

EXHIBIT J

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

WELLS FARGO BANK, N.A.,
AS TRUSTEE FOR OPTION ONE
MORTGAGE LOAN TRUST 2007-4
ASSET-BACKED CERTIFICATES,
SERIES 2007-4,

Plaintiffs,

vs.

Case No.: 2009-CA-007640-0

STANLEY W. MARISKOVIC, JR.,
ET AL,

Defendants.

Deposition of CHERYL DENISE THOMAS, held on
March 23, 2011, at 1755 North Brown Road, Lawrenceville,
Georgia, commencing at 9:53 a.m., before Mary Ann Hanham,
Court Reporter and Notary Public in and for the State of
Georgia.

1 Q. Okay.

2 A. And I also have my tax forms for
3 '98 and -- I'm sorry, '09, '10, and, I
4 believe, '08.

5 Q. Okay. May I see those documents;
6 please?

7 A. Sure.

8 MS. SUMACEWSKI: Again, I object to
9 the relevancy of these documents.

10 MR. BLEVINS: Thank you.

11 I don't know if we need to -- can
12 we make copies to put as part of the
13 exhibits, if I ask her questions about those
14 things?

15 THE COURT REPORTER: (Nodding head.)

16 BY-MR.BLEVINS:

17 Q. Okay. Ms. Thomas, you -- you stated
18 before that you were working for DOCX and
19 then for LPS, whenever they took over for
20 DOCX, when it became LPS, correct?

21 A. Correct.

22 Q. Okay. What was your position or
23 your -- and your duties as far as when you
24 were working for DOCX?

25 A. Well, I -- I held -- positions. I

C. THOMAS

1 did a lot of different departments. They
2 did a lot of lateral moves for me. The
3 last thing that I was doing was in the
4 reject department, when it was upon closing,
5 that was the last job title that I held, but
6 I held different ones.

7 Q. What is the reject department?

8 A. That's when a document might go out
9 and it has an error on it. And the company
10 would send it back. And we correct the
11 error and send it back out again.

12 Q. What kind of documents are we
13 talking about?

14 A. Any kind of loan documents. It
15 could be, like, a modification. It could be
16 an assignment, just the loan number, the
17 amount could be wrong, the spelling of the
18 name and address could be wrong, something to
19 that nature.

20 Q. And when you say "loan documents,"
21 are we talking about the -- or modification
22 documents, are we talking about the actual
23 new mortgages and notes or are we talking
24 about something different?

25 A. There were mortgages that came.

C. THOMAS

1 about? I mean, do you have any idea of how
2 many people were working at DOCX during that
3 time?

4 A. See, when I started, it was probably
5 about 30. By the time we ended, it was
6 probably a good 100, 150, maybe.

7 Q. And when did -- when is the date
8 that you refer to as the ending date?

9 A. April 1st or April 2nd was the
10 actual due date, but they let us go April
11 the 1st.

12 Q. Of what year?

13 A. 2009.

14 Q. Okay. So were -- were you also
15 employed at DOCX and LPS as a notary?

16 A. Yes.

17 Q. Okay. Did you notarize different
18 documents?

19 A. Yes.

20 Q. How many -- about how many documents
21 would you notarize on any given -- at any
22 given time?

23 A. That's flexible. It could be
24 anywhere from one to a thousand documents in
25 one day.

C. THOMAS

1 And, of course, we questioned it.
2 Because it's like, well, why can't I be in
3 there? If they're signing their name, I
4 need to see it. Well, just do what you're
5 told. And so you did what you were told.

6 Q. Okay. Now, that's kind of what I
7 want to get at is, when you say you
8 questioned it, what do you mean by
9 "questioned it"?

10 A. Questioned it in terms of if
11 somebody's name is on the document and I'm a
12 notary, I have to see that person sign the
13 document. And so when I -- when I say
14 that, I've said it a number of times, you
15 know, to my supervisors. And they were,
16 like, well, you -- you got your own work to
17 do. And you go in there, you know all of
18 those people are already in the room signing,
19 you just go in there and sign when it's your
20 time, stuff like that. So it depends on
21 what day.

