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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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EFFINGHAM JAMES,

Plaintiff,

Index No. 9644/04

-against-

ODRA N. ARANGO, FFFC f/n/o FIRST
FRANKLIN FINANCIAL GROUP, A & A GLOBAL
RESOURCES INC. aka A & A GLOBAL
RESOURCES LTD., ANN ALVAREZ and ALFRED
MILLS,

Defendants.
-----x

DEPOSITION OF ODRA N. ARANGO, taken by the
Plaintiff, on Friday, July 22, 2005, at 10:10
a.m., pursuant to Notice, at the offices of U.S.
Legal Support, 8900 Sutphin Boulevard, Jamaica,
New York, before Dorothy H. London, a Registered
Professional Reporter and Notary Public within and
for the State of New York.

1
2 APPEARANCES:

3
4 ALABA RUFAL, ESQ.
Attorney for Plaintiff
5 106-26 Guy R. Brewer Boulevard
Jamaica, New York 11433

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7
8 GREGORY NANTON, ESQ.
Attorney for Defendant
9 Odra Arango
26 Court Street
10 Brooklyn, New York 11242

11
12
13 BUCHANAN INGERSOLL PC
Attorneys for Defendant
14 First Franklin Financial Group
One Chase Manhattan Plaza
15 New York, New York 10005

16 BY: TIMOTHY J. FIERST, ESQ.
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25

1
2 O-D-R-A N. A-R-A-N-G-O,
3 having been duly sworn by the Notary
4 Public, was examined and testified as
5 follows:

6 EXAMINATION

7 BY MR. RUFAL:

8 Q. Can you please state your name for
9 the record?

10 A. It's Odra N. Arango.

11 Q. Can you please state your home
12 address?13 A. The address is 25 Brefni Street,
14 Apartment 5-1B in Amityville, New York. That
15 was 11701.16 Q. My name is Alaba Rufai. I'm going
17 to be asking you some questions particularly
18 about a transaction that occurred on May 29,
19 2002 with regard to the transfer of a real
20 property known as 119-47 166th Street, Jamaica,
21 New York, 11434.22 Now, how long have you been living
23 at the address, at your home address?24 A. My home address, I've been there on
25 and off about two years.1
2 STIPULATIONS

3 IT IS HEREBY STIPULATED AND AGREED, by
4 and between counsel for the respective parties
5 hereto, that all rights provided by the CPLR,
6 including the right to object to any question,
7 except as to form, or to move to strike any
8 testimony at this examination, are reserved, and in
9 addition, the failure to object to any question or
10 to move to strike testimony shall not be a bar or
11 waiver to make such motion at, and is reserved for
12 the trial of this action.

13 IT IS FURTHER STIPULATED AND AGREED, by
14 and between counsel for the respective parties
15 hereto, that this examination may be sworn to by the
16 witness being examined before a Notary Public other
17 than the Notary Public before whom this examination
18 was begun, but the failure to do so or to return the
19 original of the examination to counsel, shall not be
20 deemed a waiver of the rights provided by Rule 3116
21 and Rule 3117 of the CPLR and shall be controlled
22 thereby.
23
24
25

1 O. ARANGO

2 Q. You've been living there up to two
3 years now?

4 A. On and off for about two years.

5 Q. Before then where were you living?

6 A. I was actually living in Freeport.

7 Q. Can you state the address for the
8 record, please?9 A. I was living on Meister Boulevard.
10 I don't recall. I don't recall. At 17 Meister
11 Boulevard in Freeport, New York. I was there
12 for about a year.13 Q. You said you lived at 25 Brefni.
14 When you are not living there, where do you
15 live?

16 A. I stay with my fiance actually.

17 Q. Where does he live?

18 A. Is that relevant?

19 MR. NANTON: No, she's not
20 answering that question.21 MR. RUFAL: You are objecting to
22 her --23 MR. NANTON: I said she's not
24 answering that question.

25 MR. RUFAL: Please note the

1 O. ARANGO
 2 objection.
 3 MR. NANTON: Absolutely, she's
 4 noting it.
 5 Q. What's your profession, what kind
 6 of work do you do?
 7 A. I work for Nassau County
 8 legislature.
 9 Q. As what?
 10 A. I'm an administrative assistant to
 11 the presiding officer for Nassau County.
 12 Q. How long have you been doing that
 13 job?
 14 A. About a year.
 15 Q. Before that, what were you doing?
 16 A. I worked for the commissioner of
 17 health, for the Department of Health, as his
 18 secretary, his assistant.
 19 MR. NANTON: Just a moment. What's
 20 the relevance to her job? This is a
 21 contract case.
 22 Q. Can you please go on?
 23 MR. NANTON: She's not going to go
 24 on. Stop the record. She's not going to
 25 go on and go past me, first of all. When

1 O. ARANGO
 2 I talk to you, I'm speaking on behalf of
 3 my client, so you can't talk past me,
 4 that's not going to happen.
 5 MR. RUFAL: Put it on the record
 6 that --
 7 MR. NANTON: Put what on the
 8 record, Counselor?
 9 MR. RUFAL: -- that counsel for the
 10 defendant, Odra Arango, advises her not
 11 to answer a question as to occupation,
 12 what she does.
 13 MR. NANTON: She answered what she
 14 did, what she does. She answered that.
 15 BY MR. RUFAL:
 16 Q. Let's move a little closer to the
 17 transaction in question.
 18 A. Please.
 19 Q. Now, when did you first become
 20 aware of the property located at 119-47 166th
 21 Street? I understand you bought the property,
 22 right? Is that right?
 23 A. You know that, right.
 24 Q. When did you first become aware of
 25 the property?

1 O. ARANGO
 2 A. Before I bought it?
 3 Q. Yes, before you bought it.
 4 A. Not too long before I bought it.
 5 Q. Under what circumstances, how did
 6 you become aware of the property?
 7 MR. NANTON: One at a time. You
 8 want to ask her the first question or the
 9 second question?
 10 MR. RUFAL: Your client is making
 11 me understand that she doesn't understand
 12 the question.
 13 MR. NANTON: No, no, you ask her a
 14 question, she'll answer the question.
 15 That's all we're here to do. Ask a
 16 question, she'll give you an answer,
 17 that's it.
 18 A. Ask me again, Mr. Rufai,
 19 specifically.
 20 Q. Okay. How did you become aware of
 21 the property?
 22 A. Through a company. I became aware
 23 of the opportunity to buy the property through a
 24 company.
 25 Q. What's the name of that company?

1 O. ARANGO
 2 A. That company was A & A Global
 3 Resources.
 4 Q. Do you know what time this was?
 5 Can you recall what time it was?
 6 MR. NANTON: What time it was?
 7 What are you asking?
 8 A. Before I bought the property?
 9 MR. NANTON: Wait a minute, tell
 10 me.
 11 Q. What time that A & A Global
 12 informed you of the opportunity of the property
 13 for sale.
 14 MR. NANTON: Do you understand what
 15 he's asking? He said what time. What
 16 time of day? What are you asking? I
 17 don't understand what you're asking. I
 18 mean, listen, if she can understand it,
 19 then explain it to her.
 20 MR. RUFAL: Why don't you wait
 21 until she shows she does not understand.
 22 MR. NANTON: What are you asking
 23 her, Counselor?
 24 Q. The question I'm asking is clear.
 25 A. If I may, before the property was

1 O. ARANGO
2 purchased, maybe a few months before through
3 this company, so a few months before, maybe a
4 couple of months even. A few sounds -- you
5 know, it's a long time ago -- a few months or
6 even less than that.

