books, records, and documents, you can't  
23 state which employees or agents managed those  
24 records.

25 A. No.

1 Q. And, again, when it says the books,  
2 records, and documents which affiant has examined,  
3 you're affiant, correct?

4 A. Yes.

5 Q. And when it says you have examined them,  
6 you stated you didn't examine any records, right?

7 A. Yes.

8 Q. It states "That the employees or agents  
9 whose duties it is to keep the records of the books  
10 accurately and completely." Can you state what  
11 policies are in place to keep the books accurately  
12 and completely?

13 A. Our folks are trained to look at the fees  
14 that are being applied -- that are applied to the  
15 loan based on what is given to us, and they go in and  
16 make sure that those are correct. They are trained  
17 to look at that closely and look for any discrepancy  
18 because it should balance.

19 Q. Is there a quality control process?

20 A. No. There is, but I don't know that it  
21 was used on this particular affidavit.

22 Q. First, do you know who would have more  
23 knowledge of whether the quality control process was  
24 used as to this affidavit?

25 A. No.

1 Q. And is that quality control process  
2 managed by a different group than yours or is it the  
3 same?

4 A. It is -- it was at one time. The  
5 supervisors, team leads work together to provide a  
6 quality control check.

7 Q. Can you describe that process for me.

8 A. Samples are pulled based on what they do  
9 in one day and those are checked by -- at that time  
10 they were checked by another group.

11 Q. You stated samples are taken. Do you know  
12 how many out of a certain day's might be taken, such  
13 as a percentage of how many are tested?

14 A. Three percent.

15 Q. And you say they're checked by another  
16 group. Can you describe for me -- take me through  
17 that process.

18 A. They would actually be pulled and given to  
19 another team within our group to check the records.

20 Q. Is there a way to tell if this particular  
21 affidavit went through the quality control process?

22 A. Yes.

23 Q. And how would you do that?

24 A. There would be a spreadsheet of loan  
25 numbers that were entered.



1 Q. And where would that be entered?

2 A. I'm sorry. I didn't hear you.

3 Q. And where would that be entered?

4 A. That would be entered on a shared drive on  
5 a spreadsheet.

6 Q. Not a data base or not iVault.

7 A. No.

8 Q. Just be in your internal files.

9 A. Yes.

10 Q. Is there a name for that?

11 A. Just quality control.

12 Q. If there's something wrong or incorrect or  
13 something doesn't add up based on a quality control  
14 review, what happens then?

15 A. It's brought to the attention of the  
16 staff, and they are shown the mistake.

17 Q. With this affidavit, were you brought any  
18 indication that these figures were incorrect or there  
19 was any discrepancy?

20 A. No.

21 Q. Final sentence of paragraph 2,  
22 "Furthermore, affiant has personal knowledge of the  
23 matters contained in the books, records, and  
24 documents kept by Chase Home Finance." Again, you  
25 stated you didn't look at any books, records, and

1 documents prior to signing this affidavit.

2 A. Yes.

3 Q. So you don't have or at the time you  
4 signed this you did not have personal knowledge of  
5 the -- of any books, records, and documents kept by  
6 Chase Home Finance; is that correct?

7 A. That's correct.

8 Q. In paragraph 4 can you state who put these  
9 numbers in?

10 A. I believe it was Sharon Gerhart.

11 Q. And what's her title?

12 A. She was a senior -- a senior lead.

13 Q. A senior lead. Okay. Is that -- that's  
14 someone you supervise?

15 A. Yes. At the time, no. She's now -- yes.  
16 She reports to me.

17 Q. So at this time she was just a member of  
18 the team. You didn't exercise any supervisory  
19 control over her.

20 A. No. Does that say August of -- 7th day of  
21 August. Yes. She did report to me.

22 Q. Okay. And did she input all the figures  
23 in paragraph 4?

24 A. Yes.

25 Q. And what about the one figure that is not

1 handwritten?

2 A. That was there from the attorney. The  
3 attorney inputs that.

4 Q. So she did not input that number.

5 A. No.

6 Q. And this number is computer generated  
7 through automatic computation based on what you call  
8 through date, which is this July 29 date, correct?

9 A. Yes.

10 Q. And do you know who input that date for  
11 the purpose of producing this affidavit?

12 A. The attorney.

13 Q. And how do you know that?

14 A. They prepare this document.

15 Q. So the attorney actually went in to your  
16 data base or computation system, entered that through  
17 date, and it produced this number; is that correct?

18 A. I don't know. We would verify it either  
19 way. They have -- they are able to look at the  
20 system we use and which I brought a screen shot.

21 Q. And the attorneys are able to enter that  
22 date; is that correct?

23 A. They can enter the date.

24 Q. And then by virtue of entering the through  
25 date, that will produce a figure; is that correct?

1 A. I actually don't know if they can enter  
2 the date because they can't -- they can view. They  
3 also have Vendorscape that should have given this  
4 same amount at the time of referral, and that's just  
5 looking at the screen, the loan. I believe they're  
6 very limited on what they can do on the system.

