

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE NO. 50 2008 CA 040805XXXX MB

GMAC MORTGAGE, LLC,

Plaintiff,

-vs-

ANN M NEU A/K/A ANN MICHELLE  
PEREZ; DOUGLAS WILLIAM NEU;  
UNKNOWN TENANT (S) IN  
POSSESSION OF THE SUBJECT  
PROPERTY,  
Defendants.

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DEPOSITION OF JEFFREY STEPHAN

Thursday, December 10, 2009  
1:00 p.m. - 2:30 p.m.

Conсор & Associates  
1655 Palm Beach Lakes Blvd., Ste. 500  
West Palm Beach, Florida 33401

Reported By:

Jamie Reynolds Bentley, Court Reporter  
Notary Public, State of Florida  
Conсор & Associates  
1655 Palm Beach Lakes Blvd., Suite 500  
West Palm Beach, Florida 33401  
(561)682-0905

1 APPEARANCES:

2 On behalf of the Plaintiff:

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6

7

8 On behalf of the Defendant:

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I N D E X  
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WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
JEFFREY STEPHAN				
BY MR. IMMEL	4			54
JEFFREY STEPHAN				
BY MS. ARROYAVE		51		

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1 PROCEEDINGS

2 - - -

3 Deposition taken before Jamie Reynolds Bentley, Court  
4 Reporter and Notary Public in and for the State of Florida  
5 at Large, in the above cause.

6 - - -

7 THE COURT REPORTER: Do you swear or affirm that  
8 the testimony you are about to give will be the truth,  
9 the whole truth and nothing but the truth?

10 THE WITNESS: I do.

11 Thereupon,

12 (JEFFREY STEPHAN)

13 having been first duly sworn or affirmed, was examined  
14 and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. IMMEL:

17 Q. All right. We are here on GMAC Mortgage, LLC  
18 versus Neu. This is the deposition of Jeffrey Stephan.  
19 I'm sure your attorney has gone over things with you a  
20 little bit. But if you could just keep one thing in  
21 mind, to answer, not to simply nod your head or anything  
22 like that. We need for your answers to be clear for the  
23 court reporter that way.

24 A. Yes.

25 Q. Could you please state your name for the

1 record.

2 A. My name is Jeffrey Stephan.

3 Q. Okay. And who do you work for?

4 A. GMAC, LLC.

5 Q. And is there a difference between GMAC, LLC  
6 and GMAC Mortgage, LLC?

7 A. GMAC, LLC -- I'm trying to think of the word  
8 to use -- the most recent name.

9 Q. Okay.

10 A. It's GMCA Mortgage Corporation.

11 Q. Okay.

12 A. I'm not sure how you would word that.

13 Q. Okay. So are they -- does GMAC, LLC -- now  
14 has that basically taken over these other entities --

15 A. Yes.

16 Q. -- that formerly existed?

17 A. Yes.

18 Q. So these entities no longer currently exist?

19 A. Right.

20 Q. Okay. And how long then have you been  
21 employed by GMAC, LLC?

22 A. Five years.

23 Q. Okay. And prior to that, it was GMAC Mortgage  
24 and GMAC Corporation?

25 A. That was as the whole five years.

1 Q. Oh, okay.

2 A. Yes.

3 Q. As the whole five years. And what is your  
4 title?

5 A. I'm a team leader in the foreclosure  
6 department.

7 Q. Okay. And what are your responsibilities?

8 A. I am the team lead of the document execution  
9 unit.

10 Q. Okay.

11 A. And also the service transfer unit.

12 Q. And so what type of documents do you  
13 ordinarily execute?

14 A. I execute on a daily basis assignments of  
15 mortgage, affidavits of any type that might be needed,  
16 deeds. Any type of the document that would need a  
17 signature of an officer of GMAC.

18 Q. Okay. And who do you report to?

19 A. I report to Margie Kwiatanowski.

20 Q. Could you spell that?

21 A. Yes. It's K-W-I-A-T-A-N-O-W-S-K-I.

22 Q. Okay. And approximately how many employees  
23 does GMAC Mortgage, LLC have?

24 A. I couldn't guess. I don't know.

25 Q. Sure. Okay. And as part of your

1 responsibilities, you execute assignments as a vice  
2 president of MERS?

3 A. Yes, that's correct.

4 Q. And in executing affidavits as a vice  
5 president, do you receive any compensation from MERS?

6 A. No.

7 Q. Have you had any training from MERS?

8 A. No.

9 Q. Okay. How many documents would you say you  
10 sign on an average week as far as executing affidavits  
11 and things of that nature?

12 A. It's very tough to estimate that to be honest  
13 with you.

14 Q. In a given month, would that be easier to say  
15 --

16 A. I would say --

17 Q. -- one hundred, 500?

18 A. -- in a month, my team brings to me  
19 approximately, I'd say a round number of 10,000. That's  
20 just an estimate, of course.

21 Q. Okay. And so, 10,000 your team brings to you.  
22 How many people do you oversee?

23 A. A team of 13 people.

24 Q. Okay. Now, would these people be given the  
25 duties of actually preparing the documents that you

1 ultimately sign and execute?

2 A. They would review the document that is given  
3 to them through our computer systems.

4 Q. Okay.

5 A. So they don't actually prepare it per se.  
6 They review it for the accuracy of what type of entity  
7 I'm signing as.

8 Q. Okay. How many different entities do you sign  
9 as?

10 MS. ARROYAVE: Objection: Form.

11 BY MR. IMMEL:

12 Q. Can you name what entities you sign --

13 A. I sign presently as MERS.

14 Q. Okay.

15 A. And under MERS as vice president or an  
16 assistant secretary. Also, I sign for GMAC Mortgage.  
17 And to be honest with you, it's too many entities for me  
18 to actually quote under GMAC. But it is as a limited  
19 signing officer.

20 Q. Okay. And earlier you stated that right now  
21 it's GMAC, LLC.

22 A. Uh-huh.

23 Q. You do still currently sign documents as GMAC  
24 Mortgage, LLC?

25 A. Yes, I do.



1 Q. Okay. And also as a corporation --

2 A. Yes.

3 Q. -- and some of the others that we've seen your  
4 signature on?

5 A. Yes, I do.

6 Q. Okay. Where then does the information that  
7 goes into the system that your team reviews --

8 A. Yes.

9 Q. -- where does that information come from?

10 A. The process that we use is -- and this is to  
11 my knowledge -- a file is referred to a foreclosure  
12 attorney stating exactly what entity would be needed  
13 through the referral unit. And at that point, the  
14 attorney receives the file to proceed with the  
15 foreclosure. That foreclosure name is generated upon  
16 GMAC supplying it on the referral. I'm not 100 percent  
17 sure of what that process is.

18 Q. Okay.

19 A. The documentation, as you stated, that you're  
20 asking about, is given to us after the attorney has been  
21 instructed on what name to foreclose in.

