

1 IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
2 CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
3 GENERAL JURISDICTION DIVISION

4 CASE NO. 1-2008-CA-055313

5 HSBC BANK USA, NA AS TRUSTEE  
6 FOR NOMURA ASSET ACCEPTANCE  
7 CORPORATION, MORTGAGE  
8 PASS-THROUGH CERTIFICATES  
9 SERIES 2006-ARI,

10 Plaintiff,

11 vs.

12 ORLANDO ESLAVA; THE UNKNOWN  
13 SPOUSE OF ORLANDO ESLAVA f/k/a  
14 PATRICIA DIAZ; GFI MORTGAGE  
15 BANKERS, INC., ELDORADO TOWERS  
16 CONDOMINIUM ASSOCIATION, INC.,

17 Defendants.

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Miami-Dade County Courthouse  
73 West Flagler Street  
Miami, Florida  
Thursday, 8:50 a.m. - 9:10 a.m.  
May 6, 2010

**CERTIFIED  
TRANSCRIPT**

22 This cause came on for hearing before the  
23 Honorable Jennifer Bailey, Circuit Court Judge, in  
24 Chambers, pursuant to notice.  
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<p>2</p> <p>1 APPEARANCES</p> <p>2 For the Plaintiff</p> <p>3 WILLIAM WARD HUFFMAN, III, ESQ.</p> <p>4 Florida Default Law Group</p> <p>5 Suite 300</p> <p>6 9119 Corporate Lake Drive</p> <p>7 Tampa, Florida 33634</p> <p>8 813-342-2200</p> <p>9 For the Defendant</p> <p>10 SHELEEN G. KHAN, ESQ.</p> <p>11 Sheleen G. Khan, P.A.</p> <p>12 Suite T-3</p> <p>13 13499 Biscayne Boulevard</p> <p>14 Miami, Florida 33181</p> <p>15 305-454-9126</p> <p>16 For the Florida Default Law Group:</p> <p>17 SUZANNE HILL, ESQ.</p> <p>18 Rumberger, Kirk &amp; Caldwell, P.A.</p> <p>19 Suite 3000</p> <p>20 80 Southwest 8th Street</p> <p>21 Miami, Florida 33130</p> <p>22 305-358-5577</p> <p>23</p> <p>24</p> <p>25</p>	<p>4</p> <p>1 hold because the lender was engaged in loss</p> <p>2 mitigation with the borrower.</p> <p>3 The hold status remained throughout the</p> <p>4 case, and as we got closer to the sale date,</p> <p>5 the firm attempted to have the sale canceled.</p> <p>6 I believe that there was initially a motion</p> <p>7 filed by defense counsel to have the sale</p> <p>8 canceled, the hearing was held and that was</p> <p>9 denied.</p> <p>10 THE COURT: Which was, if I recall</p> <p>11 correctly, opposed -- right?</p> <p>12 MS. KHAN: Yes, your Honor.</p> <p>13 THE COURT: -- at the hearing. I mean,</p> <p>14 what this truly, fundamentally is about is</p> <p>15 about the level of disorganization and the</p> <p>16 needless consumption of judicial resources.</p> <p>17 Because truthfully, if they're going to</p> <p>18 work it out, I don't want to work it out, I</p> <p>19 don't want to sell the property at a</p> <p>20 foreclosure sale. I want people to stay in</p> <p>21 their houses if they can stay in their houses.</p> <p>22 But the problem is that at the same time,</p> <p>23 banks and lenders are prevailing over the court</p> <p>24 system in the delays in the court system on</p> <p>25 foreclosures.</p>
<p>3</p> <p>1 THEREUPON --</p> <p>2 MS. HILL: My name is Suzanne Hill. I'm</p> <p>3 with Rumberger, Kirk &amp; Caldwell.</p> <p>4 We are here today on an order to show</p> <p>5 cause that was entered against the plaintiff in</p> <p>6 this matter.</p> <p>7 THE COURT: Okay.</p> <p>8 MS. HILL: And also with me is Bill</p> <p>9 Huffman. He's with Florida Default Law Group</p> <p>10 and the attorney representing the plaintiff.</p> <p>11 THE COURT: Do you have a copy of the</p> <p>12 order to show cause?</p> <p>13 MS. HILL: I do. It's in my notebook.</p> <p>14 If you don't mind, I can give you that.</p> <p>15 THE COURT: That's fine.</p> <p>16 Okay. The question is why the bond</p> <p>17 wasn't posted.</p> <p>18 MS. HILL: Yes, your Honor. First of</p> <p>19 all, on behalf of Mr. Huffman and Florida</p> <p>20 Default Law Group, as well as the plaintiff,</p> <p>21 the firm apologizes to this Court for the</p> <p>22 failure to follow this Court's orders.</p> <p>23 What happened in this case is right after</p> <p>24 summary judgment was entered, the firm received</p> <p>25 notification from the lender to put the case on</p>	<p>5</p> <p>1 I have -- you know, I have a hearing</p> <p>2 because they want to cancel the sale because</p> <p>3 it's in loss mitigation, which the bank</p> <p>4 actively opposes, and I rule in favor of the</p> <p>5 bank. So now at least ten minutes, in all</p> <p>6 candor, of judicial time has been consumed.</p> <p>7 It doesn't sound like much, but there are</p> <p>8 60,000 foreclosures filed last year. Every</p> <p>9 single one of them -- which almost every single</p> <p>10 one of them does -- represents a situation</p> <p>11 where the bank's position is constantly</p> <p>12 shifting and changing because they don't know</p> <p>13 what the Sam Hill is going on in their files.</p> <p>14 Then we have a problem. That's A.</p> <p>15 B, the more fundamental problem on that</p> <p>16 is I don't care if the file is on hold or not.</p> <p>17 That does not authorize a plaintiff to ignore a</p> <p>18 court order.</p> <p>19 MS. HILL: I agree.</p> <p>20 THE COURT: The court order was post the</p> <p>21 bond. So you post the bond and you get your</p> <p>22 money back. And I'm sorry you have to post the</p> <p>23 bond, but the reason why you're posting a bond</p> <p>24 is because you lost the note. Why did you lose</p> <p>25 the note? Because you're operating at the same</p>

