

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC, et al.,
Post-Effective Date Debtors

Chapter 11

RESCAP BORROWER CLAIMS TRUST,
Objector

Case No. 12-12020-mg

v.
RICHARD D. RODE,
Creditor-Beneficiary

DECLARATION UNDER PENALTY OF PERJURY AS DIRECT TESTIMONY OF
MAUDEENA (DEE) RODE IN CONTESTED CLAIMS PROCEEDINGS
CLAIMS NOS. 5610 AND 5612

Maudeena (Dee) Rode declares, under penalty of perjury pursuant to 28 U.S.C. sec. 1746:

1. I am the wife of Richard D. Rode, the Claimant in these proceedings, and I state the facts set forth herein on my own personal knowledge.

2. I am also the legal assistant to Attorney Jeffrey D. Uzick and the office manager of Uzick and Oncken, P.C. in Houston, Texas.

3. I am an adult citizen of the State of Texas.

4. I reside at 2301 W. Lawther Drive, in Deer Park, Harris County, Texas with my husband, Richard D. Rode.

5. I married Richard D. Rode on March 21, 2008 and we have lived at 2301 W. Lawther Drive, in Deer Park, Harris County, Texas together and occupy the real estate as our Homestead since the date of our marriage.

6. As the legal assistant to Attorney Jeffrey D. Uzick and the office manager of Uzick



and Oncken, P.C., I am responsible for processing the correspondence and documents sent to and received by Attorney Uzick.

7. Exhibits 66-73 are true and correct copies of correspondence and documents taken from the client file of Richard D. Rode in the records of Uzick and Oncken, P.C.; Exhibits 87-A and 87-B are from the books and records of Uzick and Oncken, P.C., prepared by or received in the ordinary course of business, all of which were duplicated by me without alteration for use as evidence in these proceedings.

8. I have personally witnessed the suffering of my husband, Richard D. Rode, as he has struggled to obtain an accounting of the payments he and I have made to the Homecomings/GMACM servicing operation since 2007.

9. Although I am not a Claimant in these proceedings, I have suffered from the foreseeable consequences of the tortious breach of the loan modification agreement in the following nonexclusive ways:

a. My new (in 2008) marriage has been constantly under stress of foreclosure of our marital home since the beginning.

b. My husband's once-thriving construction business has been impeded due to damage to his credit, so that his contribution to our combined household income has been impaired, causing him shame and causing me to worry about his well-being.

c. For a long period of time now (since no later than April, 2010) I have been prone to tears and more recently, crying is the only relief I get from the extreme stress of the foreclosure situation, knowing that our beautiful home, constructed by my loving husband, could be subjected to a sudden, nonjudicial foreclosure on as little as 21 days notice, by Substitute

Trustee's Sale as the result documents created by employees of the RESCAP Debtors:

a. The April 16, 2010 Assignment of Deed of Trust (Claimant's Exhibits 9, 100-C and 227, Objectors' Production of Documents, Bates 669-670) was executed by Donna Fitton (formerly an employee of Executive Trustee Services, a RESCAP Debtor) (Exhibit 232, Bates 1050) in the capacity of "limited signing officer for Mortgage Electronic Registration Systems, Inc."; and

b. The Allonge attached to the Note originally made payable to SouthTrust Mortgage Corporation (Exhibits 7: Note and Allonge; 222 Note, Objector's Production of Documents at Bates 652-654; and 223, undated Allonge, Objector's Production of Documents, Bates 655) displays an endorsement stamp with the signature of Judy Faber, formerly an employee of GMAC Mortgage, LLC (Exhibit 228, Bates 671) in the capacity of "Vice President of Residential Funding Corporation."

10. I personally searched for published statements of both Donna Fitton and Judy Faber to establish their employment histories at linkedin.com on November 12, 2015.

11. The results of my search are attached as Exhibit A (as to Donna Fitton) and Exhibit B (as to Judy Faber.)

12. In her LinkedIn profile (Exhibit A), Ms. Fitton makes no mention of having ever been employed or affiliated with Mortgage Electronic Registration Systems, Inc., but publicly reports that she was Team Lead for Executive Trustee Services, LLC d/b/a ETS, LLC, a subsidiary of GMAC Mortgage, LLC from March, 1998 through August, 2011 for 13 years and 6 months. The Assignment of Deed of Trust was executed by Donna Fitton on April 16, 2010 (Claimant's Exhibits 9, 100-C and 227, Objectors' Production of Documents, Bates 669-670).