22 Q. And who instructs the attorney as to what name  
23 to foreclose it in?

24 A. It comes to our referral unit. Which is  
25 another process to my knowledge.

1 Q. Okay. Approximately, if 10,000 are signed in  
2 a given month, you know, on an average, how long would  
3 you say you spend executing each one and actually  
4 signing?

5 A. It's tough to say.

6 Q. Okay. Would it be accurate to say that when  
7 these documents have been presented to you by your team  
8 --

9 A. Uh-huh.

10 Q. -- you take the face value that they are --  
11 they have been checked by your team?

12 A. That would be a correct statement, yes.

13 Q. So these documents wouldn't be actually  
14 executed on your own personal knowledge?

15 A. Right.

16 Q. It would be based on knowledge that came  
17 through --

18 A. Right.

19 Q. -- the chain --

20 A. I'm sorry.

21 MS. ARROYAVE: Can I interrupt just for a  
22 second? I just want to make sure that he finishes  
23 his question before you answer.

24 THE WITNESS: Sure. Sorry.

25

1 BY MR. IMMEL:

2 Q. Yes, yes, that's true, too.

3 So the information that your team obtains  
4 isn't based on their personal knowledge either, it's  
5 located within the computer networks?

6 MS. ARROYAVE: Objection: Form.

7 BY MR. IMMEL:

8 Q. The information on the documents that you  
9 execute is stored within your data base?

10 A. No, somewhere else.

11 Q. No. Okay. The information then is that --  
12 your team, they get that from a computer network that  
13 you have, correct?

14 A. No.

15 Q. Where does your team get that information?

16 A. That information is first given to the  
17 attorney to foreclose under which name as needed. If we  
18 are stating some type of assignment, for example, the  
19 attorney, to my knowledge, and I'm not 100 percent sure  
20 of their process because I don't work for the attorney,  
21 they would do a title check to verify what name the lien  
22 is presently in.

23 Q. Okay.

24 A. At that point is when it would initial if an  
25 assignment would be needed or not.

1 Q. So at the direction of the attorney, your team  
2 creates these documents and then you execute them?

3 MS. ARROYAVE: Objection: Form.

4 BY MR. IMMEL:

5 Q. So your team executes documents at the request  
6 of attorneys?

7 MS. ARROYAVE: Objecting: Form. You can  
8 still answer it if you understand the question.

9 BY MR. IMMEL:

10 Q. Do you understand what I'm asking?

11 A. Yes, I understand what you're asking. My team  
12 does not create any documents.

13 Q. These documents are then sent from the  
14 attorney?

15 A. Yes.

16 Q. Okay. And you're -- so then the team that you  
17 oversee --

18 A. Uh-huh.

19 Q. -- simply reviews them for accuracy?

20 A. That's correct.

21 Q. Okay. And how do they verify the information  
22 is accurate?

23 A. They do not go into the system and verify the  
24 information as accurate. We are relying on our attorney  
25 network to ensure that they are asking for the correct

1 information.

2 Q. So the attorney creates these documents and  
3 you are relying that the attorney is correct?

4 A. Yes.

5 MS. ARROYAVE: Objection: Form.

6 BY MR. IMMEL:

7 Q. Okay. And then they are required to be  
8 notarized. Are they notarized in your office?

9 A. Yes.

10 Q. Is the notary present with you or is it down  
11 the hall?

12 A. The notary is in the same department.

13 Q. Same department. Okay. Are they physically  
14 present when you (sic) notarize this -- or when they  
15 notarize and then you execute it?

16 A. No, they are not physically present. But I  
17 will -- I do deliver them to the notary.

18 Q. All right.

19 A. And I wait for them to notarize it to hand  
20 them back to my team.

21 Q. Okay. All right. What department then? You  
22 said your department?

23 A. Right.

24 Q. And as part of their job responsibilities,  
25 would notarizing be their sole responsibility, or do

1           they have other responsibilities?

2           A.    They have other responsibilities.

3           Q.    Are any of the members of your team, people  
4           that also notarize documents that you execute?

5           A.    Yes.

6           Q.    Yes.  Okay.  Is there a job requirement that  
7           certain employees become notaries?

8           A.    I don't know.

9           Q.    Okay.  And what type of -- what level of a  
10          type of employee would it typically be that is a notary?

11          A.    I don't know that either.

12          Q.    All right.  Does the company pay for the  
13          process of becoming a notary or the renewal fees?

14          A.    Yes.

15          Q.    Okay.  If a notary feels that they are being  
16          asked to notarize something that's done improperly, is  
17          there a process which they can, you know, raise that to  
18          anybody's attention?

19          A.    I honestly don't know.

20          Q.    You are not sure.  Do you notarize any  
21          assignments of mortgage or other documents yourself?

22          A.    No.

23          Q.    Are you a notary?

24          A.    No.

25          Q.    How are witnesses ordinarily chosen?

1 MS. ARROYAVE: Object: Form.

2 Chosen for what?

3 BY MR. IMMEL:

4 Q. The witnesses to, say, the assignments of the  
5 mortgage, and the witnesses of things that you execute.

6 A. They are just chosen randomly.

7 Q. Chosen randomly. Okay. Approximately how  
8 many days a week do you spend executing assignments,  
9 affidavits, and the various documents that you execute?

10 A. Five.

11 Q. Five. Okay. Are there any specific days  
12 where it's one day these types of documents, this type  
13 of documents, or can it be just a mix?

14 A. It's a mix.

15 Q. Okay. Approximately how many documents would  
16 you say are presented to you by your team at a given  
17 time? Is it one at a time, or ten at a time?

18 A. It is done in bulk.

19 Q. Done in bulk.

20 A. I could not quote you the exact number.

21 Q. Okay. Going back to the signing officer as  
22 Mortgage Electronic Registration Systems, you said that  
23 you are -- you sign as both vice president and as an  
24 assistant secretary?

25 A. That is correct.

1 Q. Is there any basis for one -- you sign as one  
2 versus the other?

3 A. The majority of the time I sign as a vice  
4 president. Most times we do not need an assistant  
5 secretary, unless they are asking for a second signature  
6 on any type of an affidavit or assignment.

7 Q. Okay. And, again, you are not paid by MERS.  
8 Do you hold any other responsibilities with MERS that  
9 would be consistent with having the title of a vice  
10 president?

11 A. No.

12 Q. No. Okay. So you don't attend any board  
13 meetings for MERS?

14 A. No.

15 Q. You don't report to the secretary of MERS or  
16 any other people at MERS?

17 A. No.

18 Q. How did you become a MERS representative? Did  
19 you request to be a vice president of MERS?

20 A. I received the responsibility as being the  
21 team lead for document executing. It was assigned to me  
22 by our legal area.