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1 level of chaos and disorganization that caused  
 2 you to oppose the motion to cancel the sale  
 3 when you're in loss mitigation hold.  
 4 I'm not yelling at you because you're  
 5 just the messenger.  
 6 MS. HILL: I understand.  
 7 THE COURT: But I understand the  
 8 situation and in over a year and a half of  
 9 trying to work with firms and saying you folks  
 10 have got to get this together if we're going to  
 11 get through this, to have a court order just  
 12 simply blown off with the response, well, we  
 13 filed a loss mitigation hold is not a  
 14 compelling response.  
 15 MS. HILL: In all candor, your Honor, and  
 16 I understand and I agree and I do understand  
 17 the frustration, Mr. Huffman was concerned  
 18 about moving the case forward.  
 19 THE COURT: And so then you know what you  
 20 do? You file -- if you have a problem with the  
 21 court order and you get inconsistent directions  
 22 from your client, you file a motion for  
 23 extension of time to file the bond, you come  
 24 forth and say to the Court the case is in loss  
 25 mit hold, can we postpone the filing of the

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1 bond? Can we give up the sale date so that I  
 2 can give it to somebody else who really needs  
 3 to sell a piece of property on the courthouse  
 4 steps? Instead of just ignoring a court order,  
 5 because that's what happened here.  
 6 MS. HILL: I don't disagree that it could  
 7 have been handled much better. I do agree to  
 8 that.  
 9 THE COURT: I appreciate your diplomatic  
 10 response, but is there any reason why the Court  
 11 should not issue sanctions in this case? I  
 12 mean, the court order was simply, based on what  
 13 you're telling me, ignored because the client  
 14 took the file in loss mit hold.  
 15 MS. HILL: Well, it was not complied  
 16 with, that is correct, your Honor. And it was  
 17 because it was on hold.  
 18 And Mr. Huffman honestly believed that if  
 19 the case was still on hold, he had no objection  
 20 to having the case dismissed.  
 21 As far as opposition at that hearing,  
 22 Mr. Huffman believed he conveyed instructions  
 23 to the local counsel that the case was on hold  
 24 and there was no opposition.  
 25 I can't speak to what was said at that