7 Q. So did you physically examine the
8 property?

9 A. Yes.

10 Q. Can you describe to me what you
11 observed when you physically examined the
12 property?

13 A. The outside of the property?

14 Q. The outside and the inside of the
15 property.

16 A. Do you mean the house itself, the
17 steps, the door?

18 Q. Everything that you observed.

19 A. It was a very well-kept property.

20 I mean, that was my --

21 Q. How many bedrooms was inside the
22 house?

23 A. I was not inside.

24 Q. You didn't go inside the house?

25 A. No, I don't -- I was not inside.

1 O. ARANGO

2 Q. How was the house? Does the house
3 have a fence?

4 A. No, it did not have a fence.

5 Q. It did not have a fence?

6 A. Not that I recall.

7 Q. Does the house have a drive?

8 A. It has a driveway, yes.

9 Q. It has a driveway?

10 A. Yes, it has a driveway.

11 Q. What about a car garage?

12 A. I don't remember.

13 Q. You don't remember seeing the car
14 garage?

15 A. No, I don't remember seeing that.

16 Q. When did you go to make the
17 physical examination? When did you go to the
18 property to physically observe it?

19 A. Before I purchased it.

20 Q. Do you remember how long before you
21 purchased it?

22 MR. NANTON: Asked and answered.

23 She said three months she saw the
24 property prior to. Asked and answered.

25 Move on, Counselor.

1 O. ARANGO

2 A. Yeah, it was a couple of months.

3 MR. NANTON: When I say
4 something --

5 MR. RUFAL: Counsel, can you please
6 let me question? You raised your
7 objection. If you don't want to, don't.
8 And don't raise unnecessary objections,
9 please.

10 Q. My question again -- I want that
11 question answered because it has not been
12 answered -- how long after you were told of the
13 availability of that property for sale and
14 before the actual purchasing of the property?

15 A. It was a couple of months. It's
16 about three months.

17 Q. So like about how long after you
18 were told of the property, that the property is
19 for sale?

20 A. Did I purchase it?

21 Q. Yes.

22 A. I'm not sure. Are you asking --

23 Q. No, no, how long after you were
24 told that the property was for sale did you go
25 to physically inspect it?

1 O. ARANGO

2 MR. NANTON: It was answered, asked
3 and answered three times.

4 MR. RUFAL: It has not been
5 answered.

6 MR. NANTON: It's three times.

7 A. It was about three months.

8 MR. NANTON: Please listen, when I
9 say, leave it alone, okay?

10 THE WITNESS: Okay.

11 MR. NANTON: That's it. Move to
12 the next question, Counselor.

13 Q. Now, you said A & A Global
14 Resources. How did you meet A & A Global
15 Resources?

16 A. How did I know about the company?

17 Q. Yes.

18 A. Through an acquaintance.

19 Q. Do you have the name of the
20 acquaintance?

21 A. Yes.

22 Q. What's the name?

23 A. The name was Ann Alvarez.

24 Q. Ann Alvarez?

25 A. That's correct.

1 O. ARANGO
 2 Q. How long have you known Ann
 3 Alvarez?
 4 A. Personally?
 5 Q. Yes.
 6 A. For some time, for many years.
 7 Q. For how many years?
 8 A. Many years.
 9 Q. Can you just give me a rough?
 10 A. Maybe ten years.
 11 Q. When you decided to buy this
 12 property, what did you intend to use the
 13 property for?
 14 A. Well, when I bought the property,
 15 the property was bought with the intention to
 16 help a family save their home with an intention
 17 for them to lease it and buy the property back.
 18 I mean, that's not a --
 19 Q. So you bought the property to help
 20 a family, that was your intention?
 21 A. To help a family that was losing
 22 their home in order to keep it. They were going
 23 to lease it.
 24 Q. Now, what is the name of this
 25 family?

1 O. ARANGO
 2 Q. Now, for this help, did Ann Alvarez
 3 tell you you were going to be given a fee for
 4 helping them?
 5 A. Well, I bought the property to sell
 6 it back a year or sooner, but a year was our
 7 agreement to the people who were living in the
 8 house.
 9 Q. So what did Ann Alvarez offer you
 10 in exchange for this help you were doing for the
 11 James family, if anything?
 12 THE WITNESS: Well, I'm not sure
 13 when he's asking me that, does it mean
 14 that --
 15 Q. No, no, if you don't --
 16 MR. NANTON: No, no, no, listen to
 17 me, Odra, listen to me, if you don't
 18 understand what this young man is asking
 19 you, you say I don't understand, find
 20 another way to ask you the question or
 21 you can't answer that question.
 22 THE WITNESS: Okay, I will.
 23 MR. NANTON: Don't just answer
 24 questions. That's what you do. He asked
 25 you a question, answer the question,

1 O. ARANGO
 2 A. The Effingham family, James and his
 3 wife.
 4 Q. Did you know them before?
 5 A. Not personally.
 6 Q. Not personally?
 7 A. That's correct.
 8 Q. Now, why would you want to help
 9 them?
 10 A. Because they went to the company
 11 looking for assistance regarding their property,
 12 keeping their house. I met them through the
 13 company. They were really sort of an agent that
 14 put us together, the person that had the need
 15 and me who had a wonderful credit, who had an
 16 opportunity to do something that was, I thought,
 17 positive that turned out to where we are today
 18 two and a half years later.
 19 Q. Who in A & A Global Resources
 20 contacted you about helping James' family?
 21 MR. NANTON: What was that, I'm
 22 sorry?
 23 MR. RUFAl: About helping Effingham
 24 James' family.
 25 A. It was Ann Alvarez.

