

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA.

BANKUNITED,

Plaintiffs,

Case No.: 10-CA-008594

v.

AMADOU WANE, et al.,

Defendants.

\_\_\_\_\_/

DEPOSITION OF: BILL WILLIAMS  
TAKEN: Pursuant to Notice by the Defendant  
DATE: August 1, 2011  
TIME: 9:50 a. m. - 10:25 a. m.  
PLACE: Bar Area Reporting Service, Inc.  
620 East Twiggs Street - Suite 305  
Tampa, Florida 33602  
REPORTED BY: ELIZABETH GOTCH, RPR  
Notary Public  
State of Florida at Large

Page 1 - 26

\_\_\_\_\_  
BAY AREA REPORTING SERVICE, INC.  
620 East Twiggs Street - Suite 305  
Tampa, Florida 33602  
(813) 251-4538

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

bayarearptg.com

APPEARANCES:

JASON M. TAROKH, ESQUIRE

and

DAVID J. MILLER, ESQUIRE

Albertelli Law

Post Office Box 23028

Tampa, Florida 33623

(813) 221-4743

jtarokh@alberttellilaw.com

Attorney for the Plaintiff

AMADOU WANE

13046 Race Track Road #118

Tampa, Florida 33626

(813) 343-0438

Pro Se

I N D E X

		Page
Examination by Mr. Wane		3
Certificates of Reporter		24, 25

E X H I B I T S

Number	Description	Page
1	BankUnited Adjustable Rate Note	8
2	Purchase and Assumption Agreement	21
3	Corporation Assignment of Real Estate Mortgage	22
4	CV	23
5	Failed Bank Information	23

1           The deposition of BILL WILLIAMS taken  
2   pursuant to notice by the defendant this  
3   1st day of August, 2011, by Elizabeth Gotch, RPR, and  
4   Notary Public for the State of Florida at Large, at  
5   Bar Area Reporting Service, Inc., 620 East Twiggs Street,  
6   Suite 305, Tampa, Hillsborough County, Florida, beginning at  
7   the hour of 9:50 a. m.

8                                   \* \* \* \* \*

9   Whereupon,

10                                 BILL WILLIAMS,  
11   being first duly sworn on oath to tell the truth, the  
12   whole truth and nothing but the truth, was examined and  
13   testified as follows:

14                 THE DEPONENT:   I do.

15                 MR. WANE:   I would like you to verify his  
16   identity.

17                 THE DEPONENT:   (Handing to the reporter).

18                 THE REPORTER:   It looks like Mr. Williams.

19                 MR. WANE:   Okay.  Let the record show that  
20   Bill Williams handed his driver's license to the court  
21   reporter.

22                                   EXAMINATION

23   BY MR. WANE

24                 Q.   Mr. Williams, will you, please, state your name.

25                 A.   It's Bill Williams.

1 Q. And what's your current address?

2 A. The current address is -- my current address is  
3 18660 Southwest 39th Court, Miramar, Florida.

4 Q. And what is your current position?

5 A. Vice president.

6 Q. Of what company?

7 A. BankUnited.

8 Q. Have you been deposed before?

9 A. No.

10 Q. Would you state your education background.

11 A. I have a Bachelor's Degree for DePaul University  
12 in Finance and I have a Master's in Financial Markets and  
13 Trading from the Illinois Institute of Technology.

14 Q. So you're currently a VP for BankUnited. A VP of  
15 what department?

16 A. Secondary Marketing.

17 Q. Secondary Marketing. Okay.

18 I just want to make the difference between  
19 BankUnited FSB and BankUnited. So as a VP for  
20 BankUnited FSB, what department do you work for?