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1 hearing --  
 2 THE COURT: Let me just be clear. I'm  
 3 not going to sanction Mr. Huffman.  
 4 Mr. Huffman, you know, he's just doing what the  
 5 e-mails tell him to do. I know that.  
 6 At some level there is responsibility on  
 7 the part of the lawyer as an officer of this  
 8 court to make sure that notwithstanding  
 9 whatever kind of sloppy operation the plaintiff  
 10 is running, that court orders are complied  
 11 with.  
 12 And Mr. Huffman, at the end of the day,  
 13 this trust is going to be over and at the end  
 14 of the day some day this foreclosure crisis is  
 15 going to be over. And you need to decide what  
 16 kind of lawyer you're going to be. Because at  
 17 the end of the day, you're responsible for your  
 18 client's compliance with court orders.  
 19 And saying, oh, well, my client told me  
 20 this, is not a defensible position because you  
 21 swore an oath to follow the Rules of Civil  
 22 Procedure and to follow the rule of law. And  
 23 at the end of the day when they bury you, the  
 24 words "HSBC Bank USA, NA as Trustee for Nomura  
 25 Asset Acceptance Corporation, Mortgage

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1 Pass-through Certificates Series 2006-ARI will  
 2 probably appear nowhere in your obituary.  
 3 So, you know, the bottom line -- and I'm  
 4 not giving you a lecture that I am not  
 5 routinely delivering to foreclosure lawyers at  
 6 this point in my career, which is, all lawyers  
 7 have is your reputations. We don't make  
 8 widgets, we don't built clocks, we don't build  
 9 cars. We have nothing but the pleadings we  
 10 file and sign our name to to evidence the  
 11 quality and integrity of who we are.  
 12 And when you get a court order that says  
 13 post a bond -- and you're being required to  
 14 post a bond for a very logical reason. It's a  
 15 trust. It's going to expire by its terms.  
 16 It's not the Bank of America, I don't know if  
 17 it's going to be there in six years. And  
 18 you've lost the note and you're required to  
 19 indemnify the defendant and therefore you have  
 20 to post a bond.  
 21 When that order is simply ignored and  
 22 further motions for clarification with the  
 23 Court are not sought, you know, yes, do I  
 24 understand completely that this is the client  
 25 not knowing the left hand from the right hand,

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1 yes; but at the end of the day, you're the  
 2 lawyer, you're responsible.  
 3 MR. HUFFMAN: Yes, your Honor.  
 4 THE COURT: How many people currently  
 5 work in your office?  
 6 MR. HUFFMAN: Attorneys or --  
 7 THE COURT: Attorneys.  
 8 MR. HUFFMAN: Fifty.  
 9 THE COURT: How many files are you  
 10 currently responsible for?  
 11 MR. HUFFMAN: I don't have that number,  
 12 I'm not sure.  
 13 THE COURT: How many cases can you tell  
 14 me that you know anything in detail about the  
 15 loss mitigation status of the file?  
 16 MR. HUFFMAN: Well, the way it's set up,  
 17 the bank handles the loss mitigation  
 18 separately.  
 19 THE COURT: So the answer is zero.  
 20 You're filing pleadings in court every day and  
 21 you don't even know what's going on with the  
 22 case.  
 23 And see, the really interesting thing to  
 24 me as a judge is in no other species or kind of  
 25 law would that be remotely acceptable or,

