

ORIGINAL

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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

**THIRD SUPPLEMENTAL  
CERTIFICATION OF ANTHONY  
EBERS IN SUPPORT OF ONEWEST  
BANK, FSB'S SUBMISSION TO  
SPECIAL MASTER**

I, Anthony Ebers, hereby certify that the following is true and correct:

1. I am employed by OneWest Bank, FSB, as Executive Vice President, Head of Direct Mortgage Lending and Home Loan Servicing. My business address is 888 East Walnut, Pasadena, CA 91101.
2. I received a Bachelor of Science, Business Administration in Finance and Banking from the University of Missouri, Columbia in 1988.
3. I have more than two decades of executive-level experience in the mortgage industry at major financial institutions. Since the early 1990s, I have held management positions at, among others, Citicorp Mortgage, Banc Boston Mortgage Corporation, HomeSide Lending, IndyMac Bank and OneWest Bank. I have held my present position since March of 2009 when OneWest Bank was founded

4. In my present position, I manage the direct mortgage lending and home loan servicing divisions at OneWest Bank. I have been directly involved with OneWest's response to industry-wide concerns surrounding the integrity and accuracy of foreclosure affidavits and the development of policies and procedures designed to ensure the accuracy and reliability of such affidavits, as described more fully below. I have personal knowledge of these policies and procedures, as well as all the information set forth in this declaration, and could competently testify thereto if called upon to do so.

5. In order to facilitate foreclosure counsel's filing of the Certificate of Diligent Inquiry to be Annexed to Residential Mortgage Foreclosure Complaints Pursuant to Rule 4:64-1(a)(2) 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(d), OneWest will engage in direct, real-time communications with foreclosure counsel via LPS Desktop Intercom regarding OneWest's verification of the accuracy of the documents submitted to the court. Foreclosure counsel will also be given a contact phone number and e-mail address as means of facilitating further communications as needed with the individual who verified the accuracy of particular documents.

6. Foreclosure counsel will initiate the Attorney Certification process by uploading the documents requiring verification into LPS Desktop, the technology platform used to facilitate the exchange of information and documents between OneWest and foreclosure counsel.

7. After the relevant documents have been uploaded to LPS, an employee will personally review, as applicable, the complaint and any documents submitted therewith or the affidavit of amount due and the note, mortgage and recorded assignments, if any, being submitted and confirm their accuracy by personally reviewing OneWest's business records, as

required by Rules 4:64-1(a)(2) and 4:64-2(d). When verifying the documents and information contained therein, the OneWest employee will complete a checklist that tracks both the documents the employee reviewed and the factual assertions contained in the complaint and/or affidavit(s) that the employee has verified against OneWest's business records.

8. The individual employee will then notify foreclosure counsel when OneWest has completed its review and verification. To do so, the employee will personally send an Intercom via LPS Desktop to foreclosure counsel. The Intercom is a direct, real-time communication to counsel. LPS Intercom messages are recorded and time stamped. They can be exchanged between OneWest and foreclosure counsel and constitute a direct, personal, real-time communication that is convenient, efficient, fast, and familiar.

9. The employee will communicate to counsel that OneWest has received documents uploaded by counsel, reviewed and verified the documents uploaded by counsel, using the unique numerical identifier assigned by LPS to the packet uploaded by counsel as well as the name of each document received, reviewed and verified. The communication will include a contact telephone number and email address to facilitate further communications as needed between the verifying employee and foreclosure counsel.

10 OneWest will verify that its foreclosure counsel comply with the requirements of the process outlined above and with New Jersey rules of procedure through the implementation of a federally approved vendor-management plan. Pursuant to the terms of its April 13, 2011 Consent Order with the Office of Thrift Supervision ("Consent Order"), OneWest is, like all other servicers involved in this proceeding, obligated to present to its regulator for consideration and approval an attorney vendor-management oversight plan. Pursuant to the Consent Order, OneWest will submit to its regulator a proposed plan that includes each of the following:

(a) appropriate oversight to ensure that Third-Party Providers comply with all applicable Legal Requirements, supervisory guidance (including applicable portions of OTS Thrift Bulletin 82a), and the Association's policies and procedures,

(b) measures to ensure that all original records transferred from the Association to Third-Party Providers (including the originals of promissory notes and mortgage documents) remain within the custody and control of the Third-Party Provider (unless filed with the appropriate court or the loan is otherwise transferred to another party), and are returned to the Association or designated custodians at the conclusion of the performed service, along with all other documents necessary for the Association's files, and that the Association retains imaged copies of significant documents sent to Third-Party Providers,

