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8  
9 BEFORE THE DEPARTMENT OF JUSTICE  
10 OFFICE OF THE ATTORNEY GENERAL  
11 STATE OF CALIFORNIA  
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13 In the Matter of the Investigation of:

14 **THE BUSINESS PRACTICES OF**  
15 **MORTGAGE SERVICERS, MORTGAGE**  
16 **LENDERS, MORTGAGE TRUSTEES, and**  
17 **OTHER PARTICIPANTS IN THE**  
**MORTGAGE FINANCING, SERVICING**  
**AND FORECLOSURE PROCESS, AND**  
**RELATED ENTITIES**


INVESTIGATIVE SUBPOENA

[GOV. CODE § 11180]

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24 NOTICE TO THE PERSON SERVED:

25 You are served on behalf of   
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1 Pursuant to the powers conferred by Article 2 of Chapter 2 of Division 3 of Title 2 of the  
2 Government Code of California (Cal. Gov. Code § 11180 et seq.), on the Attorney General, as  
3 head of the California Department of Justice, which powers and authority to conduct the above  
4 entitled investigation have been delegated to the undersigned, an officer of that Department,

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8 (hereinafter "WITNESS") **IS HEREBY COMMANDED** to produce the documents, books,  
9 records, papers and other items (collectively "Items") described in Attachment A to this  
10 Investigative Subpoena which are in WITNESS's custody, possession or control, or the custody,  
11 possession or control of WITNESS'S subsidiaries, affiliates, parents, predecessors, successors,  
12 employees, partners, officers, agents or representatives, whether or not the present location of any  
13 of the Items designated is in California, at the California Department of Justice, 1300 I Street,  
14 Sacramento, California 95814, ATTN: Supervising Deputy Attorney General Nicklas A. Akers;  
15 within thirty days of service hereof.

16 **INSTRUCTIONS**

- 17 1. The Items shall be accompanied by a completed declaration of custodian of records in  
18 compliance with Evidence Code sections 1560, 1561, 1562, and 1271.
- 19 2. The Relevant Period of this subpoena is January 1, 2009 through the final response date of  
20 this subpoena unless otherwise expressly stated herein. All responsive Items created, maintained  
21 or altered during the Relevant Period must be produced unless otherwise expressly stated in  
22 Attachment A to this subpoena.
- 23 3. If WITNESS claims that an Item or a portion of an Item is privileged and WITNESS  
24 withholds it from production for that reason, WITNESS must create and submit a privilege log  
25 which lists: (1) the author(s) and their capacities; (2) the recipients (including cc's and bcc's) and  
26 their capacities; (3) other individuals with access to the document and their capacities; (4) the  
27 type of document; (5) the subject matter of the document; (6) the purpose(s) for the production of  
28 the document; (7) the date on the document; and (8) a detailed explanation setting forth the

1 factual and legal basis for your claim that the document is privileged or otherwise immune from  
2 production.

3 4. To the extent responsive Items exist in an electronic or computerized format, please contact  
4 the officer issuing this subpoena to discuss the manner and format in which the Items are to be  
5 produced so as to facilitate the production of full and complete copies in a usable format. In the  
6 absence of an agreement regarding the manner and format of production, the following  
7 instructions shall apply:

8 a. The information shall be provided on CD/DVD or external hard drive formatted as  
9 follows: (1) Native files converted to bates numbered single page tiff files; (2) multi-page text  
10 files named based on the associated bates number containing extracted or OCR text; (3) image  
11 load files in Opticon or Ipro format; (4) Concordance data file to include standard metadata fields  
12 including Sha-1 hash value and attachment range for compound documents; and (5) any EXCEL  
13 document or native document that includes formulas in a native file format.

14 b. The response shall include all Documents and computer programs necessary to the  
15 accurate conversion, analysis, and review of the electronic data, including but not limited to  
16 operating instructions, manuals and user guides, keys, legends, and codes for systems, programs,  
17 files, and data fields.

18 5. This Investigative Subpoena has been issued in connection with an investigation within the  
19 scope of Section 131 of the California Penal Code.

20 6. No Item requested herein shall be destroyed or discarded by WITNESS until the Attorney  
21 General has made a written determination that the Item in question is not necessary for  
22 furtherance of this investigation.

23 7. "And" and "or" have both conjunctive and disjunctive meanings and should be read to be as  
24 inclusive as possible.

25 8. When producing Items, identify by number the request(s) on Attachment A to which the  
26 Item is responsive.

