

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 12-00361 (RMC)
)	
BANK OF AMERICA CORP., <i>et al.</i> ,)	
)	
Defendants)	
)	

**MONITOR’S REPORT REGARDING COMPLIANCE BY DEFENDANT
J.P. MORGAN CHASE BANK, N.A. FOR THE MEASUREMENT PERIOD
ENDED SEPTEMBER 30, 2015**

The undersigned, Joseph A. Smith, Jr., in my capacity as the Monitor under the Consent Judgment (Case 1:12-cv-00361-RMC; Document 10) filed in the above-captioned matter on April 4, 2012 (Judgment), respectfully files this Report regarding compliance by J.P. Morgan Chase Bank, N.A. with the terms of the Judgment, as set forth in Exhibits A and E thereto. This Report is filed pursuant to Paragraph D.3 of Exhibit E to the Judgment and in accordance with Paragraph K of Exhibit E to the Judgment, this Report is the final report required by the Judgment regarding Servicer’s compliance with the Servicing Standards.

I. Definitions

This Section defines words or terms that are used throughout this Report. Words and terms used and defined elsewhere in this Report will have the meanings given them in the Sections of this Report where defined. Any capitalized terms used and not defined in this Report will have the meanings given them in the Judgment or the Exhibits attached thereto, as applicable. For convenience, the Judgment, without the signature pages of the Parties, and

Exhibits A, E and E-1 are attached to this Report as an appendix (Appendix - Judgment/Exhibits).

In this Report:

- i) *Company* means J.P. Morgan Chase & Company;
- ii) *Compliance Report* means a report I file with the Court regarding compliance by Servicer with the Servicing Standards, and this Report is the *Seventh Compliance Report* covering the third calendar quarter of 2015 (Test Period 13);
- iii) *Compliance Review* means a compliance review conducted by the IRG as required by Paragraph C.7 of Exhibit E;
- iv) *Court* means the United States District Court for the District of Columbia;
- v) *Enforcement Terms* means the terms and conditions of the Judgment in Exhibit E;
- vi) *Exhibit* or *Exhibits* means any one or more of the exhibits to the Judgment, and unless its usage indicates otherwise, a reference to *Exhibit E-1* also includes the amendment to Exhibit E-1 effected by Monitor's Notice of Additional Metrics, which was filed with the Court on October 2, 2013 (Case 1:12-cv-00361-RMC; Document 80);
- vii) *Internal Review Group* or *IRG* means an internal quality control group established by Servicer that is required to be independent from Servicer's mortgage servicing operations, as set out in Paragraph C.7 of Exhibit E;
- viii) *Judgment* means the Consent Judgment (Case 1:12-cv-00361-RMC; Document 10) filed in the above-captioned civil matter on April 4, 2012;
- ix) *Metric* means any one of the metrics, and *Metrics* means any two or more of the metrics, referenced in Paragraph C.11 of Exhibit E, and specifically described in Exhibit E-1;

x) *Monitor* means and is a reference to the person appointed under the Judgment to oversee, among other obligations, Servicer's compliance with the Servicing Standards, and the Monitor is Joseph A. Smith, Jr., who will be referred to in this Report in the first person;

xi) *Monitoring Committee* means the Monitoring Committee referred to in Paragraph B of Exhibit E;

xii) *Professionals* means the Primary Professional Firm, or *PPF*, which is BDO Consulting, a division of BDO USA, LLP, the Secondary Professional Firm, or *SPF*, which is Grant Thornton LLP, and any other professional persons, together with their respective firms, I engage from time to time to represent or assist me in carrying out my duties under the Judgment;

xiii) *Quarterly Report* means Servicer's report to me that includes, among other information, the results of the IRG's Compliance Reviews for the calendar quarter covered by the report, as required by Paragraph D.1 of Exhibit E;

xiv) *Servicer* means J.P. Morgan Chase Bank, N.A.;

xv) *Servicing Standards* means the mortgage servicing standards contained in Exhibit A;

xvi) *System of Record* or *SOR* means Servicer's business records pertaining primarily to its mortgage servicing operations and related business operations;

xvii) *Test Period* means a calendar quarter where *Test Period 1* is the third calendar quarter of 2012, and references to subsequent test periods correspond to the subsequent calendar quarters such that *Test Period 13*, which is the test period covered by this Report, is the calendar quarter ended September 30, 2015;

xviii) *Threshold Error Rate* means the percentage error rate established under Exhibit E-1 which, when exceeded, is a Potential Violation, and for Metrics that are tested on an overall yes/no basis, a fail on such a Metric is also a Potential Violation;

xix) *Work Papers* means the documentation of the test work and assessments of the IRG with regard to the Metrics and Servicer's satisfaction of the Consumer Relief Requirements, which documentation is required to be sufficient for the PPF and SPF to substantiate and confirm the accuracy and validity of the work and conclusions of the IRG; and

xx) *Work Plan* means the work plan established by agreement between Servicer and me, and not objected to by the Monitoring Committee, pursuant to Paragraphs C.11 through C.15 of Exhibit E.

