Operation Whitefox Investigation Guidelines

First Database Filter for Potential Class Members. Much information is electronically stored information maintained by Defendants. This must be collected at a certain date and time and transferred to our computer system for detailed analysis.

Do Texas First. Then the other 45 states. Exclude Colorado, Illinois, Nebraska and Hawaii.

Owner occupied houses only

Houses that have foreclosed in last four years, statute of limitations

Houses currently in foreclosure

Houses currently in default

ESI information available in BBDFTE patented system for houses in foreclosure – extract and port it to our system for interviews

ESI information available in PHH system for houses in foreclosure – extract and port it to our system for interviews

Restraining order prohibiting sale of houses currently in foreclosure until completion of audit, first 90 days

Restraining order prohibiting transfer of houses currently in pre-foreclosure to foreclosure until completion of audit, first 90 days

Prohibition of non-judicial foreclosure proceeding from this point forward in any case.

Prohibition of dual tracking system from this point forward. All loss mitigation requirements and timelines must be followed prior to entering preforeclosure track.

Immediate education of personnel and implementation of Ocwen Judgment requirements for current owners

List of Owners, potential class members (1,800,000 x 1.25% x .17 = 3825)

List of Partners, Attorneys, Agents and Employees, current and former for last four years, potential defendants (<250)

\*\*\*\*\* Warning Prior to Commencement of Interview \*\*\*\*\*

You may be an affiant pertaining to electronically stored information already received and examined as part of this proceeding. The information of record is accepted by all parties as true and will not be challenged in this interview. If any of this previously affianced information is now known by yourself to be false, you should now make the matter clear.

You have the right to remain silent if your answers may tend to incriminate you.

Anything you say may be used as evidence either in a disciplinary proceeding or in any future criminal proceeding involving you.

If you refuse to answer the questions posed to you on the grounds that answers may incriminate you, you cannot be disciplined solely for remaining silent. However, your silence can be considered in an administrative proceeding for its evidentiary value that is warranted by the facts surrounding the case.

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Signed Date

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Signed Date

OPTIONAL GRANT OF IMMUNITY

You are further advised that the answers you give to the matter currently under investigation or any information or evidence that is gained by reason of your answers cannot and will not be used against you in any criminal proceedings, except that you may be subject for criminal prosecution for any false answer that you give to any questions. Do you understand this?

YES NO

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed Date

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Approved Date

Basic Wrongful Foreclosure Deposition Guide – Who? What? Where? When? How? Why?