23 Q. Okay. All right. So your responsibilities as  
24 a vice president of MERS to execute the assignments is  
25 really your job perspective, or an aspect of your job at



1 GMAC Mortgage, LLC or GMAC, LLC?

2 A. That is correct.

3 Q. Okay. And you've never been to any MERS  
4 offices or their headquarters?

5 A. No.

6 Q. Are you aware of why you were given the title  
7 of vice president versus assistant secretary or...

8 A. No, I'm not aware of that.

9 Q. Okay. All right. I have here the assignment  
10 of mortgage which you executed in this case.

11 A. Okay.

12 MR. IMMEL: I'll enter that as Exhibit A.

13 (Defendant's Exhibit Letter A was marked for  
14 identification.)

15 MR. IMMEL: I have a copy for you, as well.

16 THE WITNESS: Thank you.

17 BY MR. IMMEL:

18 Q. In the top left-hand corner it says, Record  
19 and return to offices of Marshall C. Watson.

20 Based on your earlier statements, it's  
21 accurate to say that attorneys at Marshall C. Watson  
22 created the information on this document?

23 MS. ARROYAVE: Objection: Form.

24 THE WITNESS: That would be correct.

25

1 BY MR. IMMEL:

2 Q. Okay. And who -- so an attorney chose the  
3 date of the 4th day of March, 2009.

4 Can you tell me the date actually. Whether  
5 that's the 3rd or the 5th of March.

6 A. To me it seems to be the 5th.

7 Q. Okay.

8 A. Actually, excuse me, let me change that. It  
9 would have to be the 3rd, because the notary did it on  
10 the 4th.

11 Q. Okay. And that is your signature on this  
12 document?

13 A. That is correct.

14 Q. Okay. Is it commonplace then for the notary  
15 to notarize a document the day after you've apparently  
16 executed it?

17 MS. ARROYAVE: Objection: Form.

18 THE WITNESS: I would say, yes, it would be  
19 common.

20 BY MR. IMMEL:

21 Q. Okay. So typically when you hand these off to  
22 the notary, and then they kind of catch up?

23 A. Uh-huh. Yes.

24 Q. Okay. The witnesses, Heather Reinhart, do you  
25 know her personally?

1 A. Yes, she is one of my employees.

2 Q. Is she on your team?

3 A. Yes.

4 Q. Is it possible that she would have been one of  
5 the people who reviewed this for accuracy?

6 A. That is possible.

7 Q. And the other person appears to be Tyra  
8 Wilks --

9 A. Wilson.

10 Q. Tyra Wilson. Okay. Is she also a member of  
11 your team?

12 A. Yes.

13 Q. And you know her personally, as well?

14 A. Yes.

15 Q. The notary, Susan Turner, is she a member of  
16 your team?

17 A. No, she is not.

18 Q. Do you know her personally?

19 A. Yes.

20 Q. It says here that you personally appeared  
21 before her on the 4th day of March. Is it possible that  
22 you executed then on the 3rd, and handed it to her and  
23 then you weren't personally in front of her at the time  
24 she notarized this?

25 A. I don't know. I can't recollect.

1 Q. All right. And how did you determine on this  
2 to execute it to GMAC Mortgage, LLC?

3 MS. ARROYAVE: Objection: Form.

4 THE WITNESS: I'm not sure if I understand the  
5 question.

6 BY MR. IMMEL:

7 Q. Okay. Did you have any say in the creation of  
8 who MERS would assign this to?

9 A. No.

10 Q. No. Your attorney, the Law Office of Marshall  
11 C. Watson, determined that?

12 A. No.

13 Q. No.

14 A. That is, as I stated earlier, when the  
15 foreclosure referral goes out, the referral unit  
16 determines what entity they should be foreclosing on.

17 Q. Okay. And the foreclosure referral unit that  
18 you speak of, is that part of your department?

19 A. Yes.

20 Q. Okay. So would they have records that they  
21 are able to refer to to determine who the new mortgagee  
22 should be according to these assignments?

23 A. Yes.

24 Q. And who -- do you have a name of any person  
25 that keeps those documents?

1 A. The team lead for that would be Brenda.

2 Q. Brenda?

3 A. Her last name is Staehle, S-T-A-E-H-L-E.

4 Q. Okay.

5 A. I think that's the way it's spelled.

6 Q. Can you tell me -- you really don't have any  
7 knowledge or information as to who should be the  
8 mortgagee? According to this document, you take it for  
9 face value; is that correct?

10 MS. ARROYAVE: Objection: Form.

11 THE WITNESS: Can you explain that further?

12 BY MR. IMMEL:

13 Q. You take it for face value that GMAC Mortgage,  
14 LLC is expected to be the mortgagee?

15 MS. ARROYAVE: Objection: Form.

16 BY MR. IMMEL:

17 Q. Who would have information who -- who MERS  
18 should assign this to? Would it be you or Brenda  
19 Staehle?

20 A. Brenda Staehle would be the individual or her  
21 team to refer the files, and they determine what name  
22 should be foreclosing in.

23 Q. Okay. So everything from that point on is  
24 based on the presumption that her team has ascertained  
25 those things to be correct?

1 A. That is correct.

2 MS. ARROYAVE: Objection: Form.

3 BY MR. IMMEL:

4 Q. All right. Okay. So on March 5th, 2009,  
5 you're not aware --

6 A. I believe it's the 3rd.

7 Q. March 3rd. I'm sorry. March 3rd, 2009,  
8 you're not aware of any physical transfer of the  
9 mortgage?

10 A. Can you rephrase that? I'm not following.

11 Q. Are you aware of any reason why the assignment  
12 of mortgage had to be executed on March 5th, 2009 -- or  
13 the 3rd, 2009? I'm sorry.

14 A. We have a process that's set up with our  
15 attorney network. And Marshall Watson is in that  
16 attorney network. The file is referred to them with a  
17 certain name to proceed with the foreclosure in. They  
18 will pull title. And whatever they see title is in, in  
19 order to proceed in the proper name, they need to get an  
20 assignment. In this instance it's MERS to GMAC.

21 Q. Okay. Are the assignments supposed to be  
22 completed prior to the filing of the foreclosure  
23 lawsuit?

24 MS. ARROYAVE: Objection: Form.

25

1 BY MR. IMMEL:

2 Q. Are you aware if it's a company policy at  
3 least?

4 A. I don't know.

5 Q. Okay. So as this assignment of mortgage, on  
6 the face of it, transfers from Mortgage Electronic  
7 Registration Systems as nominee for Mortgage Investors  
8 Corporation to GMAC Mortgage, LLC on March 3rd, 2009,  
9 would it be accurate to say that prior to that, this  
10 assignment, Mortgage Electronic Registration Systems was  
11 the mortgagee?

12 A. No.

13 Q. No. Okay. Why would that not be accurate to  
14 say?

15 A. Mortgage Electronic Registration, to my  
16 knowledge, is an origination entity to allow the passing  
17 of assignments through performing loans to make it more  
18 easier, I guess you would say, to transfer amongst  
19 different companies. MERS does not own loans.

20 Q. They wouldn't own the loan. But they would  
21 own the mortgage; is that correct?

22 MS. ARROYAVE: Objection: Form.

23 THE WITNESS: It's not correct, no.

24 BY MR. IMMEL:

25 Q. No. So they are the named mortgagee, so that

1 when the note is passed from entity to entity it doesn't  
2 have to be rerecorded?

