

Marie Therese McDonnell

Mortgage Fraud and Forensic Analyst | Certified Fraud Examiner

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September 2014

OBJECTIVE: To Raise the Standard of Truth in Lending Through Auditing, Education, and Advocacy

RECENT ACCOMPLISHMENTS

RMBS Training, Expert Designations, Commissions, Engagements

Montgomery County, Pennsylvania v. MERSCORP, Inc. et al.

U. S. District Court, Eastern District of Pennsylvania – Case 2:11-cv-06968-JCJ

- June 25, 2013: Engaged as an expert by the law firm of Kohn, Swift & Graf, P.C. in their representation of Nancy Becker, Recorder of Deeds for Montgomery County in her lawsuit on behalf of all Pennsylvania counties against MERSCORP, Inc. and Mortgage Electronic Registration Systems, Inc.
- February 12, 2014: The Honorable J. Curtis Joyner granted Plaintiff's Motion for Class Certification.

Wolf v. Wells Fargo Bank, N.A., et al.

In the District Court of Harris County, Texas (Houston), 151st Judicial District – Cause No. 2011-36476

- January 18, 2013: Court approved Marie McDonnell as a testifying expert.
- May 1, 2013: Court approved Plaintiffs' Motion for Class Certification.

Office of the Inspector General – Federal Housing Finance Agency

- February 20 through February 22, 2013: Conducted a three-day training in Washington, D.C. under contract with the U.S. Treasury Department at the request of the Office of the Inspector General for the Federal Housing Finance Agency. The purpose of the training was to educate the attendees in various aspects of the Residential Mortgage Backed Securities marketplace; the function of Mortgage Electronic Registration Systems, Inc. in streamlining the sale and securitization of residential mortgage loans; the resultant corruption in our land evidence recording systems; and the use of tools and technologies for conducting market surveillance. Among the attendees were: Special Agents of the Office of the Inspector General, Department of Justice, Secret Service, Homeland Security, FBI, Assistant U.S. Attorneys, and Postal Inspectors.

Office of the Attorney General – State of New York

- March 22, 2012: Conducted training in the New York City Office of Attorney General Eric Schneiderman to educate Assistant Attorneys General (civil and criminal divisions), Assistant U.S. Attorneys, Special Agents and Investigators on the securitization of residential mortgage loans; the systemic breaches of the representations and warranties made to investors; and the fraudulent cover-up that ensued in the wake of the mortgage meltdown and foreclosure crisis.

Forensic Examination of the Essex Southern District Registry of Deeds – Massachusetts

- June 28, 2011: Completed a forensic examination of mortgage related documents to test the transparency, reliability and integrity of the Registry at the request of Register John L. O'Brien.
- The audit revealed widespread, systemic, patterns of practice employed by the nation's banks and their agents, including DocX, LLC, that corrupted the transparency of and the chain of title to real property in the Registry. (*See* <http://salemdeeds.com/pdf/Audit.pdf>)

- This was the first registry audit of its kind in the United States and prompted other officials to audit their public land records, many of whom filed lawsuits against the banks and their private electronic recording utility, Mortgage Electronic Registration Systems, Inc.

United States of America v. Lorraine Brown

U. S. District Court, Middle District of Florida – Case No. 3:12-cr-198-J-2S

- January 11, 2013: Submitted an Affidavit In Support of John L. O’Brien’s Affidavit and Request For Restitution in the sentencing of Lorraine Brown, the founder the chief executive of DocX LLC who plead guilty to conspiracy to commit mail and wire fraud. . (*See* <http://www.mcdonnellanalytics.com/register-john-obrien-calls-on-court-for-restitution>)
- Brown was responsible for more than a million fraudulent documents entering the system; directing company employees to forge and falsify documents relied on by property recorders, title insurers and others.” (*See* <http://www.justice.gov/opa/pr/2012/November/12-crm-1400.html>)
- At Register O’Brien’s request, examined a sampling of the 10,567 DocX, LLC discharges and assignments that were recorded in the Essex Southern District Registry from 1998 through 2011.
- Found that the majority of these documents evidence gaps in the chain of title or constitute wild deeds because, among other defects, they fail to connect the original mortgagee with the entity who is discharging or assigning the mortgage