|  |  |  |  |
| --- | --- | --- | --- |
|  | Owner | ESI |  |
|  | Address | ESI |  |
|  | City | ESI |  |
|  | State | ESI |  |
|  | Zip | ESI |  |
|  | Mortgage Bank | ESI |  |
|  | Mortgage Servicer | ESI |  |
|  | Mortgage ID# | ESI |  |
|  | Securitized? | ESI |  |
|  | Face value of mortgage | ESI |  |
|  | Interest Rate | ESI |  |
|  | Purchase money | ESI |  |
|  | Refinance | ESI |  |
|  | HELOC | ESI |  |
|  | Amount due on principal | ESI | Xref |
|  | Arrearage | ESI | Xref |
|  | Reinstatement fees, if any | ESI | Xref |
|  | Payment record | ESI | Xref |
|  | Escrow | ESI | Xref |
|  | Force Placed Insurance | ESI | Xref |
|  | Insurance Fair Market Value | Comment | Xref |
|  | Appraisal value – Zillow | ESI | Xref |
|  | Escalation? | ESI | Xref |
|  | Comment | ESI | Xref |
|  | Outcome | ESI | Xref |
|  | First Date of Notice | ESI |  |
|  | Date of Public Sale | ESI |  |
|  | Sale Price | ESI | Xref |
|  | Costs of sale | ESI | Xref |
|  | Did mortgagee purchase property? | ESI | Xref |
|  | Did mortgagee resell property? | ESI | Xref |
|  | Profit or loss on resale | ESI | Xref |
|  | If property is still held, book value? | ESI | Xref |
|  | Reimbursement for loss received from other source | ESI | Xref |
|  | Yield to Owner | ESI | Xref |
|  | Strategic Bankruptcy Filed? | Comment | Xref |
|  | Which Court? | Comment | Xref |
|  | Bankruptcy Trustee | Comment | Xref |
|  | Date of Bankruptcy | Comment | Xref |
|  | Date of Dismissal | Comment | Xref |
|  | Date of Discharge | Comment | Xref |
|  | Proof of claim filed? | ESI | Xref |
|  | Proof of claim satisfied? | ESI | Xref |
|  | Proof of claim contested? | ESI | Xref |
|  | Proof of claim modified? | Comment | Xref |
|  | Trustee Payment Record | Comment | Xref |
|  | Costs of Defense of claim | Comment | Xref |
|  | Legal/Trustee fees | Comment | Xref |
|  | Filing fees | Comment | Xref |
|  | Adverse party fees | Comment | Xref |
|  | Relocation costs | Comment | Xref |
|  | Replacement housing purchase | Comment | Xref |
|  | Rental costs | Comment | Xref |
|  | Loss of equity | Comment | Xref |
|  | Costs of Inconvenience | Comment | Xref |
|  | Employment history | Comment | Xref |
|  | Opportunity costs | Comment | Xref |
|  | Other unrecovered costs | Comment | Xref |
|  | Sale of Assets | Comment | Xref |
|  | Borrowed Funds | Comment | Xref |
|  |  |  |  |
|  | Owner contact hotline to servicer | Comment | Xref |
|  | Single point of contact? | ESI |  |
|  | Preforeclosure communication chain | ESI |  |
|  | Is single point of contact authorized to negotiate? |  |  |
|  | Affiant review of loan status based on personal knowledge? | ESI |  |
|  | Affiant review of loan information based on personal knowledge? | ESI |  |
|  | How many employees does servicer have assigned to escalation issues? | ESI |  |
|  | How many escalation issues commonly are in process in time period? | ESI |  |
|  | How many escalation issues are commonly resolved by single point of contact in time period? | ESI |  |
|  | How many escalation issues are commonly forwarded to preforeclosure in time period? | ESI |  |
|  | Preforeclosure action |  |  |
|  | Dual Tracking employed? | Comment | Xref |
|  | Successful resolution through negotiation | Comment | Xref |
|  | Unsuccessful resolution through negotiation | Comment | Xref |
|  | No preforeclosure negotiation | Comment | Xref |
|  | Refusal to respond to Owner contact attempt | Comment | Xref |
|  | Foreclosure by in house legal | ESI |  |
|  | Foreclosure by contractor | ESI |  |
|  | Office in foreclosure state? | ESI |  |
|  | After referral to contractor |  |  |
|  | Contractor selection and qualification | ESI |  |
|  | Contractor quality review information | ESI |  |
|  | Contractor audit information | ESI |  |
|  |  |  |  |
|  | Contractor feedback from Owner | Comment | Xref |
|  | Independent Affiant review of loan status based on personal knowledge? | ESI |  |
|  | Independent Affiant review of loan information based on personal knowledge? | ESI |  |
|  | How many claims processed in time period? | ESI |  |
|  | How many deficient claims returned to client in time period? | ESI |  |
|  | How many employees are assigned to various claim processing requirements? | ESI |  |
|  | How are specific work assignments distributed to employees? | Comment | Xref |
|  | Owner contact hotline to contractor | ESI |  |
|  | Single point of contact? | ESI |  |
|  | Presale communication chain | Comment | Xref |
|  | Is single point of contact authorized to negotiate? | Comment | Xref |
|  | Is client able to monitor foreclosure processing status at any point in time? | Comment | Xref |
|  | Is Owner able to monitor foreclosure processing status at any point in time? | Comment | Xref |
|  | Affiant review of loan status based on personal knowledge? | ESI |  |
|  | Affiant review of loan information based on personal knowledge? | ESI |  |
|  | Affiant review of declarations, affidavits, sworn statements based on personal knowledge? | ESI |  |
|  | Is Affiant knowledgeable of basic laws and regulations? | Comment | Xref |
|  | Is Affiant knowledgeable of personal liability of action? | Comment | Xref |
|  | Review of ongoing personnel training and qualification | Comment | Xref |
|  | How many declarations, affidavits, and statements processed in time period? | ESI |  |
|  | How many declarations, affidavits, and statements refused in time period? | ESI |  |
|  | Is a computer used in processing preforeclosure actions at any level? | Comment | Xref |
|  | Are computer actions monitored by knowledgable and qualified individuals? | Comment | Xref |
|  | Describe computer checkpoints. | Comment | Xref |
|  | How many computer actions are processed in time period? | ESI |  |
|  | How many computer actions are rejected by human oversight function and responsibility in time period? | Comment | Xref |
|  | Does servicer pay volume based or other incentives to contractor that encourage undue haste or lack of due diligence over necessary quality requirements? | Comment | Xref |