3 A. That is to my knowledge, yes.

4 Q. All right. On this it also says that MERS is  
5 assigning the mortgage together with the note. I don't  
6 know if you see that line there. It's right there  
7 (indicating).

8 As you just stated, MERS has no interest in  
9 the note ever; is that correct?

10 A. I honestly don't know.

11 Q. Oh, okay. As far as you're aware --

12 A. Yes.

13 Q. -- MERS doesn't --

14 A. As far as I'm aware. (Witness nods head.)

15 Q. Okay. Are you aware of whether that's common  
16 language to exist in the assignments that you execute?

17 A. I honestly don't know.

18 Q. You're not sure. Okay. All right.

19 MR. IMMEL: And I have a copy of the first  
20 page of the mortgage here. Which I'll enter as  
21 ExhibitB.

22 (Defendant's Exhibit Letter B was marked for  
23 identification.)

24 BY MR. IMMEL:

25 Q. If you will notice it says that the mortgagee



1 according to the mortgage is Mortgage Electronic  
2 Registration Systems.

3 I believe it's right down there (indicating).

4 A. I disagree with that interpretation.

5 MS. ARROYAVE: Was there a question?

6 MR. IMMEL: Yes.

7 MS. ARROYAVE: What was the question?

8 BY MR. IMMEL:

9 Q. According to the mortgage, it says that MERS  
10 is the mortgagee?

11 A. My interpretation, it says right in the same  
12 paragraph, it says they are a nominee for the lender or  
13 the lender successors.

14 Q. Right. Okay. They are the mortgagee as  
15 nominee --

16 A. Uh-huh.

17 Q. -- for the lenders?

18 A. Yes.

19 Q. Okay. But they are a different entity from  
20 the lender and lender successors and things?

21 A. Yes.

22 Q. Okay. What does nominee in that regards mean?

23 A. I don't know.

24 Q. Okay. We can move on from there.

25 I have here -- which I'll enter as Exhibit

1 C -- some discovery that we received from MERS.

2 (Defendant's Exhibit Letter C was marked for  
3 identification.)

4 BY MR. IMMEL:

5 Q. And if you will turn to the second page. It  
6 is the document entitled, Min Summary.

7 And have you ever seen these records before?

8 A. No, I have not.

9 Q. So in executing the assignments of mortgage on  
10 behalf of MERS, do you consult any of MERS' records?

11 A. No.

12 Q. And you are not able to tell me what any of  
13 these entries would then mean? This is the first time  
14 you have seen this type of information?

15 A. In this format, yes.

16 Q. Okay. Have you seen this type of information  
17 in other formats?

18 A. Some of it. I understand what they mean as  
19 far as the acronyms in there.

20 Q. Okay. Based on your understanding, the  
21 investor says -- the investor is identified as  
22 Government National Mortgage Association - Ginnie Mae.  
23 What does the word "investor" mean in MERS' acronym?  
24 Are you aware?

25 A. I'm not sure how I can explain it. GMAC would

1 be the holder and the owner of the mortgage. GMAC would  
2 be the investor who is in the organization that  
3 contributed the fund. That's really the only way I can  
4 explain the relationship of an investor and servicer.

5 Q. Okay.

6 A. But that's only to my knowledge. I mean, I  
7 don't work in that fashion.

8 Q. Okay. So the servicer is supposed to take on  
9 the day-to-day activities of administering the mortgage  
10 of loan and collecting payments and so forth?

11 A. That would be correct.

12 Q. And they do that on behalf of the investor who  
13 loaned the monies?

14 A. Yes.

15 Q. Okay. And any monies that are received from  
16 the servicers, would they really be for the investor  
17 then to pay him back the loan?

18 A. I don't know.

19 Q. Okay. And as custodian, also, that would mean  
20 that they are in possession of the mortgage file,  
21 essentially, the note and any other applicable  
22 documents?

23 A. That's correct.

24 Q. Okay. All right. Where it has the pool  
25 number and it is blacked out. Do you know what the pool

1 number refers to?

2 A. No, I don't.

3 Q. No. Okay. And what about the investor loan  
4 number?

5 A. Yes, I understand what that is.

6 Q. And what would that relate to?

7 A. Every investor would have their own loan  
8 number. The same as GMAC would have their own loan  
9 number to classify the different files.

10 Q. Okay. And are you aware of how a mortgage  
11 that has been securitized, a mortgage note that's been  
12 securitized, would be reflected on something like this,  
13 on this summary?

14 A. I am not familiar.

15 Q. You are not familiar. Okay. Are you aware of  
16 anyone at GMAC Mortgage, LLC that has access to these  
17 MERS documents and records?

18 A. No, I'm not.

19 Q. You are not aware. Okay. Are you aware of  
20 anybody at GMAC that would have a responsibility to  
21 update the MERS documentation?

22 A. No.

23 Q. Okay. So the various individuals at GMAC that  
24 execute assignments on behalf of MERS have no  
25 responsibility to update the MERS' system that they had

1 actually done those assignments or anything like that?

2 A. That would be correct.

3 Q. Okay. Are you aware then of how the MERS'  
4 system is updated?

5 A. No.

6 Q. Okay. As a vice president, do you owe a  
7 fiduciary duty to the original lender to ensure that the  
8 mortgage is assigned to the proper entity?

9 MS. ARROYAVE: Objection: Form.

10 THE WITNESS: I actually don't understand your  
11 question.

12 BY MR. IMMEL:

13 Q. Do you own any duty to the -- when you assign  
14 these mortgages, you execute them as -- for MERS as  
15 nominee for a particular entity, correct?

16 A. That would be correct.

17 Q. Do you owe any responsibility then to that  
18 particular entity that MERS is nominee for to ensure  
19 that the mortgage is transferred to the new correct  
20 entity?

21 A. I don't know.

22 Q. Okay. All right.

23 MR. IMMEL: I have the corporate resolution  
24 here. Which I'll enter it as Exhibit D.

25

1 (Defendant's Exhibit Letter D was marked for  
2 identification.)

3 BY MR. IMMEL:

4 Q. Have you seen this document before?

5 A. Yes, I have.

6 Q. When was the first time you saw it?

7 A. I'm sorry, I can't say. I don't recollect.

8 Q. You're not sure. Is it fair to say it was  
9 quite a while ago?

10 A. Yes.

11 Q. Did you have any role in creating it or  
12 negotiating it?

13 A. No, I did not.

14 Q. No. Okay. The first paragraph says that you  
15 are authorized to assign a lien of any mortgage loan  
16 registered on the MERS register to the member.

17 Who would be the member according to this?  
18 Would that be GMAC Mortgage, LLC?

19 A. I don't know.

20 Q. Okay. Assign the lien, in paragraph 2, of any  
21 mortgage loan naming MERS as the mortgagee when the  
22 member is also the current promissory note-holder, or if  
23 the mortgage loan is registered on the MERS system, is  
24 shown to be registered to the member.