1 O. ARANGO
 2 that's it.
 3 A. So I'll say to rephrase it,
 4 Mr. Rufai.
 5 Q. Thank you. Please feel free and
 6 ask me for any reason to ask me if you don't
 7 understand it. You don't have to refer to --
 8 A. I have to listen to him.
 9 MR. NANTON: Wait, stop, stop,
 10 stop. For the record, counsel just
 11 informed my client you don't have to
 12 listen to me, you don't have to ask and
 13 answer whatever he says to you, for the
 14 record.
 15 MR. RUFAl: The record was clear
 16 for what I said.
 17 Q. What I said is this, if I ask you a
 18 question, if you do not understand me --
 19 MR. NANTON: Ask my client a
 20 question.
 21 MR. RUFAl: Can you be quiet,
 22 please?
 23 MR. NANTON: No, I won't. Listen
 24 to me, step out. If you're going to
 25 ask --

1 O. ARANGO
 2 MR. RUFAL: No, you cannot take her
 3 out. You cannot take her out.
 4 MR. NANTON: Step out. I'm going
 5 to take her out.
 6 MR. RUFAL: Put it on the record
 7 that I object to it. I gave my
 8 objection. They are taking the client
 9 out while I'm in the middle of
 10 questioning.
 11 MR. FIERST: Don't leave while he's
 12 on the record.
 13 MR. NANTON: I'm not going
 14 anywhere.
 15 THE WITNESS: Can you give me a few
 16 minutes?
 17 MR. NANTON: Not yet, not yet.
 18 Okay, now I'll make a statement for
 19 the record. My client is here to answer
 20 any question or reasonable question
 21 pertaining to this transaction. She's
 22 coming to answer questions. She's under
 23 my advice as her counsel.
 24 Counsel, on the other hand, is
 25 starting to ask questions directly to my

1 O. ARANGO
 2 A. I will ask you if I don't
 3 understand.
 4 Q. Okay, thank you, that's clear for
 5 the record, too.
 6 Okay, now, my question is this:
 7 Why did you agree to help when Ann Alvarez
 8 approached you to help Effingham James' family?
 9 Did you understand that?
 10 A. Of course. I would have an
 11 opportunity to get a fee.
 12 Q. How much was that fee?
 13 A. I don't recall how much the fee
 14 was. It was certainly not enough for all the
 15 trouble that, I mean, if I may, that has
 16 happened since then and it was minimal. It was
 17 not a big fee at all.
 18 Q. Now, did you ever meet this James
 19 family?
 20 A. Yes, I met them.
 21 Q. When did you meet them?
 22 A. The day of closing.
 23 Q. The day of closing?
 24 A. That's correct.
 25 Q. Before then did you meet them?

1 O. ARANGO
 2 client, indicating to my client that she
 3 should not respond to her attorney. And
 4 I object to that. I would like counsel
 5 to stick to the issues. My client will
 6 answer any question reasonably put to my
 7 client pertaining to this transaction.
 8 My client will not answer questions that
 9 are convoluted.
 10 MR. RUFAL: Can you please --
 11 MR. NANTON: Excuse me, I'm on the
 12 record. Can I finish, Counselor?
 13 MR. RUFAL: I didn't bring this up
 14 so that you can --
 15 MR. NANTON: My client is here to
 16 answer questions, not to go fishing.
 17 MR. RUFAL: I'm going to redirect
 18 what I said.
 19 BY MR. RUFAL:
 20 Q. If I ask a question, if you do not
 21 understand it, please let me know. I am the
 22 only one that could clarify what question I want
 23 to ask. Your attorney will not be able to tell,
 24 say exactly what I meant to you, that's what I
 25 said. So I'm asking you --

1 O. ARANGO
 2 A. No, I spoke to them briefly, but I
 3 had not met them.
 4 Q. When you said you spoke to them,
 5 who in the James family did you speak to?
 6 A. To James.
 7 Q. To James?
 8 A. To the husband.
 9 Q. To the husband. What is his name
 10 again?
 11 A. James.
 12 Q. Effingham?
 13 A. Effingham, yes.
 14 Q. You spoke to him?
 15 A. Yes.
 16 Q. How many times did you speak to
 17 him?
 18 A. Just several occasions.
 19 Q. Several occasions?
 20 A. Yes.
 21 Q. What did you speak to him about?
 22 A. Maybe the house, questions I may
 23 have had about the house, about insuring that he
 24 knew that this was something that was not easy,
 25 that I was risking, you know, a lot to try to

1 O. ARANGO
 2 help. Briefly, it was just brief conversations.
 3 Q. You say you spoke several times.
 4 A. Yes.
 5 Q. Do you recall any particular time,
 6 like dates that you spoke to him?
 7 A. Absolutely, I don't recall that.
 8 Q. Do you have any phone records with
 9 which you could show that you called?
 10 A. I don't think so.
 11 Q. On these conversations that you
 12 said you had with Mr. James, was he the one that
 13 called or were you the one that called?
 14 A. He called actually.
 15 Q. He called?
 16 A. He called.
 17 Q. On the several occasions?
 18 A. He called once and I may have
 19 called him back.
 20 Q. So it's not several then?
 21 A. It's several. If he called me and
 22 I spoke to him and I called him back, that's
 23 several. It's only two. It's not many.
 24 Q. Okay. Now, did he discuss with you
 25 anything about fee?

1 O. ARANGO
 2 A. No.
 3 Q. Did he discuss with you anything
 4 about helping him, that he needed help?
 5 A. Not with me directly. You're
 6 asking me if he asked me for help, is that
 7 your --
 8 Q. Yes, that's my question.
 9 A. Not me directly.
 10 Q. So he did not ask you for it?
 11 A. No.
 12 Q. It was Ann Alvarez that said the
 13 James family needed help, is that correct?
 14 A. They were the agents, yes, the
 15 linking party.
 16 Q. Now, when you said you met
 17 Mr. James at the closing, is that what you said?
 18 A. That's correct.
 19 Q. When did this closing take place?
 20 A. The month, you mean, when I bought
 21 the house?
 22 Q. The date.
 23 A. Back in July '02. I mean, I don't
 24 remember exactly.
 25 MR. NANTON: Okay, that's it.

1 O. ARANGO
 2 Q. You don't remember.
 3 What time of the day did it take
 4 place?
 5 A. It was morning.
 6 Q. You said it was in the morning?
 7 A. Morning before twelve o'clock,
 8 before noon.
 9 Q. Before noon. Where did this
 10 closing take place?
 11 A. In Rosedale. It was at
 12 Mr. Liechtung's. He was an attorney-at-law.
 13 Q. Could you tell me, you said it took
 14 place in Mr. Liechtung's office?
 15 A. Correct.
 16 Q. Can you tell me, were you
 17 represented by an attorney at the closing?
 18 A. Of course.
 19 Q. What's the name of the attorney?
 20 A. Wally Duval.
 21 Q. You were represented by Wally
 22 Duval?
 23 A. That's correct.
 24 Q. So Wally Duval was the attorney
 25 that represented you. Now, Wally Duval, can you

1 O. ARANGO
 2 describe to me what Wally Duval looked like?
 3 A. Middle-aged woman, short hair,
 4 dirty blond hair, somewhat shapely. I mean --
 5 MR. NANTON: Just answer the
 6 question the best you can, that's it.
 7 Q. It's good to know.
 8 A. She's a nice lady.
 9 MR. NANTON: All right, move on.
 10 Q. Now, so Wally Duval was at the
 11 closing with you?
 12 A. Correct.
 13 Q. What was her role at that closing?
 14 What did she do to assist you?
 15 A. Whatever lawyers do at closing.
 16 Q. Describe to me what she did.
 17 A. She counselled me, she sat with all
 18 of us. I signed papers, the family signed
 19 papers, she provided her counseling service.
 20 Q. While you were signing the papers?
 21 A. Correct.
 22 Q. Now, I want you to just take me
 23 back briefly into the setting of the closing.
 24 How many people attended at closing?
 25 A. The buyer, the purchaser, the title

1 O. ARANGO
 2 searcher. I think that's about a few people.
 3 Q. So apart from you and Ms. Duval,
 4 who else? I want you to specifically tell me
 5 first. Will you repeat that, the buyer and the
 6 purchaser --
 7 A. Right.
 8 Q. -- they are the same people, I
 9 believe?
 10 A. No, I'm sorry, the seller.
 11 Q. I meant with you.
 12 A. That's correct, the seller, the
 13 buyer, their attorneys, including Ms. Duval and
 14 the title searcher.
 15 Q. Okay. So the seller had an
 16 attorney?
 17 A. Yes. That was Mr. Effingham.
 18 Q. Mr. Effingham, he had an attorney?
 19 A. I believe he did.
 20 Q. Can you describe the attorney for
 21 me?
 22 A. I don't recall.
 23 Q. Was he a male or a female?
 24 A. I thought it was a male.
 25 Q. It was a male?