22 Q. Okay. So if I understand your
23 testimony correctly then, either [REDACTED]
24 [REDACTED] or Renee Gaglione, whoever it may be,
25 actually instructed you not to be in the

C. THOMAS

1 room, in some circumstances, when these
2 things were being signed?

3 A. Correct.

4 Q. So there were times that you would
5 notarize something where you didn't actually
6 physically watch the person sign the
7 document?

8 A. Correct.

9 Q. Do you have any idea -- you may
10 not, but do you have any idea of how many
11 of those documents you would have notarized
12 without actually seeing the person sign?

13 A. I really couldn't say an idea. I
14 really couldn't say a number to be accurate.
15 I couldn't even say close to a number. It
16 -- it could be a thousand documents. I --
17 I -- it could be more or it could be less.
18 I really couldn't give an exact number. I
19 just know there was a lot of times that we
20 didn't. We knew the person was in there,
21 but we didn't physically see them sign.

22 Q. So the setup of, I guess, your
23 offices is that there is a room where these
24 people are signing these documents?

25 A. Correct.

C. THOMAS

1 see a person sign a document, you know what
2 was on the document, so that when you
3 notarize it, it's an accurate signature.

4 Q. Okay. Now, when you would notarize
5 these documents, whether you would watch them
6 sign it or not, some of these people signed
7 as corporate officers, correct, vice
8 presidents, secretaries, stuff like that?

9 A. Correct.

10 Q. Were you ever provided any
11 information regarding their authority to sign
12 in those capacities?

13 A. No, that is another question that
14 we, of course -- I have, of course, aroused
15 many times.

16 Q. When you say you raised that issue,
17 can you describe how that situation went?

18 MS. SUMACEWSKI: Relevancy.

19 THE WITNESS: Again, you do what
20 you're told. You just -- it's covered. We
21 have legal documentation. It's covered.
22 That's really all you would get from them.

23 Q. Okay. So when these people would
24 sign as these corporate officers, they never
25 produced, to you, anything that shows that I

C. THOMAS

1 am this officer, whatever that position may
2 be?

3 A. No.

4 Q. Okay. And when you raised this
5 issue with them, they just told you to do
6 what you were required to do?

7 A. Yeah, we got it covered. We're
8 legal. You can do it. That's fine, just
9 notarize it.

10 Q. Now, you said that Tywana is your
11 daughter?

12 A. Correct.

13 Q. Do you have any information or know
14 any information about her being a corporate
15 officer?

16 A. No.

17 Q. Are you currently a notary?

18 A. No.

19 Q. Okay. Did you just not reinstate
20 your license or what happened?

21 A. Once I moved -- because we -- the
22 company was in Fulton County. So once I
23 moved, I addressed that with Renee, which was
24 such a blessing for me. And I'm in
25 Gwinnett. So I'm like, I'm no more. And

C. THOMAS

1 that's when they -- well, upon us leaving
2 anyway, they took up our notary stamps and
3 everything and destroyed them. But I was
4 relieved of my duties once I moved to
5 Gwinnett County.

6 Q. Who -- who -- I'm sorry, did I miss
7 that? Who destroyed those documents?

8 A. I can't say exactly who destroyed
9 them. All I know is that Jeffrey [REDACTED]
10 the supervisor in the signing room at that
11 time, he picked up everyone's stamp, the
12 notaries' stamps.

13 Q. He took your stamps?

14 A. He took our stamps. And -- and
15 they were destroying them.

16 Q. How were they destroying them?

17 A. I don't know how. He just said
18 they were picking up all of the stamps, all
19 of the notary stamps. And they were going
20 to destroy them, because the company was
21 closing. And they were only supposed to be
22 used for that company.

23 Q. Do you know the names of any of the
24 other notaries that were there at the time?

25 A. Wow. I can't say, because, at that

C. THOMAS

1 Q. I would like to show you another
2 document. We're going to call it Defense
3 Exhibit-C. Actually, what we'll do is we'll
4 call this Composite Exhibit-C, because there's
5 going to be multiple documents here.

6 (Whereupon, Exhibit-C through C-10
7 were marked for identification.)