25 When you are assigning liens, you already

1 stated that you don't consult with any of the MERS  
2 records to determine whether or not it's registered to  
3 who -- whoever?

4 MS. ARROYAVE: Objection: Form. Asked and  
5 answered. Mischaracterization of prior testimony.

6 BY MR. IMMEL:

7 Q. Okay. You don't consult MERS system when  
8 assigned these liens?

9 A. Yes.

10 MS. ARROYAVE: Asked and answered.

11 BY MR. IMMEL:

12 Q. All right. Okay. But is it fair to say that  
13 you don't ascertain whether the member is the current  
14 promissory note-holder when you assign the lien?

15 A. That would be correct.

16 Q. And you also don't know if the mortgage loan  
17 is registered on the MERS system?

18 A. We are relying on our attorney network when  
19 they check the title --

20 Q. Okay.

21 A. -- to verify what title it is presently in.  
22 If it is MERS, we would sign for MERS.

23 Q. Okay.

24 MR. IMMEL: Exhibit E.

25

1 (Defendant's Exhibit Letter E was marked for  
2 identification.)

3 BY MR. IMMEL:

4 Q. Here is the GMAC Mortgage, LLC certificate of  
5 assistant secretary. Here you go.

6 And you are considered a limited signing  
7 officer giving you basically the same responsibility as  
8 a junior officer?

9 MS. ARROYAVE: Objection: Form.

10 THE WITNESS: I don't know if that's a correct  
11 statement.

12 BY MR. IMMEL:

13 Q. Okay. Are you familiar with this document?

14 A. I have a copy of this document. Which to my  
15 recollection means that next to my name it gives me the  
16 authority to sign for GMAC and its entities as a limited  
17 signing officer.

18 Q. Okay. In this case, you also filed an  
19 affidavit of lost original document?

20 MS. ARROYAVE: Objection: Form.

21 BY MR. IMMEL:

22 Q. Okay. And you executed this document. Is  
23 this your signature? Here is a copy of it.

24 MR. IMMEL: I'll enter this as Exhibit F, I  
25 believe.



1 (Defendant's Exhibit Letter F was marked for  
2 identification.)

3 THE WITNESS: Yes, that is my signature.

4 BY MR. IMMEL:

5 Q. Okay. And you signed this affidavit claiming  
6 that at the time plaintiff was not presently in custody  
7 or control of plaintiff or any of plaintiff's agents,  
8 and that would be the note that was not in your -- their  
9 custody or control?

10 A. Yes. Once again, we have a process in place  
11 where if our attorney needs an original document, they  
12 open up a request in our system. At that time, we have  
13 another unit -- which is not located in Pennsylvania  
14 where I am located -- contact custodians, contact their  
15 own records, go to different investors. They do not do  
16 an affidavit of this fashion unless they've exhausted  
17 all efforts.

18 Q. Okay. Would it be fair to say that you're not  
19 involved in any of those efforts?

20 A. That is fair to say.

21 Q. Okay. Why then do they ask you to execute the  
22 affidavit of lost document -- lost original document?

23 A. They asked me to execute this for the  
24 foreclosure department. Because after conversations  
25 between the attorney and this other department, they

1 determine that it is not available. I am the  
2 foreclosure team lead that handles document execution.

3 Q. Okay. So would it be accurate to say that the  
4 department that actually searches for the lost note  
5 would have a better understanding of why it's lost and  
6 where the search occurred?

7 A. That is a fair statement.

8 Q. Okay. It says that the copy of said note  
9 attached to the complaint is a true and correct and  
10 substantial copy of the lost or destroyed note.

11 Do you review any documents before executing  
12 the affidavits of lost original documents?

13 A. No, I do not. I review this. Let me change  
14 this. Excuse me. I do review this. However, I do not  
15 review any documents. I rely, once again, on my  
16 attorney network who is requesting the document, and  
17 communications between the departments to determine if  
18 it's -- if a lost affidavit is needed.

19 Q. Okay. So the portion that sets claims in  
20 paragraph 1: Affiant has custody and personal knowledge  
21 of the account pertaining the original mortgage loan  
22 instruments. Affiant has actual and personal knowledge  
23 of the facts stated herein and is authorized to make  
24 this affidavit. Would that be accurate?

25 A. Yes, that is accurate.

1 Q. You being the affiant have custody and  
2 personal knowledge of the account pertaining to the  
3 original mortgage loan instruments?

4 MS. ARROYAVE: Object to the form. Go ahead.

5 THE WITNESS: I do not have the specific  
6 knowledge to this one account. But I understand  
7 what the other department does in general to try to  
8 locate these documents.

9 BY MR. IMMEL:

10 Q. Okay. All right. And so in this particular  
11 case, the -- there was no note attached to the  
12 complaint. You would have no way of ascertaining that  
13 because you don't actually review?

14 A. That, once again, is determined by our  
15 attorneys' office.

16 Q. Okay. I'm going to just -- I have a  
17 substantial copy of the complaint. And just to show  
18 that there is no note attached to it, that was the  
19 original filing of the complaint.

20 You have never reviewed that, nor do you  
21 review any other note to determine whether it is, in  
22 fact, a true, correct and substantial copy of the lost  
23 or destroyed note?

24 MS. ARROYAVE: Objection: Form.

25 THE WITNESS: Can you rephrase that for me? I

1 don't completely follow what you are saying.

2 BY MR. IMMEL:

3 Q. When you execute the affidavit of lost  
4 original document, and make the claim that you've seen a  
5 copy of the note that is attached and that's a  
6 substantial copy, you really have no basis for making  
7 that claim.

8 THE WITNESS: I'm still not following.

9 MS. ARROYAVE: Objection: Form.

10 BY MR. IMMEL:

11 Q. When the complaint in this case was filed,  
12 there was no note attached to the complaint, correct?

13 A. From what you have just handed to me, there is  
14 no note.

15 Q. Okay. Based on what I've provided you.

16 A. Yes.

17 Q. Do you normally review notes to make sure that  
18 they are a true copy of the lost note?

19 MS. ARROYAVE: Objection: Form.

20 THE WITNESS: That is -- no, I do not. It is  
21 not in my position.

22 BY MR. IMMEL:

23 Q. It's not in your position.

24 MR. IMMEL: All right. I guess I can enter  
25 this a Exhibit G.

1 (Defendant's Exhibit Letter G was marked for  
2 identification.)

3 BY MR. IMMEL:

4 Q. And going back, just for a second, to the lost  
5 note affidavit. That is your signature?

6 A. Yes, that's correct.

7 Q. And your understanding is that the attorney  
8 representing -- from your network drafts this?

9 A. That is correct.

10 Q. Okay.

11 MR. IMMEL: This is going to be Exhibit H.

12 (Defendant's Exhibit Letter H was marked for  
13 identification.)

