

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

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THE BANK OF NEW YORK, etc.,	:	
	:	
Plaintiff,	:	
	:	Case No.
vs.	:	CV 09 711343
	:	
JAMES M. UNGER, et al.,	:	
	:	
Defendants.	:	
	:	

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Deposition of: SHELLIE HILL

Taken: By the Defendants  
Pursuant to Notice

Date: September 20, 2010

Time: Commencing at 9:05 a.m.

Place: Waite, Schneider, Bayless  
& Chesley Co., L.P.A.  
1513 Fourth & Vine Tower  
One West Fourth Street  
Cincinnati, Ohio 45202

Before: Susan M. Gee, RMR, CRR  
Notary Public - State of Ohio

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APPEARANCES:

On behalf of the Plaintiff:

David F. Hanson, Esq.  
of  
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On behalf of the Defendants James and Kelly  
Unger:

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of  
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On behalf of the witness:

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of  
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Also Present:

Robert Todd, law clerk, Lerner, Sampson &  
Rothfuss

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PAGE

SHELLIE HILL

Cross-Examination by Mr. Douglass

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EXHIBITS

MARKED

REFERENCED

Defendants' Exhibit 1  
Defendants' Exhibit 2  
Defendants' Exhibit 3  
Defendants' Exhibit 4

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SHELLIE HILL

of lawful age, a witness herein, being first duly sworn as hereinafter certified, was examined and deposed as follows:

CROSS-EXAMINATION

BY MR. DOUGLASS:

Q. Good morning. My name is Jim Douglass. I represent Mr. and Mrs. Unger in a matter that's currently pending before the Cuyahoga County Court of Common Pleas. It's the Bank of New York Mellon Trust Company versus Unger is the caption of the complaint.

Would you mind stating your name for the record?

A. Shellie Hill.

Q. And your residence address?

A. 3911 Pebble Creek Lane, Amelia, Ohio, 45102.

Q. Have you ever had your deposition taken before?

A. Yes, I have.

Q. So you're familiar with the rules of the road, so to speak?

A. I believe so, yes.

Q. You know you have to answer audibly, because our court reporter cannot take down nods of the

1 head --

2 A. Yes.

3 Q. -- and other such gestures, right?

4 A. Yes.

5 Q. And, also, you know that you should wait

6 until I finish asking the question before you answer.

7 Even though some of the questions may be painfully

8 obvious where I'm going, you still need to allow me to

9 finish the question so the record is clear, okay?

10 A. Okay.

11 Q. And if I do ask a question and you don't

12 understand it, if it's not as artfully put as it could

13 have been, please say so, because if you do answer the

14 question, it's going to be presumed that you understood

15 the question, and so your answer will be taken as an

16 answer to the question. I'm not trying to confuse you.

17 This isn't a trap. I want to keep this as low key and

18 conversational as possible.

19 A. Okay.

20 Q. Okay?

21 A. Yes.

22 Q. Could you briefly give me your

23 educational background?

24 A. Twelve years of school, and I did do a

25 couple classes in college, but I did not finish.

1 Q. You graduated from high school, then?

2 A. Yes, I did.

3 Q. And where was that?

4 A. Glen Este High School.

5 Q. And where is Glen Este High School?

6 A. It's located in Union Township.

7 Q. And Union Township is --

8 A. Clermont County.

9 Q. In Clermont County. Where's Clermont

10 County? I must confess. Those of us in the state of

11 Cuyahoga know nothing about the rest of the state of

12 Ohio.

13 A. It's about 30, a little less than 30

14 minutes east of here.

15 Q. So it's somewhat of a suburb?

16 A. Yes, yes.

17 Q. And then you took college classes?

18 A. I did.

19 Q. And where did you take those?

20 A. The University of Cincinnati.

21 Q. And what area of study were you in?

22 A. English.

23 Q. But it was just a couple of classes?

24 A. Yes.

25 Q. You didn't finish even the freshman year?

1 A. I did not.

2 Q. And then what's your employment history,  
3 then, after high school? If you worked at Starbucks or  
4 something, I'm not interested in that.

5 A. I've currently been with Lerner, Sampson  
6 & Rothfuss for 12 years, and prior to that, I worked for  
7 a computer solutions company where we did computer  
8 support for Procter & Gamble.

9 Q. Do you have any other employment at all?

10 A. Those were my two full-time jobs after  
11 high school, yes.

12 Q. What is your job at Lerner, Sampson &  
13 Rothfuss?

14 A. I'm currently a deed paralegal.

15 Q. A what?

16 A. A deed paralegal.

17 Q. Deed? Oh. I thought I heard the word  
18 "D."

19 A. No.

20 Q. Deed paralegal?

21 A. Deed paralegal.

22 Q. What does a deed paralegal do?

23 MR. DeBLASIS: Objection. You can  
24 answer.

25 A. I currently prepare deeds.

1 BY MR. DOUGLASS:

2 Q. That's it?

3 A. I also follow up on the deeds, send them  
4 for recording.

5 Q. So you prepare deeds, correct?

6 A. Uh-huh.

7 Q. What type of deeds would you prepare?

8 MR. DeBLASIS: Same objection. You can  
9 answer.

10 BY MR. DOUGLASS:

11 Q. If that question made any sense at all.

12 A. Where we're deeding the property from one  
13 company to another, from one holder to another.

14 Q. So would that be an assignment?

15 A. No. An assignment would be a different  
16 legal document.

17 Q. What's the difference?

18 MR. DeBLASIS: Objection. Calls for a  
19 legal conclusion. You can answer if you know.

20 A. An assignment of mortgage transfers the  
21 property from the mortgage holder to our lender. How I  
22 understand it is once the property goes to sale, we deed  
23 the property back to whomever, and that's when a deed is  
24 prepared.