13. In her LinkedIn profile (Exhibit B), Ms. Faber makes no mention of ever having been a Vice President of Residential Funding Corporation or Residential Funding Company, LLC and instead identifies her employment status from March, 1997 to July, 2011 as “Manager-Records Services” for 14 years and 5 months. The Rode Note is dated March 18, 2003 and was signed and made payable to SouthTrust Mortgage Corporation (Claimant’s Exhibits 7: Note and Allonge; Exhibit 222, Objector’s Production of Documents, Bates 652-654).

14. I have personally observed the effects of the multiple notices of default (Exhibits 44-52) and demands for payment which have been sent to my husband since the date of our marriage on March 21, 2008.

15. Despite numerous efforts by my husband and Attorney Jeffrey H. Uzick to determine what, if any, payments were to be made by my husband and what the amount of credits on the loan account were due to be provided to him prior May 14, 2012 (when the RESCAP Debtors filed for bankruptcy), GMAC Mortgage, LLC accelerated the alleged indebtedness in order to foreclose on our home by Substitute Trustee’s Sale on March 11, 2010 (Exhibit 106).

16. GMAC Mortgage, LLC claimed that it “is current owner and holder of the Note and is the beneficiary under the Deed of Trust” on March 11, 2010 (Exhibit 106, page 2).

17. While my husband is an experienced and capable businessman and I am a trained legal assistant who has handled numerous client matters involving accounting and managing the accounts receivable and payable for Uzick and Oncken, P.C., together my husband and I on the one hand and Attorney Uzick and I on the other hand have been unable to account for the application of the payments my husband and I made to Homecomings/GMACM on the Rode mortgage loan account based on the payment records provided by Homecomings/GMACM.

18. By a Notice of Acceleration and Sale dated June 24, 2016 and received on June 30, 2016, the successor in interest to Homecomings/GMACM, now seeks to foreclose on our home by Substitute Trustee's Sale scheduled for August 2, 2016, before this Court can hear and consider the contested claim proceeding pending before it.

FURTHER, YOUR DECLARANT SAYETH NAUGHT.

Dated at Houston, Texas this 22nd day of July, 2016.

/s/ Maudeena Rode

Maudeena Rode

EXHIBIT A

Are You an Attorney? - We need more attorneys in your area. Apply now for membership. | [Read More »](#)



Donna Fitton

3rd

Independent Insurance Agent at PMA USA - Washington National

Greater Los Angeles Area | Insurance

Current PMA USA (Performance Matters Associates, Inc.)
Previous Bank of America, Executive Trustee Services, LLC dba ETS, LLC a subsidiary of GMAC Mortgage Corporation, Standard Trustee Service Company
Education Western Governors University

[Connect](#)[Send Donna InMail](#)111
connections<https://www.linkedin.com/in/donna-fitton-365388a8>

Background



Summary

With over 15 years of successfully leading diverse groups in the financial industry, I have built empowered teams that are advocates for risk management and customer service, through mentoring and leading by example.

I have a deep knowledge of loan servicing and foreclosure trustee work. Most recently, loan servicing requirements for securing the proper beneficial interest for service released loans.



Experience

Independent Agent

PMA USA (Performance Matters Associates, Inc.)

May 2015 – Present (7 months) | Greater Los Angeles Area

Insurance agent representing Washington National Insurance Company. Work site marketing division. CA license 0K20538



Since 1911, Washington National has helped Americans protect themselves and their families from the financial hardship that often comes with critical illness, accidents and loss of life. Our supplemental health and life insurance products are designed to help give individuals and families peace of mind. Our customers can depend on us to be a strong, caring partner as we help provide financial security.

Manager

Bank of America

August 2011 – February 2015 (3 years 7 months) | Greater Los Angeles Area



Lead a team of 19 employees in meeting servicing level agreements and quality expectations for the research, production and execution of loan servicing documents required for securing the beneficial interest for mortgage loans. Empower and motivate team members to meet goals and provide excellent customer service while encouraging diversity and inclusion.

Team Lead

Executive Trustee Services, LLC dba ETS, LLC a subsidiary of GMAC Mortgage Corporation

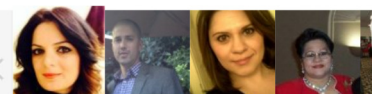
March 1998 – August 2011 (13 years 6 months) | Greater Los Angeles Area

Managed a team of 15 - 18 employees responsible for meeting strict deadlines on producing first legal action documents for delinquent loan servicing activities. Excelled in motivating and keeping the team focused on meeting deadlines while creating an environment of inclusion and dedication.