#### 27 DEFINITIONS


28 For purposes of this Investigative Subpoena, the terms set forth below are defined as follows:

1 A. "DOCUMENT" or "DOCUMENTS" means the original and all non-identical copies and  
2 drafts, regardless of origin or location, of any information, writing or data stored in paper,  
3 electronic, tape or any other format, including without limitation written or printed matter, video  
4 or audiotapes, image-bearing film, photographs and images, and electronically stored  
5 information. It further includes without limitation letters, telegrams, telexes, facsimiles,  
6 correspondence, memoranda, email, video, voicemail, reports, contracts, studies, calendar or  
7 diary entries, minutes, pamphlets, handwritten notes, charts, tabulations, records of meetings,  
8 conferences, digital or electronic messages or communications, telephone or other conversations  
9 or communications, and tapes or slides, as well as computer files, directories, and programs in  
10 whatever form.

11 B. "YOU and "YOUR" means [REDACTED] as well as its subsidiaries,  
12 affiliates and parents, its predecessors and successors, and all employees, partners, officers,  
13 agents and representatives of the same.

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15 FAILURE TO COMPLY WITH THIS SUBPOENA WILL SUBJECT YOU TO THE  
16 PROCEEDINGS AND PENALTIES PROVIDED BY LAW.

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18 Dated: October 19, 2012

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21 NICKLAS A. AKERS  
22 Supervising Deputy Attorney General

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17 **OTHER PARTICIPANTS IN THE**  
18 **MORTGAGE FINANCING, SERVICING**  
**AND FORECLOSURE PROCESS, AND**  
**RELATED ENTITIES**

**INVESTIGATIVE INTERROGATORIES**  
**SET NUMBER ONE**

[GOV. CODE § 1.1180]

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22 NOTICE TO THE PERSON SERVED

23 You are served on behalf of: 

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INVESTIGATIVE INTERROGATORIES

Pursuant to the powers conferred by Article 2 of Chapter 2 of Division 3 of Title 2 of the Government Code of California (Cal. Gov. Code § 11180 et seq.), on the Attorney General, as head of the California Department of Justice, which powers and authority to conduct the above entitled investigation have been delegated to the undersigned, an officer of that Department,



(hereinafter "WITNESS") IS HEREBY COMMANDED to answer separately AND fully in writing, under oath, within thirty days of service hereof, each of the interrogatories set forth below.

INSTRUCTIONS FOR COMPLIANCE

1. An answer OR other appropriate response must be given to each interrogatory set forth below.
2. Each answer must be as complete AND straightforward as the information reasonably available to WITNESS, including the information possessed by WITNESS'S attorneys OR agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible, specifying the reasons for WITNESS'S inability to answer the remainder of the interrogatory AND stating whatever information, knowledge OR belief that WITNESS has concerning the unanswered portion thereof.
3. If WITNESS is asserting a privilege OR making an objection to an interrogatory, WITNESS must specifically assert the privilege OR state the objection in WITNESS'S written response, AND set forth in detail the basis for WITNESS'S objection OR assertion of the privilege. If an objection pertains to only a portion of an interrogatory, OR a word, phrase, OR clause contained in it, WITNESS must respond to the remainder of the Interrogatory.

1 4. WITNESS'S answers to these interrogatories must be verified, dated, AND signed.

2 WITNESS may wish to use the following form at the end of its answers:

3 *I declare under penalty of perjury under the laws of the State of California that the*  
4 *foregoing answers are true and correct.*

5 \_\_\_\_\_  
(DATE)

\_\_\_\_\_ (SIGNATURE)

6 5. These Investigative Interrogatories have been issued in connection with an investigation  
7 within the scope of Section 131 of the California Penal Code.

8 6. . . WITNESS'S written responses shall be delivered to the California Department of Justice,  
9 1300 I Street, Sacramento, CA 95814, ATTN: Supervising Deputy Attorney General Nicklas  
10 Akers.

11  
12 **DEFINITIONS**

13 For purposes of this set of investigatory interrogatories, the terms set forth below are defined as  
14 follows:

15 A. "AND" and "OR" have both conjunctive and disjunctive meanings.

16 B. "APN" means Assessor's Parcel Number

17 C. "DOCUMENT" or "DOCUMENTS" means the original and all non-identical copies and  
18 drafts, regardless of origin or location, of any information, writing or data stored in paper,  
19 electronic, tape or any other format, including without limitation written or printed matter, video  
20 or audiotapes, image-bearing film, photographs and images, and electronically stored  
21 information. It further includes without limitation letters, telegrams, telexes, facsimiles,  
22 correspondence, memoranda, email, video, voicemail, reports, contracts, studies, calendar or  
23 diary entries, minutes, pamphlets, handwritten notes, charts, tabulations, records of meetings,  
24 conferences, digital or electronic messages or communications, telephone or other conversations  
25 or communications, and tapes or slides, as well as computer files, directories, and programs in  
26 whatever form.