25

1 BY MR. DOUGLASS:

2 Q. So the deed you would prepare would be a  
3 sheriff's deed?

4 MR. DeBLASIS: Objection. I think she's  
5 answered her best understanding of a deed. The  
6 function of Lerner, Sampson & Rothfuss is well  
7 beyond the scope of discovery.

8 A. The deed that I prepared is titled a  
9 sheriff's deed, yes.

10 BY MR. DOUGLASS:

11 Q. And do you prepare any other documents?

12 A. No, I do not.

13 Q. Do you have any other job  
14 responsibilities at Lerner, Sampson?

15 A. No.

16 Q. Are you familiar with a company by the  
17 name of Mortgage Electronic Registration Systems?

18 A. I am, yes.

19 Q. Can we call them MERS? Is that okay?

20 A. Yes. That's fine with me.

21 Q. So we can get out of here before lunch.  
22 Who's MERS or what do you understand MERS  
23 to be?

24 A. I understand MERS to be an electronic  
25 company that loans are registered with.

1 Q. Do you have any personal contact with  
2 MERS?

3 A. I do not.

4 Q. Do you have any job responsibilities with  
5 MERS?

6 MR. DeBLASIS: Objection as to the form  
7 of the question. You can answer if you know.

8 A. Particularly with MERS, no.

9 BY MR. DOUGLASS:

10 Q. Do you hold any positions with MERS?

11 A. I sign, I sign assignments on behalf of  
12 MERS as the assistant secretary or vice president.

13 Q. Do you receive any compensation?

14 A. No, I do not.

15 Q. How do you determine or how is it that  
16 you would cause your signature to be affixed to a  
17 document on behalf of MERS?

18 MR. DeBLASIS: Objection as to the form  
19 of the question. You can answer if you  
20 understand it.

21 A. I'm not sure that I understand exactly  
22 what you're asking.

23 BY MR. DOUGLASS:

24 Q. You said that, if I understand right,  
25 that you sign documents on behalf of MERS, correct?

1 A. Yes.

2 Q. What type of documents would you assign  
3 on behalf of MERS -- would you sign? Excuse me. I said  
4 assign. I should have said sign. I hope you corrected  
5 the grammar for me.

6 A. I would execute an assignment of  
7 mortgage. That's the only document that I execute.

8 Q. And how would it come to be that you  
9 would execute that document?

10 A. Once our client sends us a referral, we  
11 review the referral to see who the current mortgage  
12 holder is against other documents that are attached to  
13 the file as well. If the current holder of the mortgage  
14 is MERS and we need to assign it to the lender, we would  
15 prepare an assignment of mortgage from MERS to the  
16 current lender.

17 Q. Do you do that at your own direction or  
18 did someone else tell you to do that?

19 MR. DeBLASIS: Objection. If you can  
20 just clarify. To do what?

21 MR. DOUGLASS: Draft the assignment of  
22 mortgage.

23 MR. DeBLASIS: Objection.  
24 Mischaracterized the testimony. She didn't say  
25 she drafts them. She said she signs them.

1 BY MR. DOUGLASS:

2 Q. Who drafts the assignment?

3 MR. DeBLASIS: Objection. If you know,  
4 you can answer. You can answer if you know.

5 A. We have an assignment department of  
6 several employees that prepare the assignments.

7 BY MR. DOUGLASS:

8 Q. And they would just, they do this -- do  
9 you know how they determine whether or not an assignment  
10 is necessary?

11 A. Yes.

12 Q. And how do they do that?

13 A. They review the referral, the mortgage  
14 and their certificate of title that is sent to us from  
15 our client.

16 Q. The referral. What is the referral?

17 A. The client referral --

18 Q. Yes.

19 A. -- is a group of documents. It could be  
20 one document, it could be many more, sending us a  
21 foreclosure referral package stating that they would  
22 like our firm to foreclose on this particular file.

23 Q. And your client would be a lender?

24 MR. DeBLASIS: I'll object to the word  
25 "your." And you, too, Shellie, should use,

1           instead of "us," you should say who you mean.

2           THE WITNESS: Okay.

3           MR. DeBLASIS: And, then, with that, can  
4           you restate the question?

5 BY MR. DOUGLASS:

6           Q.       You said "the client." Would "the  
7           client" be a lender? Who would they be? What would  
8           their status be, if you know?

9           MR. DOUGLASS: I'll object to the use of  
10          the word "status," but if you know, you can  
11          answer, Shellie.

12          A.       Our client is the lender bank who is  
13          sending us the referral.

14 BY MR. DOUGLASS:

15          Q.       Do they also send you a copy of the loan  
16          documents?

17          MR. DeBLASIS: Objection. That would be  
18          subject to the attorney-client privilege. I'll  
19          instruct you not to answer.

20          MR. DOUGLASS: She's not an attorney.

21          MR. DeBLASIS: That's all right. You're  
22          asking her questions as to her employment with  
23          Lerner, Sampson & Rothfuss, and she's bound by  
24          the same ethical principles as all the lawyers  
25          at Lerner, Sampson. I'm still instructing her

1 not to answer.

2 MR. DOUGLASS: Could we certify that,  
3 please?

4 BY MR. DOUGLASS:

5 Q. The package you get from the client, what  
6 would be in it?

7 MR. DeBLASIS: Again, same objection,  
8 same instruction.

9 MR. DOUGLASS: Will you certify that,  
10 also, for the court?

11 MR. DeBLASIS: As long as we're  
12 certifying it, I'll just add that we are not  
13 here to take the deposition of Lerner, Sampson &  
14 Rothfuss. We're here to take the deposition of  
15 Miss Hill as it relates to her signing of a  
16 document called Assignment of Mortgage for MERS  
17 and her corporate capacity as an assistant  
18 secretary, vice president of MERS.