21 A. Secondary Marketing.

22 Q. Secondary Marketing. Okay.

23 And you still occupy that position right now?

24 MR. TAROKH: Objection. form.

25 You can answer.

1 A. (CONTINUING) For -- for which firm?

2 Q. BankUnited.

3 A. Yes.

4 Q. How long have you been working for BankUnited FSB?

5 MR. TAROKH: Objection. Form.

6 You can answer.

7 MR. WANE: Let me rephrase.

8 Q. (BY MR. WANE) How long have you worked for

9 BankUnited FSB?

10 MR. TAROKH: Objection. Form.

11 You can answer.

12 MR. WANE: What's wrong with the form?

13 A. (CONTINUING) For banking --

14 MR. WANE: Hold on just a second.

15 What's wrong with the form?

16 MR. TAROKH: Sir, I don't have to explain my  
17 objection to you.

18 MR. WANE: So that I can correct the question.

19 MR. TAROKH: Sir, I can't -- I'm not going to  
20 reveal the objection other than the form is improper.

21 Q. (BY MR. WANE) Okay. Your answer?

22 A. I worked for BankUnited FSB from 2005 until  
23 May of 2009.

24 Q. And then what happened after that; you still  
25 continued to work for --

1 A. What happened what?

2 Q. Okay. When BankUnited FSB went bankrupt.

3 MR. TAROKH: Objection. Form.

4 You can answer.

5 A. (CONTINUING) I -- I was then working for  
6 BankUnited after May of 2009.

7 Q. Okay. Would you describe your duties as a VP for  
8 BankUnited FSB.

9 A. My duties for BankUnited FSB --

10 Q. Uh-huh.

11 A. -- were primarily involved in the pricing of  
12 loans. This is residential mortgage loans. The pricing,  
13 overseeing risk management responsibilities for those loans  
14 as well as the sales and the -- the sales into the secondary  
15 market as well.

16 Q. Okay. Do you -- do you have any relationship with  
17 the Loan Request File Division?

18 MR. TAROKH: Excuse me. Objection. Form.

19 You can answer.

20 THE DEPONENT: I'm sorry. Can you repeat the  
21 question.

22 Q. (BY MR. WANE) Loan Request File Division.

23 A. What -- what do you mean by the relationship  
24 exactly?

25 Q. Do you -- do you work for them? Are you the head

1 of that department?

2 MR. TAROKH: Objection. Objection. Form.

3 You can answer.

4 A. (CONTINUING) No.

5 Q. Okay. What about the Post Closing Department;  
6 have you worked for that department before?

7 A. Have I worked for it? No.

8 Q. Okay. When did you become VP of BankUnited -- of  
9 BankUnited FSB? Sorry.

10 A. January, 2005.

11 Q. How did you become VP; was it a corporate  
12 resolution? A board resolution? How did you become a VP?

13 A. I was appointed.

14 Q. Appointed?

15 A. Yes, Vice President of BankUnited FSB.

16 Q. Appointed by whom?

17 A. By the board.

18 Q. Do you attend any board meetings?

19 A. No. No.

20 Q. So as a VP, what was your salary?

21 A. As a VP for?

22 Q. BankUnited FSB.

23 A. My salary when?

24 Q. As a VP for BankUnited FSB.

25 A. At what point in time?

1 Q. On average.

2 MR. TAROKH: Objection. Form.

3 You can answer.

4 A. (CONTINUING) Let's see. I believe my salary at  
5 the time was 125,000.

6 Q. Have you brought with you any documents requested  
7 in the deposition?

8 A. Yes.

9 MR. WANE: I would like to go off the record for a  
10 few minutes to attempt to review the documents.

11 (PAUSE)

12 MR. WANE: Let's go back on the record.

13 I would like to mark this as Exhibit 1, the note,  
14 attached with the allonge.

15 (Defendant's Exhibit Number 1 marked for  
16 identification).

17 Q. (BY MR. WANE) Mr. Williams, can you describe to  
18 me the procedure at BankUnited FSB of endorsing notes.

19 A. I -- with regards to the procedures for BankUnited  
20 FSB, I mean, I really don't know of the -- I mean, I didn't  
21 write the procedures -- policy and procedures so I don't  
22 really -- I can't address them for you specifically.

