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WALTER R. BARISONEK, A J S C Ret
SPECIAL MASTER

IN THE MATTER OF RESIDENTIAL	:	Administrative Order 01-2010 Docket No. F-238-11
MORTGAGE FORECLOSURE PLEADING	:	
AND DOCUMENT IRREGULARITIES	:	ADMINISTRATIVE ORDER DIRECTING SUBMISSION OF INFORMATION FROM RESIDENTIAL MORTGAGE FORECLOSURE PLAINITIFFS CONCERNING THEIR DOCUMENT EXECUTION PRACTICES TO A SPECIAL MASTER
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I, Mary K. Przybyla, Senior Vice President of Dovenmuehle Mortgage, Inc. ("DMI"), do hereby certify as follows in response to supplemental questions asked concerning DMI's foreclosure document review and execution processes:

1 DMI currently has three document preparation specialists dedicated to the review and processing of New Jersey foreclosure documents as needed to support the filings under Rules 4:64-1 and 4-64-2. On a daily average, a document execution specialist completes five reviews of the foreclosure document and business records packages. These document execution specialists are part of a document preparation group which currently has 13 members. Some of these staff members also have experience in reviewing New Jersey foreclosure documents and can be made available to do these reviews if demand or absences from the office make additional staff support necessary.

2 To comply with new Rule 4.64-1, certain employees in the Mortgage Disposition Department have been designated as the employees of DMI, as subservicer, with whom the counsel is to consult These employees are all familiar with DMI's business and business records To assist in the employee review, DMI and its counsel have developed checklists that

the employee uses as he or she reviews the document to confirm that all required elements in the documents are compared to, and consistent with, our business records. A specimen checklist used for complaint review is attached as Exhibit A.

3. The statement that DMI does not review the complaint was a general description of DMI's practice. It reflects that we generally rely on counsel to advise us on the necessary elements of a foreclosure complaint or other document to be submitted to the courts in states requiring judicial foreclosure. We have always reviewed documents for the accuracy of the factual statements made to support the elements stated in the complaint. With the advent of Rule 4:64-1, we have worked with counsel to assure that the employees participating in the certification process are familiar with the requirements for New Jersey foreclosure complaints so that they understand the context in which the documents are being reviewed for accuracy. Once filed, the complaint is included as a backup document for each subsequent document, and is compared anew with the facts and figures presented in subsequent documents. DMI therefore believes it is in compliance with Rule 4:64-01.

4 We expect to have the written quality control process for New Jersey document preparation and review completed by the end of 2011. Certain elements of this project, such as the checklist attached as Exhibit A, have already been completed and are in use. We are working on updating general process descriptions for each step of the foreclosure, developing process flow charts for document review and execution and enhancing training materials. We should also point out that the Mortgage Disposition Department uses the LPS NewTrak application for foreclosure management. The document templates for state- and product-specific foreclosures also help assure the quality of our foreclosure operations.

5. DMI anticipates the completion of its audit program development and implementation no later than the end of 2011. The audit program objectives have been identified and cover the following areas:

A. Foreclosure affidavits and certifications. The general objectives are to assure that (1) documents signed by DMI are complete, accurate, and supported by appropriate documentation from DMI's business records; and (2) statements of amounts due include a correct calculation of appropriate recoverable amounts

B Servicemember Civil Relief Act (SCRA). The general objectives are to assure that. (1) appropriate determinations of military status are performed before and during the foreclosure process; (2) affidavits are prepared and filed as required by law to confirm SCRA compliance, (3) foreclosure actions do not occur in violation of SCRA requirements; and (4) interest rate and other forbearances afforded under SCRA are processed properly. To the extent states have adopted additional benefits for servicemembers, those requirements will also be included in the scope of the SCRA review

C. Notary Activities. The general objective is to assure that documents are notarized in conformance with applicable law.

