UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re: Case No. 07-13346-KAO
Steven C. Bateman and
Virginia T. Lee,
Debtors.

Edmund J. Wood, solely in his capacity as
Chapter 7 Trustee for the Bankruptcy Estate
of Steven C. Bateman and Virginia T. Lee,
Plaintiff,
vs.
Deutsche Bank National Trust Company as Trustee for
Long Beach Mortgage Loan Trust 2006-1; Long Beach
Mortgage Company; Washington Mutual Bank, as successor-
in-interest to Long Beach Mortgage Company by operation
of law and/or as its attorney in fact; JPMorgan Chase
Bank, N.A.; Lender's Processing Services, Inc.;
Platinum Homes, Inc.; Northwest Trustee Services, Inc.,
Defendants.

DEPOSITION OF SCOTT A. WALTER
Taken January 13, 2010

The deposition of SCOTT A. WALTER, taken on January 13, 2010, commencing at 3:35, taken at 1400 Rand Tower, 527 Marquette Avenue, South, Minneapolis, Minnesota, before Cindy L. Schultz, Registered Merit Reporter, Certified Realtime Reporter, Certified LiveNote Reporter, and Notary Public of and for the State of Minnesota.

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF KRISTIN BAIN:
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TELEPHONICALLY ON BEHALF OF DEUTSCHE BANK NATIONAL TRUST COMPANY AND JPMORGAN CHASE BANK (Wood v. Deutsche Bank National Trust Company, et al.):
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NOTE: The original transcript will be filed with the Law Offices of Melissa A. Huelsman pursuant to the applicable Rules of Civil Procedure.

I N D E X

WITNESS: SCOTT A. WALTER

EXAMINATION BY PAGE
Ms. Huelsman. 5

INSTRUCTIONS NOT TO ANSWER
None

DOCUMENT REQUESTS
None

PLAINTIFF EXHIBITS MARKED/REFERRED TO
No. 22: Assignment of Deed of Trust. 19
No. 23: Default Services Agreement Between IndyMac Bank, FSB and Fidelity National Foreclosure Solutions, Inc. 22
LPS-BELL 0009 - 0012
No. 24: Agreement for Signing Authority. . . . 22
LPS-BELL 0005 - 0008
No. 25: First Addendum to Default Services Agreement. 23
LPS-BELL 0013 - 0015

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Q. Please state your name.
A. Scott Walter.
MS. HUELSMAN: And did you swear him?
COURT REPORTER: Ooh.
MS. HUELSMAN: That's what I was waiting --
COURT REPORTER: I'm sorry.
MS. HUELSMAN: -- for. I thought I should do that.

SCOTT A. WALTER,
being first duly sworn, was examined and testified as follows:

EXAMINATION

Q. Give me your business address.
A. 1270 Northland Drive, Mendota Heights, Minnesota, 55120.
Q. Okay. Have you had your deposition taken before?
A. Yes.
Q. In connection with -- How many times?
A. I couldn't say.
Q. Multiple?
A. Multiple.
Q. Okay. Are you -- Do you regularly appear as a deponent on behalf of LPS?

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A. Can you define "regularly"?
Q. How many times a month do you appear as a deponent on behalf of LPS?
A. None.
Q. How many times a year?
A. It's hard to say. Less --
Q. Can you give me your best estimate, please?
A. Less than once.
Q. Okay. And so why have you had your deposition taken on multiple occasions?
A. In previous employment.
Q. And that was for whom?
A. Edwards Theatres.
Q. All right. So you know about the rules of depositions, and so I won't go over them with you. I'll just remind you to make sure that you keep track of not speaking when I'm talking. All right.
Can you give me your educational background, beginning after high school?
A. I have a bachelor of arts in English, and I have graduate work, but I did not finish.
Q. Okay. And what college did you attend where you received your BA?
A. Chapman University.
Q. And where did you attend graduate school?

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A. Chapman University.
Q. And what years did you attend Chapman?
A. 1998 through 2003.
Q. Okay. Any other education or training that was formalized?
A. Not that I know of.
Q. Okay. And can you give me your job history, beginning with your employment after high school?
A. In college I managed a movie theatre for seven years. After college I worked for the law firm of Wenzel and Associates, which is a personal injury family law firm.
Q. And what was your role there?
A. I was a -- I guess you could say I was a support person. I supported the paralegals and the attorneys by drafting and reading pleadings and preparing discovery, propounding Interrogatories. And after my time --
Q. And, I'm sorry, what were the years of your employment there?
A. I started in 1999 through 2004 -- '3 -- 2003.
Q. Okay. And then where did you work after the law firm?
A. I worked for Fidelity National Financial.
Q. So it's Fidelity National Financial that you