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1 acquired is the point of time where it  
 2 intersects and interferes with the smooth  
 3 operation of the judicial system, which is like  
 4 walking in the day of the sale, the canceled  
 5 sale because you've had the file on hold for  
 6 90 days, 120 days, 180 days, and somehow  
 7 operating under the assumption that you have  
 8 the right to walk into the Dade County  
 9 Courthouse and find a judge at any time, day or  
 10 night, to cancel a sale simply because your  
 11 client has not paid attention to it. And it's  
 12 a huge problem.  
 13 And I'm not trying to crucify Mr. Huffman  
 14 just because he happens to be the guy that I  
 15 hauled in here today, but the upshot of it is  
 16 the bond was not posted.  
 17 How much was the amount of the final  
 18 judgment?  
 19 MS. KHAN: Judge, if I may look in the  
 20 file?  
 21 MS. HILL: 207,238.72.  
 22 THE COURT: Did the plaintiff acquire  
 23 title at sale?  
 24 MS. HILL: Yes, your Honor.  
 25 THE COURT: What's status of the

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1 frankly, anything short of malpractice. But  
 2 somehow in Foreclosure World everybody thinks  
 3 that that's just fine, that you all can know  
 4 absolutely nothing about your files and walk in  
 5 here and ask judges for things left and right  
 6 without even knowing what's going on.  
 7 And, you know, ultimately, the law firms  
 8 are going to start doing that at their pearl.  
 9 MS. HILL: Your Honor, if I may just  
 10 respectfully respond very quickly?  
 11 The law firm does know when a file was  
 12 put on hold, and that is recorded in their  
 13 files. And when they look it up, they do see  
 14 that. And they know that when a client puts a  
 15 file on hold, that it is primarily due to loss  
 16 mitigation. They're not necessarily directly  
 17 involved in those loss mitigation discussions,  
 18 but they are aware that they're occurring.  
 19 THE COURT: Believe me, my knowledge of  
 20 loss mitigation is far more intimate than I  
 21 ever wanted it to be. And I am acutely aware  
 22 that this occurs in the corporate setting  
 23 outside the law firm's sphere of knowledge.  
 24 Having said that, the point of time at  
 25 which that knowledge really needs to be

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1 property? Does anybody know?  
 2 MS. KHAN: Your Honor, Sheleen Khan for  
 3 the defendant.  
 4 The defendant is paying on direct debit  
 5 from his account every month. This will be his  
 6 fifth payment under the HAMP program, your  
 7 Honor.  
 8 THE COURT: Okay. I think as a sanction  
 9 what would be appropriate is to direct HSBC,  
 10 who failed to comply with the Court's order,  
 11 the only -- there's nobody here from HSBC to  
 12 offer any --  
 13 MS. HILL: Well, Mr. Huffman is here on  
 14 behalf of HSBC today, as well.  
 15 THE COURT: But he doesn't know anything  
 16 about the loss mitigation status. I just asked  
 17 him.  
 18 MS. HILL: It's our understanding in this  
 19 case that it is still under loss mitigation. it  
 20 is being reviewed by HAMP for permanent  
 21 modification.  
 22 THE COURT: Mr. Huffman, please raise  
 23 your right hand.  
 24 (Thereupon, William Ward Huffman, III,  
 25 Esq. was duly sworn by the Court.)