(c) measures to ensure the accuracy of all documents filed or otherwise utilized on behalf of the Association or the owners of mortgages in any judicial or non-judicial foreclosure proceeding, related bankruptcy proceeding, or in other foreclosure-related

litigation, including, but not limited to, documentation sufficient to establish ownership of the promissory note and/or the right to foreclose at the time the foreclosure action is commenced;

(d) processes to perform appropriate due diligence on potential and current Third-Party Provider qualifications, expertise, capacity, reputation, complaints, information security, business continuity and financial viability, and to ensure adequacy of Third-Party Provider staffing levels, training, work quality, and workload balance;

(e) processes to ensure that contracts provide for adequate oversight, including requiring Third-Party Provider adherence to Association foreclosure processing standards, measures to enforce Third-Party Provider contractual obligations, and processes to ensure timely action with respect to Third-Party Provider performance failures;

(f) processes to ensure periodic reviews of Third-Party Provider work for timeliness, competence, completeness, and compliance with all applicable Legal Requirements and supervisory guidance, and to ensure that foreclosures are conducted in a safe and sound manner;

(g) processes to review customer complaints about Third-Party Provider services;

(h) processes to prepare contingency and business continuity plans that ensure the continuing availability of critical third-party services and business continuity of the Association, consistent with federal banking agency guidance, both to address short-term and long-term service

disruptions and to ensure an orderly transition to new service providers should that become necessary;

(i) a review of fee structures for Third-Party Providers to ensure that the method of compensation considers the accuracy, completeness, and legal compliance of foreclosure filings and is not based solely on increased foreclosure volume and/or meeting processing timelines; and

(j) a certification process for law firms (and recertification of existing law firm providers) that provide residential mortgage foreclosure and bankruptcy services for the Association, on a periodic basis, as qualified to serve as Third-Party Providers to the Association including that attorneys are licensed to practice in the relevant jurisdiction and have the experience and competence necessary to perform the services requested.

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.



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ANTHONY EBERS

Dated: August 5, 2011

ORIGINAL

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**CERTIFICATE OF SERVICE**

I, Andrew Frackman; an attorney admitted to practice in the State of New Jersey and a member of the firm of O'Melveny & Myers LLP, hereby certify under penalty of perjury that:

On the 8th of August, 2011, *OneWest Bank, FSB's Third Supplemental Certification of Anthony Ebers in Support of OneWest Bank, FSB's Submission to Special Master* was served on the individuals below:

**VIA HAND DELIVERY**

Kevin Wolfe  
Richard J. Hughes Justice Complex  
6th Floor North  
25 Market Street  
Trenton, NJ 08625

**VIA FEDERAL EXPRESS**

Judge Richard Williams  
Atlantic County Courthouse  
1201 Bacharach Blvd.  
Atlantic City, NJ 08401

**VIA FEDERAL EXPRESS**  
Edward Dauber  
Greenberg Dauber Epstein & Tucker  
One Gateway Center  
Suite 600 Newark, NJ 07102

Dated: August 8, 2011  
New York, New York



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Andrew Frackman  
for O'MELVENY & MYERS LLP



O'MELVENY & MYERS LLP

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BRUSSELS  
CENTURY CITY  
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SINGAPORE  
TOKYO

August 8, 2011

OUR FILE NUMBER  
637,928-011

**VIA HAND DELIVERY**

Civil Practice Division

WRITER'S DIRECT DIAL  
(212) 326-2017

Honorable Judge Mary C. Jacobson  
c/o Kevin Wolfe  
Richard J. Hughes Justice Complex  
25 West Market Street  
6th Floor North  
Trenton, New Jersey 08625

AUG 08 2011

WRITER'S E-MAIL ADDRESS  
afrackman@omm.com

RECEIVED

Dear Judge Jacobson:

Pursuant to the Stipulation by the parties entered by this Court on March 29, 2011, please find enclosed the Third Supplemental Certification Of Anthony Ebers In Support Of OneWest Bank FSB's Submission To Special Master.

Very truly yours,

  
Andrew Frackman  
of O'MELVENY & MYERS LLP

Enclosures

cc w/enc. (via FedEx): Judge Richard Williams  
Atlantic County Courthouse  
Attn: Theresa Ungaro, Civil Division Manager  
1201 Bacharach Boulevard  
Atlantic City, New Jersey 08401

cc w/enc. (via FedEx): Edward J. Dauber, Esq.  
Greenberg Dauber Epstein & Tucker  
One Gateway Center, Suite 600  
Newark, New Jersey 07102