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worked for?
A. After the time of the attorney shop, I moved here to Minnesota and I worked with this company. It has changed its name a couple times.
Q. Okay. So in your first job, though, with the predecessor entities of LPS, you were working for the corporate entity known as Fidelity National Financial, correct?
A. I think so.
Q. Oh, okay. And what were you doing for Fidelity National Financial?
A. I worked in the areas that support our technology platforms.
Q. And can you explain in layperson's terms what that means?
A. My company is a technology company, and I am an operations -- in the operations supporting that technology, assisting people on using the technology, training to use the technology.
Q. Okay. And how long were you employed there -- That was in California, right?
A. No.
Q. I'm sorry, that wasn't. So when you started with them, you started actually here in Minneapolis?
A. Correct.

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Q. Okay. And so what prompted you to move to Minneapolis? The love of snow?
A. I do love snow, Counselor, but I had spent my life in California, and I wanted to live in the Midwest. There were job opportunities that I had heard about, and I moved to Minnesota to pursue them.
Q. Okay. And did you get the job with Fidelity after you got here?
A. As I got here.
Q. Okay. And how long were you in that first job that you just described?
A. I -- It's through present. I have --
Q. Okay.
A. My career has been in that same group throughout.
Q. Has your job title been the same?
A. No.
Q. And, I'm sorry, what was your first job title, again?
A. Specialist.
Q. Specialist, okay. And then can you tell me the different positions that you've -- as you've moved up?
A. Lead, supervisor, manager, assistant vice president, vice president of operations.

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Q. Okay. And you have -- How have your job duties changed as you've moved up?
A. I would say at an operational level, I simply have more responsibility.
Q. For what?
A. For my staff.
Q. Okay. And how many do you currently supervise?
A. Over 80.
Q. Okay. And, again, your focus is on the technology, making sure the software and the various platforms are operating?
A. I work in an operations group that help the end-users navigate the platform.
Q. So that means the lenders are servicers and and the attorneys?
A. Correct.
Q. So is it training or mentoring, that kind of thing?
A. We provide training and then daily monitoring of the various activities that our customers use our technology platform for.
Q. Okay. So put it, for me, in layperson's terms. What do the people who work under you every day do to monitor?

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A. People that work for me are going to assist my customers in managing workflow, managing milestones of the various activities that my groups assist our customers in managing through our technology, and we provide administrative support for certain activities that may take place.
Q. How do they accomplish these goals? How did they -- How do they accomplish these goals?
A. I'd probably need you to ask me that a different way.
Q. Well, you said that you assist clients with managing or -- the data flow, right?
A. Correct.
Q. What does that mean in practical terms? What do they do?
A. Okay. Certain activities that take place in the technology platform that our customers use have certain administrative and other milestones that are tracked within the system. My staff provides analytics and reporting support to help my customers manage their workflow daily.
Q. So your employees at LPS look at a particular file for an attorney law firm, and they say, Well, we have milestones that this firm needs to reach on these files, and they have not reached them. How do they

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reach those goals? Am I paraphrasing correctly?
A. I would agree you're paraphrasing.
Q. Then correct me.
A. Okay. We would look for certain milestones that would come "due" -- quote, unquote, "due."
Q. Which would be deadlines, right?
A. No, not deadlines. We are involved in assisting attorneys and customers when certain expected milestones may have happened. When they have not happened, we offer administrative assistance to help those groups communicate with each other to effectively fill in whatever information or necessary requirements are provided between the two entities.
Q. So why don't you give me an example.
A. As an example, a certain hearing date may be coming due and an agent for the servicer may require a certain collateral document at a given time prior to hearing. We would go in and confirm whether the servicer was able to provide said collateral document.
Q. For example, an assignment?
A. Sure. Yeah.
Q. Okay.
A. Any collateral document could be used in this example.
And then the -- we would communicate between

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both the servicer and the agent, make sure everybody is aware that the collateral document is required and assist the two groups in communicating together through the technology to make sure all the documents required are there.

Q. Okay. So in your example, say we are talking about an assignment, okay? That's going to be the collateral document we're talking about, all right? So a servicer and an attorney are working together on a particular loan file, and the attorney discovers that they need an Assignment of the Deed of Trust, and for whatever purposes they've decided they need it. Okay? Am I on track so far with my hypothetical?

A. Yes.

Q. Okay. So your group, if I'm understanding you correctly, is monitoring this situation, sees that a hearing date is coming up, and the attorney has indicated that they need this assignment before this hearing date. It's in the system. That information is contained in the system. Am I on track so far?