19 So any questions related to the function  
20 or communications among Lerner, Sampson &  
21 Rothfuss and its clients will be objected to,  
22 and she will be instructed not to answer, and  
23 you can certify all of that if you like.

24 MR. DOUGLASS: Very well.

25

1 BY MR. DOUGLASS:

2 Q. Do you receive -- and by "you," I mean  
3 you, not the royal you of Lerner, Sampson, but do you  
4 individually receive notification from the client that  
5 it will be necessary to sign and assign, to execute an  
6 assignment?

7 MR. DeBLASIS: I'll object to that  
8 question as to form and ask you to break that  
9 down. I'll also object to the use of the term  
10 "royal" as making a connotation that there's  
11 somehow some negative relationship there, but if  
12 you can restate the question, break it down,  
13 I'll instruct her to answer.

14 MR. DOUGLASS: Well, firstly, I didn't  
15 mean to insult you. I didn't think you were  
16 insulted based upon the fact that you laughed,  
17 but "the royal you" would refer to a group,  
18 whereas the individual, you would refer to a  
19 person.

20 MR. DeBLASIS: All right. But just for  
21 the sake of avoiding argument, if we can just  
22 use Lerner, Sampson & Rothfuss or MERS or  
23 Miss Hill, that would be preferred.

24 MR. DOUGLASS: Okay.  
25

1 BY MR. DOUGLASS:

2 Q. You execute an assignment of mortgage,  
3 correct? That's one thing you do?

4 A. Correct.

5 Q. How is it that it is communicated to you  
6 that it is necessary for you to sign the particular  
7 document?

8 MR. DeBLASIS: And the "you" there is  
9 Miss Hill, I take it?

10 MR. DOUGLASS: Yes. She's the one with  
11 the pen in her hand.

12 BY MR. DOUGLASS:

13 Q. Who tells you to pick up the pen and sign  
14 the piece of paper?

15 MR. DeBLASIS: Objection as to  
16 mischaracterizing the testimony. She has not  
17 stated that anybody has told her that, but if  
18 you understand the question and can answer,  
19 Shellie, you may.

20 A. I'm not sure that I can answer that  
21 question.

22 BY MR. DOUGLASS:

23 Q. Would you mind signing your name for me,  
24 please?

25 MR. DOUGLASS: Could we mark this,

1           please?

2                           (Defendants' Exhibit 1 was marked for  
3                           identification.)

4   BY MR. DOUGLASS:

5           Q.       Miss Hill, I had asked you to sign this  
6   blank piece of paper for me, which is now marked as Hill  
7   Exhibit Number 1. I notice that the first time you  
8   signed it, you then crossed it out. Is there a reason  
9   for that?

10          A.       Yes. My pen wasn't working correctly.

11          Q.       Oh, okay. Good reason. And I see both  
12   times that you started the S down at the bottom with an  
13   upsweep.

14          A.       Yes.

15          Q.       Is that how you sign your name?

16          A.       I do not sign my name the same way every  
17   time, but that's how I signed it on this sheet of paper,  
18   yes.

19          Q.       You don't sign it the same way all the  
20   time?

21                           MR. DeBLASIS: Objection. Asked and  
22                           answered.

23   BY MR. DOUGLASS:

24          Q.       Well, are there other ways that you sign  
25   your name?

1           A.       I would imagine that I have signed my  
2 name.

3           Q.       Well, is this your typical signature or  
4 are there other variations on your signature that you  
5 typically use?

6                   MR. DeBLASIS:  Objection as to relevance.  
7 You can answer.

8                   MR. DOUGLASS:  Oh, this is highly  
9 relevant.

10                  MR. DeBLASIS:  Objection to  
11 characterizing the testimony.  I take that as  
12 simply argumentative, and this is --

13                  MR. DOUGLASS:  Do you want to raise your  
14 hand and offer testimony or do you want to offer  
15 proper objections?  We don't need these windy  
16 explanations trying to direct the client.

17                  MR. DeBLASIS:  Objection as to the  
18 characterization and instructions to counsel,  
19 and if this persists, we will go back to our  
20 office and terminate the deposition.  If you  
21 want to ask a question --

22                  MR. DOUGLASS:  I am asking a question,  
23 and if you would allow me to do so, I would very  
24 much appreciate it.

25

1 BY MR. DOUGLASS:

2 Q. Miss Hill, do you remember the question?

3 A. Could you please repeat the question?

4 MR. DOUGLASS: Would you mind reading it  
5 back?

6 (The record was read.)

7 MR. DeBLASIS: Same objection. You can  
8 answer.

9 A. I have at least one or two other  
10 variations of my signature, I'm sure.

11 BY MR. DOUGLASS:

12 Q. Okay.

13 MR. DeBLASIS: Now, we're going to object  
14 to this, and we're not going to allow her to  
15 sign any further. If you have a question about  
16 the case, you may get on with it, but we're not  
17 going to let her sit here and sign repeated  
18 documents for you.