23 Q. On Exhibit 1 of the note, is that your signature?

24 MR. TAROKH: Objection. Form.

25 You can answer.

1 A. That appears to be my signature.

2 MR. TRAOKH: Let the record reflect you're  
3 referring to the Allonge. Is that correct?

4 THE DEPONENT: Yes, to the Allonge.

5 MR. WANE: Okay.

6 Q. (BY MR. WANE) So what about the procedure of  
7 tracking notes at BankUnited FSB?

8 MR. TAROKH: Objection. Form.

9 You can answer.

10 A. (CONTINUING) That's not within my realm so I  
11 couldn't address that for you.

12 Q. What do you know about the file tracker system?

13 MR. TRAOKH: Objection. Form.

14 A. (CONTINUING) That's not in my area so I couldn't  
15 address that.

16 Q. Who gave you the order to endorse this note?

17 A. Who gave me the order to endorse the note?

18 Q. Correct.

19 A. It would have been part of a -- I guess it would  
20 have been through the board of directors that authorized me  
21 to sign any kind of note.

22 Q. I'm talking about specifically this note.

23 A. It would have been the same.

24 Q. The board? The board of directors?

25 A. Yes. I mean, there would have been a resolution

1 passed that would authorize me to sign.

2 Q. No. I'm not saying authorize. I'm saying  
3 authorized you specifically sign, endorse this note?

4 A. Who authorized me to sign the note. Again --

5 Q. Who gave you -- the order came from whom for you  
6 to put your signature on this loan?

7 A. From myself. If this was a note that was going to  
8 be sold, you know, it would have been through myself and  
9 through -- through our regular sale process, through our  
10 authorized signers that could sign the allonge --  
11 specifically the allonge.

12 Q. Was this note sold?

13 A. That I don't know.

14 Q. Who would know?

15 A. I would have to go back and look it up. I -- if  
16 the loan was sold or not, I couldn't tell you.

17 Q. What system or what -- who will know -- or what  
18 system do you keep that information?

19 MR. TAROKH: Objection. Form.

20 You can answer.

21 A. (CONTINUING) There would have been a -- well we'd  
22 have to go and look at the individual loans to see, if they  
23 were sold, into some of the records that would have  
24 contained that information.

25 Q. Where would that record be?

1           A.     Probably within the old Secondary Marketing  
2 Department.

3           Q.     What is the name of the system that keeps track of  
4 the notes?

5           A.     There -- I don't believe there's any particular  
6 system that contained that information. It would probably  
7 be on a spreadsheet.

8           Q.     So let's say I want to know if a loan is being  
9 sold or not. You don't know any system where that  
10 information can be pulled from? Any database?

11          A.     Some of the information could be contained on LPS,  
12 which is the servicing system.

13          Q.     Okay. Have you used the LPS system before?

14          A.     I am -- it's not my -- it's not within my field of  
15 expertise so I don't regularly use LPS myself. That's  
16 really the whole servicing area.

17          Q.     Do you have authority to use the LPS system?

18          A.     I believe I have a log-on, but I rarely use it.

19          Q.     Okay. In your day-to-day activity, what system do  
20 you use?

21          A.     Day-to-day activities, I mainly work with  
22 spreadsheets for the most part.

23          Q.     So there's no database involved with it?

24          A.     Well let me ask you this: When I worked for --  
25 for what company?

1 Q. BankUnited FSB. Sorry.

2 A. Back at the time, there was a secondary marketing  
3 system. Gosh, I believe it was Compass Analytics that it's  
4 primarily involved in.

5 Q. Okay. So where does BankUnited FSB keep original  
6 documents -- loan documents?

7 MR. TAROKH: Objection. Form.

8 You can answer.

9 A. (CONTINUING) I -- that's really not my expertise  
10 so I would probably defer that to our Document Control area.  
11 I would leave that up to them.

12 Q. Who's the head of Document Control?

13 A. I believe it would probably be Rose Haga.

14 Q. How do you spell that last name?

15 A. H-A-G-A.

16 Q. Okay. So if you have to sign a note, where --  
17 what do you -- do you request a department to bring the note  
18 to you? How does that work?

