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IN THE MATTER OF RESIDENTIAL MORTGAGE FORECLOSURE PLEADING AND DOCUMENT IRREGULARITIES	**SUPERIOR COURT OF NEW JERSEY** **ADMINISTRATIVE ORDER: 01-2010** **DOCKET NO.: F-00238-11**

CERTIFICATION OF KIMBERLY STEWART IN SUPPORT OF US BANK'S RESPONSE TO THE ADMINISTRATIVE ORDER DATED APRIL 25, 2011

1. I am currently an Assistant Vice President for U.S. Bank National Association ("U.S. Bank"). I have been employed with US Bank since 1993 in various capacities, primarily on foreclosure related activities. Starting in 1994 through 2000, I was employed as a foreclosure specialist. In 2000, I was promoted to Assistant Manager and served in that capacity through 2003. In 2003, I was promoted to Foreclosure Manager and have served in that capacity since 2003. As Assistant Vice President of U.S. Bank, I have personal knowledge of and am fully familiar with the U.S. Bank foreclosure operations, including as they relate to procedures for the State of New Jersey.

2. I submit this Certification in support of U.S. Bank's response to the April 25, 2011 Order directing U.S. Bank and certain other named Respondents to provide information

about their policies and procedures regarding the accuracy, content and execution of any certification/affidavit filed with the Court

1.a. STATE WHAT PROCESSES AND PROCEDURES YOU HAVE TO ENSURE THAT THE CERTIFICATIONS/AFFIDAVITS SUBMITTED ARE BASED UPON THAT PERSON'S PERSONAL KNOWELDGE OR THAT PERSON'S REVIEW OF BUSINESS RECORDS WHICH RECORDS WOULD BE ADMISSIBLE IN EVIDENCE IN A NEW JERSEY COURT. DESCRIBE THE PROCESSES AND PROCEDURES IN DETAIL AND ATTACH A COPY OF ANY DOCUMENTS THAT ESTABLISH THE PROCESSES AND PROCEDURES.

3. U.S. Bank has developed policies and procedures to mandate the required steps for the review and execution of foreclosure-related affidavits and documents. In addition, U.S. Bank has put into place a multi-tier review of those documents from creation, to execution, to release to outside foreclosure counsel for filing with the court. In light of the focus on foreclosure-related issues, U.S. Bank continues to review its policies and procedures as necessary to ensure compliance with applicable legal standards.

4. The step-by-step process for the preparation, review and completion of affidavits is as follows.

5. Foreclosure counsel, or a U.S. Bank employee in the Foreclosure Department (known as a foreclosure "Processor"), will draft the required affidavit. The affidavit is based upon the business record information available in Vendorscape, which is a secure web-based portal between U.S. Bank and the foreclosure counsel. Vendorscape provides one of the avenues of information flow between U.S. Bank and its foreclosure counsel. Vendorscape is a communication system similar to email, which also has the ability to exchange or upload images for review. Vendorscape interfaces with U.S. Bank's business records, which are housed on its mortgage servicing platform, known as MSP.

6. Upon receipt of the draft affidavit, the Processor is required to verify the content in the affidavit against the loan transaction documents, the loan data in the MSP System and/or both as required by the content of the affidavit. If the affidavit contains loan payoff figures, the figures must be verified against data and business records residing in MSP.

7. The Processor must confirm, when reviewing a document that is designated as an affidavit, that the verbiage is correct. The Processor must obtain written confirmation from the foreclosure counsel that the language in the document is true and correct. A copy of the written confirmation must be presented to the Bank Foreclosure Executive ("Authorized Signers") and maintained in the onsite foreclosure file.

8. If the document does not contain the correct verbiage for an affidavit, the Processor must question the foreclosure counsel to ensure that the affidavit is properly titled and accurately drafted in accordance with state law.