19 MR. DOUGLASS: You know, maybe we ought  
20 to just take this back to Cuyahoga County.

21 MR. DeBLASIS: That's fine.

22 BY MR. DOUGLASS:

23 Q. You signed an affidavit in this case, did  
24 you not?

25 A. I did.

1 MR. DeBLASIS: Objection. Do you want to  
2 show her the affidavit?

3 MR. DOUGLASS: When I choose to, yes.

4 BY MR. DOUGLASS:

5 Q. Do you remember signing an affidavit in  
6 connection with this case, Miss Hill?

7 MR. DeBLASIS: Same objection. You can  
8 answer if you remember.

9 A. I cannot be sure, but I do believe that I  
10 did sign an affidavit on this case.

11 BY MR. DOUGLASS:

12 Q. Okay. Do you know who prepared that  
13 affidavit?

14 A. No, I do not.

15 Q. Did you read the affidavit thoroughly  
16 before you signed it?

17 MR. DeBLASIS: Objection. If you want to  
18 show her the affidavit that you're referring to,  
19 we'll have her testify.

20 BY MR. DOUGLASS:

21 Q. Ma'am, there's a question before you.

22 A. Uh-huh. And as I stated, I cannot be  
23 sure that I signed an affidavit, so I can't answer if I  
24 reviewed it or not.

25 Q. Okay.

1 (Defendants' Exhibit 2 was marked for  
2 identification.)

3 BY MR. DOUGLASS:

4 Q. I'm going to hand you what's been marked  
5 for identification purposes as Hill Exhibit 2. Would  
6 you please take a look at that and tell us what it is,  
7 if you know?

8 A. An affidavit.

9 Q. Did you execute this document?

10 A. Yes, I did.

11 Q. Do you know who prepared it?

12 A. No, I do not.

13 Q. But you're not the author, are you?

14 A. I am not.

15 Q. There is an Exhibit A attached to this  
16 document, is there not?

17 A. Yes.

18 Q. And if we flip to the second page of  
19 Exhibit A, your signature or a signature purporting to  
20 be yours appears on that document, does it not?

21 A. Yes.

22 Q. Would you agree with me that that  
23 signature is different in its style than the Exhibit 1,  
24 particularly the S?

25 MR. DeBLASIS: Objection. This witness

1 is not qualified as a handwriting expert. If  
2 you have an answer to that, you can answer.

3 A. I would agree that the S's are different.

4 BY MR. DOUGLASS:

5 Q. You see the 31st of May. Whose  
6 handwriting is that?

7 A. That's my handwriting.

8 Q. And below it, "Ohio" and "Hamilton," is  
9 that your handwriting?

10 A. That is my handwriting, also.

11 Q. Who directed you to place your name on  
12 this document?

13 MR. DeBLASIS: Objection. Asked and  
14 answered. If you have another answer, you may  
15 give it.

16 A. There wasn't any particular person who  
17 said, Shellie, put your name on this document.

18 BY MR. DOUGLASS:

19 Q. Nobody instructed you from MERS to  
20 execute this document on behalf of MERS?

21 A. We have a corporate resolution on behalf  
22 of MERS and our client in this case, which was  
23 Homecomings, stating that I have authority to sign the  
24 assignments of mortgage.

25 Q. Is that Exhibit B attached to your

1 affidavit?

2 A. Yes.

3 Q. And that refers to GMAC Mortgage, does it  
4 not, GMAC Mortgage?

5 A. Yes.

6 Q. Could you look at the Assignment of  
7 Mortgage and tell me where GMAC appears on the document?

8 MR. DeBLASIS: Objection. You can  
9 answer.

10 A. GMAC does not appear on this Assignment  
11 of Mortgage.

12 BY MR. DOUGLASS:

13 Q. Okay. Are you familiar with a company by  
14 the name of SouthStar Funding?

15 MR. DeBLASIS: Objection as to  
16 familiarity. You can answer if you know.

17 A. I mean, I'm aware that they were or are  
18 still a bank. I'm not sure.

19 BY MR. DOUGLASS:

20 Q. You don't know what their current status  
21 is?

22 A. I do not.

23 Q. Do you know whether or not they're in  
24 business currently?

25 A. No, I do not.

1 Q. Do you know whether or not they were in  
2 business on May 31st of 2007?

3 A. I do not recall.

4 Q. You have a corporate resolution here that  
5 lists GMAC Mortgage. Do you have any similar resolution  
6 for SouthStar Funding? Are you familiar with any such  
7 document?

8 A. Not to my knowledge, no.

9 Q. Bank of New York, any such resolution?  
10 Are you familiar with it? Is such a document out there?  
11 Do you know?

12 A. I'm not sure.

13 Q. You're familiar with Karen James?

14 A. Yes, I am.

15 Q. Who is Karen?

16 A. Karen is also an employee of Lerner,  
17 Sampson & Rothfuss.

18 Q. In what capacity?

19 MR. DeBLASIS: We'll state an objection  
20 as to her capacity with Lerner, Sampson &  
21 Rothfuss. If you're asking about this notary  
22 stamp, she can answer.

23 A. I believe Karen's title is attorney  
24 assistant.

25

1 BY MR. DOUGLASS:

2 Q. What is an attorney assistant?

3 MR. DeBLASIS: Objection. And, again,  
4 it's beyond the scope of discovery, subject to  
5 attorney-client privilege.

6 A. She assists attorneys.

7 BY MR. DOUGLASS:

8 Q. What does she do to assist attorneys? Do  
9 you know?

10 MR. DeBLASIS: Same objection. You don't  
11 have to answer that.

12 MR. DOUGLASS: Certify that, please.

13 BY MR. DOUGLASS:

14 Q. Do you know who prepared the Assignment  
15 of Mortgage that's attached to your affidavit as Exhibit  
16 A?

17 A. I do not know which employee prepared  
18 this assignment, no.

19 Q. How did this document physically find its  
20 way to your desk prior to execution?

21 A. Once whomever prepared the document would  
22 have brought it to my desk to be executed at the time.

23 Q. Did you receive any independent  
24 instruction from MERS to execute the document?

25 A. No, I did not.

1 Q. Was the person who brought it to your  
2 desk an employee of MERS or an employee of Lerner,  
3 Sampson & Rothfuss, if you know?