7 Q. But attorneys can alter some information  
8 on some of your systems; is that correct?

9 A. No. I don't believe they have any -- they  
10 can alter anything.

11 Q. Even if they've been trained to do so.

12 A. They have been -- if they've been trained,  
13 then yes.

14 Q. So attorneys that have been trained to use  
15 your system could put some limited information on  
16 your system; is that correct?

17 A. Yes.

18 Q. So in this case --

19 A. Only to produce numbers but not to change  
20 data in the sense that they can update or --

21 Q. So if an attorney who is trained on your  
22 system put in a through date such as this one, that  
23 would not alter any records on your internal system.

24 A. It wouldn't alter -- change anything. It  
25 would just give them a figure.

1 Q. So then attorneys --

2 A. They could change the through date and it  
3 would give them another figure but it's not going to  
4 change the numbers on the system based on permanent  
5 record.

6 Q. So attorneys cannot go in and make any  
7 permanent changes to the system.

8 A. Right.

9 Q. So would there be a record of when or if  
10 an attorney went on your system, entered a through  
11 date to produce a number like this?

12 A. No.

13 Q. And when they enter a through date to  
14 produce this number, you've stated that does not stay  
15 on your system at all.

16 A. I'm sorry. I don't understand.

17 Q. Sure. An attorney, say an attorney who  
18 was trained to use your systems goes on, enters the  
19 through date for the purpose of getting the computer  
20 to automate this number, when the attorney enters  
21 that through date, does that -- that does not stay on  
22 the system in any fashion.

23 A. No. It would go -- it would default. Any  
24 time I would go into the system and change the  
25 through date myself, it's going to go back to another

1 date. I would have to enter that through date every  
2 time if I wanted to see it.

3 Q. Okay. So --

4 A. The through date is just built in for the  
5 charges. But as I stated, that's if they are using  
6 MSP.

7 Q. Right.

8 A. They could be using Vendorscape. I don't  
9 know.

10 Q. But on either Vendorscape or the other  
11 system, no information entered by attorneys trained  
12 to use your systems would remain there even if they  
13 entered it; is that correct?

14 A. I don't believe they can enter data --

15 Q. Can they --

16 A. -- that would alter numbers.

17 Q. Can they enter anything on the system  
18 though?

19 A. No.

20 Q. So the only thing attorneys can do then is  
21 view records --

22 A. That's correct.

23 Q. -- or use your systems to produce a  
24 number, such as, computing a late charge through a  
25 certain date.

1 A. Yes. But that would also be a late charge  
2 that's on Vendorscape.

3 Q. Tell me the difference between the two  
4 systems. You said it could be on Vendorscape, it  
5 could be on MSP.

6 A. Vendorscape is a way for us -- for the  
7 attorneys and the staff to communicate with one  
8 another in the sense that they can actually view the  
9 same thing we're viewing as far as a late charge, the  
10 principal balance, that type of thing. But in DRI,  
11 when we send a message, and that's where we update  
12 the system, they would actually be able to see that  
13 on Vendorscape. They do not have access to DRI that  
14 I know of.

15 Q. And DRI, what records does that contain?

16 A. Basically any time somebody touches the  
17 loan, they go in and update the system. It also  
18 shows when the referral was. It gives you  
19 information on the loan and foreclosure.

20 Q. So, for example, they would have  
21 information if a loan went in or out of the custodial  
22 vault.

23 A. I believe DRI is more or less if the  
24 attorney uploaded something, if it was incorrect, we  
25 would send a message to Vendorscape, they would

1 receive it, correct it. That's what it's used for,  
2 any kind of default related issue. Somebody touches  
3 the loan, they talk to the attorney, they update it,  
4 we can view those notes.

5 Q. When you say when someone touches the  
6 loan, tell me about circumstances that you mean.

7 A. Documents that are uploaded within our  
8 group, they have to update DRI each time they process  
9 one of these documents, and there is part of a  
10 foreclosure team that would do the same.

11 Q. Vendorscape on the other hand you said  
12 would be primarily for the attorneys to view.

13 A. We view it as well, the staff.

14 Q. So what's the difference between that and  
15 DRI?

16 A. DRI is internal. Vendorscape is a system  
17 that allows us to communicate with the attorneys.  
18 They can upload the documents where we actually print  
19 them and process them, notes are actually posted  
20 there by the attorney also.

21 Q. So DRI, that would be an instance where  
22 you alter something, you need to let the attorneys  
23 know there's a new document in the file or something  
24 has changed, correct?