PUBLIC INTEREST PROJECTS

Undertaken on a Pro Bono Basis

Amicus Curiae

Eaton v. Fed. Nat'l Mortg. Ass'n, 462 Mass. 569, 969 N.E.2d 1118 (Mass., 2012)

- ◆ *Supplemental Amicus Brief*, Massachusetts Supreme Judicial Court, January 30, 2012
- ◆ *Amicus Brief*, Massachusetts Supreme Judicial Court, September 30, 2011

U.S. Bank National Association v. Ibanez and Wells Fargo Bank, N.A. v. LaRaca, 458 Mass. 637 (2011)

- ◆ *Amicus Brief*, Massachusetts Supreme Judicial Court, October 1, 2010
- ◆ *Evidence and the Burden of Proof in Documenting the Chain of Title in Securitized Mortgage Transactions*, Massachusetts Land Court, June 29, 2009
- ◆ *Amicus Affidavit and Analysis of Marie McDonnell*, Massachusetts Land Court, April 17, 2009

RULE 26 DISCLOSURES

Testimony in Recent Cases within the Last Four (4) Years

Deutsche Bank National Trust Company, As Trustee For WaMu Mortgage Pass-Through Certificates, Series 2003-AR3, *Petitioner* v. Lorraine Mary Moller, *Respondent*, (Rule 120 Action)

- ◆ District Court Boulder County, Boulder, Colorado, Case No. 2013CV31232, Division 14.
- ◆ Qualified by the Honorable Ingrid Bakke as an expert in the identification of fraudulent signatures at a hearing held on May 21, 2014.

Hanan Shiheiber v. JPMorgan Chase Bank, N.A., et al.

- ◆ Superior Court of the State of California, County of San Mateo, Case No. Civ. 493254.
- ◆ Deposition taken on July 24, 2013.

Mary Ellen Wolf and David Wolf v. Wells Fargo Bank, N.A. as Trustee for Carrington Mortgage Loan Trust, et al.

- ◆ In the District Court of Harris County, Texas, 151st Judicial District, Cause No. 2011-36476.
- ◆ Qualified to testify as an expert by the Honorable Mike Engelhart on January 18, 2013.
- ◆ Certified as a Class Action by Order of the Court on May 1, 2013.

In RE: Square 67 Limited Partnership

- ◆ United States Bankruptcy Court for the Northern District of Texas, Dallas Division, Case No. 12-31870-hdh11. Deposition, May 11, 2012. Testified at hearing, May 14, 2012.
- ◆ Qualified by the Honorable Harlin DeWayne Hale as a “Mortgage Securitization and Fraud Expert” at a hearing held on May 14, 2012.

Residential Funding Company, LLC v. Thomas J. LaCasse

- ◆ Judicial District at Stamford, DOCKET NO: FSTCV095011591S. Deposition, April 3, 2012.

PROFESSIONAL EXPERIENCE

Innovation of Forensic Mortgage Auditing, Title Examination & Securitization Analytics

McDonnell Property Analytics

Founder / President / CEO, 2010 – Present

- Train state and federal law enforcement and regulatory agencies regarding detection of invalid assignments, robo-signing, fraud and misrepresentation in mortgage and foreclosure instruments.
- Educate and consult with registers of deeds throughout the country regarding the degradation in chain of title to real property located in their jurisdiction.
- Design, execute and deliver the Company’s title and securitization forensic reports to attorneys, consumers, registries of deeds, and other governmental agencies.
- Train the Company’s staff attorneys, researchers, and general counsel.
- Expert in chain of title, securitization and truth in lending disputes between lenders and homeowners and disputes between governmental bodies and national banks.

Truth In Lending Audit & Recovery Services, LLC

Founder / Managing Member, 2006-present

- Continuously develop mortgage analytic software tools and protocols.
- Provide litigation support and expert witness services to law firms throughout the country.
- Develop specialized knowledge and implement protocols to trace the ownership of residential and commercial mortgage loans that had been sold to secondary market investors and private label securitization deals.
- Provided content for two chapters of *Mortgage Wars: How You Can Fight Fraud and Reverse Foreclosure* by Iris Martin, copyright July 15, 2009.

The Mortgage Counselor

Owner, 1991-2006

- Audited thousands of residential mortgage loans on behalf of consumers and attorneys who represent homeowners in resolving disputes over mortgage origination and servicing practices.
- Provided litigation support and expert witness services to law firms throughout the country.

