

Deposition Skeleton

PHH Mortgage 16371056

15 year term initiated 11/1/2001; paid in full 10/31/2013

PHH claimed default on 1 January 2013, sent to Barrett, Burke, Daffin, Frappier, Turner, Engels for attempted public sale. Mortgage entered Chapter 13 bankruptcy in defense of property. Property paid in full by bankruptcy trustee 31 October 2013.

These questions are formulated to discover any criminal activity which may have occurred in the process of this particular mortgage, and to discover any systematic criminal activity, either successful or in process, that might have affected or be affecting a class of similarly circumstanced individuals in State of Texas.

Deponent	Employer	Date
???	PHH	
???	BPDFTE	
Dave McCrae	Mortgagee	
Anne Little	Attorney, Dave McCrae	
Ray Fisher	Attorney, Dave McCrae	
Deborah Langehennig	Trustee, Federal Bankruptcy Court West Texas	

General Questions

Q	A	Remark
Name?		
Date?		
Role in mortgage industry		
Time in service		
Specific experience		
What prompts you to enter a mortgage into default?		
What is default?		
How many mortgages does your company currently have open?		
How many mortgages does your company currently have in default?		
What exception reports do you		

receive?		
How do you typically manage workload?		
What prompts you to expend extra attention to problem mortgage?		
When a mortgage enters default, how do you communicate with the mortgagee?		
What is dual tracking?		
From first contact with mortgagee how many mortgages go to resolution?		
How many to public sale?		
What are keys in your review with mortgagee influencing your decision to resolution?		
What are keys in your review with mortgagee influencing your decision to public sale?		
Of resolved mortgages what percentage are successfully renegotiated by your company?		
What is the value of property currently owned through successful foreclosure action and public sale?		
What was the acquisition cost of that property?		
What is the monthly budget cost of holding current inventory of seized property?		
What is the monthly resale value of such property sold from inventory?		
What is the monthly recovery value you're currently achieving?		
What is the monthly acquisition cost of recovery attempts in process?		
Does the current strategy of your overall loss mitigation effort contribute to the company business plan positively or negatively?		


Specific to Mortgage 16371056

PHH		
When did you decide to send this mortgage into sale?		
What discussions did you have with mortgagee?		Correspondence file from Dave McCrae to PHH, no response
What correspondence did you have with mortgagee?		Correspondence file from Dave McCrae to PHH, no response
Did you read any of the correspondence from mortgagee prior to sending mortgage to BBDFTE?		
Were any internal discussions held prior to sending mortgage for collection?		
Who was your designated single point of contact with your mortgagee, assigned to resolve issues or problems?		
Detail actions or recommendations of your designated single point of contact.		
In 2007, you decided to require mortgagee to provide insurance on property. What was the background for this decision?		
Who was the insurance placed with?		
What was the cost of the insurance?		
What was your profit margin on insurance placement?		
What was the effect of the force		

placed insurance on monthly payment?		
In December of 2012, how much was due on principal of mortgage?		\$7,758.96
In December of 2012, what was the scheduled principal due on original amortization schedule?		\$25,126.59
In December of 2012, how many payments had been made on account code 175, prepayment of principal?		68
In December of 2012, how many late charges had been assessed on mortgage history?		41
In December of 2012, how many late charges had been reversed on mortgage history?		50
Did you review this information prior to sending mortgage for collection?		
After mortgagee declared Chapter 13 bankruptcy and court published notice, did you review this situation in any way with your mortgagee or any of his legal resource personnel?		No
After mortgagee declared Chapter 13 bankruptcy and court published notice, did you review this situation in any way with your own legal resource personnel, either internally or with BBDLTE?		
After mortgagee declared Chapter 13 bankruptcy and court published notice, did you review any of your mortgagee's counterclaims for expenses of defense of illegal action, as submitted monthly?		Correspondence file from Dave McCrae to PHH, no response
After review of such counterclaims, did you review any possible response with your own legal resources, either internally or with BBDLTE?		