25 A. Something that needs corrected.



1 Q. And do you know of anything that needed  
2 correcting in this case?

3 A. Not right offhand. No.

4 Q. Did you review DRI to look for any such  
5 messages prior to signing this affidavit?

6 A. No.

7 Q. And in contrast Vendorscape would be the  
8 attorneys when they send you stuff, correct?

9 A. Yes.

10 Q. DRI then would have a -- or would have a  
11 record of when Chase obtained the loan if there was a  
12 previous owner, correct?

13 A. We would get MSP for that.

14 Q. What about if a note was lost, would that  
15 be notated in DRI when you eventually located where  
16 the note was?

17 A. Only if a lost note affidavit was asked or  
18 uploaded and asked us to process, execute.

19 Q. Does DRI actually store all the documents  
20 or is it just the messaging system?

21 A. It doesn't store. It just stores the data  
22 on the loan.

23 Q. Now, tell me about MSP, that also stores  
24 data on the loan, correct?

25 A. Yes.

1 Q. What's the difference between that and  
2 DRI? Does DRI pull the numbers from MSP somehow?

3 A. No. MSP, sometimes you will see people  
4 actually post data from MSP into DRI. As I stated  
5 earlier, you can actually send the note to  
6 Vendorscape from DRI where the message would be sent  
7 to the attorney; they can view it on Vendorscape at  
8 that point.

9 Q. If you could list in detail what would you  
10 generally see on MSP, for example, payment histories,  
11 et cetera.

12 A. You can see the payment history. You can  
13 see the escrow, the principal balance, the late  
14 charges. You can see -- you can go in and see  
15 when -- if the loan was acquired and what date.

16 Q. Would MSP also have information on if a  
17 note were lost and then it were found, would that be  
18 inputted somewhere on MSP?

19 A. It's possible there would be a note screen  
20 we could go to and look for that. That's not  
21 something we would do there. We would look elsewhere  
22 to see if the lost note -- there was a lost note.

23 Q. So it's possible then that on the note  
24 section of MSP someone might have said, we looked for  
25 it at this facility, we couldn't find it.

1 A. It's possible.

2 Q. And similarly, it's possible in a case  
3 where you stated although you can't locate the note  
4 at that time, that when it later comes into your  
5 possession that would be notated on MSP.

6 A. On DRI.

7 Q. That would be on DRI. Do you know much  
8 about the practice of attorneys in foreclosure suits  
9 on behalf of your company filing lost note accounts?

10 A. I don't think I understand what you're  
11 asking.

12 Q. Sure. In your knowledge is it the  
13 practice of Chase to instruct its attorneys to state  
14 that a note is lost?

15 A. Do we instruct them? That's not how it  
16 works.

17 Q. Explain if you would.

18 A. Basically they usually will get the file,  
19 the original file to look at the note. If there is  
20 no note or if they find that it's just a copy, that's  
21 when they would upload a lost note affidavit to  
22 Vendorscape stating that they need to execute it.

23 We, in turn, would do our research to see  
24 if the note was in the file before it went to their  
25 office. And if that were the case, that the note was

1 in the file, we would not process the lost note  
2 affidavit; and that's where we would update DRI  
3 stating that Chase is in possession of the note.

4 Q. When you say the attorneys get the  
5 original file, are you speaking of -- well, which  
6 file? There's a custodial file.

7 A. Custodial file.

8 Q. And that would be obtained from where?

9 A. Monroe, Louisiana.

10 Q. And would that always be submitted to the  
11 attorneys prior to a foreclosure suit being filed?

12 A. Once the case is referred, it's usually  
13 within ten days of the referral.

14 Q. Is it the practice of Chase to go through  
15 that original file and see if there is merely a copy  
16 of the note or an original note prior to sending it  
17 on to the attorney?

18 A. It is their practice.

19 Q. If there is no original note in the file,  
20 they will still send it on to the attorney.

21 A. They will notate that there was -- what  
22 was in the file before it went to the attorney.

23 Q. The other systems that you have you said  
24 are iVault, which is simply a device you use, what,  
25 to view scanned documents?

1 A. Yes.

2 Q. That doesn't contain data, that doesn't do  
3 computations of amounts due, correct?

4 A. No. That is correct. It's just a storage  
5 for data, image copies.

6 Q. And what other systems would you use?

7 We've gone over DRI, MSP, and iVault.

8 A. Vendorscape.

9 Q. Vendorscape. Yeah. And what else?

10 A. There have been times when we would  
11 actually order the file ourself, but no other system.

12 Q. When would you have occasion to order the  
13 original file yourself?

14 A. If there is -- I've ordered files that  
15 they've said that there isn't the note and I'll order  
16 the file or the assignment, they needed the  
17 assignment, and I'll order the file myself.

18 Q. Is there a record of that if and when you  
19 order a file?

20 A. Yes.

21 Q. And what system would that be?

22 A. It's also on the share drive. It's on a  
23 master spreadsheet of all files ordered.

24 Q. If you order an original file and there's  
25 no original note present, what do you do then?

1 A. I would let the attorney know there was no  
2 original, and at that point in most cases it would go  
3 to the attorney, but I would actually let them know  
4 that we could at that point process the lost note  
5 affidavit.