- Developed and implemented a Truth in Lending Analysis to identify material disclosure violations that enabled homeowners to rescind and cancel certain mortgage transactions pursuant to state and federal disclosure laws.
- Developed compliance examinations to detect indicia of predatory lending, unconscionable loan terms, and violations of state and federal consumer protection laws.
- Developed analytical software tools and protocols to forensically reengineer the loan servicing history of commercial and residential mortgage loan transactions featuring:
 - Truth In Lending Analysis. Determine whether Truth In Lending Disclosure Statement complies with Regulation Z, and that calculations accurately reflect mortgage contract and loan commitment.
 - Amortization Analysis. Set up control based on loan agreement; reverse engineer lender's interest calculation method; cross-reference lender's history with borrower's records; and track distribution of payments to principal, interest, escrow, late charges, suspense, corporate and all custodial accounts.
 - Escrow Analysis. Set up escrow account dating to closing; track disbursements and credits to and from escrow; verify transactions with primary source data provided by borrower, taxing authority and other payees; and analyze lender's Annual Escrow Analysis checking for accuracy and conformance with Real Estate Settlement Procedures Act.
- Uncovered a mortgage fraud scheme, orchestrated by The Dime Savings Bank of New York, that led to Attorney General investigations in Massachusetts, New Hampshire and Connecticut and, ultimately, to multi-million dollar settlement awards and relief programs for consumers.

Marie McDonnell Real Estate Counselor

Owner, 1987-1991

- Represented residential and commercial clients on a single agency basis who wished to buy, sell and exchange real estate.
- Provided real estate counseling, consulting, and financial analysis to clients.

PROFESSIONAL LICENSES & DESIGNATIONS

Real Estate Transactions and Fraud Examinations

Certified Fraud Examiner, February 2010-present

Certified Exchange Consultant Designation from The Academy of Real Estate, High Honors, 1989

Graduate, Realtor's Institute Designation (G.R.I.), September 1988

Registered Real Estate Broker, February 1988-present

Registered Real Estate Salesperson, December 1986-1988

SPEAKING ENGAGEMENTS, TRAINING & GUEST APPEARANCES

Private and Public Events

Recorders Association of Missouri, Annual Convention

- ◆ Presenter, April 24, 2012

Massachusetts Continuing Legal Education, Multi-State National Mortgage Settlement

- ◆ Co-Chair, April 13, 2012

Constitutional Officers Association of New Jersey, Annual Convention

- ◆ Speaker, September 14, 2011

International Association of Clerks, Recorders, Election Officials & Treasurers, 40th Annual Convention

- ◆ Speaker, June 2011

O. Max Gardner III Bankruptcy and Foreclosure Fraud Defense Boot Camp

- ◆ Presenter, February 2011

O. Max Gardner III Bankruptcy Boot Camp, Co-Teacher, Session On Securitization

- ◆ December 2010

O. Max Gardner III Speaking on Securitization

- ◆ September 2010

Boston Bar Association, Recent Foreclosure Developments in Massachusetts, Presenter

- ◆ April 13, 2010

O. Max Gardner III Bankruptcy Boot Camp

- ◆ Co-Teacher, Session On Securitization, December 2009 and February 2007

O. Max Gardner III Bankruptcy Boot Camp

- ◆ Attendee, September 2006

QUALIFICATIONS

Formal Education, Professional Development, Self-Study

Merrimack College

North Andover, Massachusetts

- ◆ Bachelor of Arts in American Studies with a Minor in Biology

Association of Certified Fraud Examiners

Certified Fraud Examiner, February 2010

Member

CFE Courses

- ◆ Common Ethical Lapses by CFEs, March 2014
- ◆ Securities Fraud: Fundamental Principles and Resources, March 2014
- ◆ Legal Elements of a Fraud Examination, March 2014
- ◆ Why We Take the Road to the Ethical Dark Side, April 2013
- ◆ Ethical Issues for Fraud Examiners, June 2012
- ◆ CFE Exam Review Course, February 2010
- ◆ Building Your Fraud Examination Practice, June 2005
- ◆ Communicating the Results of Your Fraud Examination, June 2005