<p style="text-align: right;">14</p> <p>1 THE COURT: What's your name?</p> <p>2 MR. HUFFMAN: Bill Huffman.</p> <p>3 THE COURT: What was the loss mitigation</p> <p>4 status on March 4, 2010?</p> <p>5 MR. HUFFMAN: It was on hold for --</p> <p>6 THE COURT: Tell me what was going on.</p> <p>7 How much had the defendant paid in? Had the</p> <p>8 defendant made any HAMP payments? Was the</p> <p>9 defendant formally enrolled in a HAMP program?</p> <p>10 Was the defendant in a HAMP trial period for</p> <p>11 HAMP?</p> <p>12 MR. HUFFMAN: I knew the defendant was in</p> <p>13 a trial period for HAMP.</p> <p>14 THE COURT: When was the defendant put</p> <p>15 into a trial period for HAMP?</p> <p>16 MR. HUFFMAN: My file went on hold</p> <p>17 November 6 of 2009, so I knew they had been in</p> <p>18 the trial period since that time. I didn't</p> <p>19 know the exact date.</p> <p>20 THE COURT: December what?</p> <p>21 MR. HUFFMAN: It was November 6, I</p> <p>22 believe, 2009.</p> <p>23 THE COURT: What was the date of the</p> <p>24 final judgment? December 9, 2009.</p> <p>25 MR. HUFFMAN: The hearing was, I believe,</p>	<p style="text-align: right;">16</p> <p>1 MR. HUFFMAN: I don't have -- I didn't</p> <p>2 see the doc to see when he actually signed the</p> <p>3 preliminary mods. I don't know the exact date.</p> <p>4 I just know that I was notified on November 6</p> <p>5 to place my file on hold.</p> <p>6 THE COURT: Mr. Huffman, respectfully,</p> <p>7 can't answer the questions I have because --</p> <p>8 I'm going to sanction the bank. I'm not going</p> <p>9 to sanction Mr. Huffman. I could because I</p> <p>10 think Mr. Hoffman's conduct was contemptuous of</p> <p>11 a court order. But I'm also keenly aware that</p> <p>12 a contempt finding from a judge has</p> <p>13 ramifications throughout the rest of a lawyer's</p> <p>14 career, and I'm really trying to avoid that.</p> <p>15 What I'm trying to give is, for lawyers</p> <p>16 that handle these cases, a wake-up call to say</p> <p>17 this is your life, this is your career on the</p> <p>18 hook and you guys better wake up and smell the</p> <p>19 coffee.</p> <p>20 But he cannot answer the questions for me</p> <p>21 to tell me the nature of the contempt.</p> <p>22 Why wasn't a bond posted in this case</p> <p>23 pursuant to the court order?</p> <p>24 MR. HUFFMAN: When I saw the order from</p> <p>25 March 4, I kind of read it --</p>
<p style="text-align: right;">15</p> <p>1 November 5 and the judgment was signed</p> <p>2 December 9.</p> <p>3 THE COURT: So you have a final judgment</p> <p>4 hearing on November 5 and the file went on hold</p> <p>5 November 6?</p> <p>6 MR. HUFFMAN: Correct.</p> <p>7 THE COURT: When was the file HAMP</p> <p>8 approved?</p> <p>9 MR. HUFFMAN: It hasn't been fully</p> <p>10 approved at this time.</p> <p>11 THE COURT: When was the file HAMP</p> <p>12 approved for trial modification?</p> <p>13 MR. HUFFMAN: From my knowledge, it was</p> <p>14 November 6.</p> <p>15 THE COURT: But I'm not asking you about</p> <p>16 your knowledge. I'm asking about your client's</p> <p>17 knowledge. Because you're here to testify on</p> <p>18 behalf of your client.</p> <p>19 MR. HUFFMAN: Okay.</p> <p>20 THE COURT: So on behalf of HSBC Bank</p> <p>21 USA, NA as Trustee for Nomura Asset Acceptance</p> <p>22 Corporation, Mortgage Pass-through Certificates</p> <p>23 Series 2006-ARI, when was Mr. Eslava's -- start</p> <p>24 with this, when was Mr. Eslava's HAMP</p> <p>25 documentation accepted?</p>	<p style="text-align: right;">17</p> <p>1 THE COURT: Why wasn't the order -- the</p> <p>2 bond was ordered posted -- when did I order the</p> <p>3 bond? March 4. Okay.</p> <p>4 Why wasn't a bond posted by April 4?</p> <p>5 MR. HUFFMAN: When I saw the language, I</p> <p>6 thought it had two options, either post the</p> <p>7 bond by April 4 or have the case dismissed.</p> <p>8 Because our file was still on hold April 4, I</p> <p>9 just chose to allow the case to be dismissed.</p> <p>10 Instead of posting the bond, I thought</p> <p>11 that was an option I had. I thought it would</p> <p>12 be in the best interest of all parties. I</p> <p>13 didn't want to incur any more fees for the</p> <p>14 defendant in this case by moving the case</p> <p>15 forward.</p> <p>16 THE COURT: Okay. Then as a sanction,</p> <p>17 the Court will follow the path chosen by</p> <p>18 Mr. Huffman. I will dismiss the case. I will</p> <p>19 dismiss the case with prejudice.</p> <p>20 The note, which was canceled by this</p> <p>21 Court pursuant to a final judgment is null and</p> <p>22 void. Mr. Eslava is relieved of the debt.</p> <p>23 The title shall be conveyed back to</p> <p>24 Mr. Eslava by the bank -- by the trust, as the</p> <p>25 legal liability for the note no longer exists.</p>