9. Upon verifying that the information in the affidavit is correct and accurate, the Processor is required to print two copies of the affidavit. The Processor must sign and initial one of the affidavits, which indicates that the Processor has verified the content to be true and correct. After such verification, the Processor will provide screen prints of the business record information, which includes the due date and borrower name, the total indebtedness, the original mortgage amount and a breakdown of the recoverable advances. The Processor will initial and date the screen prints to confirm accuracy. The supporting documents are attached to the remaining original affidavit prior to providing it to the Authorized Signer for review, verification and execution. The Processor must leave the date and notary blank on the original affidavit. A copy of the executed affidavit and all initialed and dated documentation must be maintained within the foreclosure file.

10. Bank officers who are authorized to execute documents on behalf of U.S. Bank are all employees of the Bank within the Foreclosure Department and among foreclosure management.

11. With regard to affidavits which contain loan payoff figures, the foreclosure counsel will request updated figures from the Processor 30 days prior to the scheduled judgment hearing. The attorney can send a request to the Processor via VendorScape, mail, email or facsimile. Upon receipt of the request, the Processor is responsible for obtaining accurate judgment figures (including any amounts for corporate and escrow advances) from MSP.

12. To the extent possible and as permitted by local law, affidavits should be drafted using a standard format and content.

13. Upon receipt of the affidavit, the Authorized Signer will verify the content of the affidavit and will review all supporting documentation. The Authorized Signer conducts an independent review against the business records contained in the document packet to ensure that the data contained in the affidavit is accurate and true. Only then will the affidavit be executed by the Authorized Signer. Specifically, the Authorized Signer must verify (and as required by the affidavit content):

- the name of the borrower;
- the delinquency;
- the total indebtedness;
- the recoverable balance, escrow and other fees;
- the foreclosing entity; and
- that the loan account is still in default and has not been reinstated.

14. If any information in the affidavit or supporting documentation is incorrect, the draft affidavit is returned to the Processor for revisions. No foreclosure documents executed on behalf of U.S. Bank can have any content crossed out terms or provisions or evidence of any corrections made, or include any hand written or typed insertions. Any revision to the content of the document will require preparation of a new original document reflecting the revision.

15. Upon verification of the required data in the affidavit, the Authorized Signer will execute the affidavit in the presence of a licensed notary, scan the affidavit into an email and send it to the foreclosure counsel, with the original affidavit sent via overnight delivery to the foreclosure counsel. All documents executed on behalf of U.S. Bank are executed in the presence of a notary, regardless of whether a notarization is required. The Authorized Signer maintains a centralized list of all Authorized Signers, as well as notaries who are licensed under state law and authorized by U.S. Bank to notarize foreclosure documents.

1.b.i. STATE THE PROCESSES AND PROCEDURES YOU HAVE IN PLACE TO ENSURE THAT THE INDIVIDUAL WHO EXECUTES THE CERTIFICATIONS/AFFIDAVITS EXECUTED IT ACCORDING TO LAW, AND THAT THE SIGNATURE IS A VALID LAWFUL SIGNATURE

16. U.S. Bank incorporates herein its answer to question 1.a. As stated previously, only authorized officers are permitted to execute affidavits on behalf of U.S. Bank. U.S. Bank does not utilize digital signatures or stamp signatures. Furthermore, all documents are executed by the signatory in the presence of a notary. Finally, U.S. Bank has assigned certain codes to authorized signers and that information is verified by the Processor during the preparation and review of the affidavit.

17. Documents that are prepared and executed by or on behalf of U.S. Bank in connection with foreclosure proceedings must conform to the applicable rules and procedures of

the jurisdiction in which the document is being executed. Notarization is required for many of the foreclosure related documents and the notarization process serves as another verification tool to ensure that the signature is a valid one. The manner and form of the notarial acts vary depending on the jurisdiction but the procedures fall into two general forms, jurat and acknowledgment form.

18. For the jurat form, the U.S. Bank notaries are trained to confirm that the Authorized Signer appeared in person, was properly identified, was administered the oath or affirmation and signed the document in the presence of the notary.