A. Yes.

Q. Okay. So from what I'm understanding you're telling me, your group -- somebody in your group then gets in touch with the attorney and the servicer to say, Hey, this deadline is coming up, self-imposed,

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whatever, it's a hearing date, it's a milestone. This document needs to be given to the attorney. How do we help you to accomplish this goal; is that correct?

A. Yes.

Q. Okay. Does it make -- does LPS make specific recommendations about how to accomplish that goal?

A. Never.

Q. Okay. It simply sets up the communication between the servicer and the attorney?

A. Yes, to a point.

Q. Tell me what's beyond that point.

A. We do provide administrative services for both our servicing customers and our agent customers.

Q. Like what?

A. Things -- An example would be using secured data connectivity between our technology platform and the servicer's system of record. Oftentimes we are able to use that technology to provide certain copies of documents from the collateral group to go back to the example we were using before.

Q. So, for example, using my example of an assignment, LPS might access the records on MSP that the servicer has to see if there -- the assignment that everybody is waiting for is actually there?

A. The servicer may provide us with the

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documents through our connectivity with MSP, and in that situation, if the assignment was there and the attorney had asked for a copy of the assignment, we would provide that copy of the assignment to the attorney. Then it would be for the attorney to determine if that's truly the assignment they required.

Q. Okay. And -- All right. What if the assignment is not there, it's not in MSP?

A. If the servicer advises that they do not have the assignment, they will notify, through the technology, their agent, and advise them that the assignment is missing.

Q. And then what happens?

A. Depending on jurisdiction, I'm assuming the attorney would, per their jurisdiction, look in any avenues to remedy the missing chain. But I'm an attorney, so I don't -- I'm not exactly sure what they do.

Q. And so once that occurs, does that end LPS's involvement, at least from your department's perspective?

A. We may assist the attorney to procure any information they may need from the servicer --

Q. How?

A. -- if they ask it.

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Using the technology, there are -- in layman's terms, there are buttons in the system for the attorney to ask for certain escalated assistance to their customer, the servicer, and we help the servicer manage those buttons, those requests within the system. So as an example, perhaps, if the attorney's advised, there is not -- the assignment is not in the collateral file, as the example we were using before, the attorney may require a conversation with the servicer to determine what the best course of action may be. They can contact their servicer -- their customer through our technology. If they require certain information from the customer, the servicer system of record, they can ask for certain data elements from the system of record through an interface through our technology.

Q. Okay. So, for example, in a scenario where the assignment is not in the servicer's records and one needs to be executed, are you involved in that process?

A. No.

Q. And by "you," I'm talking about your department and you personally.

A. My department is not involved with deciding whether a document is required.

Q. Okay. You -- Do you execute documents, though?

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A. I execute documents, yes.
Q. Including Appointment of Successor Trustee and assignment documents?
A. I do sign those two document types, yes.
Q. Do you sign any other document types?
A. Not that I'm aware of.
Q. Do you ever sign on declarations or affidavits in connection with the Motion for Relief from Stay?
A. I do not sign declarations or affidavits.
Q. Okay. So your signing is limited to Appointment of Successor Trustees documents and assignment documents?
A. Can you clarify the second one?
Q. The Assignment of Deeds of Trust?
A. No. I got that one.
Q. Appointment of Successor Trustee?
A. I got that one too. There was one in the middle, and I need you to clarify.
Q. No, those are the two that I said.
A. Okay, can you read back her question for me?
MR. SPOONEMORE: That's okay. Those are the only two. Those are the only two.
A. Okay, those are the only two, that I'm aware of.

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Q. Okay. Do you know how many -- on behalf of how many entities you are authorized to sign documents?
A. I don't have the exact number in my head.
Q. Can you give me your best estimate?
A. More than 20.
Q. Okay. And how often on a daily basis do you execute documents?
A. Once a day.
Q. And how many do you typically sign a day?
A. Less than three.
Q. Okay. And can you describe to me the process by which you receive these documents for signature?
A. Sure. I am delivered, via an LPS employee courier, a document, and I'm advised that it is to be executed. The group that receives the document request from the agent reviews the document per our protocols and procedures. That document is then determined that LPS can execute the document.
Based on the various signing authorities, it will be determined that I will be the one authorized to sign it. It will be delivered to me. I will review the document. I will ensure that I do have signing authority for the document. I will verify that the document is what it says it is. Then while they're watching me, I will execute the document. It is put