8 MS. SUMACEWSKI: Objection to
9 relevancy, authenticity to these documents.

10 BY-MR.BLEVINS:

11 Q. Ms. Thomas, is this another familiar
12 type of form that you witnessed while you
13 were working at DOCX?

14 A. Correct.

15 Q. Okay. This is another Assignment of
16 Mortgage, correct?

17 A. Correct.

18 Q. Okay. Now, this one is from
19 Mortgage Electronic Registration Systems as
20 the nominee for American Home Mortgage
21 Acceptance, Incorporated, correct?

22 A. Correct.

23 Q. Do you know the people who signed
24 this document?

25 A. Yes.

C. THOMAS

1 Q. Do you have any independent knowledge
2 as to whether or not you were in the room
3 when this document was created or when you
4 signed it?

5 A. I was.

6 Q. Okay. Were you actually in the
7 room?

8 A. Yes.

9 Q. And how do you know that you were
10 actually in the room?

11 A. Because I actually signed.

12 Q. Okay. And you signed in what
13 capacity?

14 A. As a vice president.

15 Q. Are you or do you have any documents
16 to show that you are, in fact, a vice
17 president of any company?

18 A. Again, another question that we
19 raised. No, not at all.

20 Q. Okay. So as to your knowledge,
21 you're neither a vice president for Mortgage
22 Electronic Registration Systems, Incorporated?

23 A. Correct.

24 Q. Or for American Home Mortgage
25 Acceptance, Incorporated?

C. THOMAS

1 Q. Was she in the room when you all
2 signed this document?

3 A. I -- I really couldn't say --

4 Q. Okay.

5 A. -- honestly.

6 Q. And just for clarification, this is
7 the Assignment of Mortgage between Jason
8 Cross, signed by Mortgage Electronic
9 Registration Systems as nominee for American
10 Home Mortgage Acceptance, Incorporated.

11 MS. SUMACEWSKI: Objection as to
12 relevancy.

13 Q. Okay. Now, the remainder of the
14 documents, Ms. Thomas, are other Assignments
15 of Mortgages, if you want to take an
16 opportunity just to look through those real
17 quick.

18 These all look fairly familiar to
19 you?

20 A. The different names and the people,
21 yes.

22 Q. Okay.

23 A. I -- I do know that some -- some of
24 the signatures are changing. And I -- I can
25 truthfully say it's because they have

C. THOMAS

1 surrogate signers.

2 Q. Okay. That's what I want to talk
3 to you about. Let's start from the first
4 Assignment of Mortgage, which is another
5 Assignment of Mortgage from Jason Cross, from
6 Mortgage Electronic Registration Systems as
7 nominee for American Home Mortgage Acceptance,
8 Incorporated, which is Composite C and we'll
9 call this 2.

10 MS. SUMACEWSKI: Objection to
11 relevancy; authenticity.

12 Q. Now, these people who signed this
13 document, you didn't notarize this one,
14 correct?

15 A. Correct.

16 Q. Okay. But do you recognize the
17 signatures of those who did sign the
18 document?

19 A. I kind of recognize them, yes, from
20 -- again, you sign so many documents. But
21 to my knowledge, that's kind of their
22 signature, yes.

23 Q. Okay. And the one I want you to
24 pay potential attention to -- or particular
25 attention to is Tywana Thomas's signature.

C. THOMAS

1 Is that her signature?

2 A. Once again, they change so much, but
3 I do know that she was one of the ones that
4 had a surrogate signer --

5 Q. Okay.

6 A. -- so...

7 Q. So --

8 A. If I -- if I look through these
9 documents, I can see that her signature has
10 changed a lot.

11 Q. Okay.

12 A. So I don't know which one is a
13 surrogate and which one...

14 Q. Well, what I want to ask you,
15 though, is, I'm going to need you to tell me
16 definitively whether or not this one on --
17 on C-2 is Tywana Thomas's signature.