6 Q. And do you have a policy for continuing  
7 the search for a lost note if you enter a file  
8 without the original note?

9 A. They would in Monroe. They would continue  
10 to search for the note.

11 Q. And those continuing searches, or really  
12 any searches, is there a way for you to tell when  
13 those occur on any of your systems or internal files?

14 A. No.

15 Q. Would that be something -- okay.

16 So you have never seen a notation in a  
17 file that says, well, you know, Monroe told us it's  
18 not present and they're looking for it, and they've  
19 run a couple searches through the file, that has  
20 never occurred where you've seen a notation like  
21 that?

22 A. No. That would probably be in an e-mail.

23 Q. Would you say it's common or more common  
24 than not that in a case where you have an original  
25 file without an original note, that that note is

1 eventually found?

2 A. I would say that's uncommon, more  
3 uncommon.

4 Q. When you're signing documents such as  
5 affidavits, assignments, and things like that, you  
6 said you have a signing time.

7 A. Yes.

8 Q. And you said you have a whole stack of  
9 documents ready to be signed, and you're next to a  
10 notary; is that correct?

11 A. Yes.

12 Q. And for each document -- well, first,  
13 approximate if you could. You're signing, based on  
14 the math, over 100 documents a day, would that be  
15 correct on average?

16 A. On average.

17 Q. When you're sitting next to that notary at  
18 signing time, do you actually stop and take an oath  
19 each time on each document with her -- him or her  
20 sitting there?

21 A. On each document, no.

22 Q. So how do you do it then for the purposes  
23 of taking an oath?

24 A. At the time of the signing, I affirm each  
25 time. There are four signings throughout the day.

1 Q. When you say you affirm, can you explain.

2 A. That's exactly what I tell her or him --  
3 right now it's a her -- that I affirm.

4 Q. That you affirm that it's your signature  
5 or you affirm everything is correct or --

6 A. Both.

7 Q. At the signing time, I can only assume  
8 that that name -- you are actually there signing  
9 documents and then handing it to a notary, would that  
10 be a correct assumption?

11 A. Yes.

12 Q. Is there more than one signer of documents  
13 for each notary at the signing time sessions?

14 A. Yes.

15 Q. How many if you could give me a typical  
16 ratio at a signing time, how many signers to how many  
17 notaries?

18 A. Four to two.

19 Q. And are you doing these one at a time in  
20 that you'll sign one document, hand it over, and  
21 she'll immediately notarize it?

22 A. It basically comes in a folder based on  
23 the person who verified all the information that sent  
24 it to the signing table. Once I affirm, I will --  
25 and sign the documents in that folder -- I would give



1 it to her at that point.

2 Q. So you'll sign all the documents and then  
3 hand that pile of documents to the notary.

4 A. Yes.

5 Q. And when you say you affirm, again, would  
6 you do that over the whole file or as you sign each  
7 document you would say I affirm this one as well?

8 A. No. It would be all the documents.

9 Q. Back to the affidavit in paragraph 4, did  
10 you do anything to verify that these numbers were  
11 correct prior to signing the affidavit?

12 A. No.

13 Q. Did you look at any records pertaining to  
14 this loan prior to signing this affidavit that would  
15 contain any of these charges that are on this  
16 affidavit?

17 A. No.

18 Q. Paragraph 5 is about Chase employing the  
19 services of Florida Default Law Group and explains  
20 the fee. Have you ever seen a fee agreement with  
21 Florida Default Law Group?

22 A. No.

23 Q. So you don't have personal knowledge of  
24 that fee arrangement; is that correct?

25 A. That's correct.

1 Q. And this Wenona Church, you know her.

2 A. Yes.

3 Q. And you know her personally.

4 A. Yes.

5 Q. And who drafted the affidavit, other than  
6 the handwritten figures, who drafted this affidavit?

7 A. The attorney.

8 - - -

9 And thereupon, Defendant's Exhibit B was  
10 marked for purposes of identification.

11 - - -

12 BY MR. ZACKS:

13 Q. I'll ask you to flip to Exhibit A of this  
14 Exhibit B, which is the duces tecum, and I'll ask you  
15 what you have brought today in response to Request  
16 No. 1.

17 A. Nothing.

18 Q. And I'll ask you what you brought in  
19 response to No. 2.

20 A. I brought the incumbency certificate.

21 MR. ZACKS: We'll enter that, please.

22 - - -

23 And thereupon, Defendant's Exhibit C was  
24 marked for purposes of identification.

25 - - -

1 BY MR. ZACKS:

2 Q. Now, this incumbency certificate allows  
3 you to sign as assistant secretary, correct?

4 A. Correct.

5 Q. But it does not require you to take on any  
6 additional duties, correct?

7 A. Yes.

8 Q. Nor any additional supervisory duties.

9 A. Correct. Just to sign, which I believe is  
10 the additional duty.

11 Q. And is this appointment or incumbency  
12 certificate perpetual or is this a time-limited  
13 ability that you have to sign as assistant secretary?