Legal

National Consumer Law Center & National Association of Consumer Advocates

- ◆ Handling Mortgage Servicing Cases under the New CFPB Regulations

New England Law | Boston Center for Business Law | Massachusetts Bar Association

- ◆ Is the Uniform Commercial Code Still Relevant? February 2014
- ◆ Promissory Notes, Mortgages, Payment Systems, Foreclosure, and Other Muddled and Edgy Issues, February 2014

Massachusetts Bar Association & Boston Bar Association

- ◆ Presenter: Recent Foreclosure Developments in Massachusetts, April 13, 2010

- ◆ Massachusetts Mortgage Foreclosures, June 1997
- ◆ Foreclosure Defense Training, September 1992

Practising Law Institute

- ◆ Consumer Financial Services Litigation, April 2001

O. Max Gardner III

- ◆ Operation Strike Back – Bankruptcy and Foreclosure Fraud Defense Boot Camp, Presenter, February 2011
- ◆ Bankruptcy Boot Camp- Co-Taught Session On Securitization, December 2010 Bankruptcy Boot Camp, September 2006
- ◆ Speaking on Securitization, September 2010
- ◆ Bankruptcy Boot Camp- Co-Taught Session On Securitization, December 2009
- ◆ Speaking On Securitization Boot Camp- Co-Taught Session On Securitization, February 2007

myLawCLE

- ◆ MERS and Securitization in Contested Foreclosure Litigation, August 2013

Structured Finance

Certified Forensic Loan Auditors

- ◆ Mortgage Securitization Auditor Training Course, May 2014

Bloomberg Seminars

Self-Study: Books

- ◆ The Handbook of Mortgage-Backed Securities, Fabozzi (2001)
- ◆ Foundations of Financial Markets and Institutions, Fabozzi, Modigliani & Ferri (1998)
- ◆ Bond Markets, Analysis and Strategies, Fabozzi (2000)
- ◆ Fixed Income Mathematics, Fabozzi (1997)

Self-Study: Publications

- ◆ Legal Criteria for U.S. Structured Finance Transactions, Standard & Poors (2006)
- ◆ Common Terms in Structured Finance, Thatcher Proffitt, (2007)
- ◆ Structured Finance Glossary of Securitization Terms, Standard & Poors (2003)
- ◆ Securitization Glossary, Nomura (2004)
- ◆ Indexing Parties from Securitization Trusts and Mortgage-Backed Certificates into Land Record Indexes in the State of Georgia, Kobierowski (2008)
- ◆ Reg AB: Static Pool Survey and Structural Diagrams of Flow of Funds, Deloitte (2006)
- ◆ Litigation Issues in Securitizations, Boisture
- ◆ The Economics of Asset Securitization, Elul (2005)
- ◆ What to do When the Chain Breaks: The Missing Assignment Dilemma, Wolf (1997)

Self-Study: Research & White Papers

- ◆ Understanding The Securitization Of Subprime Mortgage Credit, Ashcraft & Schuermann (2007) (FRB Study)
- ◆ Predatory Structured Finance, Peterson (2006)
- ◆ Regions Morgan Keegan: The Abuse of Structured Finance, Craig McCann, PhD, CFA (2008)
- ◆ Securitization and Its Discontents: The Dynamics of Financial Product Development, Kettering (2007)
- ◆ Turning a Blind Eye: Wall Street Finance of Predatory Lending, Engle & McCoy (2006)
- ◆ The Delinquency of Subprime Mortgages, Danis & Pennington-Cross (2003) SEC Research

Regulations & Compliance

Massachusetts Bankers Association

- ◆ Bank Compliance Academy, November 1998

CUNA Mutual Group

- ◆ Truth In Lending School, July 1999

BankersOnline

- ◆ How To Comply With The Rescission Rules, June 2006
- ◆ Truth In Lending – How To Audit Open-End Credit, December 2005

Handbooks & Reference Tools

- ◆ Truth In Lending Comptroller's Handbook, Office of the Comptroller of the Currency, 2008

- ◆ National Consumer Law Center Manuals
- ◆ Handbook of Escrow Procedures, Chandler, Mortgage Bankers Association of America
- ◆ Handbook of Loan Administration, Mortgage Bankers Association of America
- ◆ Quality Control for Mortgage Servicers, Kider, Mortgage Bankers Association of America