Trustee Sales Officer

Standard Trustee Service Company

People Similar to Donna

[Artemis Avetisyan](#) 3rd

Mortgage Servicing Officer- Manager at Bank ...
[Connect](#)

Ads You May Be Interested In



The Top Trial Lawyers

Million Dollar Advocates Forum.
Since 1993. Are you qualified?



Vail Global Energy Forum

Join executives from Apache, Encana, Noble, Anadarko, Southern and more!



Attorneys - Client Leads

Attorneys We Need You!
Connect to New Clients, Sign Up Today!



Dianna Sandoval

Tech Support Manager at Foreclosure Solutions



Natalia Yungerlevi

District Manager at PMAUSA - Representing Washington National Insurance



Shoshannah Ingersoll

Surrogacy Associate at The Surrogacy Program/ The Egg Donor Program



Lesley Peacock

Full Time Sales at The Container Store



Joey Grimaldi

State Manager at PMA USA, Washington National



Kamla Taylor

Production Assistant at Leopard Films



Kimberly Martinez

Social Media Manager/Newsletter Editor at The Starving Artists Project

How You're Connected

You

[Melissa Skillern](#)

[David E. Williams, II](#)

Your connections can introduce



Advanced



process in 3 States according to civil code requirements, while maintaining an outstanding level of customer service.

Foreclosure Specialist

Commonwealth Land Title Insurance Company

August 1990 – January 1992 (1 year 6 months) | San Francisco

Mastered the foreclosure process for California by becoming familiar with the civil code requirements. Being exposed to title officers and title plant processes allowed the opportunity to obtain property title knowledge.



Donna Fitton



Volunteer Experience & Causes

Vestry Member (leadership role)

St. Stephen's Episcopal Church

January 2014

Lead the ministry of new comers and growth of the church.

Causes Donna cares about:

- Children
- Human Rights
- Poverty Alleviation

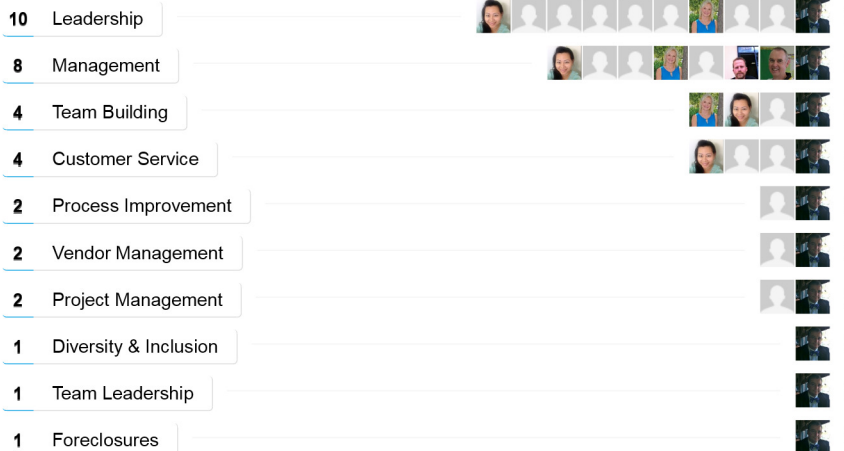
Organizations Donna supports:

- [Episcopal Relief & Development](#)
- [Family Promise, Inc](#)



Skills

Top Skills



Donna also knows about...



Education



Advanced



2015 – 2017

FIDM/Fashion Institute of Design & Merchandising-San Francisco

Associate's Degree, Marketing/Merchandising

1984 – 1986

Groups



Default Servicing Net...

968 members

[Join](#)

Following

Influencers



Arianna Huffington

President and...

[Follow](#)



Jeff Weiner

CEO at LinkedIn

[Follow](#)



Gretchen Rubin

Bestselling writer...

[Follow](#)



Anne Finucane

Vice Chairman,...

[Follow](#)

News



Pulse

38,009 followers

[Following](#)

Companies



Family Promise, Inc

Nonprofit Organization
Management

[Follow](#)



Western Governors ...

Higher Education

[Follow](#)



City of Santa Clarita

Government
Administration

[Follow](#)



Bank of America

Banking

[Follow](#)



PMA USA (Performa...