14 A. I don't believe it's limited.

15 Q. And Denise DesRosiers, do you know who she  
16 is?

17 A. No.

18 Q. I'll ask you anything you brought in  
19 response to No. 3.

20 A. I brought records from our MSP center.

21 MR. ZACKS: And we'll enter those.

22 - - -

23 And thereupon, Defendant's Exhibit D was  
24 marked for purposes of identification.

25 - - -

1 BY MR. ZACKS:

2 Q. And you've provided a document in response  
3 to No. 3, the title of which is 3270 Explorer at the  
4 top. We asked for documents upon which you were  
5 familiar and upon which you relied on in executing  
6 the affidavit. Did you view these documents you just  
7 handed me prior to making the affidavit?

8 A. No.

9 Q. And if you would just give me a general  
10 idea of what we're looking at here, please.

11 A. You'll see the principal balance and the  
12 interest, escrow, and the escrow is based on today's  
13 date, the late charges, and the fees.

14 Q. And this is the MSP system; is that  
15 correct?

16 A. That's correct.

17 Q. And you don't -- this is a -- in the  
18 manner of a final computation, correct?

19 A. Yes.

20 Q. So the individual numbers that were used  
21 to create this final -- or these final balances as of  
22 today, do you know who put in those individual  
23 transactions?

24 A. No.

25 Q. And these documents you handed me today,

1 have you done anything to verify that these numbers  
2 are correct?

3 A. I did my own amount due, but not prior --  
4 I did my own amount due at the --

5 Q. But you didn't --

6 A. Prior to.

7 Q. Right. You didn't double check this --  
8 these pay-out figures prior to the affidavit being  
9 signed.

10 A. No.

11 Q. On the second page of Exhibit D I see a  
12 \$30 fax fee. Do you have any idea what that is?

13 A. No.

14 Q. Do you know who would have more knowledge  
15 of that?

16 A. No.

17 Q. Thanks. Any documents in response to  
18 No. 4?

19 A. No.

20 Q. Do you have any documents in response to  
21 No. 5?

22 A. No. All the documents I brought are that  
23 I reviewed after I signed.

24 Q. Okay. So I'll ask you blanketly then,  
25 we've gone through 1 through 5, take your time, and

1 if you would review Requests 6 through 13 and I'll  
2 ask you if you have brought any documents responsive  
3 to those requests.

4 A. No.

5 Q. And you've brought some documents. Can  
6 you tell me what they are.

7 A. They're screen shots of the history on the  
8 loan that allows us to put the numbers given on the  
9 amount due.

10 MR. ZACKS: Okay. And if you don't mind,  
11 I'll go ahead and enter those.

12 - - -

13 And thereupon, Defendant's Exhibit E was  
14 marked for purposes of identification.

15 - - -

16 BY MR. ZACKS:

17 Q. Again, can you tell me what we're looking  
18 at here, please, just in terms of what system are we  
19 in.

20 A. MSP.

21 Q. This is still on MSP. And is this an  
22 entire loan transaction history or what --

23 A. Based on the amount due, you're looking at  
24 any transactions that would have taken place for the  
25 amount due for the property preservation. You're

1 also looking at the interest. I believe I've given a  
2 screen shot where all that information, this is what  
3 you would see given the through date.

4 Q. And this screen shot is also from MSP?

5 A. Yes.

6 - - -

7 And thereupon, Defendant's Exhibit F was  
8 marked for purposes of identification.

9 - - -

10 BY MR. ZACKS:

11 Q. And for this Exhibit E, these MSP  
12 documents, you did not review any of these prior to  
13 signing the affidavit.

14 A. That is correct.

15 Q. BPO, is that a standard fee or would there  
16 be a receipt for that somewhere?

17 A. There should be an invoice.

18 Q. And what system would that be?

19 A. I just know that on there it would show  
20 BPO. I can tell the transaction code, but it's  
21 possible there was an image.

22 Q. And on Page 2 --

23 A. It's probably in the file.

24 Q. -- to the right side towards the bottom,  
25 third from the bottom, Foreclosure Service and below

1 that Foreclosure Fee, can you tell me what those  
2 charges are, please, if you know.

3 A. Those are not anything that I would look  
4 at. This screen I'm looking for your inspections.

5 Q. So you don't know what -- when the code  
6 says AT Florida on the payee column --

7 A. Based on the reason, it's foreclosure fee.

8 Q. And do you know what that would be going  
9 towards?

10 A. No.

11 Q. Do you know who would have more knowledge  
12 of that?

13 A. No.

14 Q. Page 3 of Exhibit E I see second and third  
15 from the bottom there is a term Writedowns, do you  
16 know what that is?