19 A. If I have to sign a note for who?

20 Q. If you have to endorse a note.

21 A. For who?

22 Q. Let's say you have to endorse this note, what  
23 procedure would you --

24 A. For BankUnited FSB?

25 Q. Correct.

1           A.    If I have to endorse the note or the -- you mean  
2 the allonge?

3           Q.    Correct.

4           A.    I imagine the document -- I'm sure the document  
5 would have been brought to me.

6           Q.    By whom?

7           A.    Specifically I don't -- I couldn't tell you. It  
8 was -- I don't know.

9           Q.    So --

10          A.    I mean --

11          Q.    -- every morning there's a pile of notes that  
12 appear in your office and then you just sign them?

13          A.    No.

14          Q.    So how does -- does that work?

15               MR. TAROKH:  Objection.  Form.

16               You can answer.

17          A.    (CONTINUING)  The only time that notes would be  
18 endorsed is if they're -- if they had been contemplated for  
19 sale.

20          Q.    Okay.  So when these notes appear on your desk,  
21 you just sign it.  What happens after you endorse it?

22          A.    I'm sure a clerk probably would have picked it  
23 back up and -- and removed it from my possession.  After  
24 that, I couldn't tell you exactly where it went.  I mean,  
25 it's -- again, I don't deal in the -- you know, the note

1 custody issues or anything like that.

2 Q. But you have to sign something -- right? --

3 MR. TAROKH: Objection. Form.

4 Q. -- saying that -- do you have to sign any document  
5 or do you -- to track the whereabouts of the note since this  
6 is a -- I mean, this is the original. This is a pretty  
7 important document for the company. I'm assuming there's a  
8 process to track the note when it move from one person to  
9 another person.

10 MR. TAROKH: Objection. Form.

11 You can answer.

12 MR. MILLER: Objection. Asked and answered.

13 THE DEPONENT: Can I answer?

14 MR. WANE: Who's defending the deposition? Are  
15 you both defending the --

16 MR. TRAOKH: We're both counsel for the plaintiff.

17 A. (CONTINUING) In terms of the tracking, again,  
18 that's not my area of expertise so I don't know -- once I  
19 had signed it, I'm not sure where the document went to. And  
20 document tracking is not my -- not under my jurisdiction at  
21 all.

22 Q. Why do you sign on a separate piece of paper?  
23 There's enough room on the last page of the note.

24 MR. TRAOKH: Objection. Form.

25 You can answer.

1           A.    (CONTINUING)  It's common in the industry that you  
2   attach -- to attach the allonge to the note.  And that's  
3   basically a common practice within the industry.

4           Q.    Did you use a rubber stamp?

5           MR. TAROKH:  Objection.  Form.

6           You can answer.

7           Q.    (MR. WANE)  How do you sign?  Do you manually --

8           A.    Did I use a rubber stamp for what?

9           Q.    Did you manually sign the allonge or was it a  
10   rubber stamp?

11          A.    That -- it would have been my signature.

12          Q.    With ink?

13          A.    With ink.

14          Q.    When was this note endorsed?

15          A.    I could not tell you the exact date of the  
16   endorsement of the note.

17          Q.    Do you know anybody that would know at  
18   BankUnited FSB?

19          A.    Precisely the date of the note?

20          Q.    Yes.

21          A.    Oh, I'm sorry.  Precisely the date of the  
22   endorsement of the note?

23          Q.    Correct.

24          A.    I don't know.  I don't know if anybody could give  
25   you the exact date.

1 Q. How many investors does BankUnited FSB sold their  
2 notes to?

3 MR. TAROKH: Objection. Form.

4 You can answer?

5 A. (CONTINUING) What notes?

6 Q. Mortgages, mortgage notes, loans.

7 A. Which particular notes?

8 Q. I mean, do you -- do you have a pool of investors  
9 that you sold to?

10 A. There are a number of investors that we sold to,  
11 depending upon the type of loans.

12 Q. Have you sold notes to Arc Pool 1, LLC?

13 MR. TAROKH: Object to form.

14 You can answer.

15 A. (CONTINUING) Did who sell?

16 Q. BankUnited FSB?

17 A. Not to my knowledge.

18 Q. So when BankUnited FSB -- first I would like to  
19 ask you what happened to BankUnited FSB?

20 MR. TAROKH: Objection. Form.

21 You can answer.

22 A. (CONTINUING) BankUnited FSB was placed into  
23 receivership with the FDIC.

24 Q. Okay. When it go to receivership, what happened  
25 to the assets of BankUnited FSB?

1 A. Which assets?

2 Q. Assets of the bank.

3 A. Which assets of the bank?

4 Q. Loans.

5 A. The loans?

6 Q. Correct.

7 A. The loans of BankUnited FBS were acquired by  
8 BankUnited through the receivership action of the FDIC.

9 Q. So there will be a document with a schedule  
10 stating this specific loan has been transferred from FDIC to  
11 BankUnited?

