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

In the Matter of Residential Mortgage
Foreclosure Pleadings and Document
Irregularities

DOCKET NO. F-59553-10

CIVIL ACTION

**SECOND SUPPLEMENTAL
CERTIFICATION OF BRUCE E.
BARRON IN SUPPORT OF BANK OF
AMERICA d/b/a BAC HOME LOANS
SERVICING, LP'S PRIMA FACIE
SUBMISSION PURSUANT TO THE
MARCH 29, 2011 STIPULATION**

BRUCE E. BARRON, of full age, certifies as follows:

I am a Bank of America, N.A. ("Bank of America" or "Bank")¹ Senior Vice President and Group Operations Manager in Foreclosure Servicing. In this capacity, I am responsible for managing aspects of Bank of America's mortgage servicing operations and back-end default departments, including foreclosures. I am familiar with the facts set forth in this supplemental certification and make this supplemental certification in support of Bank of America d/b/a BAC Home Loans Servicing, LP's Prima Facie Submission Pursuant to the March 29, 2011 Stipulation.

I. Bank of America Has Operationalized the Process for Ensuring Foreclosure Counsel Comply with Rule Amendments Relating to Attorney Certifications

1. Earlier this year, Bank of America designed a process to comply with the proposed amendments to N.J. Court Rules 4:64-1 and 4:64-2.

¹ On July 1, 2011, BAC Home Loans Servicing, LP merged into Bank of America, N.A.

2. Bank of America has now refined and operationalized that process to ensure compliance with the final amendments to N.J. Court Rules 4:64-1 and 4:64-2 regarding Attorney Certifications.

3. This process, as well as the process for preparing, reviewing, and executing Affidavits of Indebtedness (“AOIs”), apply to all loans in Bank of America’s New Jersey portfolio.

4. The Attorney Certification process is designed to ensure that foreclosure counsel are able to submit Attorney Certifications that comport with the amended rules – namely that a Bank of America employee has reviewed all required documents and verified that the information in those documents is consistent with the Bank’s Business Records.

5. The Attorney Certification process is similar for the Certificate of Diligent Inquiry to be Annexed to Residential Mortgage Foreclosure Complaints Pursuant to Rules 1:5-6(c)(1)(E) and 4:64(a)(2) and (a)(3) and the Affidavit of Diligent Inquiry to be Annexed to Notices of Motion for Judgment in Residential Mortgage Foreclosure Actions Pursuant to Rule 4:64-2 and That Must be Submitted in Actions Pending Judgment or Sale as of June 9, 2011.

6. Foreclosure counsel initiates the Attorney Certification process by uploading the documents requiring verification into LPS Desktop, the previously explained desktop manager solution used to exchange information and documents within Bank of America and with foreclosure counsel.

7. To ensure all documents requiring verification are uploaded to LPS Desktop and to facilitate traceability, counsel must identify each document requiring verification and provide the total number of such documents.

8. After counsel has uploaded the documents requiring verification into LPS Desktop, a member of Bank of America's Prep Team audits the documents and confirms that each document identified by counsel has been properly uploaded. To aid in that process, Prep Team members must complete a checklist. If all documents are present, the Prep Team member acknowledges their receipt via LPS Desktop by providing a list and total documents received, which should be identical to the list provided by counsel.

9. Next, a member of the Signer Team verifies that the data and information in the documents, including the Complaint, Mortgage, Note, and Assignment of Mortgage, are consistent with the Bank's Business Records. With the aid of a checklist, which must be completed for each loan file, the Signer Team member is required to verify specific data for each document. For instance, in connection with the Complaint, the employee must verify, among other things, the name of the borrower, property address, original principal balance, recording information, and date of default. Similarly, the member of the Signer Team must verify that the following data in the Note is consistent with the Bank's Business Records: obligors name, property address, original principal balance, date of origination, and original interest rate.

10. Any additional documents uploaded by counsel that require verification must be recorded on the checklist by the member of the Signer Team and verified in the same manner.

11. To further ensure accuracy, a member of the QC Team conducts an independent review of all documents uploaded by foreclosure counsel and re-verifies all data points by checking every data point against the Bank's Business Records in the same manner as the Signer Team. Like members of the Prep Team and Signer Team, QC Team members are required to complete a checklist as they conduct their review of the documents.

12. Only after a member of the QC Team re-verifies all the data points in the documents requiring verification and completes the QC Team checklist will the member of the Signer Team who initially verified the data advise foreclosure counsel that the Bank has completed its review and verification.

13. To do so, the member of the Signer Team personally sends an Intercom via LPS Desktop to foreclosure counsel, providing his or her name, title, and responsibilities, and stating: "I have reviewed the complaint to be filed and other documents uploaded by counsel related to the Attorney Certification. Associate [NAME] determined the facts stated in the complaint and in the uploaded documents are consistent with the bank's business records."²

14. Foreclosure counsel are required to acknowledge review of the uploaded documents via LPS Desktop, which then permits them to complete the Attorney Certification with the information provided by Bank of America.

15. This process is employed throughout the Attorney Certification stages.

16. LPS Desktop Intercoms are the method of direct, personal, and real-time communication between the Bank and foreclosure counsel preferred by counsel and the Bank as it is convenient, rapid, efficient, and familiar. Moreover, Intercom messages are recorded and time-stamped, which permits the Bank to track and maintain all communications between counsel and the Bank.

17. Although LPS Desktop is the preferred method of communications, foreclosure counsel may call Bank of America employees to discuss any issues they may have, including with respect to the verification process.