1 O. ARANGO
 2 A. Yes.
 3 Q. Now, apart from you, which is the
 4 purchaser --
 5 A. Correct.
 6 Q. -- your attorney, Ms. Wally
 7 Duval --
 8 A. Correct.
 9 Q. -- the seller, Mr. Effingham James,
 10 and this attorney you said was there with him --
 11 A. Right.
 12 Q. -- was anybody there apart from the
 13 title closer? Was there anybody else at the
 14 table?
 15 A. Not that I recall.
 16 Q. You said you closed in the office
 17 of Mr. Liechtung. Was Mr. Liechtung at the
 18 table that day?
 19 A. He was in and out.
 20 Q. So he did not sit with you?
 21 A. Not with me but he was in and out.
 22 Q. He comes in and out, but he did not
 23 sit at the table? Did he sit at the table or
 24 not?
 25 A. He was in and out, yes. He would

1 O. ARANGO
 2 leave, he would come back, he would leave, he
 3 would come back.
 4 Q. Did Mr. James come to the table
 5 with anybody?
 6 MR. NANTON: She answered the
 7 question already, Counsel.
 8 Q. No, with anybody, apart from the
 9 attorney.
 10 A. He came in the office with his
 11 wife.
 12 Q. With his wife?
 13 A. Yes.
 14 Q. So while this was happening, was
 15 the wife present while the closing was
 16 happening?
 17 A. I don't recall her being there.
 18 Q. So let me ask you this question,
 19 when you were signing the documents and at the
 20 end of the closing that day, did you expect to
 21 get possession of the property that you just
 22 purchased?
 23 A. I don't know what you mean by
 24 possession.
 25 Q. Did you intend, did you expect that

1 O. ARANGO
 2 you would move into the property that you just
 3 purchased?
 4 MR. NANTON: Counsel, that was
 5 asked and answered, if you check the
 6 record. It was asked and answered,
 7 Counsel. Check the record.
 8 Q. After the whole transaction that
 9 day, the whole closing, did you expect, that is,
 10 the buyer, Ms. Arango, to move into the
 11 premises?
 12 A. The answer was no.
 13 Q. Are you familiar with this lease
 14 agreement with an option to purchase?
 15 MR. NANTON: Wait a minute, you've
 16 got to put on the record what you're
 17 showing my client.
 18 MR. RUFAL: I am showing Ms. Arango
 19 a lease with an option to purchase
 20 agreement which --
 21 MR. NANTON: From who?
 22 MR. RUFAL: It was recorded by, I
 23 believe, A & A Global Resources and by
 24 Mr. Effingham James, and this is with
 25 regards to the property located at 119-47

1 O. ARANGO
 2 166th Street, Jamaica, New York.
 3 MR. FIERST: If it's acceptable to
 4 Mr. Nanton, can we please have that
 5 document stapled and marked as an
 6 exhibit?
 7 MR. NANTON: Absolutely,
 8 absolutely.
 9 MR. RUFAL: We don't have a
 10 stapler.
 11 MR. NANTON: We are not going to
 12 mark it.
 13 BY MR. RUFAL:
 14 Q. Are you aware that a lease with an
 15 option agreement was executed that day?
 16 A. Can you ask me again?
 17 Q. Are you aware that a lease with an
 18 option to purchase agreement was executed that
 19 day with regards to that property?
 20 A. Yes.
 21 Q. Did you give direction for anybody
 22 to execute the lease?
 23 MR. NANTON: Do you understand the
 24 question?
 25 A. Not specifically, no, I don't. If

1 O. ARANGO
 2 pay you the rent pursuant to this lease
 3 agreement?
 4 A. No, nothing was coming to me.
 5 Q. What was coming to you?
 6 A. The agent was facilitating that.
 7 Q. So are you saying that --
 8 MR. NANTON: No, she answered the
 9 question.
 10 Q. The agent was the --
 11 A. -- the facilitator.
 12 Q. What do you mean by facilitator?
 13 A. They were in care of -- receiving
 14 the agreement amount.
 15 Q. How much was this amount?
 16 A. The amount of the mortgage.
 17 Q. How much was the mortgage amount?
 18 A. I don't recall exactly.
 19 Q. You do not recall?
 20 A. Exactly.
 21 Q. Now, let me ask you, you said you
 22 do not recall the amount of the rent Mr. James
 23 was supposed to be paying? Is that what you
 24 don't recall?
 25 A. Of the mortgage.

1 O. ARANGO
 2 you could rephrase it for me.
 3 Q. Okay. Did you execute that lease
 4 agreement?
 5 A. No. Meaning, did I write it?
 6 MR. NANTON: Just answer the
 7 question.
 8 Q. Did you sign the lease agreement?
 9 MR. NANTON: If you don't
 10 understand the question, ask him to
 11 repeat it another way, okay?
 12 A. I don't -- I don't remember signing
 13 it that day.
 14 Q. You don't remember signing it that
 15 day, okay, but do you know what the essential
 16 terms of that lease agreement, what the lease --
 17 A. I'm sorry.
 18 Q. Did you understand the intention of
 19 why the lease agreement was to be executed?
 20 A. Yes, I did.
 21 Q. What was it?
 22 A. The family would have an option to
 23 lease the property, the home, with an option to
 24 buy at the end of one year's time.
 25 Q. So were you expecting the family to

1 O. ARANGO
 2 Q. Oh, you don't recall the amount of
 3 the mortgage.
 4 A. On a monthly basis, that's correct.
 5 Q. What about the rent amount that
 6 they were supposed to be paying, do you recall
 7 that?
 8 A. I don't recall.
 9 Q. Now, the mortgage, were you making
 10 payment for the monthly payment of the mortgage
 11 as it became due?
 12 A. I was not making those payments,
 13 no.
 14 Q. Who was making the payments?
 15 A. The agent was making the payments.
 16 Q. When you say the agent, what do you
 17 mean?
 18 A. I refer to A & A Global Resources.
 19 Q. Was this the understanding you had
 20 with A & A Global Resources?
 21 A. And with Mr. Effingham.
 22 Q. You had the understanding with
 23 Mr. Effingham?
 24 A. That's correct.
 25 Q. When did you have this

1 O. ARANGO
 2 understanding with him?
 3 A. When he signed the lease agreement.
 4 Q. So you spoke to Mr. Effingham at
 5 the table?
 6 A. It was in the lease agreement.
 7 Q. Oh, but you did not verbally, you
 8 did not orally express this to Mr. Effingham?
 9 A. Not at the closing.
 10 Q. So it was only based on the
 11 agreement that you said you had the
 12 understanding with Mr. James?
 13 A. Well, if I may, the agreement was
 14 made because he agreed to that.
 15 Q. Did you sign the agreement?
 16 A. Not at the closing.
 17 Q. Did you ever sign the agreement?
 18 A. Afterwards, yes.
 19 Q. You signed the agreement?
 20 A. Yes.
 21 Q. Do you have a copy of the agreement
 22 that you signed?
 23 A. No, I do not.
 24 Q. Did you take a copy of the
 25 agreement that you signed at the table?