14 BY MR. IMMEL:

15 Q. This is a copy of the note filed after the  
16 complaint in this case. I don't have the notice of  
17 filing page.

18 Have you ever seen this document before?

19 A. I have seen these documents. I have not seen  
20 this document.

21 Q. Okay. And this wouldn't have been the  
22 document that you reviewed in executing the lost note  
23 affidavit?

24 A. No. We do not -- once again, we do not review  
25 the note. Our attorney determines that the note is not

1 available through our processes.

2 Q. Okay.

3 MR. IMMEL: This would be Exhibit I.

4 (Defendant's Exhibit Letter I was marked for  
5 identification.)

6 BY MR. IMMEL:

7 Q. This is the newly found note. Here. And as  
8 you can see, if you could compare the two notes, one has  
9 a couple of additional endorsements. Whereas, the  
10 previous one did not. Is that correct?

11 A. That is what I observe here, yes.

12 Q. Okay. In the review of the two notes and the  
13 endorsements that are on them, have you seen this type  
14 of situation before where one note that's been filed in  
15 the case is partially endorsed and the other is a more  
16 complete record of endorsements?

17 A. No, I have not.

18 Q. In following along the endorsements, can you  
19 determine who was the last owner of the note prior to  
20 your companies?

21 A. I'm sorry. Can you rephrase that for me?

22 Q. Can you determine who GMAC Mortgage, LLC has  
23 acquired the mortgage note from?

24 A. The first endorsement I see here has a date.  
25 It says, Mortgage Investor Corporation. It's signed on

1 February 27th, I believe, that's 2002.

2 Q. All right. And they were the original lender.  
3 And then, as you can see, there is another endorsement  
4 there to, I believe, GMAC Mortgage Corporation. And  
5 there is also one GMAC Bank. Correct?

6 A. That is correct according to the observation  
7 that I see on this document.

8 Q. So would you need an assignment from -- why do  
9 you assign the MERS -- as a vice president of MERS, why  
10 do you assign the MERS -- I'm sorry. Let me start over  
11 there.

12 Why do you execute the assignment of mortgage  
13 on behalf of MERS as nominee for the original lender and  
14 not the last lender?

15 MS. ARROYAVE: Objection: Form.

16 THE WITNESS: Because as you stated, it's an  
17 assignment of mortgage. It's not an assignment of  
18 note.

19 BY MR. IMMEL:

20 Q. Right.

21 A. That's the only way I can answer that. The  
22 mortgage itself, which we've both reviewed, states that  
23 it's MERS as a nominee for Mortgage Investor  
24 Corporation.

25 Q. Okay. So would you agree then that as the

1 note was transferred through these endorsements to new  
2 note-holders and owners that MERS remained the  
3 mortgagee?

4 MS. ARROYAVE: Objection: Form.

5 THE WITNESS: I wouldn't have that knowledge.

6 BY MR. IMMEL:

7 Q. Okay. It's your understanding that MERS does  
8 not assign the mortgage every time the note is  
9 transferred; is that correct?

10 MS. ARROYAVE: Objection: Form.

11 THE WITNESS: I wouldn't have that knowledge  
12 either.

13 BY MR. IMMEL:

14 Q. Okay. All right. Do you know who would have  
15 that knowledge?

16 A. No, I do not.

17 Q. Okay. All right.

18 MR. IMMEL: And we have here defendant's  
19 request for production regarding the Jeffrey  
20 Stephan documents. That will be Exhibit J.

21 (Defendant's Exhibit Letter J was marked for  
22 identification.)

23 BY MR. IMMEL:

24 Q. Have you seen that document before?

25 A. I have not seen this document until recently



1 when I found out that I was coming here.

2 Q. Okay. And also we have the response to the  
3 request for production regarding the Jeffrey Stephan  
4 document.

5 MR. IMMEL: That will be marked as Exhibit K.  
6 (Defendant's Exhibit Letter K was marked for  
7 identification.)

8 BY MR. IMMEL:

9 Q. I'm going to direct you to paragraph 5 where  
10 there has been an objection based on our request for all  
11 MERS system documents, records, computer data, or other  
12 MERS information reviewed by Jeffrey Stephan prior to  
13 executing the assignment of mortgage filed in this case  
14 to determine the proper SNE.

15 It's been objected to as vague and ambiguous  
16 and improperly presumes that plaintiff has custody or  
17 control over any MERS system documents.

18 As a MERS vice president, you don't have  
19 access to any MERS system documents?

20 A. No, I do not.

21 Q. Okay.

22 A. I do not work for MERS.

23 Q. Okay. And so you don't actually review any  
24 documents prior to executing the assignment of mortgage?

25 MS. ARROYAVE: Asked and answered.

1 BY MR. IMMEL:

2 Q. Okay. And are there any -- do you receive any  
3 letters, e-mails, or other correspondence from other  
4 departments that have given you any instruction on any  
5 of the documents which you execute?

6 A. No.

7 Q. No. And in paragraphs -- request No. 7, as  
8 far as the search for the lost note, you didn't actually  
9 partake in that search. So you are not aware of any of  
10 the locations searched, other than by other people?

11 A. That's correct.

12 Q. Do you know who those people would be that  
13 searched for the note?

14 A. There is a team that's in our Minnesota  
15 office. I am not familiar with who would actually  
16 search for the said document.

17 Q. What is the name of that team? Do you know  
18 the name of that team?

19 A. I don't have a formal name for them. I call  
20 them document control. But that's my own name for them.

21 Q. Okay. All right. You said that the attorneys  
22 representing you prior in this case only ask you to  
23 execute the lost note affidavit after a substantial  
24 effort has occurred?

25 MS. ARROYAVE: Objection. That goes into the

1 attorney-client privilege.

2 BY MR. IMMEL:

3 Q. As far as you understand, a substantial search  
4 for the lost note has already occurred by various people  
5 within your team, other teams within GMAC at the request  
6 of the attorneys?

7 A. Within GMAC the lost note affidavit or lost  
8 instrument affidavit would not be executed until  
9 everything has been exhausted.

10 Q. Okay. Is it common for a lost note affidavit  
11 to be executed and then later the note to be found?

12 A. I don't know.

13 Q. You're not sure. Okay. Earlier you were  
14 mentioning that now you work for GMAC, LLC; is that  
15 correct?

16 A. That is correct.

17 Q. And you still execute documents as GMAC  
18 Mortgage, LLC limited signing officers, as well?

19 A. That's the same thing you just stated.

20 Q. Right. One they dropped the name -- the  
21 mortgage from the name, and one they haven't; is that  
22 correct?

23 A. No.

24 Q. No.

25 A. One they dropped corporation and changed it to

1           LLC.

2           Q.    Oh, okay.

3           A.    They became a limited liability company.

4           That's what LLC stands for.

5           Q.    Okay.  You said that there was an -- initially  
6           there was a referral from the referral department to the  
7           attorneys?

8           A.    That would be correct.

9           Q.    Do you ever review any of those documents in  
10          your duties as executing these other documents?

