

BROWN & CONNERY, LLP
Paul Mainardi, Esquire
Susan Leming, Esquire
360 Haddon Avenue
Westmont, New Jersey 08302
(856) 854-8900
Attorneys for TD Bank, N A

FILED
JUL 29 2011
SUPERIOR COURT
CLERK'S OFFICE

Rec 7/29/11
RECEIVED

JUL 29 2011
WALTER R. BARISONEK, A.J.S.C. Ret.
SPECIAL MASTER

**IN THE MATTER OF
RESIDENTIAL MORTGAGE
FORECLOSURE PLEADING AND
DOCUMENT IRREGULARITIES**

**Docket No. F-238-11
Administrative Order 01-2010**

**SUPPLEMENTAL CERTIFICATION
OF CATHERINE MORTON ON
BEHALF OF TD BANK, N.A.
IN RESPONSE TO REQUEST FOR
INFORMATION**

Catherine Morton, of full age, certifies as follows.

1. I am employed by TD Bank, N.A. ("TD Bank") as Vice President and Collections Group Manager. I have personal knowledge of the facts set forth in this certification ("Supplemental Certification") based on my years of hands-on work experience with the pertinent processes and operations of TD Bank in this area and my familiarity with, and review of, pertinent business records of TD Bank that are maintained by TD Bank in the regular course of its business. I am authorized by TD Bank to make this Supplemental Certification to supplement my prior certification ("Prior Certification") dated and filed in this matter on June 9, 2011.

2. **Clarification of Number of TD Bank Employees Authorized to Sign Affidavits and Certifications for Filing in New Jersey Residential Mortgage Foreclosure Proceedings.**

Paragraph 16 of the Prior Certification states that five (5) officers of TD Bank employed in the Loss Mitigation Unit are authorized to sign certifications or affidavits. Paragraph 9 of the Prior Certification states that only three of these officers in the Loss Mitigation Unit sign virtually all Certificates of Amount Due submitted for filing in New Jersey foreclosure proceedings the Foreclosure Manager, a Vice President who reports directly to me, the Foreclosure Supervisor, an Assistant Vice President who is under my supervision, and me. There is no inconsistency in these statements as there are two officers in the Loss Mitigation Unit who, although authorized to sign certifications and affidavits, are not among the three officers described above who sign virtually all Certifications of Amount Due submitted for filing in foreclosure proceedings on behalf of TD Bank.

3. **Supplement to Response to Item 1(a) Regarding Policies and Procedures to Assure Personal Knowledge.**

Paragraphs 9 through 13 of the Prior Certification describe the practices and procedures of TD Bank that assure that bank officers signing Certifications of Amount Due have personal knowledge of the facts set forth in those certifications based upon their review of TD Bank's business records. I understand that the Court has requested additional information with respect to policies and procedures of TD Bank that assure that facts stated in foreclosure complaints are also within the personal knowledge of TD Bank employees based upon their review of business records of TD Bank. The policies and procedures of TD Bank require that before a foreclosure matter is submitted to foreclosure counsel, one of the Loss Mitigation Specialists under my supervision will personally review copies of the pertinent loan and security documents, including the note or other obligation and the mortgage, which

copies of documents are maintained by TD Bank in the regular course of its business in either electronic format, stored in TD Bank's document repository software system, or in hard copy format contained in the work file. The Loss Mitigation Specialist will also consult the loan accounting computer system maintained by TD Bank in the regular course of its business to view one or more screens which show the loan history and amounts due consisting of unpaid principal and interest, expenses advanced and late charges. The Loss Mitigation Specialist then provides the pertinent dollar amounts to foreclosure counsel along with copies of the loan and security documents. Foreclosure counsel then drafts the foreclosure complaint and sends it to the Loss Mitigation Specialist for review and verification of information as to amounts due and as to the name and address of the obligor and the mortgagor, information regarding the mortgaged property, and other information pertinent to the foreclosure complaint based on the Loss Mitigation Specialist's review of the business records of TD Bank. The Loss Mitigation Specialist responsible for monitoring that foreclosure case will review the draft foreclosure complaint for the accuracy of the figures and information against the figures in the loan accounting system and the pertinent copies of loan documents maintained by TD Bank in order to confirm, on personal knowledge, that the figures and information are accurate. The Loss Mitigation Specialist will then forward the draft foreclosure complaint and supporting copies of documents to the appropriate bank officer with authorization to sign affidavits and certifications in foreclosure proceedings. The bank officer is then required to perform an independent review of the copies of loan and security documents and the bank's loan accounting system to confirm that the figures and information contained in the draft foreclosure complaint are accurate. The procedures expressly provide that this dual review by both the Loss Mitigation Specialist and the bank officer is intended for checks and balances purposes,

and it ensures the accuracy and integrity of the documents being submitted to the court as part of the foreclosure process. Once the TD Bank officer has personally reviewed the documents and verified the accuracy of the calculations and other information to be submitted to the Court, the Loss Mitigation Specialist communicates with foreclosure counsel to make any necessary changes to the draft foreclosure complaint and authorize the filing of the foreclosure complaint. This Loss Mitigation Specialist is the TD Bank employee with whom the foreclosure counsel will communicate in order to complete his or her certification of diligent inquiry to be filed with the foreclosure complaint under the New Jersey Court Rules.