18 A. C-2?

19 Q. Yes, this document right here, yes
20 (indicating).

21 A. To my knowledge, that's the way she
22 signs, yes.

23 Q. Okay. Now, turn to the next
24 Assignment of Mortgage, which we will call
25 C-3. This Assignment of Mortgage also has

C. THOMAS

1 Tywanna Thomas's signature on it, correct?

2 A. Correct.

3 Q. Is that her signature?

4 A. That's also close. I will say yes.

5 MS. SUMACEWSKI: Objection to form;
6 relevancy; and authenticity.

7 MR. BLEVINS: Do you want to make
8 that standing, because I'm going to ask the
9 same question for all of them?

10 MS. SUMACEWSKI: Yeah, for all of
11 these assignments as to authenticity,
12 relevancy, and form.

13 BY-MR.BLEVINS:

14 Q. Okay. Now, Ms. Thomas, I want to
15 talk to you about C-4, which you're looking
16 at right now. Is that -- do you see that
17 Tywanna Thomas signed this assignment as
18 well?

19 A. I would say that's different. I --
20 that would probably be a surrogate.

21 Q. That's a surrogate?

22 A. Yes.

23 Q. Are you sure?

24 A. I said that would probably be a
25 surrogate. I would think so, yes.

C. THOMAS

1 Q. Okay. And, also, she, at this time,
2 signed as an assistant vice president. Now,
3 you've said before, though, that you don't
4 believe that you've ever seen any
5 documentation showing that she actually is an
6 assistant vice president?

7 A. Correct.

8 Q. But on the very first document, she
9 signed as an assistant secretary. Are you
10 aware of any documentation or anything that
11 would have occurred that changed her
12 position?

13 A. No.

14 Q. Okay. I want to talk to you about,
15 what we'll call, C-5. The borrower's name
16 should be Leticia ~~Thomas~~. Okay. Tywana
17 Thomas signed this Assignment of Mortgage?

18 A. That looks like a surrogate signer.

19 Q. Okay. And why do you say that?

20 A. Her name is more fuller, the first
21 name would be more fuller. And she don't --
22 her T is not like that.

23 Q. Okay. Now, when you -- we'll come
24 back to that.

25 I would like you to turn to C-6.

C. THOMAS

1 Do you recognize these signatures?

2 A. I'm not familiar with Veronica -- is
3 that Veronica [REDACTED]? I'm not familiar with
4 that, but the other two, Chris Pendley and
5 Lisa and Christina, yes.

6 Q. Okay. Are those their signatures?

7 A. To my knowledge, yes.

8 Q. Okay. I would like you to turn to
9 C-7. The borrower's name should be Dillon
10 Campbell. Do you recognize these signatures?

11 A. That Tywanna is a little shady, but
12 it could have been one of those times she
13 was probably moving through the documents.
14 So I wouldn't say yes or no to that one.

15 Q. Okay. So you don't know?

16 A. I wouldn't -- yeah, I wouldn't say
17 yes or no to that, because it's -- it's
18 close. But I -- I wouldn't say yes or no
19 to that, whether it was a surrogate signer
20 on that one or not.

21 Q. And, again, this time she's signing
22 as an assistant vice president?

23 A. Correct.

24 Q. Okay. Now, I would like you to
25 turn to C-8. The borrower's name should be

C. THOMAS

1 Steven [REDACTED]. Do you recognize these
2 signatures?

3 A. Tywanma, again, is -- is -- that's a
4 surrogate signer. And Linda Green, that's a
5 surrogate signer.

6 Q. And how do you know that?

7 A. How do I know she had a surrogate
8 signer?

9 Q. Yes, ma'am.

10 A. It was several people in the office
11 that had surrogate signers, that I do know.
12 I know that because of notary purposes.

13 Q. Okay.

14 A. It's one of the questions that came
15 up when Linda Green didn't look like Linda
16 Green and you asked me to notarize it.

17 Q. Okay. And we'll call this one C-9.
18 Do you recognize these signatures for the
19 Assignment of Mortgage and the borrower's
20 name is Brenda [REDACTED]?

21 A. I recognize those signatures, yes.

22 Q. Okay. Let's turn to C-10. This is
23 -- the borrower's name is Jack [REDACTED]
24 This one doesn't have Tywanma Thomas's
25 signature on it, correct?

1 A. Correct.

2 Q. Would that have been a problem for
3 you all as far as notarizing these documents
4 if that doc- -- if that signature was
5 missing?