4 A. An employee of Lerner, Sampson &  
5 Rothfuss.

6 Q. Is there any document that you're aware  
7 of pursuant to which MERS instructed you to execute this  
8 document?

9 A. I'm assuming you mean just this  
10 particular document?

11 Q. Yes, yes, yes.

12 A. Okay. No, not that I'm aware of.

13 Q. Now, is there a document other than  
14 Exhibit B that defines your role or your job duties as  
15 an assistant secretary of MERS?

16 MR. DeBLASIS: State an objection. You  
17 can answer if you know.

18 A. To my knowledge, this is the only  
19 document that I have.

20 BY MR. DOUGLASS:

21 Q. Now, on the next page, the attachment to  
22 the corporate resolution lists several individuals, does  
23 it not?

24 A. Yes, it does.

25 Q. The first one is, obviously, you,

1 correct?

2 A. Yes, it is.

3 Q. And the next person, a Mindy Czarnecki?

4 A. Yes.

5 Q. Who is Mindy?

6 MR. DeBLASIS: Objection. Beyond the  
7 scope of discovery. Relevance. You can answer  
8 if you know.

9 A. Mindy is also an employee of Lerner,  
10 Sampson & Rothfuss.

11 BY MR. DOUGLASS:

12 Q. In what capacity?

13 MR. DeBLASIS: Objection. Beyond the  
14 scope of discovery. Subject to attorney-client  
15 privilege. You don't have to answer.

16 MR. DOUGLASS: Certify that, also,  
17 please.

18 BY MR. DOUGLASS:

19 Q. Teresa Miller?

20 A. Is the next name, yes.

21 Q. Who is Teresa Miller?

22 A. She also works for Lerner, Sampson &  
23 Rothfuss.

24 Q. In what capacity?

25 MR. DeBLASIS: Same objection. Same

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instruction.

MR. DOUGLASS: Certify it.

BY MR. DOUGLASS:

Q. Kevin Prieshoff?

A. Kevin also works for Lerner, Sampson & Rothfuss.

Q. In what capacity?

MR. DeBLASIS: Same objection. Same instruction.

MR. DOUGLASS: Certify it.

BY MR. DOUGLASS:

Q. Richard Rothfuss?

A. Also with Lerner, Sampson & Rothfuss.

Q. And in what capacity?

MR. DeBLASIS: Same objection. Same instruction.

MR. DOUGLASS: Certify it.

BY MR. DOUGLASS:

Q. Colleen Stanchfield?

A. Also an employee of Lerner, Sampson & Rothfuss.

Q. In what capacity?

MR. DeBLASIS: Same objection. Same instruction.

MR. DOUGLASS: Certify it.

1 BY MR. DOUGLASS:

2 Q. Are you aware of whether or not any of  
3 these people received any compensation whatsoever from  
4 Mortgage Electronic Registration Systems, Inc.?

5 MR. DeBLASIS: You can answer, Shellie.

6 A. I am not aware.

7 BY MR. DOUGLASS:

8 Q. But you do not, correct?

9 A. I do not.

10 Q. You don't get a W-2, a 1099, nothing from  
11 them, right?

12 A. I do not.

13 Q. You don't get a dime from them, correct?

14 A. Correct.

15 MR. DeBLASIS: Objection. Asked and  
16 answered.

17 BY MR. DOUGLASS:

18 Q. With regard to the home that's set forth  
19 in the legal description on the Assignment of Mortgage  
20 attached to your affidavit, have you ever seen the loan  
21 documents associated with this property?

22 MR. DeBLASIS: Objection. Relevance.  
23 You can answer.

24 A. Yes, I believe. You know, I can't be  
25 sure exactly what happened on the date that I signed

1 this in 2007, but my procedure is to review the  
2 mortgage. So, yes, I would have looked at the loan  
3 documents.

4 BY MR. DOUGLASS:

5 Q. The mortgage loan or the mortgage deed?

6 A. The mortgage loan.

7 MR. DeBLASIS: State an objection as to  
8 the whether this witness understands the  
9 difference between a mortgage loan and a  
10 mortgage deed.

11 BY MR. DOUGLASS:

12 Q. You said you have a procedure. Would you  
13 please describe your procedure to me?

14 MR. DeBLASIS: I'll state an objection.  
15 The procedure for what?

16 MR. DOUGLASS: Would you like to read  
17 back her answer?

18 (The record was read.)

19 BY MR. DOUGLASS:

20 Q. What loan documents would you have looked  
21 at?

22 A. The referral.

23 Q. What is "the referral"?

24 A. Which is sent to us by our client.

25 Q. Okay. What is that?

1 MR. DeBLASIS: Objection. Asked and  
2 answered.

3 A. A certificate of title --

4 BY MR. DOUGLASS:

5 Q. What is that?

6 A. -- and the mortgage.

7 Q. A certificate of title. What is a  
8 certificate of title?

9 MR. DeBLASIS: We'll object. It calls  
10 for a legal conclusion. You can answer if you  
11 know.

12 A. My understanding of a title is the title  
13 examiner researches the property and will give us any  
14 mortgages, liens, outstanding taxes in a title report  
15 that is sent to our firm.

16 BY MR. DOUGLASS:

17 Q. That's what you're referring to as a  
18 certificate of title?

19 A. Yes.

20 Q. Could that be something that is also  
21 known as a preliminary judicial report?

22 MR. DeBLASIS: Objection.

23 BY MR. DOUGLASS:

24 Q. If you know.

25 MR. DeBLASIS: Objection. It calls for a

1 conclusion of law. You can answer if you know.