4. **Original Loan and Security Documents.** In the normal course of TD Bank's business, in the region of TD Bank's operations which includes New Jersey, original notes, mortgages and other loan and security instruments are held in TD Bank facilities in Lewiston, Maine and Cherry Hill, New Jersey, and hard copies of loan files are located in the Collections Department of TD Bank in West Falmouth, Maine. TD Bank rarely sells loans to others with retained servicing in the regular course of its business, and the great majority of mortgage loans in foreclosure were originated by TD Bank or its predecessors in interest. As a result, physical movement of original loan and security documents from the bank's document storage facilities occurs rarely. As is set forth above, separate and independent reviews of loan and security documents by Loss Mitigation Specialists and bank officers in connection with the foreclosure process are accomplished through the TD Bank computer image repository system or by examination of hard copies of such documents in work files maintained in the regular course of TD Bank's business. In the regular course of business of TD Bank, electronic copies of original loan and security documents are scanned into TD Bank's image repository system after the loan closing and at or before the time that the originals of those documents are placed into one of

TD Bank's document storage facilities. In those rare instances in which original documents are removed from the document storage facilities of TD Bank, the removal and delivery of those original documents are tracked, and checked monthly, by a document tracking system maintained by TD Bank which shows, among other things, the date of removal of the document from storage and the location and person to whom the document has been sent, and the date on which the document was returned to the TD document storage facility. Any original loan or security document removed from a TD Bank document storage facility and sent to a recipient outside the bank is sent and returned via certified mail, return receipt requested or recognized overnight delivery service. Original loan and security documents are delivered to bank employees and returned to the document storage facility via TD Bank's inter office mail system.

5. **Training of Employees.** Paragraphs 33 and 34 of the Prior Certification describe training given to new employees who are to become Loss Mitigation Specialists or who are to be given authority to sign certifications and affidavits on behalf of TD Bank in connection with residential foreclosure proceedings in New Jersey and elsewhere. I understand that the Court requested further information as to whether training materials are in writing and, if so, what they consist of. Written training materials utilized by TD Bank for this purpose include the following:

- (1) A proprietary computer module-based foreclosure training program which includes a step by step guide through TD Bank's proprietary system for processing foreclosures, including, among others, sections for finding bank records, computation of amount due, borrower information, current follow up information and legal status, foreclosure action type, foreclosure attorney, lienholder

information, property and occupancy information and property value, and foreclosure sale;

(2) A description of the judicial foreclosure process; and

(3) A description of the elements of the foreclosure process in New Jersey.

TD Bank utilizes a proprietary database to track new hires' completion of the training modules, including the foreclosure training module. Because the number of bank officers authorized to sign affidavits and certifications in foreclosure proceedings is small, and because they work under my direct supervision, I am confident that each bank officers understands that these certifications and affidavits are testimony in court proceedings and that he or she understands the significance of signing certifications and affidavits based on personal knowledge upon review of business records of TD Bank that are maintained in the ordinary course of TD Bank's business.

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.



Catherine Morton

Dated: July 28, 2011

BROWN & CONNERY, LLP
Paul Mainardi, Esquire
Susan Leming, Esquire
360 Haddon Avenue
Westmont, New Jersey 08302
(856) 854-8900
Attorneys for TD Bank, N A

**IN THE MATTER OF RESIDENTIAL
MORTGAGE FORECLOSURE
PLEADING AND DOCUMENT
IRREGULARITIES**

**Docket No. F-238-11
Administrative Order 01-2010**

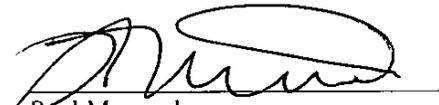
**CERTIFICATION OF
FACSIMILE SIGNATURE OF
CATHERINE MORTON
ON BEHALF OF TD BANK, N.A.
PURSUANT TO R.1:4-4(C)**

I hereby certify that the facsimile signature of Catherine Morton on the attached Supplemental Certification is genuine. I further certify that a copy of the document with the original signature shall be provided upon request by the Court or by a party to this matter

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

BROWN & CONNERY, LLP
Attorneys for TD Bank, N.A

By


Paul Mainardi

Dated July 29, 2011



INTEROFFICE MEMO

Superior Court of New Jersey
Union County Courthouse
CIVIL DIVISION

RECEIVED

AUG - 4 2011

SUPERIOR COURT
CLERK'S OFFICE

VIA LAWYER'S SERVICE

MEMO TO: BethAnn Strom
Superior Court Clerk's Office

FROM: Dawn B Bowers, Judge Barisonek's Chambers *dbb*

DATE: August 2, 2011

SUBJECT: Transmittal of Documents from Special Master Walter R. Barisonek

Hi BethAnn:

Enclosed please find supplemental certification of Catherine Morton on behalf of TD Bank, which was not filed directly with you by Ms. Morton. Kindly have this certification entered into ACMS and scanned into JEFIS.

Thank you for your cooperation.

dbb