19. For the acknowledgment form, the U.S. Bank notaries are trained to confirm that the person appeared in person, was properly identified and acknowledged their signature on the document.

1.b.ii. STATE THE PROCESSES AND PROCEDURES IN PLACE TO ENSURE THAT THE PERSON EXECUTING THE CERTIFICATIONS/AFFIDAVITS, PURSUANT TO PARAGRAPH (a) HAS THE AUTHORITY TO ACT IN BEHALF OF THE PLAINTIFF/SERVICER

20. U.S. Bank services loans for, among other entities, itself, private investors, securitized trusts and government entities such as Fannie Mae and Freddie Mac.

21. As part of the preparation of the affidavit, either the Processor or the foreclosure counsel will access the business records to confirm the appropriate party and the business records which confirm the authority to act. Verification must be confirmed by reviewing either the Corporate U.S. Bank Family Tree or the Power of Attorney information which is maintained by each site specific business line. Then, as part of the review process, the Authorized Signer will again review the information in the packet to ensure proper authority to act.

23. For affidavits executed for U.S. Bank, as set forth above, only authorized officers are permitted to execute documents on behalf of U.S. Bank.

24. U.S. Bank will not foreclose in the name of MERS. If a loan is registered on the MERS system, the Processor must obtain, or instruct the designated foreclosure counsel to obtain, an assignment from MERS to U.S. Bank prior to initiating a foreclosure proceeding. U.S. Bank management must routinely monitor the list of MERS certifying officers to ensure that the list is fully consistent with the list on file with MERS.

25. The authority to execute an affidavit is one of the items that is reviewed before executing an affidavit.

1.c. STATE IN DETAIL YOUR RECORD KEEPING SYSTEM TO ENSURE THAT THERE IS ACCURATE UP TO DATE ENTRIES OF PAYMENTS, LOAN HISTORY, ASSIGNMENTS, OR OF ANY OTHER TRANSACTION INVOLVING THE MORTGAGE. IF YOU ARE CURRENTLY MAKING OR ANTICIPATE MAKING CHANGES, STATE THE CHANGES TO BE MADE AND WHEN THEY WILL BE IMPLEMENTED

26. As set forth above, U.S. Bank uses the MSP software application system, which is a mortgage servicing product of LPS. MSP is used for the posting of any and all transactions involving U.S. Bank's loans, including but not limited to payments made and expenses incurred. MSP houses information pertaining to the servicing of the loan throughout the life of the loan.

27. For payment processing, U.S. Bank utilizes a lock-box for all loan payments. All loan payment vouchers, coupons and/or statements direct the borrower to send the payment to a specific address or post office box, which is actually a lock-box.

28. The checks and payments received in the lock-box are processed throughout the business day and an electronic record of the payment is created at or about the time that the checks and payments are processed. A daily data file, containing all of the payments from a particular day, is uploaded every night to MSP. U.S. Bank's Payment Processing Account

Department reconciles the transactions that are posted to MSP with the deposits to confirm that they were properly posted to the MSP system under the appropriate loan account number.

29. Access to MSP is limited and based upon user identification (individual login numbers) and department policies. U.S. Bank utilizes several methods to control access to MSP to view or modify data within MSP. This allows U.S. Bank to set baseline access levels for employees depending upon the department that they are in and further, also provides U.S. Bank with the ability to modify the access controls for each individual if they have a legitimate business reason that requires additional access.

30. The ability to modify the information and entries contained in MSP is limited only to employees that have a legitimate business reason and need to modify entries. While a foreclosure specialist or Processor may be able to view the payment history or other specific information about the loan, they do not have the ability to modify the data. If a change to the data is required, the specialist would be required to submit a request for such a revision to another employee who has the appropriate access level to make the requested revision.

31. Ultimately, if a revision to the information in the MSP is required to be made, there is a history of the change that is recorded in the MSP. For example, changes to the posting or reversals of payments is present on the payment history of the loan.