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back -- it is put into a manila envelope, and it is taken away from me.
Q. And when you were signing the document in front of this messenger, is that person the notary?
A. I'm unaware if they are the notary or not, but they are within the same department.
Q. Okay. Do you ever sign a notary log?
A. I don't recall ever signing one.
Q. Do you ever keep track of the documents that you sign?
A. No.
Q. And I meant personally.
All right.
MS. HUELSMAN: Let's mark this as Exhibit -- which one are we on?
COURT REPORTER: 22.
(Plaintiff Exhibit No. 22 was marked.)
A. (Reviewing document).
Q. Have you had a chance to look at the document?
A. No. (Reviewing document). Okay, I've read it.
Q. Okay, is that your signature on this document?
A. On page 2 of the document is my signature.

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Q. Underneath "MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS"?
A. Correct.
Q. And which successors and assigns is MERS acting as a nominee for?
A. Can you reclarify -- Can you restate that?
Q. Well, the -- the language above your signature just says "MORTGAGE ELECTRIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR ITS SUCCESSORS AND ASSIGNS," but it doesn't --
A. I'm sorry. I understand your question now. I thought you were asking me who MERS's customers were. I'm sorry. In this case, per this assignment, it's my understanding that its successors and assigns would be MERS and any entity MERS may turn into over time.
Q. Okay. And do you know James Morris?
A. I do.
Q. Is he an employee of LPS?
A. He is.
Q. And did he witness your signature on this document?
A. I don't recall.
Q. Is he somebody in front of whom you regularly sign documents?

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A. Yes.
Q. So he's one of the couriers that brings them to you?
A. No.
Q. No?
A. No.
Q. Do you go to his office to have him notarize your signature?
A. No.
Q. So does he come to your office to witness your signature?
A. He has.
Q. Is that a normal process and procedure?
A. No.
Q. Just sometimes he does and sometimes he doesn't?
A. As far as my understanding. I mean, he does -- I am aware that, you know, Jim Morris is, you know, a registered notary. I know Jim Morris personally. I see Jim daily. I can tell you that he was on a team that witnesses document executions, but I can't say whether or not he -- you know, I can't recall personal knowledge whether he watched me sign this or not.
Q. Okay. So he does not work in your department?

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A. No.
Q. Okay. So he comes to your department for purposes of bringing these documents and/or notarizing?
A. Yes.
Q. Okay. Are you the only person in your department who has signing authority?
A. No.
Q. So there's other people in your department who perform this function in addition to performing their regular daily job duties, right?
A. This is part of their regular daily job duties.
Q. Okay. And did you -- I think you told me that you check and make certain that you have authority to sign before you sign any document; is that correct?
A. Correct.
MS. HUELSMAN: And mark these as Exhibits 23 and 24.
(Plaintiff Exhibit Nos. 23-24 were marked.)
Q. Why don't you take a look at these documents, please.
A. (Reviewing documents). Okay.
Q. So have you ever seen either one of these documents before?

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A. Yes.
Q. And are these the documents which you would have reviewed and upon which you would have relied when you signed Exhibit 22?
A. Partly.
Q. Partly. What else would you have relied upon?
A. I believe -- I believe the execution of Exhibit 22 I would have reviewed my signing authority through a corporate resolution with MERS, not necessarily with IndyMac.
Q. Okay. And, I'm sorry, I should -- This is Exhibit 25.
(Plaintiff Exhibit No. 25 was marked.)
Q. And this document, as well, Exhibit 25, is it also a document you've seen before and upon which you would have relied? Signing the document question.
A. I've seen this document, yes.
MS. HUELSMAN: Okay. Thank you. I think that's it.
MR. SPOONEMORE: Nothing further. He'll read and sign.

(The deposition was terminated at 4:03 p.m.)

STATE OF MINNESOTA)
: ss CERTIFICATE
COUNTY OF HENNEPIN)

I, Cindy L. Schultz, RMR, CRR, CLR, a notary public in and for the County of Hennepin, certify that I reported the deposition of SCOTT A. WALTER, who was first duly sworn by me, having been taken on January 13, 2010, at 1400 Rand Tower, 527 Marquette Avenue, South, Minneapolis, Minnesota;

I further certify that I am not a relative or employee or attorney or counsel of any of the parties or a relative or employee of such attorney or counsel;

That I am not financially interested in the action and have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect my impartiality; that all parties who ordered copies have been charged at the same rate for such copies;

That the right to read and sign the deposition by the Witness was not waived.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Minneapolis, Minnesota, this 20th day of January 2010.

_____
Cindy L. Schultz, RMR, CRR, CLR
My commission expires 1/31/2010