17 A. No.

18 Q. Do you know who would have more knowledge?

19 A. No.

20 Q. Inspection on 7-17-09, would that be  
21 something you had knowledge of?

22 A. That would be part of the inspection.  
23 That's one of the reason codes that I would be  
24 looking at.

25 Q. And would that be something used to



1 produce the affidavit?

2 A. Yes.

3 Q. So the person who input those figures  
4 might conceivably have looked at this.

5 A. Yes.

6 Q. And you yourself did not verify that this  
7 amount was correct.

8 A. That's correct.

9 Q. And you haven't seen an invoice for that.

10 A. No.

11 Q. Do you know if there were an invoice where  
12 it would be?

13 A. It would be in invoice processing would  
14 process that.

15 Q. And is that a department, invoice  
16 processing --

17 A. Yes.

18 Q. -- or is that part of another group?

19 A. It's a department. It's another team.

20 Q. And in Page 6 of Exhibit E I see we've got  
21 some highlighted figures. Can you tell me what we're  
22 looking at, please.

23 A. We're looking at a hazard insurance. I'm  
24 sorry. Yes. Hazard insurance.

25 Q. And first you've got highlighted 351.

1 What does that mean?

2 A. That's the transaction.

3 Q. That's a code?

4 A. Yes.

5 Q. And the amount, again, you've got it  
6 highlighted, were you just taking a look yesterday in  
7 preparation for the deposition?

8 A. Yes.

9 Q. So you didn't take a look at this before  
10 the affidavit.

11 A. No.

12 Q. When you took a look in preparation for  
13 the deposition, did you verify that it was correct?

14 A. Yes.

15 Q. And how did you do that?

16 A. I was able to look at the escrow on the  
17 account and find that -- and found that it balanced.

18 Q. And these figures on the pages where  
19 you've highlighted some of the escrows, again, those  
20 figures are produced based on the transactions that  
21 are entered right along as you get an escrow payment  
22 or you don't get an escrow payment or as you disburse  
23 one, correct?

24 A. Correct.

25 Q. And you've indicated you don't know who

1 inputs those individual transactions.

2 A. No.

3 Q. You don't know if those individuals have  
4 personal knowledge of the transactions when they  
5 enter them.

6 A. No.

7 Q. Did you speak to anyone before signing the  
8 affidavit who had anything to do with entering those  
9 escrow figures?

10 A. No.

11 Q. And I'm not sure what page we're on, but  
12 same exhibit, and this page at the bottom was printed  
13 out on 5-17, 2010, at 8:31:07 a.m. On this page can  
14 you tell me what the GEN STP ACR means, if you know.

15 A. No, I don't.

16 Q. And do you know who would have more  
17 knowledge of that?

18 A. No.

19 Q. GENR LT CHRG, can I assume that's a  
20 general late charge?

21 A. Yes.

22 Q. And is that a standardized fee in every  
23 case or is that based on something?

24 A. That is not -- it wouldn't be a standard.

25 Q. How would it vary from case to case?

1 A. The late charges are based on -- I don't  
2 see it here -- they're accrued daily.

3 Q. They're accrued daily. Are they accrued  
4 at a consistent rate?

5 A. Would be, yes.

6 Q. Who's responsible for determining that  
7 rate?

8 A. The one who gave the loan.

9 Q. And did you do anything to verify that  
10 that daily rate was correct?

11 A. It had nothing to do with my amount due.

12 No.

13 Q. But there is a spot for prepaid late --  
14 pardon me -- preacceleration late charges on your  
15 affidavit; is that correct?

16 A. That's correct.

17 Q. But this late charge doesn't have to do  
18 with preacceleration late charges; is that correct?

19 A. Well, I believe that the preacceleration  
20 late charges was given and that's with the through  
21 date and there is a screen shot showing that.

22 Q. So you would only look at the screen shot  
23 then if you needed to verify, not these individual  
24 transactions.

25 A. I would verify it, make sure it matched

1 our system in DRI.

2 Q. So you wouldn't use these documents on MSP  
3 to verify late payments -- late charges.

4 A. Not those screen shots.

5 Q. A document that was printed 5-17, 2010,  
6 8:34:43 a.m., can you tell me what FP Fee Payment is,  
7 please, if you know.

8 A. No. I don't know.

9 Q. And do you know who would have more  
10 knowledge of that?

11 A. No.

12 Q. Document printed 5-17, 2010, 8:35:48 a.m.,  
13 Curtailment REV, do you have any idea what that is?

14 A. No.

15 Q. And do you know who would have more  
16 knowledge of that?

17 A. No.

18 Q. Document printed the same date 8:35:54,  
19 there's a transaction entitled Curtail Cash, any idea  
20 what that is?