1.d. STATE THE REVIEW PROCESS YOU HAVE IN PLACE TO ENSURE THAT ANY CERTIFICATIONS/AFFIDAVITS SUBMITTED TO THE COURT IS ACCURATE, BASED UPON CURRENT INFORMATION AND THAT THE PERSON EXECUTING THE DOCUMENT RELIED UPON PERSONAL KNOWLEDGE AND/OR BUSINESS RECORDS WHICH WOULD BE ADMISSIBLE IN A NEW JERSEY COURT. IF YOU ARE CURRENTLY MAKING OR ANTICIPATE MAKING ANY CHANGES, STATE THE CHANGES TO BE MADE AND WHEN THEY WILL BE IMPLEMENTED

32. U.S. Bank incorporates herein its answer to question 1.a. U.S. Bank is currently in the process of reviewing its policies and procedures to ensure compliance with applicable law, including that of New Jersey.

33. In light of the recent revisions to the New Jersey Court Rules, U.S. Bank is reviewing its policies and procedures to ensure compliance. However, U.S. Bank does currently have processes in place for those states that require a review and verification of the content of information in complaints. Although these procedures are not specifically adopted for New Jersey, the verification process demonstrates that U.S. Bank already has procedures in place that it can tailor for New Jersey. The current process is as follows.

34. After the complaint is prepared by the foreclosure counsel, it must be delivered to the Processor, who must verify as accurate the content of the complaint. The content will typically be verified by the loan transaction documents and loan data on the MSP. Upon verifying the content as accurate, the Processor must date and initial the complaint (indicating that the Processor has verified it content to be true and correct), attach the supporting documents and deliver the complaint, the supporting documents and a form verification to an Authorized Signer. Once the Authorized Signer has verified the content of the complaint as accurate by reviewing and initialing the supporting documents, the Authorized Signer must execute the form verification.

35. Once the form verification is executed by the Authorized Signer, the Authorized Signer must deliver the original executed form verification to the foreclosure counsel and advise the attorney that the complaint has been approved for filing with the court.

36. If the content of the complaint is incorrect in any respect, the Processor must provide the attorney with corrected content. Once the attorney has revised the complaint with

the corrected content, the revised complaint must be delivered to the Processor. The content of the revised complaint will be reviewed and verified per the above and the revised complaint will be executed, in accordance with the procedures set forth above.

1.e. STATE IN DETAIL ANY TRAINING PROGRAMS YOU HAVE IN PLACE FOR INDIVIDUALS COMPLETING CERTIFICATIONS/AFFIDAVITS TO ENSURE THAT THEIR KNOWLEDGE OF THE CONTENTS OF THE AFFIDAVITS IS BASED UPON PERSONAL KNOWLEDGE OR BUSINESS RECORDS WHICH WOULD BE ADMISSIBLE IN A NEW JERSEY COURT.

37. U.S. Bank has rigorous training programs in place and as it continues to improve its processes and procedures, those training programs are updated and revised.

38. All authorized officers have attended formal group training sessions on the preparation, review and execution of documents, which is in addition to the years of practical experience that they already possess.

39. The training for the execution of documents ensures that the Authorized Signer understands the legal significance of the document and the importance of the duties of the Authorized Signer to complete a thorough review of the document against U.S. Bank's business records prior to executing the document.

40. Group training sessions are performed, which include training on the processes, procedures, expectations, MSP access and the duties of the Foreclosure Specialist/Processor in reviewing and preparing documents. Participants are required to sign a logsheet which records their participation in the training sessions.

41. Foreclosure Specialists/Processors also receive on-the-job training, which allows U.S. Bank supervisory personnel to monitor the employees in the current environment. This also allows U.S. Bank the ability to confirm that they understand the tasks that they are performing on a daily basis. Foreclosure Specialists/Processors are required to strictly monitor their caseloads

to ensure that they are not overloaded and to perform to the utmost expectations of U.S. Bank. Foreclosure Specialists/Processors are continually monitored even after training is completed to ensure high performance standards are met.