27 D. "IDENTIFY" as applied to a natural person OR persons, means to state the name, address,  
28 telephone number, employer, AND job title.

1 E. "IDENTIFY" as applied to a person that is a corporation OR other entity, means to state the  
2 name, address, type of entity, jurisdiction of incorporation, registration, OR formation, AND  
3 address of the principal place of business.

4 F. "MERS MIN" means a Mortgage Electronic Registration System Mortgage Identification  
5 Number.

6 G. "PERSON" means a natural person, or a corporation or other entity.

7 H. "PROVIDE" and "PROVIDED" mean to provide, give, transmit, forward, or send in any  
8 manner, including via, fax, email, mail, courier, OR hand delivery, OR via uploading to a  
9 computer, network, or computer system.

10 I. "YOU AND "YOUR" mean [REDACTED] as well as its subsidiaries,  
11 affiliates AND parents, its predecessors AND successors, AND all employees, partners, officers,  
12 agents AND representatives of the same.

13  
14 INTERROGATORIES

15 INTERROGATORY NO. 1

16 With respect to each Substitution of Trustee or draft Substitution of Trustee that YOU have  
17 prepared since January 1, 2009, that related to a mortgage or deed of trust on property located in  
18 California:

- 19 (a) state the county, address, and APN of the associated property, and the MERS MIN of  
20 the mortgage or deed of trust, if any;
- 21 (b) state the date and order number appearing on the document;
- 22 (c) state the date on which YOU created the document; and
- 23 (d) IDENTIFY each PERSON to which YOU PROVIDED the document, and describe  
24 when and how YOU PROVIDED the document to each such person.

25  
26 INTERROGATORY NO. 2

27 With respect to each Assignment of Deed of Trust or draft Assignment of Deed of Trust  
28 that YOU prepared since January 1, 2009, that related to a mortgage or deed of trust on property

1 located in California:

- 2 (a) state the county, address, and APN of the associated property, and the MERS MIN of  
3 the mortgage or deed of trust, if any;
- 4 (b) state the date and order number appearing on the document;
- 5 (c) state the date on which YOU created the document; and
- 6 (d) IDENTIFY each PERSON to which YOU PROVIDED the document, and describe  
7 when and how YOU PROVIDED the document to each such person.

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9 INTERROGATORY NO. 3

10 With respect to each Notice of Default or draft Notice of Default that YOU prepared since  
11 January 1, 2009, that related to a mortgage or deed of trust on property located in California:

- 12 (a) state the county, address, and APN of the associated property, and the MERS MIN of  
13 the mortgage or deed of trust, if any;
- 14 (b) state the date and order number appearing on the document;
- 15 (c) state the date on which YOU created the document; and
- 16 (d) IDENTIFY each PERSON to which YOU PROVIDED the document, and describe  
17 when and how YOU PROVIDED the document to each such person.

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19 INTERROGATORY NO. 4

20 With respect to each Notice of Trustee's Sale or draft Notice of Trustee's Sale that YOU  
21 prepared since January 1, 2009, that related to a mortgage or deed of trust on property located in  
22 California:

- 23 (a) state the county, address, and APN of the associated property, and the MERS MIN of  
24 the mortgage or deed of trust, if any;
- 25 (b) state the date and order number appearing on the document;
- 26 (c) state the date on which YOU created the document; and
- 27 (d) IDENTIFY each PERSON to which YOU PROVIDED the document, and describe  
28 when and how YOU PROVIDED the document to each such person.

1 INTERROGATORY NO. 5


2 With respect to each Trustee's Deed or draft Trustee's Deed that YOU prepared since  
3 January 1, 2009, that related to a mortgage or deed of trust on property located in California:

- 4 (a) state the county, address, and APN of the associated property, and the MERS MIN of  
5 the mortgage or deed of trust, if any;
- 6 (b) state the date and order number appearing on the document;
- 7 (c) state the date on which YOU created the document; and
- 8 (d) IDENTIFY each PERSON to which YOU PROVIDED the document, and describe  
9 when and how YOU PROVIDED the document to each such person.

10  
11 FAILURE TO COMPLY WITH THIS SET OF INVESTIGATIVE INTERROGATORIES WILL  
12 SUBJECT YOU TO THE PROCEEDINGS AND PENALTIES PROVIDED BY LAW.

13  
14 Dated: October 19, 2012

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\_\_\_\_\_  
18 NICKLAS A. AKERS  
19 Supervising Deputy Attorney General