

IN THE MATTER OF RESIDENTIAL  
MORTGAGE FORECLOSURE  
PLEADING AND DOCUMENT  
IRREGULARITIES

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION-  
GENERAL EQUITY PART  
MERCER COUNTY

DOCKET NO. F-059553-10

CIVIL ACTION

ORDER APPROVING SECOND  
REPORT OF THE  
SPECIAL MASTER  
CONCERNING  
WELLS FARGO BANK, NA  
AND DISCHARGING SPECIAL  
MASTER

The court having entered an Order to Show Cause on December 20, 2010, directing the six Respondents to show cause why the processing of pending uncontested residential mortgage foreclosure actions should not be suspended, and why a Special Master should not be appointed to review the practices of the Respondents to prevent the kind of document irregularities commonly known as "robo-signing;" and the court having appointed Edward J Dauber, Esquire, as Special Counsel to the court in regard to the Order to Show Cause; and the Respondents and Special Counsel having negotiated and executed a Recommended Stipulation setting forth the Respondents' agreement to the appointment of a Special Master to review their processes and procedures regarding the preparation of documents for submission to the Superior Court of New Jersey in uncontested foreclosure cases; and that Stipulation having been submitted to the court for review on March 18, 2011; and the court having approved the Recommended Stipulation on March 29, 2011, and having appointed the Honorable

Richard J. Williams, J.A.D. (retired), as the Special Master, with the consent of the Respondents, to undertake the extensive systemic review of Respondents' procedures and practices set forth in the Stipulation; and the Special Master having been directed to prepare a Report making a determination as to whether each Respondent has made a Prima Facie Showing of the reliability of its processes so as to be permitted to resume prosecution of uncontested foreclosure proceedings, including those set forth in its Servicer Portfolio; and the Special Master having provided to this court his first Report as to Respondent Wells Fargo Bank, N.A.; and the court having reviewed the Report; and the Report having provided a thorough explanation of the Special Master's review and findings as to each of the necessary Prima Facie Showings required by the Stipulation; and the Special Master having determined that Wells Fargo had shown, on a Prima Facie basis, that it had processes and procedures in place which, if adhered to, will ensure that the information set forth in affidavits or certifications submitted in foreclosure proceedings would be provided by an affiant authorized to act on behalf of the plaintiff in the action, and that each affidavit or certification submitted would be properly executed and would be based upon knowledge gained through a personal review of relevant records that were made in the regular course of business as part of Wells Fargo's regular practice to make such records; and Wells Fargo having certified that all uncontested mortgage foreclosure cases in its Servicer Portfolio would be prosecuted under the processes outlined in its Prima Facie showing; and the court having agreed with the Special Master's findings that Wells Fargo had provided information satisfying the Prime Facie Showings required by the Stipulation; and the Respondents having agreed to a monitoring program of their compliance with the Prima

Facie showings by the Special Master; and the Special Master having completed that program and reported his findings and conclusions from said monitoring of Wells Fargo in his Second Report Concerning Wells Fargo Bank, N.A.; and the court having reviewed the Special Master's Second Report Concerning Wells Fargo Bank, N.A.; and the Second Report having set forth the Special Master's methodology and conclusions from the monitoring program; and the Special Master having concluded that:

1. The Review supported the fact that Wells Fargo had authority to foreclose on the mortgages in the sampled files.
  2. The Review supported the fact that signatories on loan transferring documentation in the sampled files had the authority to sign on behalf of the entities transferring the loans.
  3. The Review supported the fact that the robo-signing in foreclosure filings prior to the December 2010 Order to Show Cause did not occur in the sampled files.
  4. The Review supported the fact that any Wells Fargo employee who certified in the sampled files that he or she had personal knowledge of certain facts had such personal knowledge of the facts to which he or she certified.
  5. The Review supported the fact that any Wells Fargo employee who certified in the sampled files that he or she reviewed documents or other evidence on which the certification was based had so reviewed the documents or other evidence;
- and the court accepting and agreeing with the Special Master's conclusions; and for good cause shown:

IT IS on this \_\_\_\_\_ day of December, 2014, **HEREBY ORDERED** that:

1. The Special Master's obligations and responsibilities under this court's March 29, 2011 Order Approving the Recommended Stipulation and Appointing Special Master in this case, as they pertain solely and exclusively to Wells Fargo Bank, N.A., and under this court's August 15, 2011 Order Approving the Report of the Special Master Concerning Wells Fargo Bank, N.A. in its entirety, are hereby deemed satisfied;

2. The Special Master is discharged from all responsibilities with respect to Wells Fargo Bank, N.A.;

3. Wells Fargo Bank, N.A.'s obligations and responsibilities under this court's March 29, 2011 Order Approving the Recommended Stipulation and Appointing Special Master in this case, and under this court's August 15, 2011 Order Approving the Report of the Special Master Concerning Wells Fargo Bank, N.A., are hereby deemed satisfied upon payment of any outstanding amounts due to the Special Master and his counsel;

4. With respect to the issue discussed in the Addendum to the Special Master's Second Report, the court retains jurisdiction for further consideration thereof.

5. Nothing in this Order shall be construed as altering or interfering with the right of any party to a foreclosure action to contest the foreclosure by filing a contesting answer, by challenging an amount due on a mortgage in default submitted to the Office of Foreclosure with a final judgment package, or pursuing any right guaranteed by law or court rule to a party contesting a foreclosure. Nor shall anything in this Order be construed as altering or interfering with the discretion of any Superior

Court Judge of the State of New Jersey to adjudicate all issues raised by the parties in contested foreclosure matters; and

6. Counsel for Wells Fargo shall provide a copy of this order to the attorneys on the service list. The order shall be filed in the electronic case jacket of the JEFIS system for foreclosure matters maintained by the Office of Foreclosure in the Superior Court Clerk's Office.

*Mary C. Jacobson, A.J.S.C.*

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HON. MARY C. JACOBSON, A.J.S.C.