2 A. Yes.

3 BY MR. DOUGLASS:

4 Q. And that is something that would be  
5 attached to the complaint of foreclosure, generally  
6 speaking?

7 MR. DeBLASIS: Same objection.

8 BY MR. DOUGLASS:

9 Q. If you know. If you don't know --

10 MR. DeBLASIS: Please let me restate my  
11 objection, and then you can talk. I'm entitled  
12 to make an objection on the record.

13 MR. DOUGLASS: Yes, you can say  
14 objection, but you can't have these speaking  
15 objections where you're instructing the client.

16 BY MR. DOUGLASS:

17 Q. Miss Hill, if you ever don't understand  
18 my question, if you don't understand what a document is,  
19 please say so, okay?

20 A. Yes.

21 Q. But, anyway, so you got -- if we can back  
22 up here, when you get the referral package, what's in  
23 the referral package you got?

24 MR. DeBLASIS: Objection. Subject to  
25 attorney-client privilege. Instruct you not to

1 answer.

2 MR. DOUGLASS: Certify it.

3 BY MR. DOUGLASS:

4 Q. You get a title report, correct? Where  
5 does that come from, if you know?

6 A. The title report comes from a title  
7 examiner, which we order the title from.

8 Q. When do you order that? Certainly after  
9 the communication from your client asking you to  
10 foreclose, correct?

11 A. Yes.

12 Q. And your client would be the lender,  
13 correct?

14 A. Yes.

15 Q. So if I understand correctly, you look  
16 and see who is on title, right?

17 A. Correct.

18 Q. And if it's not your client, then you  
19 make it so it is your client; is that correct?

20 MR. DeBLASIS: Objection. You can answer  
21 if you know.

22 A. Yes.

23 BY MR. DOUGLASS:

24 Q. Do you ever see the promissory note that  
25 is associated with the loan?

1 A. With this particular loan?

2 Q. With any loan.

3 A. Yes.

4 Q. With this particular loan, do you know if  
5 you did?

6 A. I don't recall.

7 (Defendants' Exhibit 3 was marked for  
8 identification.)

9 BY MR. DOUGLASS:

10 Q. I've handed you what's been marked for  
11 identification purposes as Hill Number 3. Have you seen  
12 this document before?

13 A. I don't recall seeing this, no.

14 Q. If you haven't seen it, you haven't seen  
15 it.

16 Are you familiar with, assuming that  
17 document is genuine, what it would do to the promissory  
18 note associated with a mortgage? And if you don't know,  
19 please say so.

20 MR. DeBLASIS: Objection. Which document  
21 are you referring to?

22 MR. DOUGLASS: Hill 3, the one that she's  
23 looking at.

24 MR. DeBLASIS: And, also, I'll obviously  
25 object. That calls for a conclusion of law.

1 But if you know, Shellie, you can answer.

2 A. Well, this particular document to me  
3 looks like a blank of allonge of note. I don't see that  
4 this note assigns the note to any certain company.

5 BY MR. DOUGLASS:

6 Q. Do you know the effect of a blank  
7 allonge?

8 MR. DeBLASIS: Objection. Calls for a  
9 conclusion of law.

10 BY MR. DOUGLASS:

11 Q. If you know. If you don't, say so.

12 A. I do not know.

13 Q. But you would agree with me that that  
14 document doesn't assign it to any particular person,  
15 correct, or entity?

16 MR. DeBLASIS: Same objection.

17 A. It looks blank to me, yes.

18 BY MR. DOUGLASS:

19 Q. And, certainly, it would be improper to,  
20 after a document is executed, to put something else in  
21 it, would it not, in your opinion?

22 MR. DeBLASIS: Objection. Calls for a  
23 conclusion of law. If you know, you can answer.

24 A. I do not know.

25

1 BY MR. DOUGLASS:

2 Q. Are you familiar with Lynn Leonard, who  
3 purported to execute this document on behalf of  
4 SouthStar?

5 A. No. I do not know this person.

6 Q. Have you ever had any communications of  
7 any type with Mr. or Miss or Mrs. Leonard? Lynn is one  
8 of those names that could be either.

9 A. No, I have not.

10 Q. Are you familiar with a company by the  
11 name of America's Wholesale Lender?

12 MR. DeBLASIS: Objection as to the use of  
13 the word "familiarity."

14 BY MR. DOUGLASS:

15 Q. Are you familiar with them?

16 MR. DeBLASIS: I'm still stating my  
17 objection. If you know, Shellie, you can  
18 answer.

19 A. I have heard of them, yes.

20 BY MR. DOUGLASS:

21 Q. In what nature have you heard of them?

22 A. Just that they're a bank lender.

23 Q. Have you ever had any dealings with them,  
24 to your knowledge? And I mean you individually.

25 A. No, I have not.

1 Q. You, as an employee of Lerner, Sampson &  
2 Rothfuss, have you dealt with them? Do you know?

3 MR. DeBLASIS: Objection. Relevance.  
4 You can answer.

5 A. I'm not sure I understand exactly what  
6 you mean, have I "dealt with them."

7 BY MR. DOUGLASS:

8 Q. Have you executed any documents on their  
9 behalf?

10 MR. DeBLASIS: Same objection. I'll  
11 instruct you not to answer subject to  
12 attorney-client privilege.

13 (Defendants' Exhibit 4 was marked for  
14 identification.)

15 BY MR. DOUGLASS:

16 Q. I'm going to hand you what's been  
17 identified for our purposes as Hill 4. Take a look at  
18 that and tell us what it is, if you know.