|  | Are required affiant signatures made by humans, dated, and notarized simultaneously and individually? | Comment | Xref |
|  | In a bankruptcy action, does servicer or contractor prepare and file proof of claim? | Comment | Xref |
|  | REPEAT ALL ABOVE QUESTIONS FOR PROOF OF CLAIM ISSUES |  |  |
|  | Is the basis information independently verified again, or merely reprinted? | ESI |  |
|  | Are the same Affiants used? | ESI |  |
|  | Are the fees duplicated for the same services previously supplied? | ESI |  |
|  | Per Ocwen Consent Judgment of 12/19/13-  In all states, Servicer shall send borrowers a statement setting forth facts supporting Servicer’s or holder’s right to foreclose and containing the information required in paragraphs I.B.6 (items available upon borrower request), I.B.10 (account statement), I.C.2 and I.C.3 (ownership statement), and IV.B.13 (loss mitigation statement) herein. Servicer shall send this statement to the  borrower in one or more communications no later than 14 days prior to referral to foreclosure attorney or foreclosure trustee.  Servicer shall provide the Monitoring Committee with copies of proposed form statements for review before implementation.  Was this information supplied to borrower prior to foreclosure? | Comment | Xref |
|  | Did borrower respond in any way, by appearance, in writing or e-mail, or otherwise? | Comment | Xref |
|  | With what result? | Comment | Xref |
|  | Servicer shall adopt enhanced billing dispute procedures, including for disputes regarding fees. These procedures will include:  a. Establishing readily available methods for customers to  lodge complaints and pose questions, such as by providing toll-free numbers and accepting disputes by email;  b. Assessing and ensuring adequate and competent staff to answer and respond to consumer disputes promptly;  c. Establishing a process for dispute escalation;  d. Tracking the resolution of complaints; and  e. Providing a toll-free number on monthly billing statements. | Comment | Xref |
|  | Did borrower respond in any way, by appearance, in writing or e-mail, or otherwise? | Comment | Xref |
|  | With what result? | Comment | Xref |
|  | In active chapter 13 cases, Servicer shall ensure that:  a. prompt and proper application of payments is made on  account of (a) pre-petition arrearage amounts and (b) postpetition payment amounts and posting thereof as of the successful consummation of the effective confirmed plan;  b. the debtor is treated as being current so long as the debtor is making payments in accordance with the terms of the then effective confirmed plan and any later effective payment change notices; and  c. as of the date of dismissal of a debtor’s bankruptcy case, entry of an order granting Servicer relief from the stay, or entry of an order granting the debtor a discharge, there is a reconciliation of payments received with respect to the debtor’s obligations during the case and appropriately update the Servicer’s systems of record. In connection with such reconciliation, Servicer shall reflect the waiver of any fee, expense or charge pursuant to paragraph III.B.1.c.i or III.B.1.d. | Comment | Xref |
|  | Did borrower respond in any way, by appearance, in writing or e-mail, or otherwise? | Comment | Xref |
|  | With what result? | Comment | Xref |
|  | Servicer shall be required to notify potentially eligible borrowers of currently available loss mitigation options prior to foreclosure referral. Upon the timely receipt of a complete loan modification application, Servicer shall evaluate borrowers for all available loan modification options for which they are eligible prior to referring a  borrower to foreclosure and shall facilitate the submission and review of loss mitigation applications. The foregoing  notwithstanding, Servicer shall have no obligation to solicit borrowers who are in bankruptcy | Comment | Xref |
|  | Did borrower respond in any way, by appearance, in writing or e-mail, or otherwise? | Comment | Xref |
|  | With what result? | Comment | Xref |
|  | Servicer shall offer and facilitate loan modifications for borrowers rather than initiate foreclosure when such loan modifications for which they are eligible are net present value (NPV) positive and meet other investor, guarantor, insurer and program requirements. | Comment | Xref |
|  | Did borrower respond in any way, by appearance, in writing or e-mail, or otherwise? | Comment | Xref |
|  | With what result? | Comment | Xref |
|  | Servicer shall allow borrowers enrolled in a trial period plan under prior HAMP guidelines (where borrowers were not pre-qualified) and who made all required trial period payments, but were later denied a permanent modification, the opportunity to reapply for a HAMP or proprietary loan modification using current financial  information. | Comment | Xref |
|  | Did borrower respond in any way, by appearance, in writing or e-mail, or otherwise? | Comment | Xref |
|  | With what result? | Comment | Xref |
|  | Servicer shall promptly send a final modification agreement to borrowers who have enrolled in a trial period plan under current HAMP guidelines (or fully underwritten proprietary modification programs with a trial payment period) and who have made the required number of timely trial period payments, where the  modification is underwritten prior to the trial period and has received any necessary investor, guarantor or insurer approvals. The borrower shall then be converted by Servicer to a permanent modification upon execution of the final modification documents, consistent with applicable program guidelines, absent evidence of  fraud. | Comment | Xref |
|  | Did borrower respond in any way, by appearance, in writing or e-mail, or otherwise? | Comment | Xref |
|  | With what result? | Comment | Xref |
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ESI – Electronically Stored Information