D Foreclosure Documentation and Document Retention. The general objectives are to assure that: (1) all notices of default or other notices required to be given as a condition precedent to foreclosure have been prepared and delivered in accordance with applicable law; (2) the plaintiff is the proper party under applicable law and the chain of title is established by appropriate documentation before the foreclosure is filed; (3) proper preparation and calculation of bidding instructions; and (3) foreclosure files contain copies of all documents necessary to confirm that the foreclosure has been commenced, prosecuted and completed in accordance with applicable law

E. Foreclosure Governance. The general objectives are to assure that: (1) appropriate reviews occur in the selection of foreclosure counsel; (2) appropriate oversight of counsel occurs during the foreclosure process; and (3) necessary procedures are in place to review and evaluate foreclosure counsel and trustees on an on-going basis.

F Foreclosure Process Staffing. The general objectives are to assure that: (1) sufficient numbers of document preparers and reviewers, authorized signers and notaries on are staff to permit accurate and prompt processing of foreclosure documents in accordance with applicable law and appropriate timelines; and (2) such staff at all levels of the process have the necessary experience and training appropriate to the functions they perform.

G. Policy Review and Risk Assessment. The general objectives are to assure that: (1) periodic reviews of policies and procedures occur with risks assessed and policies, procedures and staffing adapted to address the risks identified; and (2) revisions to policies and procedures are made as changes in laws, regulations or court rules occur.

I hereby certify that the foregoing statements made by me are true and correct to the best of my knowledge, information and belief; I am aware that if any of the foregoing statements made by me are willfully false that I am subject to punishment.

Dated· September 14, 2011

Mary K. Przybyla, Senior Vice President
Dovenmuehle Mortgage, Inc

EXHIBIT A - Certification of Foreclosure Review & Checklist for Complaints

File No:
Loan No:
Property Address:
Borrowers:
Plaintiff Name:

I, _____, an employee of the Sub-Servicer, Dovenmuehle Mortgage Inc., have personally reviewed the Plaintiff's business records and documents with regard to this foreclosure. I have also reviewed the pleadings and documents filed or about to be filed with the Court in this proceeding and have confirmed the factual accuracy of the information and allegations contained therein

Specifically, I have reviewed the following documents: (check all that apply and initial each document/pleading to confirm your review).

☐____ Note and any/all endorsements or allonges
☐____ Mortgage and any/all assignments of mortgage
☐____ Modification any/all
☐____ Complaint or Amended Complaint & CIS Form.

- ☐ Reviewed names of obligor(s), mortgagor(s), oblige and mortgagee;
- ☐ Reviewed amount of debt secured by the mortgage
- ☐ Reviewed dates of the note and mortgage and recording information
- ☐ Reviewed dates of all assignments (if any) and recording information
- ☐ Reviewed dates of any modifications and recording information
- ☐ Reviewed interest rate of the note and whether adjustable or fixed
- ☐ Reviewed due date of the obligation
- ☐ Reviewed the stated payment amount in the note
- ☐ Reviewed monthly late charges
- ☐ Reviewed pre-payment penalties in the note (if any)
- ☐ Reviewed date of default (Date next installment is due)
- ☐ Reviewed whether the mortgage is a purchase money mortgage
- ☐ Reviewed property address and tax block and lot references
- ☐ Reviewed Notice of Intention to Foreclose was sent at least 30 days prior to filing of Complaint
- ☐ Reviewed Possession Date (30 days after the due date of the 1st missed payment)
- ☐ Reviewed Third Count (if any), accurately provides the information for a second mortgage on this property also held by Plaintiff which is being foreclosed with the first mortgage.
- ☐ Reviewed whether this is a residential or commercial mortgage foreclosure.

☐____ Other document or court pleading _____
_____

I hereby acknowledge that I have personally reviewed this matter with the understanding that the law firm of _____ will rely upon the information contained herein in its submissions to the Court. I hereby certify that the foregoing statements are true to the best of my knowledge, information and belief. I am aware that, if any of the foregoing statements are willfully false, I am subject to punishment.

My job responsibilities include reviewing accuracy of business records and documents regarding foreclosure actions.

By:_____ Dated: _____

Name:_____

Title:_____

Dovenmuehle Mortgage Inc: Subservicer and agent for Plaintiff.

File No:
Loan No:
Property Address:
Borrowers:
Plaintiff Name.