Who?		
When?		
Records of discussion?		
Correspondence?		
Recommendation?		
BBDFTTE		
How many mortgages do you currently have in process of resolution?		
In last five years, how many mortgages have you resolved by sale of property?		
In last five years, how many mortgages have you resolved by negotiation of terms and reinstatement?		
Does BBDFTTE have a patented process in use for expediting mortgages from tombstone to sale?		
In your patented process, what is the typical time frame for a mortgage to go from tombstone to public sale?		
Of the mortgages who you have received from clients, what percentage are entered into that patented process for resolution?		
What information do you receive from clients with their instruction for resolution?		
What are the steps in your review of client claims prior to entering mortgage into collection process?		
What is the typical manpower requirement you address to each mortgage claim in review process?		
What is the manpower you addressed to PHH mortgage 16371056 in review process?		
Did you verify your client claim through any discussion with mortgagee, or any other third		No

party?		
Who?		
When?		
Records of discussion?		
Correspondence?		
Did you report your results of investigation to your client with any recommendation for further action?		
After publication of tombstone, did you discuss any aspect of situation with mortgagee?		No
After publication of tombstone, did you discuss any aspect of situation with Ann Little?		No
After publication of tombstone, did you discuss any aspect of situation with Ray Fisher?		No
After mortgagee entered Chapter 13, did you discuss any aspect of situation with Ray Fisher?		No
After mortgagee entered Chapter 13, did you discuss any aspect of situation with Deborah Langehennig?		No
After mortgagee entered Chapter 13, did you discuss any aspect of situation with your client?		
Who?		
When?		
Records of discussion?		
Correspondence?		
Recommendation?		
After mortgagee entered Chapter 13, did you prepare and provide proof of claim and submit it to Deborah Langehennig?		No
What was the nature of your investigation to prepare and submit proof of claim?		
Did you review mortgage payment records in the course of preparation of proof of claim?		
Did you discuss any aspect of		

your proof of claim submittal with your employer, PHH?		
Who?		
When?		
Records of discussion?		
Correspondence?		
Recommendation?		
As payments were made by Trustee through period of Chapter 13, did you maintain record of progressive reduction of principal and eventual debt satisfaction?		No
Were you aware of escrow account held by PHH containing proceeds of insurance policy cancellation refund?		No
Did you apply those funds in escrow toward reduction of principal and eventual debt satisfaction?		No
After mortgagee entered Chapter 13, did you prepare and provide proof of claim and submit it to Deborah Langehennig for any expenses of collection pertaining to mortgage?		No
After mortgagee entered Chapter 13, did you prepare and provide proof of claim and submit it to PHH for any expenses of collection pertaining to mortgage?		
Did you ever invoice PHH for any professional services pertaining to collection of this debt?		Yes
Did you ever receive funds from PHH for any professional services pertaining to collection of this debt?		Yes
Detail of professional services?		
Who?		
When?		
Where?		
Outcome?		

Concerning BPDFTE Patent Application 20080201190 – Automated Foreclosure Processing System		
Prior to patent publication in 2008-08-21 had BPDFTE been using such a system in their daily work with actual clients?		
About how many foreclosures were successfully processed from tombstone to public sale?		
What would that be, in percentage of business?		
After patent publication in 2008-08-21 has BPDFTE been continuing to use such a system in their daily work with actual clients?		
About how many foreclosures were successfully processed from tombstone to public sale?		
What would that be, in percentage of business?		
As a result of use in real business scenario, have any modifications been incorporated into the automated foreclosure processing system in use today?		
What?		
Why?		
To what effect?		
Has BPDFTE encouraged use of system by other firms, in other states, and tried to market use by others by usage fee, royalty or revenue sharing in any form?		
Has BPDFTE detected and discouraged use of system by other firms, in other states, and tried to protect intellectual property and penalize use by others by usage fee, royalty or revenue sharing in any form?		
Has BPDFTE issued notices to others concerning such infringement?		