1 O. ARANGO
 2 A. Not at that time.
 3 Q. Did you ever have possession of
 4 this agreement that you signed?
 5 MR. NANTON: She just answered it.
 6 A. I have seen it in documents that
 7 have been sent to me.
 8 Q. But did you ever have possession of
 9 it?
 10 A. In documents that have been sent to
 11 me, yes.
 12 Q. Who sent it, what do you mean? Who
 13 sent it to you?
 14 A. In court documents.
 15 Q. No, that's not my question.
 16 My question is after you signed the
 17 lease agreement, did you ever keep a copy for
 18 yourself?
 19 A. Yes.
 20 Q. Do you have the copy that you kept
 21 for yourself?
 22 A. No, I do not.
 23 Q. What did you do with the copy?
 24 A. I don't have it with me.
 25 Q. Now, apart from the lease agreement

1 O. ARANGO
 2 that you signed, did you have somebody else sign
 3 it on your behalf, another lease agreement on
 4 your behalf?
 5 A. I'm not sure what you're asking me.
 6 MR. NANTON: Listen, do you
 7 understand what he's asking you?
 8 A. I'd like you to rephrase it. Yes,
 9 if you could rephrase it.
 10 Q. Apart from the lease that you
 11 signed, did you have any other person, A & A
 12 Global, Ann Alvarez or anybody else sign another
 13 lease agreement on your behalf?
 14 A. Not on my behalf.
 15 Q. So you didn't direct anybody else
 16 to sign.
 17 MR. NANTON: Do you want to take a
 18 short break there, Counselor?
 19 MR. RUFAl: No, no, I don't need a
 20 short break.
 21 Q. Now, when you filled the mortgage
 22 application --
 23 A. Ask me again, Mr. Rufai, when I --
 24 Q. Okay. In order to help Mr. James,
 25 you understand you had to fill a mortgage

1 O. ARANGO
 2 application, is that correct?
 3 A. Correct, of course. I had to apply
 4 for a mortgage.
 5 Q. And you applied for a mortgage.
 6 Did they ask you questions on the
 7 mortgage like what's your purpose for purchasing
 8 the property? What did you say?
 9 A. I don't recall that.
 10 Q. You don't recall that.
 11 Now, when you signed the mortgage
 12 documents at the closing, were you told where to
 13 send your mortgage payments? Were you advised
 14 where, the address to send your mortgage
 15 payments?
 16 MR. NANTON: Are you saying by a
 17 person or a document?
 18 A. Ask me in a different way. I'm not
 19 too sure what, how you refer. During closing --
 20 Q. At the closing, you signed
 21 documents, did you not?
 22 A. Of course.
 23 Q. Part of the documents you signed
 24 were mortgage documents, is that correct?
 25 A. Right.

1 O. ARANGO
 2 Q. Okay. And while you were signing
 3 those documents, you were being advised with
 4 regards to the documents you signed, is that
 5 correct?
 6 A. Right, correct.
 7 Q. Who was this person advising you
 8 with regards to these documents, advising to the
 9 meaning of those documents you were signing?
 10 MR. NANTON: She answered that
 11 already.
 12 A. My attorney.
 13 Q. Ms. Duval?
 14 A. That's correct.
 15 Q. Now, did Ms. Duval advise you with
 16 regards to where to send your monthly payments
 17 to?
 18 A. I think that was part of the
 19 documentation.
 20 Q. No, the question is just this: Did
 21 she orally --
 22 A. I don't recall.
 23 Q. Now, did she advise you as to
 24 implications of what would happen if you do not
 25 make the monthly payments?

1 O. ARANGO
 2 A. No, that's -- she did not advise me
 3 of that.
 4 Q. She did not advise you of that?
 5 A. No.
 6 Q. Did she advise you of the --
 7 A. May I -- I just want to ask for --
 8 when you're asking me that --
 9 MR. NANTON: Well, answer the
 10 question. That's all you want to do is
 11 answer the question.
 12 MR. RUFAL: Let her ask me a
 13 question.
 14 MR. NANTON: No, I don't want my
 15 client to ask questions. Answer the
 16 questions that he proposed to you, that's
 17 it, Odra, nothing else, nothing else,
 18 nothing more.
 19 A. I think I answered it.
 20 Q. Did she advise --
 21 A. Could we take a break for a minute?
 22 Do you mind? I have a question for you.
 23 Q. No, if it's with regards to the
 24 case -- if you want to ask your attorney a
 25 question, but if it's about this, no, in between

1 O. ARANGO
 2 deposition.
 3 A. Yes, of course it relates to this,
 4 that's okay. All right, please, let's move on
 5 to the next one.
 6 MR. FIERST: Off the record a
 7 second?
 8 (Discussion held off the record.)
 9 MR. NANTON: Put this on the
 10 record.
 11 MR. RUFAL: Put what on the record?
 12 MR. NANTON: The fact if you're
 13 telling my client that she cannot talk to
 14 her counsel. Did you not say that,
 15 Counselor?
 16 MR. FIERST: Confidentially.
 17 MR. NANTON: Confidentially, that's
 18 correct.
 19 MR. RUFAL: I did not say you could
 20 not. I said in between questions, you
 21 cannot take a break out to go and discuss
 22 the question I am asking you before you
 23 respond to the question.
 24 THE WITNESS: Well, we had
 25 responded. I just had a question about

1 O. ARANGO
 2 something else.
 3 MR. RUFAL: If that, there's no
 4 problem.
 5 MR. NANTON: We'll take five
 6 minutes.
 7 (Recess taken.)
 8 BY MR. RUFAL:
 9 Q. Now, you say the closing took place
 10 at the office of Mr. Liechtung, correct?
 11 A. That's correct.
 12 Q. What was the role of Mr. Liechtung
 13 at that closing?
 14 A. I'm not sure.
 15 Q. What was Mr. Liechtung's role? Was
 16 he an attorney?
 17 A. I don't recall specifically.
 18 Q. You said he came in every once in a
 19 while.
 20 A. Right.
 21 Q. When he came in, what did he do
 22 whenever he came in?
 23 A. I don't recall. I don't recall.
 24 Q. I just want to know if he gave you
 25 documents to sign.