11          A.    No.

12          Q.    So I'm going to turn to the -- this is the  
13          note of authenticity ownership interrogatories limited  
14          answers.  Here you are.

15                   MR. IMMEL:  That will be Exhibit L.

16                   (Defendant's Exhibit Letter L was marked for  
17                   identification.)

18          BY MR. IMMEL:

19          Q.    Do you know, I think, it is Juan A. Aguirre?

20          A.    I do not know him.  But I am familiar with his  
21          name.

22          Q.    Okay.  Are you familiar with his duties?  He's  
23          a senior litigation analyst.

24          A.    Yes.

25          Q.    Do you know if he's a senior litigation

1 analyst for GMAC Mortgage, LLC, or are there other  
2 entities that he works for?

3 A. I honestly do not know.

4 Q. Okay. Would he be part of the document team  
5 in Minnesota that may find a note?

6 A. No.

7 Q. No. Okay. Would he be somebody, do you know,  
8 if in his duties he's somebody that searches for lost  
9 documents?

10 A. No.

11 Q. Okay.

12 MS. ARROYAVE: Is that, no, you don't know?

13 THE WITNESS: No. He does not do that.

14 BY MR. IMMEL:

15 Q. He doesn't do that. Do you know what his  
16 duties are?

17 A. As it states here, he is a senior litigation  
18 analyst. I'm not sure of what his exact  
19 responsibilities would be.

20 Q. Okay. But searching for lost documents  
21 wouldn't be one of his responsibilities, more than  
22 likely?

23 A. No, it would not be.

24 Q. Okay. And here are plaintiff's amended  
25 answers. Okay.

1 MR. IMMEL: I'll mark it as Exhibit M.

2 (Defendant's Exhibit Letter M was marked for  
3 identification.)

4 BY MR. IMMEL:

5 Q. It asks to identify all persons and/or  
6 entities who are the current beneficial owners of, or  
7 who have a beneficial or equitable interest in the  
8 promissory note. And Federal National Mortgage  
9 Association has been identified, Fannie Mae.

10 Are you aware -- and then if you look at No.  
11 3, it says, Please identify all person and/or entities  
12 who are current legal owners of, or who have legal  
13 interest in the promissory note.

14 A. I don't have the same affidavit you have.

15 Q. Okay. Defendant's note. Do you have the  
16 mortgage loan?

17 A. That's the mortgage loan.

18 Q. Okay.

19 MS. ARROYAVE: What has been introduced? Has  
20 this set of interrogatory been --

21 MR. IMMEL: Yes.

22 MS. ARROYAVE: But not the other?

23 MR. IMMEL: No. This was also entered,  
24 correct?

25 THE COURT REPORTER: I think it was the last

1           one.

2           BY MR. IMMEL:

3           Q.    So if you look at paragraphs 2 and 3, can you  
4           explain to me why Fannie Mae would have the beneficial  
5           or equitable interest in the promissory note, based on  
6           your understanding?

7           MS. ARROYAVE:  Objection.  It calls for a  
8           legal conclusion.

9           THE WITNESS:  No, I can't.

10          BY MR. IMMEL:

11          Q.    And earlier when we discussed the MERS  
12          documentation where Ginnie Mae was identified as the  
13          investor, would it be fair to say that the beneficial or  
14          equitable interest would actually lie with the person  
15          who made the loan?

16          MS. ARROYAVE:  Objection.  It calls for a  
17          legal conclusion.

18          THE WITNESS:  I don't have that knowledge.

19          BY MR. IMMEL:

20          Q.    Okay.  And based on the MERS documentation  
21          that I presented to you earlier, where the investor was  
22          identified as Ginnie Mae.  In paragraph 5 here, they are  
23          identifying Fannie Mae as the investor.

24                 Do you have any understanding of -- as to why  
25          those two things would --

1 A. No, I don't.

2 Q. -- there would be a discrepancy there? Okay.

3 All right.

4 And going back to the mortgage loan ownership  
5 and the interrogatories one more time. Can you explain  
6 why one entity would have the beneficial interest and  
7 another entity would have a legal interest --

8 MS. ARROYAVE: Objection. It calls for a  
9 legal conclusion.

10 BY MR. IMMEL:

11 Q. -- based on your company's protocols?

12 A. I don't have that knowledge.

13 Q. Okay. GMAC Mortgage owns some loans and  
14 services other; is that correct?

15 A. To my knowledge that would be a correct  
16 statement.

17 Q. Okay. Do they -- and then in other instances,  
18 they both own loan and service the loan?

19 A. That would be a fair statement.

20 Q. Okay. Is it possible that GMAC Mortgage is  
21 the servicer for this loan and another entity -- whether  
22 it be Fannie Mae, Ginnie Mae, or any other entity --  
23 perhaps is the owner and GMAC is just the servicer?

24 A. That's possible. But I'm not familiar enough  
25 to say yes or no.



1 Q. Okay. All right. I'm just going to go over  
2 the notice of taking the deposition duces tecum.

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

5 BY MR. IMMEL:

6 Q. All right. This is -- and just for the  
7 record, Exhibit A, if you would turn to that. This is a  
8 list of the documents that we requested that you bring.  
9 A request for production. And you provided some of them  
10 earlier.

11 I just wanted to go over it and see if you  
12 brought any of these documents today, or if you were  
13 just relying on what was produced in the request for  
14 production. Okay?

15 The deponent's most recent curriculum vitae?

16 A. I didn't feel I needed to bring that. That's  
17 personal.

18 Q. Okay. You actually provided the corporate  
19 resolution for MERS and for GMAC. You presented the  
20 list of certifying officers. And the MERS system  
21 documents records, you already stated that you don't  
22 have any access.

23 Your team brings you the documents. And you  
24 don't receive any direct communication from the  
25 attorneys that draft them?

1           A.    The only type of communication I would receive  
2           from an attorney is if a document is late in being  
3           returned.

4           Q.    Okay. All right. And it would be fair to say  
5           that your primary responsibility is to create and  
6           execute these documents, not to actually do any of the  
7           underlying duties of ascertaining specific knowledge or  
8           information about them, correct?

9           MS. ARROYAVE: Objection: Form. Asked and  
10          answered.

11          THE WITNESS: And the answer to that would be,  
12          no.

13          MR. IMMEL: All right. I think that's most of  
14          it. Just let me have on second to review, but I  
15          think that's most of it. All right. I think that  
16          should do it for today.

17          Thank you very much for traveling here.

18          MS. ARROYAVE: I have a few questions.

19          MR. IMMEL: Yeah. I'm sorry about that.

20          MS. ARROYAVE: You can't have all of the fun.  
21          Can I look at the exhibits?

22          CROSS (JEFFREY STEPHAN)

23          BY MS. ARROYAVE:

24          Q.    I'm going to show you what has been previously  
25          marked as Defendant's Exhibit C to your deposition.