1.f. DESCRIBE IN DETAIL THE PROCESS YOU HAVE IN PLACE TO ENSURE THAT FORECLOSURE COUNSEL IS PROVIDED WITH CURRENT ACCURATE INFORMATION TO SUPPORT THE PREPARATION OF ANY DOCUMENTATION COUNSEL WILL BE SUBMITTING TO THE COURT PURSUANT TO COURT RULE

42. U.S. Bank incorporates herein its answer to question 1.a. U.S. Bank's processes ensure that accurate and up-to-date information is provided to foreclosure counsel through Vendorscape. Attorneys can also request updated information from Foreclosure Specialists/Processors via Vendorscape. The Foreclosure Specialist/Processor will respond to the message as well as provide screen shots of the information from MSP. Foreclosure counsel can access the information as needed through Vendorscape and in addition, have the ability to communicate via telephone, email or fax, as appropriate.

1.g. STATE THE REVIEW PROCESS YOU AND FORECLOSURE COUNSEL HAVE IN PLACE FOR THE FINAL REVIEW OF DOCUMENTS TO BE SUBMITTED TO THE COURT PURSUANT TO RULE 4:64-1 ET. SEQ.

43. U.S. Bank incorporates herein its prior responses, including its answers to question 1.a. and 1.f. In addition to the information contained above, U.S. Bank states the following.

44. U.S. Bank's foreclosure attorneys normally provide the documents that will be sent for recording or filing with the court. The information is reviewed and verified first by a Foreclosure Specialist/Processor with access to the business records on MSP. Then, the information is reviewed and verified by the Authorized Signer. Only after the information is deemed to be correct does the Authorized Signer execute the document, always in the presence

of the notary. Copies of the business records that support the information contained in the document are retained in the file. It is only after this process is employed that the document is released to foreclosure counsel for filing with the court.

1.h. STATE WHETHER YOU UTILIZED OR INTEND ON UTILIZING ANY INDEPENDENT AUDITOR TO REVIEW THE PROCESS AND PROCEDURES MENTIONED IN THE ABOVE ANSWERS TO ENSURE THAT YOU ARE IN COMPLIANCE WITH THE MANDATES OF COURT RULE 4:64-1 ET. SEQ.

45. Yes, US Bank has retained an independent auditor to review its process and procedures for foreclosures across the country, including New Jersey.[1]

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Kimberly Stewart

Kimberly Stewart

Dated: June 22, 2011

[1] While US Bank endeavors to provide the Court with timely and fully responsive answers to the Court's questions in these proceedings, on advice of counsel US Bank reserves any applicable privileges which it might have. US Bank will continue to provide the Court with any and all documents that the Court may request, subject to any limitations imposed by applicable federal or state law.

ReedSmith

SUPERIOR COURT OF N.J.
REC'D
JUN 22 2011

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June 22, 2011

By Hand Delivery and Electronic Filing via JEFIS

Hon. Walter R. Barisonek, J.S.C.
Union County Courthouse
2 Broad Street, Courtroom 101
Elizabeth, New Jersey 07207

Re: In the Matter of Residential Mortgage Foreclosure Pleading
Docket No. F-238-11: Administrative Order No. 01-2010

Dear Judge Barisonek:

This firm represents U.S. Bank National Association ("U.S Bank") in the above-referenced matter On April 25, 2011, Your Honor issued a letter Order (the "Order") requesting that U.S. Bank produce detailed information as to certain of its foreclosure related policies and procedures In response to that Order, I have enclosed the Certification of Kimberly Stewart, Assistant Vice President for U.S. Bank.

We are available to discuss any of the information provided herein.

Respectfully submitted,

Diane Bettino

Enclosures

cc: Superior Court Clerk (w/ enclosures email to SCCOForeclosure.Mailbox@judiciary state nj.us)