21 A. No.

22 Q. A document printed 5-17 at 8:36:27 a.m.,  
23 transaction, first one listed at the top, Fee 1 COLL  
24 Cash for 25, any idea what that is?

25 A. No.

1 Q. And the next one is UNAP DR Cash for 500,  
2 any idea what that is?

3 A. Has nothing to do with my amount due.

4 Q. And for both of those transactions, any  
5 idea who would have more knowledge about what those  
6 charges are?

7 A. No.

8 Q. When you say a transaction like that has  
9 nothing to do with the amount due, how can you be  
10 sure that that doesn't go into the total amount of  
11 outstanding amounts due?

12 A. The codes that I am looking at are the  
13 ones that were highlighted, and you'll see in the  
14 middle of the page the GESD code, that's where I know  
15 how -- where it came from or what it was applied to.  
16 Those are the only figures that we would be putting  
17 on these documents.

18 Q. A document printed 5-17, 8:36:51 a.m. At  
19 the bottom here INT ACCR DR, any idea what that is?

20 A. No.

21 Q. And below that Interim INT CR, any idea  
22 what that is?

23 A. No.

24 Q. If those are, in fact, some kind of,  
25 again, this is a guess, but if those had to do with

1 the interest, which is what I can assume INT means,  
2 isn't interest a part of your affidavit that you  
3 signed?

4 A. That's not where I get my interest. Those  
5 are merely for what is in the escrow. I can look at  
6 my code -- the codes that I'm inputting data on.

7 Q. So this -- those transactions do not get  
8 checked -- well, first I'll ask you, you did not  
9 check those transactions prior to signing the  
10 affidavit.

11 A. That's correct.

12 Q. And you would only check those numbers if  
13 there was a problem brought to your attention by  
14 someone else; is that correct?

15 A. That's correct.

16 Q. And you don't know what those transactions  
17 were, correct?

18 A. They have nothing to do with my amount  
19 due.

20 Q. Okay. But you don't know what they are;  
21 is that correct?

22 A. That's correct.

23 Q. And if you can tell me, Exhibit F, what  
24 exactly we're looking at here, please.

25 A. This is the screen that you would get

1 after inputting the through date.

2 Q. And the screen in the MSP system.

3 A. Yes.

4 Q. And how is that different from the first  
5 set of documents you gave me? They look similar in  
6 terms of they look like they are final numbers.

7 A. There is history. This is just a broader  
8 breakdown. This shows me history. The other  
9 exhibit shows me the history.

10 Q. And, again, when did you look at these  
11 numbers?

12 A. Yesterday.

13 Q. And you didn't look at this before signing  
14 the affidavit.

15 A. No.

16 Q. And did you have cause to review any of  
17 these numbers when you looked at them yesterday?

18 A. I was just looking to make sure that the  
19 affidavit was filled out correctly.

20 Q. So you didn't double check any of these  
21 numbers.

22 A. Yesterday?

23 Q. Right.

24 A. Yes, I did.

25 Q. So you did some of your own calculations.



1 A. Yes.

2 Q. Do you have a record of some of those  
3 calculations?

4 A. I just looked at here where I did my own  
5 amount due.

6 Q. And --

7 A. The only thing different is the escrow.  
8 When the amount due was processed, there was hazard  
9 insurance, which is what this is, that came out after  
10 the amount due.

11 Q. When you say you made your own amounts due  
12 and owing, again, were you calculating numbers or  
13 were you just going off what the screen printout from  
14 MSP here --

15 A. I calculate to make sure that it balances.

16 Q. So you didn't go back and check each  
17 individual transaction that led to the final  
18 production of these numbers on Exhibit F; is that  
19 correct?

20 A. I did my own calculations to ensure that  
21 these were correct, yes, for the escrow.

22 Q. And for the --

23 A. The late fees, no.

24 Q. And any other numbers on the affidavit.

25 A. Just that they matched.

1 Q. Just that they matched. Okay.

2 A. That's not this screen though. That would  
3 be the very first screen of the last exhibit, and  
4 that was called the DDCH screen.

5 Q. For the escrow when you stated you did  
6 your own calculations, just take me through, if you  
7 would, what exactly did you do.

8 A. I go to the Pay For screen, this gives me  
9 the escrow. Because I don't know where it came from,  
10 I have to go to a history screen, and that shows  
11 me -- I can see where the escrow changed and make  
12 sure that that escrow that came out, look at the  
13 transaction code to see where it went and make sure  
14 that it adds up to this amount.

15 Q. So you make sure that they balance as you  
16 say, correct?

17 A. Yes.

18 Q. You don't make sure that each individual  
19 escrow transaction was correct.

20 A. No.

21 Q. And do you know if the person who entered  
22 the numbers on your affidavit did what you did or if  
23 they actually went back and made sure that each  
24 individual escrow transaction was correct?