6 MS. SUMACEWSKI: Object to form.

7 THE WITNESS: Let's just say it
8 would have -- it would have come back to
9 bite us more than it would them. But with
10 the process, like I say, the way they have
11 us doing work, they -- they're getting stuff
12 out the door. They want you to go in the
13 room later. And if you miss a signature or
14 -- or you miss something or it's -- it just
15 comes back to bite you in the butt later,
16 but they -- they're rushing stuff out the
17 door, because there's always a timetable.
18 There's always a time limit, I should say.

19 Q. Now, when you say come back to bite
20 us versus them, who is us and who is them?

21 A. Us in terms of notaries.

22 Q. And them?

23 A. Them would be the managers.

24 Q. So you think --

25 A. We would take the fall for it before

1 they would.

2 Q. You would take the fall?

3 A. We -- we wouldn't have a choice but
4 to take the fall for it. Because they would
5 be like, well, you should have paid
6 attention, but you're constantly rushing stuff
7 out the door. You're -- you know, you're --
8 you're constantly running us here and there
9 and saying do this and do that. So
10 sometimes you get there, you just sign it
11 and you keep on going.

12 Sometimes -- I've -- I've known of
13 incidents of some notaries that probably
14 would have been in the room and signed, so
15 they could go do what they had to do. It's
16 -- it's just -- it just depends on the
17 manager and what day she -- how she was
18 feeling that day.

19 Q. Okay. Now, I want to go back to
20 something you touched on here in a second,
21 but I would like to ask you, and if you
22 want to take a minute and flip through it,
23 that's fine, but do you have any knowledge
24 of these documents being signed without the
25 presence of a notary?

C. THOMAS

1 A. I can't say. I -- I don't have any
2 knowledge of it. I can't say yes or no.

3 Q. Okay. But these would have been the
4 type of documents that would have been
5 potentially notarized without one of you
6 notaries being in the room?

7 MS. SUMACEWSKI: Form.

8 THE WITNESS: Possibly.

9 Q. Okay. Now, the surrogate signers,
10 how did that work? How did the surrogate
11 signing situation occur?

12 A. I can't say how it occurred.

13 Q. Okay.

14 A. When it was brought to my attention,
15 it was a particular day, I can't say what
16 day it was, but we were all in the room and
17 we were informed that we were going to have
18 surrogate signers. Because some of the
19 people that were on the documents had a lot
20 of work to do, so they brought in different
21 temps to sign for them. And they let us --
22 they told us that it was legal and it was
23 okay. And they even had a form that --
24 let's just say Tywana, for instance, it
25 would be a -- it was a form that we would

C. THOMAS

1 see and Tywanna would sign her name the way
2 she signs her name. And if John [REDACTED] was
3 her surrogate signer, he would sign Tywanna's
4 name the way he signs Tywanna's name.
5 Sometimes it was close. Sometimes it wasn't.
6 But they told us that it was legal
7 documentation, that it was okay for Joe [REDACTED]
8 to sign Tywanna's name this way, because of
9 the form that they had, so...

10 Q. Can you -- can you describe the form
11 for me?

12 A. I really can't. It's been a long
13 time. And it was just that one time. I've
14 never seen the form after that.

15 Q. And what was your understanding of
16 what the form was?

17 A. That it was a legal form that
18 Tywanna Thomas would sign her name a certain
19 way and Joe [REDACTED] would sign it close or
20 however -- however he signs it. And it was
21 legal for him to do that, because Tywanna
22 had a lot more work to do. And she didn't
23 have time to sign the documents.

24 So, in other words, we would have
25 had to wait on Tywanna to come in, in which

C. THOMAS

1 -- Tywana wasn't the only one that had a
2 surrogate signer, but we would have to wait
3 for Tywana to come in before we could
4 finish out the document. So they had, like,
5 four or five different surrogate signers.