12 MR. TAROKH: Objection. Form.

13 You can answer.

14 A. (CONTINUING) There's a document within the FDIC  
15 -- documents that states that the mortgage loans were  
16 acquired by BankUnited -- by BankUnited through the  
17 receivership of FDC of the old BankUnited FSB assets --  
18 those potential loan assets.

19 Q. Does that document specify loan numbers or just in  
20 general loans?

21 A. Not to my knowledge.

22 Q. Not to your knowledge what?

23 A. It doesn't specific loan numbers.

24 Q. It doesn't specify. Okay.

25 So when BankUnited take over the assets of

1 BankUnited SFB through the FDIC, what happened to delinquent  
2 loans?

3 A. They were simply acquired by virtue of the  
4 receivership action of -- of the FDIC. They acquired the  
5 delinquent loans. They became their loans -- BankUnited  
6 loans.

7 Q. So do you -- when BankUnited took over, did you --  
8 you kept your title or there was a corporate resolution from  
9 BankUnited making you a VP?

10 THE TAROKH: Objection. Form.

11 You can answer.

12 A. (CONTINUING) I retained by title.

13 Q. How many people work under you?

14 A. Work under me?

15 Q. Yes.

16 A. Work under me where?

17 Q. As a VP. Do you have a department?

18 A. At which institution?

19 Q. BankUnited.

20 A. At BankUnited?

21 Q. Yes.

22 A. None.

23 Q. None. Okay.

24 Exhibit A of the deposition, the Notice of  
25 Deposition, requested a number of documents, and I see that

1 you have not brought all of them. Is there a reason why?

2 MR. TAROKH: Objection. Form.

3 You can answer.

4 A. (CONTINUING) I brought those documents that I  
5 could bring as of this time.

6 Q. What is the reason?

7 A. For which document are you referring to?

8 Q. For instance, to the Corporate Resolution or other  
9 official action of BankUnited FSB director making deponent a  
10 Vice President of BankUnited FSB.

11 A. Because it's not available.

12 Q. Also request number 4, to bring all documents  
13 referencing the endorsement in blank of the allonge to the  
14 promissory note in this case. So you're saying that there's  
15 no document that references any information on the  
16 endorsement of this note?

17 MR. TAROKH: Objection. Form.

18 You can answer.

19 A. (CONTINUING) Can I see that?

20 Q. Yes.

21 A. See what it says there.

22 Correct. I do not have any kind of document like  
23 that.

24 Q. Do you know who would have that?

25 A. I do not.

1 Q. And number 5, do you know who would have that?

2 A. Again, let me see that again.

3 No. I do not have that either.

4 Q. Number 6.

5 A. Yeah. No, I do not have anything on number 6.

6 Q. So number 6 was asking for any paper trail of the  
7 removal of the note. And you're saying that there's no  
8 paper trail whatsoever -- digital images, electronic  
9 correspondence -- that you have in your possession?

10 A. I'm saying that I do not have anything like that.  
11 Again, that's not in my area.

12 Q. Take a look at number 7 -- number 8. Sorry.

13 A. I'm sorry? Number 8?

14 Q. Yes.

15 A. Number 8.

16 Q. Uh-huh.

17 A. There's no -- yes, I do not have a document that  
18 -- that directly goes to number 8. There's no written  
19 document.