19 A. An Assignment of Mortgage.

20 Q. I refer you to the second page. Is that  
21 your signature?

22 A. Yes.

23 Q. Who wrote "30" and "December"?

24 A. I can't be sure, but I believe I wrote  
25 that.

1 Q. Okay. And then Shelley Dirr notarized  
2 this; is that correct?

3 A. Yes, she did.

4 Q. And the handwriting in the jurat,  
5 "December 30, 2009," whose handwriting is that, if you  
6 know?

7 A. It is not my handwriting.

8 Q. And this instrument was prepared by  
9 Lerner, Sampson & Rothfuss; is that correct?

10 A. Yes, it was.

11 Q. Do you know who would have prepared it?

12 MR. DeBLASIS: Objection. Relevance and  
13 attorney-client privilege. Instruct you not to  
14 answer.

15 We'll withdraw that instruction, and if  
16 you know, you can answer.

17 A. I do not know who prepared this document.

18 BY MR. DOUGLASS:

19 Q. Do you know how it came to be that it  
20 arrived on your desk?

21 A. Once the document was prepared, it would  
22 have been brought to me for signature.

23 Q. Would there be any independent  
24 instruction from the client or do you just sign things  
25 that are brought to you?

1 MR. DeBLASIS: Objection as to the  
2 connotation in the question. Also state an  
3 objection as to any privileged communications  
4 from the client. Instruct you not to answer.

5 BY MR. DOUGLASS:

6 Q. Did the client instruct you to sign this?

7 MR. DeBLASIS: Objection. Same  
8 instruction, unless you want to identify the  
9 client.

10 MR. DOUGLASS: I don't know.

11 MR. DeBLASIS: Okay. Then same  
12 instruction.

13 BY MR. DOUGLASS:

14 Q. Who is the client on this?

15 MR. DeBLASIS: Same instruction.

16 MR. DOUGLASS: Certify it.

17 MR. DeBLASIS: I'll withdraw the  
18 instruction. I'll state an objection as to  
19 relevance. If you know, you can answer.

20 A. I wouldn't know who the client is on this  
21 without looking at our system, looking this file up in  
22 our system.

23 BY MR. DOUGLASS:

24 Q. There's nothing here that would indicate  
25 who it might be in the document itself?

1 MR. DeBLASIS: Asked and answered.

2 Objection.

3 A. I could assume by looking at this who the  
4 client was, but I couldn't be sure.

5 BY MR. DOUGLASS:

6 Q. Okay. Fair enough.

7 A. Yeah.

8 Q. And then on this document, we have "LS&R  
9 Number 200957134."

10 A. Yes.

11 Q. What is that?

12 MR. DeBLASIS: Objection. Relevance.

13 Just one quick question, Mr. Douglass. Is this  
14 document in any way associated with the Unger  
15 case?

16 MR. DOUGLASS: Yes.

17 BY MR. DOUGLASS:

18 Q. Does that number mean something to you?

19 A. The number is our file number.

20 Q. Okay. And what's "CHL" mean underneath  
21 it?

22 MR. DeBLASIS: Objection as to relevance.

23 You can answer if you know.

24 A. CHL can mean our client, the name of our  
25 client.

1 BY MR. DOUGLASS:

2 Q. Would that be Countrywide Home Loans,  
3 probably?

4 MR. DeBLASIS: Same objection. You can  
5 answer if you know.

6 A. Again, in this particular case, I'm  
7 assuming, yes, that's what that means. But to be sure,  
8 I would look this file up on our system.

9 BY MR. DOUGLASS:

10 Q. And this signature appears to be very  
11 similar to the signature that you did for us earlier  
12 today, correct?

13 A. Yes, it does.

14 Q. Now, if we flip back to Exhibit A, to the  
15 affidavit, there is an LS&R number on it. That's  
16 Exhibit A to the affidavit. I'm sorry.

17 A. Okay.

18 Q. Perhaps I wasn't clear.

19 A. Yes. There is an LS&R number on this  
20 affidavit as well.

21 Q. And that's your file number?

22 A. Yes.

23 Q. And the Loan Number 7438315749?

24 A. That is on the document, also.

25 Q. What does that mean?

1 MR. DeBLASIS: Objection as to relevance.

2 You can answer if you know.

3 A. Our client's loan number.

4 BY MR. DOUGLASS:

5 Q. Your "client" being?

6 MR. DeBLASIS: Objection. You can answer  
7 if you know.

8 A. At the time, in this particular case,  
9 Homecomings' loan number.

10 BY MR. DOUGLASS:

11 Q. That's a Homecomings loan number? Is  
12 that what I understood?

13 A. To my knowledge, that would have been  
14 Homecomings' loan number, yes.

15 Q. Homecomings isn't referenced. Oh, yes,  
16 they are.

17 Who is Homecomings?

18 MR. DeBLASIS: Objection. Calls for a  
19 legal conclusion. Overly broad. If you know,  
20 you can answer.

21 BY MR. DOUGLASS:

22 Q. Do you know who Homecomings Financial  
23 Network, Inc., is?

24 MR. DeBLASIS: Same objection. You can  
25 answer.

1           A.       I know that they were a financial  
2 institution, yes.

3 BY MR. DOUGLASS:

4           Q.       Do you know what business they were in?

5                   MR. DeBLASIS: Same objection. You can  
6 answer.

7           A.       I'm assuming home loans types of loans.

8 BY MR. DOUGLASS:

9           Q.       You don't know, though, really?

10          A.       I'm not sure, no.

11          Q.       If you don't know, that's fine.

12                   But, once again, you didn't prepare this  
13 Assignment of Mortgage, meaning Exhibit A to the  
14 affidavit, did you?