6 Q. Now, when you say they told you that
7 this was legal or they told you to fill out
8 this form, who is "they"?

9 A. The managers, Renee Gaglione again,
10 Jeffrey [REDACTED] also, and Shelly. Shelly
11 Scheffey was also one of the supervisors.
12 She informed us. She was in there during
13 that conversation. Kim French, she was a
14 manager. She was also in there. And I
15 want to say that the HR person was in there,
16 Carol [REDACTED]. I want to say she was also
17 in -- in the room at that time. That --
18 that's basically it, I think, for supervisors
19 that were in the room, that I can remember
20 -- that I can recall. There could have been
21 more. I just -- it was mainly people in
22 the room, more like notaries and, you know,
23 some of the people's names that were actually
24 on the documents.

25 Q. Okay.

C. THOMAS

1 A. It was, like, maybe 30 to 40 people
2 in the room, so...

3 Q. And the process that you're
4 describing or the procedures you're
5 describing, that occurred at DOCX?

6 A. Correct.

7 Q. Did it also occur at LPS?

8 A. It -- it was still going on during
9 LPS, yes, and it -- and then it tapered off
10 more towards the end. You know, they kind
11 of got rid of all of the surrogate signers
12 towards the end.

13 Q. When you say you guys -- and you
14 mentioned this before, that you raised an
15 issue about this, what was the explanation
16 that was given to you as to why this was
17 okay?

18 A. They just said legal documents. Well,
19 it was mainly Renee. I shouldn't say they.
20 It was mainly Renee. She would just say
21 this is a legal document, you know. We --
22 we have authorization to do it this way, you
23 know. We know what we're doing, just --
24 just do it, just sign your name. We got to
25 get this out the door, just do what you're

1 told.

2 Q. Did you ever notarize any documents
3 that you knew a surrogate had signed?

4 A. Yes.

5 Q. What happened to these documents
6 after you all signed it or notarized these
7 documents?

8 A. They were shipped out.

9 Q. Were you asked to keep track of
10 different state jurisdictions, county
11 jurisdictions as far as what was required on
12 these documents?

13 A. As -- as what?

14 Q. For example, if you were given an
15 Assignment of Mortgage from Florida, would
16 you handle that differently than if you were
17 handed an Assignment of Mortgage from, say,
18 Georgia?

19 A. I wouldn't personally, no, I wasn't
20 given anything pertaining to that. I know
21 there was different jurisdictions, but it
22 wasn't something that I had memorized or had
23 any knowledge of. That would be data entry
24 that would, you know, do something upon that.

25 Q. Do you know what goes into or what's

C. THOMAS

1 A. Looking at that signature there, that
2 -- that could have very well been one of
3 Tywanna's surrogates on that one (indicating).

4 Q. You would have made sure that the
5 surrogate was -- was there, though?

6 A. Yes.

7 Q. And did anybody keep you from the
8 room saying that you're not allowed to go in
9 the room, that it's none of your business
10 who's in the room?

11 A. Renee would say that from time to
12 time, yes.

13 Q. But you -- you personally checked
14 yourself?

15 A. Sometimes when -- you know, unless
16 you're going to have a run-in with her and,
17 you know, there's your job, you just kind of
18 did what you were told --

19 Q. Was that --

20 A. -- stay out of the room, you know.
21 When it's time for you to go in, they'll
22 call you.

23 Q. Was that for expediency purposes,
24 though?

25 A. Yes, but, yet again, it's -- it

C. THOMAS

1 When you said you would come in and
2 identify the people in the room, you said
3 something about there is her surrogate,
4 talking about Tywana Thomas. Do you know
5 --

6 A. Or whoever.

7 Q. Okay. Or whoever.

8 Do you know specifically who Tywana
9 Thomas's surrogate was?

10 A. I believe she had a couple. Again,
11 like I said, when -- when they hired a lot
12 of the temps, they -- they hired them mainly
13 for that purpose. Some -- for that purpose.
14 And, like, they hired some for notaries as
15 well. But they hired a lot of temps for
16 that purpose. At that time, her surrogate
17 was [REDACTED].

18 Q. [REDACTED]?

19 A. Uh-huh.

20 Q. What's -- do you have a last name?

21 A. [REDACTED].

22 Q. [REDACTED], like [REDACTED]?

23 A. Correct. At one time, [REDACTED] a. I
24 don't want -- I don't want to mess up her
25 last name, [REDACTED] (phonetic), something like