1 O. ARANGO
 2 A. If he gave me documents himself to
 3 sign?
 4 Q. Yes.
 5 A. Not personally from him.
 6 Q. Not personally from him.
 7 A. They were from the closing.
 8 Q. Did you see him give documents to
 9 Mr. James to sign?
 10 A. I don't recall that.
 11 Q. Was Mrs. Alvarez in the closing?
 12 A. No, she was not.
 13 Q. What was Mr. James doing while he
 14 was at the closing?
 15 A. I'm not sure what you're asking me.
 16 Q. What was he doing? Was he just
 17 sitting down doing nothing?
 18 A. We were sitting -- yeah, I mean, we
 19 were sitting down signing documents.
 20 Q. Was he signing documents?
 21 A. Yeah.
 22 Q. Was he being advised by this
 23 attorney you said was present with him?
 24 A. You have to ask him that. I don't
 25 know that.

1 O. ARANGO
 2 MR. RUFAL: Now, just before the
 3 break, the question, can you please
 4 refresh my memory of it?
 5 (The record was read.)
 6 MR. RUFAL: Okay, thank you very
 7 much.
 8 Q. Now, did you speak to Mr. Liechtung
 9 at all?
 10 A. During the closing?
 11 Q. During the closing.
 12 A. Not directly.
 13 Q. What do you mean, not directly?
 14 A. He was not my attorney.
 15 Q. I understand. What way did you
 16 speak to him?
 17 A. When I walked in his office to
 18 greet them, while we waited for everyone to get
 19 together and when we left.
 20 Q. Did you speak to Mr. Liechtung
 21 before that closing?
 22 A. I did not know Mr. Liechtung before
 23 that closing.
 24 Q. Now, was Ms. Alvarez at that
 25 closing at all? I'm not talking about being in

1 O. ARANGO
 2 the room. Do you know if she was present?
 3 A. She was present, I believe.
 4 Q. But she did not sit in the room of
 5 the closing room?
 6 A. She did not.
 7 Q. She did not come into the closing
 8 room at any time?
 9 A. Not at all.
 10 Q. So you did not notice her speaking
 11 to Mr. Liechtung at any time?
 12 A. I don't recall that.
 13 Q. Now, were you concerned about
 14 making the monthly mortgage payments?
 15 A. I was concerned about making sure
 16 the monthly payments were made, period.
 17 Q. The mortgage payments?
 18 A. That's correct.
 19 Q. Did you do anything about that
 20 concern?
 21 A. I didn't anticipate I would have to
 22 do something until after the mortgage payments
 23 were not being met and the lease agreement was
 24 broken.
 25 Q. Now, so was there anything that you

1 O. ARANGO
 2 did to ensure that the monthly payment was being
 3 paid?
 4 A. I'm not sure what you're asking me,
 5 to ensure that they were paid?
 6 Q. Yes.
 7 A. That was not -- when I had to pay
 8 them, I could only ensure they were paid by
 9 borrowing money from my retirement, by working
 10 extra hours. That was what I had to do to make
 11 up those payments that weren't being met by the
 12 Effingham family, so that's how I ensured that
 13 those payments were being made, but I could not
 14 do that for too long.
 15 Q. I see. Who was making the payment
 16 to the mortgage company?
 17 A. When I had to make payments --
 18 Q. When you had to make payments --
 19 no, I'm saying initially from the beginning, who
 20 was making the monthly payments?
 21 A. It was the Effingham family making
 22 payments to the agent.
 23 Q. To the A & A Global?
 24 A. To A & A Global Resources. Then
 25 the company would submit payment to the mortgage

1 O. ARANGO
 2 company.
 3 Q. Like about how many payments did
 4 they do before they stopped making payments
 5 before you started making the payments yourself?
 6 A. I'm sorry, ask me that again?
 7 Q. How many payments did A & A Global
 8 make, how many monthly payments?
 9 A. Well, the payments were made by
 10 Effingham to A & A Global.
 11 Q. What payments were made by
 12 Effingham?
 13 A. I don't recall when he stopped
 14 paying.
 15 Q. The question I want to know is
 16 this: Who directly paid the FFFC, the mortgage
 17 company, for the mortgage?
 18 A. It was A & A Global Resources.
 19 Q. When did A & A Global not pay that
 20 you had to pay?
 21 A. I mean you'd have to ask them that.
 22 Is your question different --
 23 Q. No. Okay, let me get this
 24 straight.
 25 You said, if I'm correct, correct

1 O. ARANGO
 2 me, please, that when the payment wasn't being
 3 made, you had to borrow money from your
 4 retirement account to make up for the payment
 5 because you don't want to default, is that
 6 correct?
 7 A. Because you asked me how did I
 8 ensure those payments were being made, so yes,
 9 that is correct. I -- I'm sorry, please go on.
 10 Q. My question now is this: When did
 11 the occasion occur, that is, when from the time
 12 the monthly payment was being made by A & A
 13 Global, when did you have to now personally pay
 14 the mortgage yourself?
 15 A. I don't recall.
 16 Q. You don't recall how many payments
 17 had been made before that?
 18 A. No, I don't recall when.
 19 Q. Now, how were you informed, how did
 20 you know the payments were not being made?
 21 A. Because I received notice that the
 22 house was late, that the house was in, you know,
 23 behind, the mortgage was behind.
 24 Q. A & A Global was not supposed to be
 25 your agent?

1 O. ARANGO
 2 A. Right.
 3 Q. The question is: Was A & A Global
 4 your agent?
 5 A. Correct.
 6 Q. If A & A Global was your agent, was
 7 A & A Global not supposed to contact you?
 8 A. They are the ones that notified me.
 9 Q. They are the ones that notified
 10 you?
 11 A. Correct.
 12 Q. Did First Franklin notify you
 13 directly as to the default?
 14 A. I don't recall that.
 15 Q. So it was --
 16 A. I'm sorry, you said first, so I
 17 don't recall that first.
 18 Q. But they notified you?
 19 A. Eventually, of course. My
 20 information was part of the closing.
 21 Q. Now, when you applied for this
 22 mortgage, did you inform the bank of the
 23 arrangement that you had with A & A Global?
 24 A. That was not relevant.
 25 MR. NANTON: Answer the question.

1 O. ARANGO
 2 A. I did not, no.
 3 MR. NANTON: Okay, fine, you
 4 answered the question. Move on.
 5 Q. Do you remember with whom you
 6 applied for the mortgage? Who took your
 7 mortgage application? Was it a broker or a
 8 bank?
 9 A. Oh, it was a broker.
 10 Q. Do you remember the name of the
 11 broker?
 12 A. Yes, it was Al Mills.
 13 Q. His name is Al Mills?
 14 A. Correct.
 15 Q. Was he working for a company?
 16 A. Was he working for a company?
 17 Q. Was it an independent mortgage
 18 broker or was he working with a bigger company?
 19 A. I met the broker through the
 20 agency, through the A & A Global Resources.
 21 Q. Now, A & A Global Resources, who
 22 were the owners of A & A Global Resources?
 23 A. I don't know that, sir.
 24 Q. What was the relationship of Ann
 25 Alvarez to A & A Global Resources?