1 Do you have any knowledge of how this document  
2 is created?

3 A. No.

4 Q. Do you have any knowledge as to whether the  
5 information in this document is accurate?

6 A. No.

7 Q. Do you know how this is prepared?

8 A. No.

9 Q. Okay. Let me show you what has been  
10 previously marked as Defendant's Exhibit A to your  
11 deposition. It is the assignment of mortgage.

12 The information that is used to prepare this  
13 mortgage is kept in GMAC Mortgages' business records; is  
14 that correct?

15 A. Yes.

16 Q. And these business records from where this  
17 information came from were created by persons in GMAC  
18 Mortgage, employees of GMAC Mortgage, right?

19 A. Yes.

20 Q. And the information was entered into the  
21 computer system by these GMAC Mortgage employees at the  
22 time that they became aware of the information?

23 A. Yes.

24 Q. And they had a business duty to enter the  
25 information into the computer system; is that correct?

1 A. Yes.

2 Q. And this information, these business records  
3 are kept within the course and scope of GMAC's regularly  
4 conducted business activities; is that correct?

5 A. I'm going to say yes.

6 Q. Okay. I'm going to show you what has been  
7 previously marked as Defendant's Exhibit F to your  
8 deposition. And it's the affidavit of lost original  
9 document.

10 Is the information you used to prepare this  
11 lost original document kept in GMAC Mortgages' business  
12 records?

13 A. I don't understand the question.

14 Q. Okay. The information in the lost original  
15 document, is that -- GMAC Mortgage is the owner and  
16 holder of the note, correct?

17 A. Yes.

18 Q. Is that information kept within the course and  
19 scope of GMAC's business records?

20 A. Yes.

21 Q. And the information in GMAC's business records  
22 are entered by persons with knowledge of the information  
23 that GMAC is the owner of the note?

24 MR. IMMEL: Objection: Leading.

25 THE WITNESS: Can you rephrase it? I'm not

1           sure if I follow what you are saying.

2           BY MS. ARROYAVE:

3           Q.    The business records that GMAC has regarding  
4           whether it is the original -- whether it is the owner of  
5           the note, was entered by persons that have personal  
6           knowledge of whether GMAC is the owner of the note; is  
7           that correct?

8           A.    I honestly don't know. I do not work in those  
9           departments.

10          Q.    Okay.

11          MS. ARROYAVE: I have nothing further.

12                    REDIRECT (JEFFREY STEPHAN)

13          BY MR. IMMEL:

14          Q.    I would just ask: The assignment of the  
15           mortgage and the information on it, this is not created  
16           by anyone at -- this specific document isn't actually  
17           created by a member or a worker for GMAC Mortgage, it is  
18           actually created by the attorney?

19          A.    Yes.

20          Q.    Okay. So the attorney would have to be  
21           relying on business records of GMAC Mortgage in forming  
22           this?

23          A.    That would be correct.

24          Q.    Okay. And as to the lost note, this too is  
25           created by the attorney, correct?

1 A. That is correct.

2 Q. Okay.

3 MR. IMMEL: All right. That does it.

4 MS. ARROYAVE: That's it.

5 MR. IMMEL: All right. Thank you.

6 MS. ARROYAVE: We will read.

7 THE COURT REPORTER: Okay.

8 (Witness excused.)

9 (Deposition was concluded.)

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CERTIFICATE OF OATH

THE STATE OF FLORIDA  
COUNTY OF PALM BEACH

I, the undersigned authority, certify that Jeffrey  
Stephan personally appeared before me and was duly  
sworn. Dated the 10th day of December, 2009.

Dated this 22nd day of December, 2009.

*Jamie Reynolds Bentley*



Jamie Reynolds Bentley, Court Reporter  
Notary Public - State of Florida  
My Commission Expires: 7/20/2013  
My Commission No.: DD 453053

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C E R T I F I C A T E

THE STATE OF FLORIDA  
COUNTY OF PALM BEACH

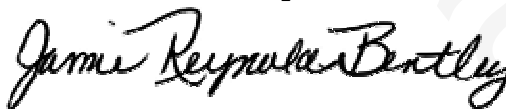
I, Jamie Reynolds Bentley, Court Reporter and Notary Public in and for the State of Florida at large, do hereby certify that I was authorized to and did report said deposition in stenotype; and that the foregoing pages are a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

Dated this 22nd day of December, 2009.



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Jamie Reynolds Bentley, Court Reporter



1       DATE:        December 31, 2009  
2       TO:         Jeffrey Stephan  
3       IN RE:       GMAC Mortgage, LLC vs Ann M. Neu, Michelle Perez,  
          Douglas William

4  
5       CASE NO.:   50 2008 CA 040805XXXX MB

6                Please take notice that on Thursday, the 10th  
7       of December, 2009, you gave your deposition in the  
8       above-referred matter. At that time, you did not  
9       waive signature. It is now necessary that you sign  
10       your deposition.

11               Please call our office at the below-listed  
12       number to schedule an appointment between the hours  
13       of 9:00 a.m. and 4:30 p.m., Monday through Friday,  
14       at the Consor & Associates office located nearest  
15       you.

16               If you do not read and sign the deposition  
17       within a reasonable time, the original, which has  
18       already been forwarded to the ordering attorney, may  
19       be filed with the Clerk of the Court. If you wish  
20       to waive your signature, sign your name in the blank  
21       at the bottom of this letter and return it to us.

22                               Very truly yours,

23  
24  
25                               \_\_\_\_\_  
                                  Jamie Reynolds Bentley, Court Reporter  
                                  Consor & Associates  
                                  1655 Palm Beach Lakes Blvd., Suite 500  
                                  West Palm Beach, Florida 33401

26       I do hereby waive my signature.

27       \_\_\_\_\_  
28       Jeffrey Stephan

29       I do hereby waive my signature:

30       Cc: Via transcript: Christopher Immel, Esquire  
31       File copy

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C E R T I F I C A T E

- - -

THE STATE OF FLORIDA  
COUNTY OF PALM BEACH

I hereby certify that I have read the foregoing deposition by me given, and that the statements contained herein are true and correct to the best of my knowledge and belief, with the exception of any corrections or notations made on the errata sheet, if one was executed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.

\_\_\_\_\_  
JEFFREY STEPHAN

1                                   E R R A T A   S H E E T  
 2           IN RE: GMAC MORTGAGE, LLC VS ANN M. NEU, MICHELLE PEREZ,  
           DOUGLAS WILLIAM  
 3           CR: JAMIE REYNOLDS BENTLEY  
           DEPOSITION OF: JEFFREY STEPHAN  
 4           TAKEN: 12/10/09

5  
 6                   DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE  
 7           PAGE #   LINE #   CHANGE                   REASON

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18           Please forward the original signed errata sheet to this  
 office so that copies may be distributed to all parties.

19  
 20           Under penalty of perjury, I declare that I have read my  
 deposition and that it is true and correct subject to any  
 changes in form or substance entered here.

21  
 22           DATE: \_\_\_\_\_

23  
 24           SIGNATURE OF DEPONENT: \_\_\_\_\_

25

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