² The new rules have not had the benefit of experience. Accordingly, it is possible that the exact language will be adjusted to meet the needs of foreclosure counsel and the courts as such experience is gained. Moreover, the language at different stages of the Attorney Certification process will differ according to need.

18. Other than the provision of LPS Desktop, Bank of America does not rely on Lender Processing Services (“LPS”), a vendor, for any foreclosure-related services. Bank of America does not rely on third-party default servicers, including LPS, to prosecute foreclosures on its behalf or to oversee the foreclosure process. There is no third party involved in the AOI preparation and signing process. Trained notaries public, as previously explained, are retained from independent agencies but then also further trained by Bank of America.

II. Bank of America Has Implemented a Supplemental Training Program Relating to the Attorney Certification Process

19. Bank of America has implemented a mandatory training program for employees involved in the Attorney Certification process. The training is designed to introduce employees to the process, their responsibilities, the documents they will be required to review, and the process for communicating with foreclosure counsel regarding such review.

20. Following completion of the training session, employees are required to pass an assessment to ensure they understand the process, documents, and data they will be required to review and verify.

21. No employee will be permitted to participate in the Attorney Certification process unless he or she has achieved a satisfactory score on the assessment.

22. Additionally, Bank of America has established an internal Attorney Affirmation intranet site that employees may access for guidance and additional information, including an Attorney Affirmation Job Tool. The site has a channel dedicated to information relating to New Jersey, which provides exemplars of documents attorneys may upload for review. Such documents are defined and the data points that will need cross-referencing with the Bank’s Business Records are highlighted. For instance, in connection with review of the Complaint, key

data points highlighted include customer name, property address, original principal balance, default date, and plaintiff (current investor).

III. Bank of America Will Possess the Relevant Note at the Time Each Complaint is Filed

23. With respect to each Complaint to be filed, Bank of America will be in possession of the relevant note. (Unless a note has been lost, in which case a Lost Note Affidavit would be filed.)

24. Indeed, the referral package Bank of America sends to foreclosure counsel includes a copy of the note.

25. This applies to all loans, including those owned by Fannie Mae and Freddie Mac.

IV. Response to Additional AOI-Process Questions

26. The "as of" figures in the Account Information Statement (Judgment Figures) are generated from real-time iSeries data and are current within 24 hours. These figures are subsequently used to support the AOI.

27. The business records provided to the affiant to support his or her review of each AOI include the following: (a) Foreclosure Account Follow-Up Screen Print from iSeries, which shows milestone information relating to the foreclosure, such as the referral date, foreclosure attorney, Warning Code, which must be 5, and the date on which the complaint was filed; (b) Investor Information Maintenance Screen Print from iSeries, which provides investor information and the proper plaintiff; and (c) Account Status Inquiry Screen Prints from iSeries, which show specific loan information, including loan amount and type, interest rate, monthly payment, Warning Code status, which again should be 5, and borrower information.

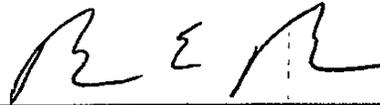
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28. Exemplars of these screen prints, which are identified as items (c), (d), and (e) in Paragraph 58 of the Certification of Bruce Barron, filed on April 7, 2011, are included in the "test" AOIs submitted as Exhibits 24-36.

I HEREBY 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.

Dated: July 22, 2011

A handwritten signature in black ink, appearing to read 'B E B', is written above a horizontal line.

BRUCE E. BARRON

GRAHAM CURTIN
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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

**CERTIFICATION OF GENUINENESS
OF TELEFAX SIGNATURE**

KATHLEEN N. FENNELLY, of full age, hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey, and a shareholder in the law firm of Graham Curtin, A Professional Association, who, together with McGuire Woods LLP and O'Melveny & Myers LLP, represent foreclosure plaintiff Bank of America, d/b/a BAC Home Loans Servicing, LP ("Bank of America")

2. I hereby certify that Bruce Barron acknowledged the genuineness of his signature on the attached Certification, and that the Certification or a copy with an original signature affixed will be filed if requested by the Court or a party.


KATHLEEN N. FENNELLY

DATED: July 22, 2011



Thomas R. Curtin
Direct Dial 973-401-7117
tcurtin@GrahamCurtin.com

July 22, 2011

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

BY HAND DELIVERY

Jennifer M. Perez, Esq.
Acting Clerk of the Superior Court
Hughes Justice Complex
25 West Market Street
6th Floor, North Wing
Trenton, New Jersey 08625

Re: *I/M/O Residential Mortgage Foreclosure
Pleading and Document Irregularities
Superior Court of New Jersey – Chancery Division
General Equity Part – Mercer County
Docket No. F-059553-10
Our File No. 6205/1*

Dear Ms. Perez:

We represent Bank of America, d/b/a BAC Home Loans Servicing, LP. Enclosed for filing please find the Second Supplemental Certification of Bruce E. Barron in support of Bank of America d/b/a BAC Home Loans Servicing, LP's Prima Facie Submission Pursuant to the March 29, 2011 Stipulation.

Kindly file same, and return a copy, stamped "filed" in the enclosed, self-addressed, stamped envelope.

Respectfully submitted,

THOMAS R. CURTIN

TRC:jtt
Enclosure

cc: Edward J. Dauber, Esq. (w/c enc., via electronic and regular mail)
Honorable Richard J. Williams, JAD, Retired (w/c enc., via Federal Express)

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