1 O. ARANGO
 2 A. I think she was owner.
 3 Q. She was the owner?
 4 A. Yeah.
 5 Q. Oh, so you know the owner?
 6 A. Well, you're asking me what her --
 7 MR. NANTON: If you have an answer,
 8 if you know an answer, give an answer.
 9 If you don't have an answer, then don't
 10 give an answer. Don't think. You say
 11 yes, you do know or you don't know.
 12 A. I'm going to say I don't know for a
 13 fact but --
 14 MR. NANTON: Okay, that's all you
 15 need to say, you don't know.
 16 A. It's not factual, but I'm going to
 17 guess.
 18 MR. NANTON: No, we're not
 19 guessing.
 20 THE WITNESS: Okay.
 21 MR. NANTON: We're going to give an
 22 answer and that's what we're going to
 23 give him, no guessing.
 24 Q. No guessing, please.
 25 A. Okay.

1 O. ARANGO
 2 Q. Now, do you know if Alfred Mills
 3 had a relationship with A & A Global Resources?
 4 A. I came to know Mr. Mills because of
 5 A & A Global. I mean, that was the extent of
 6 the relationship that I was aware of.
 7 Q. Now, how were you paid? You said
 8 when Alfred Mills contacted you that Mr. James'
 9 family had a problem and that you should come
 10 and help them, is that correct, am I correct?
 11 A. No, the agency contacted me --
 12 Q. Agency --
 13 A. -- that the payments had not been
 14 met for already two months.
 15 Q. I'm not talking about that.
 16 A. Okay. Rephrase that, please,
 17 Counsel.
 18 Q. You said Mr. James' family had a
 19 problem, and then you were contacted to help
 20 them, right, by purchasing the property, is that
 21 correct?
 22 A. With an option for them to buy it,
 23 correct.
 24 Q. To buy it back, is that correct?
 25 A. That's right, sir.

1 O. ARANGO
 2 Q. Now, please tell me if I'm correct.
 3 You said that in exchange, you were told that
 4 you would receive a fee?
 5 A. Correct.
 6 Q. Were you ever paid this fee? Were
 7 you ever paid the fee?
 8 A. I was paid a fee after closing.
 9 Q. You don't know the amount, do you?
 10 A. I do not recall that.
 11 Q. How were you paid?
 12 A. You mean how was --
 13 Q. Were you paid by check, by cash?
 14 A. I think everyone was paid by check.
 15 I mean, I don't recall.
 16 MR. NANTON: That's all you have to
 17 say.
 18 A. Yeah, I don't recall.
 19 Q. Who made the payment to you?
 20 A. The agency made the payment to me,
 21 A & A.
 22 Q. A & A Global made the payments to
 23 you. Who gave you the payment? Who in the
 24 agency gave you the paper?
 25 A. It was sent by mail.

1 O. ARANGO
 2 Q. To which address?
 3 A. To the address that's noted in
 4 Amityville.
 5 Q. Now, in connection with the
 6 purchase of the property, did you incur any
 7 expenses?
 8 A. Regarding the property?
 9 Q. Regarding the purchase of the
 10 property.
 11 A. No, no expenses.
 12 Q. No, not at all?
 13 A. No.
 14 Q. So basically, you submitted an
 15 application, and then later you showed up at the
 16 closing, is that it?
 17 A. I'm not sure what you're asking me.
 18 Submitted an application to whom?
 19 Q. A mortgage application and then you
 20 were approved for the loan and you showed up at
 21 the closing, is that it?
 22 A. That seems right.
 23 Q. Did you pay for appraisal, to
 24 appraise the property?
 25 A. I believe the agency did that.

1 O. ARANGO

2 Q. Did you pay for mortgage
3 application?

4 A. I am not sure what that is. And I
5 don't believe I did.

6 Q. Mortgage application fee?

7 A. No.

8 Q. Did you pay for credit report fee?

9 A. No, I did not.

10 Q. When Al Mills took your credit
11 application, did he tell you he was representing
12 any organization?

13 A. Not that I recall.

14 MR. RUFAL: That will be all.

15 MR. FIERST: If you'd like to take
16 a break, I understand you're not here
17 under Notice from my office or First
18 Franklin, but with Mr. Nanton's
19 permission, I'd like to ask you some
20 questions, and maybe that will clarify
21 things.

22 MR. NANTON: Not a problem.

23 BY MR. FIERST:

24 Q. Ms. Arango, good morning, my name
25 is Tim Fierst, and I'm the attorney for First

1 O. ARANGO

2 A. Yes, I am.

3 Q. When A & A Global or Ms. Alvarez
4 brought this opportunity to you, was it
5 explained to you what the family trouble the
6 Effingham family was having?

7 A. Yes, it was.

8 Q. What was that trouble?

9 A. That they were losing their home.

10 Q. For what reason?

11 A. They had been unable to pay.

12 Q. Did you know then at the time that
13 you applied for the loan with First Franklin,
14 was the James home in foreclosure, do you know?

15 A. I don't -- I did not -- I don't
16 know that. I wanted to say then, I did not know
17 that then, but I knew that after.

18 Q. Fine, okay.

19 To that extent then, after the
20 closing or even during the closing, do you know
21 how your loan proceeds were distributed or
22 disbursed?

23 A. I'm not sure what that means, sir,
24 when you say the loan proceeds.

25 Q. You borrowed \$235,000. There's

1 O. ARANGO

2 Franklin, who was the originating lender in this
3 entire transaction. I'd like to thank you and
4 your counsel, Mr. Nanton, to give me the
5 opportunity to question you on a preliminary
6 basis to try to flesh out some of the issues
7 that took place on your deposition with
8 Mr. Rufai.

9 First of all, do you recall how
10 much in total you borrowed from First Franklin?

11 A. It was about 235, average, give or
12 take.

13 Q. Fine, okay.

14 Let's go to A & A Global Resources
15 for a second. How were you introduced to this
16 company?

17 A. I knew Miss Ann Alvarez for some
18 time prior to her becoming affiliated with A & A
19 Global Resources, socially.

20 Q. Did you have any other transactions
21 with A & A Global prior to or after?

22 A. Absolutely not.

23 Q. You've mentioned that someone acted
24 as your agent. Are you referring to A & A
25 Global?

1 O. ARANGO

2 \$200,000 available to you at the closing. Those
3 are your loan proceeds. They could go to a
4 number of different people or places. Do you
5 know how they were disbursed?

6 A. I do not know that.

7 Q. Okay, fine. In what capacity did
8 A & A Global act for you?

9 A. Well, they helped me -- when I say
10 they were the agent, they were the facilitator
11 between finding the person who needed to sell
12 their home and putting us together. They
13 facilitated the lease agreement. I was not
14 completely comfortable with -- in trusting my
15 hard-earned credit to a third party, but the
16 lease agreement was clear, and I was comfortable
17 with that.