Insurance

[Follow](#)



Washington National...

Insurance

[Follow](#)



CNO Financial Group

Insurance

[Follow](#)

Schools





Advanced



[Help Center](#) | [About](#) | [Careers](#) | [Advertising](#) | [Talent Solutions](#) | [Sales Solutions](#) | [Small Business](#) | [Mobile](#) | [Language](#) | [Upgrade Your Account](#)

LinkedIn Corporation © 2015 | [User Agreement](#) | [Privacy Policy](#) | [Ad Choices](#) | [Community Guidelines](#) | [Cookie Policy](#) | [Copyright Policy](#) | [Send Feedback](#)

EXHIBIT B

112 New Texas Clients - 112 new legal clients seeking a Texas attorney. View their cases today. | [Read More »](#)

Judy Faber

Vendor Management, LPI Team at Wells Fargo Home Mortgage

Greater Minneapolis-St. Paul Area | Financial Services

Current Wells Fargo Home Mortgage

Previous GMAC Mortgage, Wells Fargo

Education University of Minnesota - Carlson School of Management

Send Judy InMail

137
connections<https://www.linkedin.com/in/judy-faber-2aba1a3>

Background



Experience

Vendor Management, LPI

Wells Fargo Home Mortgage

August 2011 – Present (4 years 4 months) | 2701 Wells Fargo Way, Minneapolis, MN 55467

Manage team responsible for analyzing lender placed hazard, flood and wind insurance.



Manager - Records Services

GMAC Mortgage

March 1997 – July 2011 (14 years 5 months)

Manage diverse teams with focus around fulfillment services and records management functions.

▼ 1 recommendation



Scott Fleming

Business Architect and Owner, Sapion Inc.

Judy is a delightful manager to work with. Personally, I find her to be easy to talk to about anything. Professionally, she has demonstrated to me that she understands how to improve the processes entrusted to her teams even under the pressures of... [View](#)

Manager of Investor Deliveries

Wells Fargo

June 1993 – March 1997 (3 years 10 months)

Managed teams of associates who coordinated delivery of loans into the secondary market. Worked closely with Capital Markets, Investors, FNMA, FHLMC and GNMA on streamlining delivery processes.



Education

University of Minnesota - Carlson School of Management

1978 – 1983



North Hennepin Community College

Associate's Degree, ParaLegal

1977 – 1980

Ads You May Be Interested In



Master of Legal Studies

Advance your career with a 1-year online Master of Legal Studies. Apply!



Are You an Attorney?

We need more attorneys in your area. Apply now for membership.



Attn: Attorneys & Lawyers

Our Customers Need You! Start Getting Leads for New Clients Today!

People Also Viewed



Tracy Turner

UnitedHealth Group



Susie Dwyer

Shipping Receiving Clerk at Meyers



Beth Gale

office manager at Nationally Speaking



Tony Ellingson

Senior Healthcare Consultant at Trillium Group



Alexis Clinton

Senior Servicing Operations Specialist at Ocwen Financial Corporation



Mojan Tabrizi

Subprime Trading Analyst at GMAC-ResCap



Charity Peterson

Operations Anylists - 3 at Wells Fargo Home Mortgage



Tony Ellingson

Hospital & Health Care Professional



Jill Flusemann

Product Manager at Medica



Sandra Drager

Sr Customer Service Rep at Bosch North America



Advanced



Similar to Judy

**Cathy Oyler**

Vendor Management - Originations at SunTrust M...

Connect

with Charity for the majority of her time at
dedication to doing a good job have made her an
rt of. Charity has held a wide variety of positions
d understanding of the post closing mortgage banking

and ethically. Charity is an excellent problem solver.
identify and recommend solutions. less
ectly at GMAC Res Cap

**Tracy Backer**

Records Manager

“ Tracy has been our expert for records management type projects. She is detail oriented
and consistantly delivers projects on time. Tracy is a valued employee who works tirelessly
to keep others motivated, educated and engaged in their work.

October 25, 2007, Judy managed Tracy at GMAC ResCap

Groups

**Mortgage Sales, New...**

806 members

[Join](#)

Following

**Wells Fargo**

Financial Services

[Follow](#)

Schools

**University of Minnes...**Greater Minneapolis-St.
Paul Area[Follow](#)**North Hennepin Com...**Greater Minneapolis-St.
Paul Area[Follow](#)