Comment – Statement of deponent

Xref – Confirming information from any other source that may validate or invalidate statement

All depositions to be videotaped.

After cross referencing deponents, some deponents may be recalled for clarification.

Help Wanted

Comptroller

IT Manager, responsible for administration of secure database

Data analyst, responsible for data retrieval of electronically stored information in a wide variety of sources, able to organize and present complex information to a jury

Help desk, responsible for administration of network and satellite users

Lead attorney, licensed in any one state, able to supervise nominee attorneys that may be acting in other states as required

Acting attorney, 50 required, responsible for home state

Lead Investigator, criminal action, working closely with local law enforcement, able to travel, able to supervise field investigators in any state

Field investigator, criminal action, familiar with rules of criminal procedure, familiar with banking regulations and practice, able to travel

Field investigator, civil action, familiar with rules of civil and bankruptcy procedure, able to travel

Logistics Service, responsible for travel and lodging arrangements for decentralized work force of 50+

All associates will have valid US Passport and be able to pass background check.

All associates will receive 1 BitCoin/day for duration of project for 7d/24hr availability. Time commitment will vary based on circumstance. You will have wide latitude in managing your own schedule to manage progress toward goal. All usual, customary and reasonable fees and expenses will be recompensed by court. All associates will share equally in recovery due First Relator.

Submit area of interest with LinkedIn profile to [xstek99@gmail.com](mailto:xstek99@gmail.com)

Associate and Employee Screening

Company; PHH Mortgage Services

Name:

SS# or Passport

Address for service of process

Dates of Association or Employment (excluding service before 1/1/2010)

Start: > 1/1/2010 End

Job Description

|  |  |  |  |
| --- | --- | --- | --- |
|  | YES | NO | Maybe |
| Does associate or employee typically engage in personal contact with clients? |  |  |  |
| Is associate or employee empowered to make binding legal agreements on behalf of the corporation with clients? |  |  |  |
| Does associate or employee typically maintain or manage client data? |  |  |  |
| Is associate or employee paid for specific work period without regard to amount of work produced? |  |  |  |
| Is associate or employee paid by fee based on specific provision of service? |  |  |  |
| Does associate or employee qualify to receive financial bonus depending on number of actions in a specific period? |  |  |  |
| Does associate or employee typically consider, approve or initiate adverse action toward specific clients? |  |  |  |
| Does associate or employee typically supply legal services to corporation, including affiant preparation or approval? |  |  |  |
| Does associate or employee typically supply third party oversight selection or management to other providers of legal services to corporation? |  |  |  |
| Does associate or employee typically engage in strategic management of corporate resources? |  |  |  |
| Does associate or employee typically engage in specific management of corporate resources? |  |  |  |
| Does associate or employee typically consider, approve or initiate provision of insurance services to clients? |  |  |  |
|  |  |  |  |
|  |  |  |  |