18	<p>1 The basis for this sanction is the</p> <p>2 contemptuous noncompliance with the Court's</p> <p>3 order to post the bond.</p> <p>4 Should, however, any claim ever be</p> <p>5 pursued against Mr. Eslava on the note which</p> <p>6 was the subject of this case, since the note</p> <p>7 was lost, HSBC Bank USA, NA, as Trustee for</p> <p>8 Nomura Asset Acceptance Corporation, Mortgage</p> <p>9 Pass-through Certificates Series 2006-ARI shall</p> <p>10 jointly and liabely (sic) with Florida Default</p> <p>11 Law Group, PL, and any successor law firm, be</p> <p>12 responsible to hold harmless and indemnify</p> <p>13 Mr. Eslava from any liability should the</p> <p>14 original appear in the context of another case.</p> <p>15 MS. HILL: Your Honor, if I may just</p> <p>16 briefly respond?</p> <p>17 I believe under the case law that in</p> <p>18 order to award sanctions, there has to be a</p> <p>19 finding of willfulness and bad faith on the</p> <p>20 part of Mr. Huffman.</p> <p>21 THE COURT: No, this is on behalf of</p> <p>22 HSBC. I'm finding willfulness because -- I'm</p> <p>23 not making Mr. Huffman responsible for the</p> <p>24 \$207,238.72. I'm saying HSBC has been offered</p> <p>25 an opportunity to come and testify to this</p>	20	<p>1 I would respectfully submit that canceling the</p> <p>2 underlying indebtedness would not seem to fit</p> <p>3 the failure of Florida Default in this case on</p> <p>4 behalf of the bank in complying with the order.</p> <p>5 Florida Default is more than willing to stand</p> <p>6 before you and apologize.</p> <p>7 THE COURT: No. No. No. This is way</p> <p>8 beyond -- you know, look, I don't want</p> <p>9 apologies. I want performance. I want</p> <p>10 responsible attorneys who meet the basic</p> <p>11 standards of knowing what the Sam Hill is going</p> <p>12 on in their files.</p> <p>13 I want acknowledgment that says, look, we</p> <p>14 understand that the court system is facing a</p> <p>15 massive number of foreclosures and we are not</p> <p>16 going to contribute to that burden by causing</p> <p>17 useless work by the Court.</p> <p>18 Which is really what I just got told.</p> <p>19 What I got told is, Judge, the guy was already</p> <p>20 approved for HAMP by November 6, so the hearing</p> <p>21 on November 5, you really didn't need to do</p> <p>22 that.</p> <p>23 Because for every hearing that I do on</p> <p>24 these cases, the reason why I get this packet</p> <p>25 is I check service on every defendant, I look</p>
19	<p>1 Court about why all this confusion erupted.</p> <p>2 They have given me Mr. Huffman. Mr. Huffman,</p> <p>3 respectfully, can't answer very many of my</p> <p>4 questions in detail because all he knows is</p> <p>5 that the file was put on hold. It was put on</p> <p>6 hold the day after a final judgment was entered</p> <p>7 at the behest of the bank.</p> <p>8 Now, I would like to know why the bank</p> <p>9 came in here one day to get a final judgment</p> <p>10 and the next day to put a file on hold. But</p> <p>11 that's really a sideshow. Really the big</p> <p>12 question is why didn't they comply with the</p> <p>13 order of March 9? Why did they simply ignore</p> <p>14 it?</p> <p>15 And that answer is we put the file on</p> <p>16 hold. That's a contemptuous answer. A bank</p> <p>17 does not have the authority or a trust does not</p> <p>18 have the authority to ignore a court order</p> <p>19 simply because they are making business</p> <p>20 decisions on a file. And that's really where</p> <p>21 we're at.</p> <p>22 MS. HILL: Respectfully, I understand,</p> <p>23 your Honor.</p> <p>24 In this case, Florida Default Law Group</p> <p>25 is taking responsibility for its actions. And</p>	21	<p>1 at the note, I make sure there's an</p> <p>2 endorsement. The fastest I can do one of these</p> <p>3 is about seven minutes. The slowest I can do</p> <p>4 it, if it's out of order, if it's disorganized,</p> <p>5 if there's things missing, which may well be</p> <p>6 the case in this case because the hearing was</p> <p>7 November 5 and the order wasn't entered until</p> <p>8 December, which means that there may have been</p> <p>9 missing items, it can take as much as</p> <p>10 15 minutes or a half an hour. So the bank</p> <p>11 wasted my time on that.</p> <p>12 They wasted my time -- and I don't care</p> <p>13 about my time because I'm paid the enormously</p> <p>14 high sum of \$144,000 to be here every day.</p> <p>15 But the second waste of time was then</p> <p>16 they come in and oppose the defendant's motion</p> <p>17 to cancel the sale. And we had a hearing and</p> <p>18 we talked about that. And I would imagine that</p> <p>19 took somewhere between 12 to 17 minutes,</p> <p>20 depending on how it went.</p> <p>21 And then they come in and walk in a</p> <p>22 motion to cancel the sale.</p> <p>23 That's three useless, completely idiotic</p> <p>24 events. And if Florida Default wants to make</p> <p>25 HSBC whole in this, then that's between them</p>