Self-Study

- ◆ Truth In Lending Act, Regulation Z, Official Staff Commentary
- ◆ Real Estate Settlement Procedures Act, Regulation X
- ◆ Alternative Mortgage Transaction Parity Act
- ◆ Home Ownership Equity Protection Act
- ◆ Federal Trade Commission Act – Unfair and Deceptive Acts and Practices
- ◆ Truth-in-Lending Manual - Ralph C. Clontz, Jr.
- ◆ Truth in Lending - National Consumer Law Center
- ◆ Repossessions & Foreclosures - National Consumer Law Center
- ◆ Unfair and Deceptive Acts and Practices - National Consumer Law Center
- ◆ Mortgage and Consumer Loan Disclosure Handbook - Kenneth F. Hall
- ◆ Residential Mortgage Lending: State Regulation Manual - Negroni & Pfaff

Real Estate & Finance

American Real Estate Academy

- ◆ Residential Loan Market and Credit Today, August 2014
- ◆ Foreclosures, August 2014
- ◆ Environmental Issues, August 2014
- ◆ M.G.L. Ch. 93A, Consumer Protection & Business Regulation, August 2014
- ◆ Land Contracts, Lease Options, and Deeds of Trust, August 2014
- ◆ General Real Estate Laws, Regulations, and Practices, August 2014
- ◆ Seller Agency, April 2007
- ◆ Buyer Agency, April 2007
- ◆ Residential Rental Agency, April 2007
- ◆ Foreclosures Estate Sales And Auctions, April, 2007
- ◆ Residential Mortgage Loan Market & Credit Today, April 2007
- ◆ 1031 Exchange, April 2007 Salespersons Qualifying Course, October 1986
- ◆ Licensing Renewal Course, August 2002
- ◆ Real Estate Brokers Course, January 1988

Commonwealth of Massachusetts

- ◆ Registered Real Estate Broker, February 1988
- ◆ Registered Real Estate Salesperson, December 1986

Massachusetts Association of Realtors

Earned Graduate, Realtor's Institute Designation (G.R.I.)

- ◆ Financing Concepts, November 1988
- ◆ HP-12C Calculator, October 1988
- ◆ Graduate Realtor's Institute III, September 1988
- ◆ Graduate Realtor's Institute II, April 1987
- ◆ Graduate Realtor's Institute I, February 1987

Commercial-Investment Real Estate Council

- ◆ CI 100: Marketing Techniques for Leasing and Selling Commercial Property, September 1988

National Counsel of Exchangers

Earned Designation of Certified Exchange Consultant from The Academy of Real Estate, High Honors

- ◆ Trade Secrets of Exchanging - Warren G. Harding, July 1989
- ◆ Gold card Qualifying Course - Wally Walker, January 1989

Miscellaneous Real Estate Courses

- ◆ Tom Peters' Excellence 1991, April 1991
- ◆ The Art of Real Estate Counseling - Charles Chatham, August 1988
- ◆ Nothing Down - Robert Allen, November 1986

- ◆ Sales Training - Tom Hopkins, April 1987
- ◆ Boot Camp - Tom Hopkins, January 1987

Real Estate Finance

- ◆ Private Lending - Dyches Boddiford, May 2001
- ◆ Roth IRA Wealthbuilding - Dyches Boddiford & Peter Fortunato, March 2001
- ◆ Mortgage Buying Workshop - Mike Meeker, March 1990 and May 1990
- ◆ International Financing - Robert Findling, October 1988
- ◆ Complete Course on Discounted Mortgages - Carl Abe, April 1988

Real Estate Acquisition

- ◆ Corporation & LLC Combo Class – Jack Miller, May 2002
- ◆ Option Fundamentals - Jack Miller, June 2001

Mortgage Auditing

Consumer Loan Advocates

- ◆ ARM AID-Mortgage Auditing Workshop, September 1991

Self-Study

- ◆ Understanding The Time Value of Money, Jack V. Michaels
- ◆ Mathematics of Finance, Cissell, Cissell & Flaspohler
- ◆ Handbook of Financial Mathematics, Justin H. Moore
- ◆ The Cost of Credit, National Consumer Law Center
- ◆ Forensic Accounting and Fraud Investigation for Non-Experts, Silverstone & Sheetz
- ◆ Financial Mathematics Handbook, Muksian
- ◆ Advanced Algebra, The University of Chicago School Mathematics Project
- ◆ Capitalization Theory and Techniques, Akerson

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