25 A. I would say that they did what I did.

1 Q. Okay.

2 A. But I don't know for sure.

3 Q. And on the affidavit who stamped your name  
4 in if you know?

5 A. I don't know.

6 Q. Would it typically be the person who wrote  
7 in the figures or no?

8 A. It would be.

9 Q. And in this case why don't you feel  
10 comfortable -- you said you're not sure. Can you  
11 explain why you're not sure?

12 A. I don't believe I looked to see who did  
13 this. I can only guess who did it, who put the  
14 numbers in. I'm not 100 percent sure. That's all.

15 Q. And who decided what title would be  
16 stamped that you were signing as on the front page?

17 A. Oh, the person that sent the amount due.  
18 The person that filled out the figures.

19 Q. And how -- and they would determine  
20 that -- you said you have a sheet that tells you what  
21 title you need to sign as.

22 A. Yes.

23 Q. Who produced that sheet?

24 A. We did.

25 Q. When you say we, you mean?

1 A. At the time the manager of the group.

2 Q. Is the manager an attorney?

3 A. No.

4 Q. Did you double check in this case to make  
5 sure that you were signing as the correct title?

6 A. I know I can sign the amount due as  
7 assistant secretary.

8 Q. And what do you base that on?

9 A. Based on the training provided.

10 Q. And tell me about the training. I'm  
11 assuming you just go over that sheet that you said  
12 that tells you.

13 A. Everybody has that sheet. It is disbursed  
14 before you even begin your training so you become  
15 familiar with how to stamp the documents, and that's  
16 how we start out training to familiarize yourself  
17 with the stamping of the documents.

18 Q. This affidavit, did you hand sign this  
19 affidavit?

20 A. Yes.

21 Q. And how do you know?

22 A. It's my handwriting.

23 Q. Do you remember signing this particular  
24 affidavit?

25 A. I can't say that I do, almost a year ago.

1 Q. You will agree that when you signed this  
2 document, you were under oath.

3 A. Yes.

4 Q. And you have already stated in several of  
5 these paragraphs where you stated you have personal  
6 knowledge of books and records, personal knowledge of  
7 people responsible for making those books and  
8 records, personal knowledge of the accuracy of those  
9 records, that you, in fact, had no personal  
10 knowledge; is that correct?

11 A. That's correct.

12 Q. And you do understand that it is perjury  
13 to swear to things in a court of law that aren't  
14 true.

15 A. That is correct.

16 MR. ZACKS: Okay. With the reservation to  
17 continue the depo should any documents be discovered  
18 that the deponent relied on in producing the  
19 affidavit, that we requested as part of Exhibit A to  
20 our notice of deposition, I have no further  
21 questions.

22 MR. MANCILLA: I have no questions. We  
23 would like to read and sign.

24 (Signature not waived.)

25

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And, thereupon, the deposition was  
concluded at approximately 10:15 a.m.

1 State of Ohio :

SS:

2 County of Franklin:

3 I, BETH ANN COTTRELL, do hereby certify  
4 that I have read the foregoing transcript of my  
5 deposition given on May 18, 2010; that together with  
6 the correction page attached hereto noting changes in  
7 form or substance, if any, it is true and correct.

8

9

\_\_\_\_\_  
BETH ANN COTTRELL

10

11 I do hereby certify that the foregoing  
12 transcript of the deposition of BETH ANN COTTRELL was  
13 submitted to the witness for reading and signing;  
14 that after she had stated to the undersigned Notary  
15 Public that she had read and examined her deposition,  
16 she signed the same in my presence on the \_\_\_\_\_  
17 day of \_\_\_\_\_, \_\_\_\_\_.

18

\_\_\_\_\_  
Notary Public

19 My commission expires \_\_\_\_\_  
20

- - -

21

22

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25

1 CERTIFICATE

State of Ohio :

2 SS:

County of Knox :

3 I, Ann Ford, Notary Public in and for the  
4 State of Ohio, duly commissioned and qualified,  
5 certify that the within named BETH ANN COTTRELL was  
6 by me duly sworn to testify to the whole truth in the  
7 cause aforesaid; that the testimony was taken down by  
8 me in stenotypy in the presence of said witness,  
9 afterwards transcribed upon a computer; that the  
10 foregoing is a true and correct transcript of the  
11 testimony given by said witness taken at the time and  
12 place in the foregoing caption specified.

13 I certify that I am not a relative,  
14 employee, or attorney of any of the parties hereto,  
15 or of any attorney or counsel employed by the  
16 parties, or financially interested in the action.

17 IN WITNESS WHEREOF, I have set my hand and  
18 affixed my seal of office at Columbus, Ohio, on this  
19 26th day of May, 2010.

20 \_\_\_\_\_  
ANN FORD, Notary Public  
21 in and for the State of Ohio  
and Registered Professional  
22 Reporter  
23

24 My Commission expires: April 18, 2011.

25