20 Q. Number 9. Do you have any document proving that  
21 you are a VP? That you were appointed VP?

22 MR. TAROKH: Objection. Form.

23 You can answer.

24 A. (CONTINUING) Again, I don't have any document in  
25 my possession on that.

1 Q. So when you became VP, who announced your  
2 appointment?

3 MR. TAROKH: Objection. Form.  
4 You can answer.

5 A. (CONTINUING) I understand it was approved by the  
6 board of directors.

7 Q. How did you learn about your appointment?

8 A. It was communicated to me in an employment letter.

9 Q. Do you have a copy of that?

10 A. Not in my possession. I don't know if I still  
11 have it. It's six years old or so.

12 Q. Do you have any documents with you today for  
13 number 10?

14 A. In terms of the sale to BankUnited, the -- there  
15 are several documents. I can review the --

16 MR. TAROKH: May we mark these as exhibits for the  
17 record?

18 MR. WANE: Exhibit 2, Purchase and Assumption  
19 Agreement.

20 (Defendant's Exhibit Number 2 marked for  
21 identification).

22 Q. (BY MR. WANE) Do you have any information on the  
23 sale from the Loan Corporation to BankUnited FSB of this  
24 loan?

25 A. Do I have any information --

1 Q. Yes.

2 A. -- with regards to it?

3 Q. Yes.

4 A. No, I don't.

5 Q. On the sale?

6 A. No.

7 Q. With reference to Exhibit Number 2, is there any  
8 reference to this particular loan?

9 A. To my knowledge, there is no reference to any  
10 specific loan.

11 Q. Is there any schedule attached to the  
12 Purchase and Assumption Agreement, Exhibit 2?

13 A. A schedule that does what?

14 Q. A schedule of assets.

15 A. Like of loans?

16 Q. Yes.

17 A. No, not to my knowledge.

18 MR. WANE: Exhibit Number 3, Corporate Assignment  
19 of Real Estate.

20 (Defendant's Exhibit Number 3 marked for  
21 identification).

22 MR. WANE: Okay. I reserve the right to continue  
23 this deposition in reference to the -- the duces tecum.  
24 I don't have anything else.

25 MR. TAROKH: I would like to mark all documents

1 produced by plaintiff as exhibits just so we are all on  
2 the same pages with what exactly has been produced at  
3 the deposition.

4 We can make this 4 and this 5.

5 (Defendant's Exhibits Number 4 and 5 marked for  
6 identification).

7 MR. TAROKH: And for the record, I would object to  
8 defendant's reservation to continue the deposition.

9 Also, for the record, we will want to read the  
10 deposition.

11 No questions. Thank you.

12 (Deposition adjourned at 10:25 a. m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1 REPORTER'S CERTIFICATE WITH ACKNOWLEDGEMENT

2 STATE OF FLORIDA)

3 COUNTY OF HILLSBOROUGH)

4

5 I, ELIZABETH GOTCH, RPR, Certified Shorthand  
6 Reporter, certify that I was authorized to and did  
7 stenographically report the forgoing proceedings; and  
8 that the transcript is a true record of the proceeding  
9 held.

10

11 I FURTHER CERTIFY that I am not a relative,  
12 employee, attorney or counsel of any of the parties, nor am  
13 I a relative or employee of the parties' attorney or counsel  
14 connected with the action, nor am I financially interested  
15 in the action.

16

17

18 Dated this 1st day of August, 2011.

19

20

21

22

23

\_\_\_\_\_  
ELIZABETH GOTCH, RPR

24

25

1 STATE OF FLORIDA)

2

3 COUNTY OF HILLSBOROUGH)

4

5 I, the undersigned authority, certify that  
6 BILL WILLIAMS personally appeared before me and was duly  
7 sworn.

8

9 WITNESS, my hand and official seal this  
10 1st day of August, 2011, in Tampa, Hillsborough County,  
11 Florida.

12

13

14

---

ELIZABETH GOTCH, RPR

15

16

Notary Public

17

State of Florida at Large

18

19

20

21

22

23

24

25

1                   In the matter of BankUnited versus  
 2                   Amadou Wane, Deposition of Bill Williams,  
 3                   August 1, 2011.

4                   PAGE/LINE ERROR, AMENDMENT/REASON FOR CHANGE INITIAL

5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

                  I have read the transcript of my testimony and  
 subscribed to its accuracy, to include the correction or  
 amendments noted above or attached hereto.

                  \_\_\_\_\_ DATE  
 BILL WILLIAMS