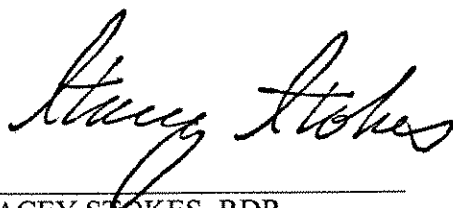
<p style="text-align: right;">22</p> <p>1 and their carrier.</p> <p>2 But the bottom line is that's the</p> <p>3 sanction that the Court has ordered. Mortgage</p> <p>4 foreclosure is an equitable remedy. The</p> <p>5 plaintiff in this instance, whether it's</p> <p>6 through its own conduct -- because, frankly, I</p> <p>7 can't -- what Florida Default is telling me is</p> <p>8 we're just doing what they're telling us to do.</p> <p>9 They told us to put the file on hold.</p> <p>10 If this is how a bank is going to conduct</p> <p>11 its business, then the bank should be bearing</p> <p>12 the sanctions. Florida Default can cut</p> <p>13 whatever deal it wants to cut with them, but at</p> <p>14 the end of the day, the bank is responsible for</p> <p>15 this.</p> <p>16 Thank you.</p> <p>17 MS. HILL: Thank you, your Honor.</p> <p>18 THE COURT: I need the transcript</p> <p>19 ordered, please, and a simple order attached</p> <p>20 that adopts the transcript as my order, because</p> <p>21 I think that's going to be the cleanest way to</p> <p>22 do that. And I will direct that the transfer</p> <p>23 of title occur within 30 days.</p> <p>24 MS. KHAN: Your Honor, if I may add, I</p> <p>25 have an affidavit in support of fees, attorneys</p>	<p style="text-align: right;">24</p> <p>1 MS. KHAN: 6.11, your Honor.</p> <p>2 THE COURT: Is there an objection to the</p> <p>3 hours?</p> <p>4 MS. HILL: Your Honor, I reviewed her</p> <p>5 affidavit and I don't believe that they're</p> <p>6 unreasonable.</p> <p>7 THE COURT: So I'll grant fees in the</p> <p>8 amount of 1,221 --</p> <p>9 MS. KHAN: 1,222.</p> <p>10 THE COURT: 1,222.28?</p> <p>11 MS. KHAN: No, it's just 1,222.</p> <p>12 THE COURT: 1,222, payable within</p> <p>13 30 days.</p> <p>14 And I need a copy of everything.</p> <p>15 (Thereupon, the hearing was concluded at</p> <p>16 9:10 a.m.)</p> <p>17 -----</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">23</p> <p>1 fees, reasonable fees.</p> <p>2 THE COURT: How much?</p> <p>3 MS. KHAN: 1,222, your Honor.</p> <p>4 6.11 hours.</p> <p>5 THE COURT: Okay. That's for the</p> <p>6 motion -- the appearance at the attempted</p> <p>7 cancelation?</p> <p>8 MS. KHAN: Yes, your Honor, on March 4.</p> <p>9 THE COURT: And then did I attempt to</p> <p>10 call you on the motion to cancel sale or -- no,</p> <p>11 I don't have it. When the bank came in at the</p> <p>12 last minute?</p> <p>13 MS. KHAN: No, your Honor, I did not get</p> <p>14 a call. That's why I filed an emergency</p> <p>15 motion.</p> <p>16 THE COURT: Usually I just deny those.</p> <p>17 Okay. Then you had to file the emergency</p> <p>18 motion.</p> <p>19 And what's your hourly rate?</p> <p>20 MS. KHAN: Two hundred, your Honor.</p> <p>21 THE COURT: Is there an objection to the</p> <p>22 hourly rate?</p> <p>23 MS. HILL: No, your Honor.</p> <p>24 THE COURT: The Court finds the hourly</p> <p>25 rate is appropriate. So it's 6.1 hours.</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