15                   MR. DeBLASIS: Asked and answered.

16 BY MR. DOUGLASS:

17          Q.       I just want to be certain that you didn't  
18 prepare this document, correct?

19          A.       I did not prepare this assignment, no.

20          Q.       So what's in there isn't your work,  
21 obviously?

22          A.       Correct.

23          Q.       What steps, if any, did you take to make  
24 certain, as vice president of MERS, that the information  
25 contained within this document was accurate?

1 MR. DeBLASIS: Objection. Asked and  
2 answered. You may answer.

3 A. I would have reviewed the title and the  
4 mortgage to see who the current holder was. If the  
5 current holder in this case would have shown as MERS,  
6 then I would have executed the document.

7 BY MR. DOUGLASS:

8 Q. Now, you're a vice president of MERS,  
9 correct?

10 A. I'm listed as a vice president of MERS.

11 Q. What business is MERS in?

12 A. I'm not sure.

13 Q. Do you communicate with anyone at MERS?

14 A. I do not.

15 Q. Do you know where MERS's offices are?

16 A. I'm not sure where MERS is located, no.

17 Q. Do you know if MERS has offices?

18 MR. DeBLASIS: We'll object to any  
19 question that counsel asks unless he asks it  
20 from his chair. Let the record reflect that  
21 counsel has circled around the back of the  
22 witness.

23 MR. DOUGLASS: I went to get some coffee.  
24 You are really something.

25 MR. DeBLASIS: All I'm asking is that you

1 ask the questions from your chair across the  
2 table from the witness.

3 BY MR. DOUGLASS:

4 Q. You don't know where MERS's offices are?

5 MR. DeBLASIS: I will object to the  
6 question. Is there a reason why you can't sit  
7 down?

8 MR. DOUGLASS: I don't choose to.

9 MR. DeBLASIS: Well, then we'll object  
10 and instruct her not to answer. Let the record  
11 reflect that the witness is a 30-year-old,  
12 approximately, pregnant lady and that counsel is  
13 intimidating her. If counsel chooses to conduct  
14 the deposition calmly and in his chair, we would  
15 appreciate that. We will also then instruct the  
16 witness to answer.

17 Would you like to take a break?

18 MR. DOUGLASS: No.

19 BY MR. DOUGLASS:

20 Q. I'd like to know where MERS's offices  
21 are. Do you know?

22 MR. DeBLASIS: Objection. Instruct you  
23 not to answer. If this persists, we will just  
24 simply pack our bags and go on back to the  
25 office. All I'm asking is that you retain your

1 seat and calmly ask the questions.

2 MR. DOUGLASS: I calmly asked the  
3 question. If you would please allow me to  
4 conduct the deposition without further  
5 interruption, I would greatly appreciate it.

6 BY MR. DOUGLASS:

7 Q. Miss Hill, I am now seated.

8 MR. DeBLASIS: Thank you.

9 BY MR. DOUGLASS:

10 Q. I hope you're pleased. Would you like to  
11 tell me where MERS's offices are?

12 A. I've already answered the question, and I  
13 told you I do not know where MERS is located.

14 Q. Do you know if MERS has offices?

15 A. I do not know.

16 Q. Have you ever spoken to anyone at MERS?

17 A. In my 12-year career with Lerner, Sampson  
18 & Rothfuss, I'm sure, at one time or another, I have  
19 spoke to someone at MERS, yes.

20 Q. And who would that have been?

21 A. I do not recall.

22 Q. Do you recall the circumstances?

23 A. No, I do not.

24 Q. But you don't take direction from MERS,  
25 do you?

1 A. I do not.

2 Q. And, in fact, the signature on the  
3 Assignment of Mortgage attached to your affidavit is not  
4 yours, is it?

5 MR. DeBLASIS: Objection. Just so I  
6 understand the question, are you referring to  
7 the Hill Exhibit 2?

8 BY MR. DOUGLASS:

9 Q. Do you understand the question, ma'am?

10 A. I do not. Which document are you  
11 referring to?

12 Q. Exhibit A attached to your affidavit is  
13 an Assignment of Mortgage.

14 A. Okay.

15 Q. That's not your signature, is it?

16 A. Yes, this absolutely is my signature.

17 Q. Do you have a driver's license with you,  
18 by chance?

19 A. Yes, I do.

20 Q. May I see it?

21 A. Or, no. I'm sorry. I do not have my  
22 purse with me. I thought you were asking me if I have a  
23 driver's license.

24 Q. Do you have anything with your signature  
25 with you?

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A. I do not.

THE WITNESS: And, Rick, if you wouldn't mind, ma'am, I would like to take a break.

MR. DeBLASIS: Yes. Let's go off the record.

THE WITNESS: Thank you.

(A recess was taken from 10:05 to 10:09.)

MR. DOUGLASS: At this point, pending resolution of the certified questions, I don't have any more questions for you, but we're going to have to keep the deposition open to resolve those issues, okay?

THE WITNESS: Yes.

MR. DeBLASIS: As you wish. Do you have any questions, Mr. Hanson?

MR. HANSON: I don't.

MR. DeBLASIS: Can we have a copy of this Exhibit 1?

MR. DOUGLASS: Absolutely.

MR. DeBLASIS: I don't know if you have access to the copy machine.

MR. DOUGLASS: Oh, I think I can probably handle that. I did that once already.

Would you like to instruct your client?

MR. DeBLASIS: We'll sign. We'll read

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and sign.

\_\_\_\_\_  
SHELLIE HILL

- - -

DEPOSITION CONCLUDED AT 10:10 A.M.

- - -