18 Q. Do you know what type of business
19 A & A Global is involved in?

20 A. They were a financing company, I
21 believe, to help people with refinancing. They
22 did mortgages, they did seminars for
23 foreclosures, financing.

24 Q. How did you get to know or how did
25 you apply for your mortgage to First Franklin?

1 O. ARANGO
 2 A. Through the mortgage broker.
 3 Q. That was?
 4 A. Mr. Mills.
 5 Q. Did you have any direct contact
 6 with First Franklin at all yourself?
 7 A. To apply for it?
 8 Q. Yes.
 9 A. No, I did not.
 10 Q. This fee that you received for this
 11 transaction, that was paid to you by A & A
 12 Global?
 13 A. Yes.
 14 Q. Was that disclosed to you as part
 15 of the business arrangement when you entered
 16 into the arrangement with A & A Global?
 17 A. Yes.
 18 Q. To your knowledge, was the James
 19 family made aware of the situation or your
 20 relationship with A & A Global?
 21 A. I'm not sure when you say
 22 relationship, you mean --
 23 Q. Acted as your facilitator.
 24 A. Well, they were acting also as his
 25 facilitator. I believe that's how we came to

1 O. ARANGO
 2 enter into a five-, six-, seven-, ten-page
 3 contract of sale.
 4 A. Is that at closing?
 5 Q. No, that's all prior to closing.
 6 Now, if the James family is selling their house
 7 to you -- we'll get to the lease back in a
 8 second -- but if the James family is selling
 9 their house to you, there should be a contract,
 10 there should be an agreement between you and the
 11 James family for you to purchase and for them to
 12 sell.
 13 To your knowledge, was a contract
 14 ever entered into?
 15 A. Not before closing.
 16 Q. Was one entered during closing?
 17 A. Not other than the closing.
 18 MR. NANTON: She obviously doesn't
 19 understand the question.
 20 THE WITNESS: Right.
 21 MR. FIERST: Off the record a
 22 second.
 23 (Discussion held off the record.)
 24 BY MR. FIERST:
 25 Q. Did you have an attorney prior to

1 O. ARANGO
 2 know each other.
 3 Q. Did you and Mr. James or Mrs. James
 4 ever speak directly?
 5 A. No, we did not, not afterwards.
 6 Q. During?
 7 A. No, they never called, they never
 8 said we can't make payments or we're having
 9 trouble. I never heard from them.
 10 Q. Well, what about while the
 11 transaction was pending, while your mortgage
 12 application was pending, while the purchase was
 13 pending?
 14 A. On several occasions, I think he
 15 called once. There were some papers that needed
 16 to be in order. I needed to make sure that he
 17 was aware of that, and then I called back, but
 18 it was very minimal.
 19 Q. Okay. To your knowledge, did you
 20 enter into a formal contract of sale for the
 21 property?
 22 A. I'm not sure what that means. Is
 23 that -- I'm not sure, if you could explain it.
 24 Q. I'm selling my house to you. We
 25 would probably both have lawyers, and we would

1 O. ARANGO
 2 closing?
 3 A. No, I didn't have counsel.
 4 Q. Let's go to the day of the closing.
 5 You say Ms. Duval, which we all thought was
 6 Mr. Duval, Ms. Duval counseled you at the table?
 7 A. She was with me during the signing,
 8 and she was with me for the whole closing, so
 9 yes, I mean, I have to say yes.
 10 Q. Did she advise you what the
 11 documents were that you were signing and what
 12 they meant?
 13 A. Yes, yes.
 14 Q. Did Ms. Duval ever provide legal
 15 advice to the James or Mr. James?
 16 A. Not to my knowledge.
 17 Q. Just to repeat, is it correct that
 18 your testimony was that Mr. James did have an
 19 independent attorney at the closing, his own
 20 attorney?
 21 A. I believe, yes, he was represented.
 22 Q. Did Ms. Duval provide you with
 23 copies of the documents or a closing statement
 24 or a closing binder after the closing?
 25 A. Yes.

1 O. ARANGO
 2 Q. Would you have access to those
 3 documents for a future time, not today?
 4 A. I have to think about that.
 5 Q. Okay.
 6 A. Yes, of course I would, but I have
 7 to actually think if I have those.
 8 Q. Fair enough. As I mentioned
 9 before, this is just a starting point.
 10 A. Yes, okay, I appreciate that.
 11 Q. Let's discuss briefly this sale
 12 lease agreement. When was this lease signed?
 13 A. It was signed after closing.
 14 Q. After closing, by both you and
 15 Mr. James or did Mr. James sign it first and you
 16 signed it afterwards? Was it signed
 17 simultaneously?
 18 A. We didn't sign it together, so it's
 19 hard for me to say if he signed it first or
 20 after, but I did it after the closing.
 21 Q. When you executed the lease, did
 22 Ms. Duval counsel you as to its terms and its
 23 meaning?
 24 A. No, she was not part of that.
 25 Q. Who explained to you what it meant?

1 O. ARANGO
 2 A. It was through the company, through
 3 A & A Global it was, yes.
 4 Q. Anybody in particular?
 5 A. Ms. Alvarez.
 6 Q. Do you know at all if Mr. James was
 7 counseled when he executed the lease?
 8 A. I could not say that.
 9 Q. You had mentioned that if Mr. James
 10 had not made the loan payments under the lease
 11 agreement, that you would have to make them?
 12 A. Or sell the property.
 13 Q. Or sell the property?
 14 A. Yes.
 15 Q. Did that in fact happen, did
 16 Mr. James default under the agreement?
 17 A. Under the lease agreement, yes, he
 18 did.
 19 Q. So in fact, is it true that you had
 20 to make the payments under the lease?
 21 A. I had to for at least several
 22 months or attempted to, I should say, attempted
 23 to make those payments.
 24 Q. To whom?
 25 A. To A & A Global for them to forward

1 O. ARANGO
 2 it to the bank.
 3 Q. Is there an agreement between you
 4 and A & A Global in writing that A & A Global
 5 would make the mortgage payments?
 6 A. Yes, there must be.
 7 Q. Let's just go to the expenses of
 8 your closing. Did you come up with any personal
 9 funds of your own at the closing?
 10 A. No, I did not have to do that.
 11 Q. To your knowledge, for a title bill
 12 or any shortage in the amount of the funding,
 13 who would have made those payments for you?
 14 A. It was facilitated through A & A
 15 Global.
 16 Q. Fair enough.
 17 MR. FIERST: I have nothing
 18 further.
 19 (Time noted: 11:20 a.m.)
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1 O. ARANGO
 2
 3 I, the witness herein, having read the
 4 foregoing testimony, do hereby certify it to be a
 5 true and correct transcript, subject to the
 6 corrections, if any, shown on the attached page.
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ODRA N. ARANGO

Subscribed and sworn to
 before me this day
 of 2005.

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CERTIFICATE

STATE OF NEW YORK)
:ss
COUNTY OF NASSAU)

I, DOROTHY H. LONDON, a Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify:
That ODRA N. ARANGO, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.
I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.
In witness whereof, I have hereunto set my hand this 5th day of August 2005.

DOROTHY H. LONDON, RPR

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