HEARING CERTIFICATE

I, STACEY STOKES, Registered Merit Reporter,  
Registered Diplomat Reporter, certify that I was  
authorized and did stenographically report the  
foregoing proceedings and that this transcript is a  
true record of the proceedings before the Court.

I further certify that I am not a relative,  
employee, attorney, or counsel for any of the parties  
nor am I a relative or employee of any of the  
parties' attorney or counsel connected with the  
action, nor am I financially interested in the  
action.

Dated this 7th day of May 2010.



STACEY STOKES, RDR  
Registered Diplomat Reporter



<b>A</b>	<b>attention</b> 12:11 <b>attorney</b> 3:10 25:9,11 <b>attorneys</b> 10:6,7 20:10 22:25 <b>authority</b> 19:17,18 <b>authorize</b> 5:17 <b>authorized</b> 25:5 <b>avoid</b> 16:14 <b>award</b> 18:18 <b>aware</b> 11:18,21 16:11 <b>a.m</b> 1:15,15 24:16	<b>borrower</b> 4:2 <b>bottom</b> 9:3 22:2 <b>Boulevard</b> 2:9 <b>briefly</b> 18:16 <b>build</b> 9:8 <b>built</b> 9:8 <b>burden</b> 20:16 <b>bury</b> 8:23 <b>business</b> 19:19 22:11	<b>claim</b> 18:4 <b>clarification</b> 9:22 <b>cleanest</b> 22:21 <b>clear</b> 8:2 <b>client</b> 6:22 7:13 8:19 9:24 11:14 12:11 15:18 <b>client's</b> 8:18 15:16 <b>clocks</b> 9:8 <b>closer</b> 4:4 <b>coffee</b> 16:19 <b>come</b> 6:23 18:25 21:16,21 <b>compelling</b> 6:14 <b>completely</b> 9:24 21:23 <b>compliance</b> 8:18 <b>complied</b> 7:15 8:10 <b>comply</b> 13:10 19:12 <b>complying</b> 20:4 <b>concerned</b> 6:17 <b>concluded</b> 24:15 <b>CONDOMINIUM</b> 1:11 <b>conduct</b> 16:10 22:6 22:10 <b>confusion</b> 19:1 <b>connected</b> 25:11 <b>constantly</b> 5:11 <b>consumed</b> 5:6 <b>consumption</b> 4:16 <b>contempt</b> 16:12,21 <b>contemptuous</b> 16:10 18:2 19:16 <b>context</b> 18:14 <b>contribute</b> 20:16 <b>conveyed</b> 7:22 17:23 <b>copy</b> 3:11 24:14 <b>corporate</b> 2:5 11:22 <b>Corporation</b> 1:5 8:25 15:22 18:8 <b>correct</b> 7:16 15:6 <b>correctly</b> 4:11 <b>counsel</b> 4:7 7:23 25:9 25:11 <b>County</b> 1:1,14 12:8 <b>court</b> 1:1,23 3:7,11
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