II. Background

Under the Judgment, I am required to report periodically to the Court regarding Servicer's compliance with the Servicing Standards. This Report is the seventh and final report required by the Judgment regarding Servicer's compliance with the Servicing Standards. In the prior Compliance Reports, I explained in some detail the processes, procedures and protocols involved in testing Servicer's compliance with those Servicing Standards that are mapped to the Metrics. In this Report, I will only touch on those processes, procedures and protocols as necessary to explain my work, and that of the IRG and the PPF and SPF, during Test Period 13 relative to Servicer's compliance with the Servicing Standards measured by the Metrics.

III. Internal Review Group and Quarterly Report

A. IRG Testing

1. Testing. In Test Period 13, the IRG conducted tests on all the Metrics in effect under the Enforcement Terms with the exception of Metrics 15, 16 and 17. Metrics 15, 16 and 17 are policy and procedure (P&P) Metrics that are required to be tested only annually. The results of the IRG's testing in Test Period 13 are listed below in Section III.B, Table 1.

2. Sampling. The IRG uses a statistical sampling approach to evaluate Servicer's compliance with the Metrics subject to loan-level testing and documents its sampling procedures and protocols in its monthly loan testing population documents, which are part of the Work Papers. This statistical sampling approach was explained in detail in prior Compliance Reports. Under the Work Plan, the size of the samples selected by the IRG from each of the loan testing populations (i.e., populations of mortgage loans used by the IRG in testing each of the Metrics) must be statistically significant or a minimum sample size of 100. The Work Plan also permits the IRG to reduce sample sizes by using Servicer's average of the observed error rate for each Metric from the previous two test periods in the statistical sampling parameters. Accordingly, the IRG elected to reduce sample sizes for several Metrics.

B. Quarterly Report

1. Test Period 13. In November 2015, Servicer submitted to me a Quarterly Report containing the results of the Compliance Review conducted by the IRG for the calendar quarter ended September 30, 2015. As shown below in Table 1, the IRG determined that the Threshold Error Rate had not been exceeded for any of the Metrics tested.

Table 1: Servicer's Metric Compliance Results for Test Period 13

Metric No.	Metric	Threshold Error Rate	Result
<i>Test Period 13</i>			
1 (1.A)	Foreclosure Sale in Error	1%	Pass
2 (1.B)	Incorrect Modification Denial	5%	Pass
3 (2.A)*	Was Affidavit of Indebtedness (AOI) Properly Prepared	5% Pass/Fail	Pass
4 (2.B)	Proof of Claim (POC)	5%	Pass
5 (2.C)	Motion for Relief from Stay (MRS) Affidavits	5%	Pass
6 (3.A)	Pre-foreclosure Initiation	5%	Pass
7 (3.B)	Pre-foreclosure Initiation Notifications	5%	Pass
8 (4.A)	Fee Adherence to Guidance	5%	Pass
9 (4.B)	Adherence to Customer Payment Processing	5%	Pass
10 (4.C)	Reconciliation of Certain Waived Fees	5%	Pass
11 (4.D)	Late Fees Adhere to Guidance	5%	Pass
12 (5.A)**	Third Party Vendor Management	Pass/Fail	Pass
13 (5.B)**	Customer Portal	Pass/Fail	Pass
14 (5.C)***	Single Point of Contact (SPOC)	5% ¹ Pass/Fail	Pass
15 (5.D)****	Workforce Management	Pass/Fail	Not Tested
16 (5.E)****	Affidavit of Indebtedness (AOI) Integrity	Pass/Fail	Not Tested
17 (5.F)****	Account Status Activity	Pass/Fail	Not Tested
18 (6.A)	Complaint Response Timeliness	5%	Pass
19 (6.B.i)	Loan Modification Document Collection Timeline Compliance	5%	Pass
20 (6.B.ii)	Loan Modification Decision/Notification Timeline Compliance	10%	Pass
21 (6.B.iii)	Loan Modification Appeal Timeline Compliance	10%	Pass
22 (6.B.iv)	Short Sale Decision Timeline Compliance	10%	Pass
23 (6.B.v)	Short Sale Document Collection Timeline Compliance	5%	Pass

¹ Test Question 4 only.

Metric No.	Metric	Threshold Error Rate	Result
<i>Test Period 13</i>			
24 (6.B.vi)	Charge of Application Fees for Loss Mitigation	1%	Pass
25 (6.B.vii.a)	Short Sales – Inclusion of Notice of Whether or Not a Deficiency Will Be Required	5%	Pass
26 (6.B.viii.a)	Dual Track – Referred to Foreclosure in Violation of Dual Track Provisions	5%	Pass
27 (6.B.viii.b)	Dual Track – Failure to Postpone Foreclosure Proceedings in Violation of Dual Track Provisions	5%	Pass
28 (6.C.i)	Force-Placed Insurance (FPI) Timeliness of Notices	5%	Pass
29 (6.C.ii)	FPI Termination	5%	Pass
30 (7.A)	Loan Modification Process	5%	Pass
31 (7.B)	Loan Modification Denial Notice Disclosures	5%	Pass
32 (7.C)*****	SPOC Implementation and Effectiveness	5% ² Pass/Fail	Pass
33 (7.D)	Billing Statement Accuracy	5%	Pass

**Indicates a Metric with two questions, one of which is tested on an overall yes/no basis (i.e., not on a loan-level basis)*

***Indicates a P&P Metric that is tested quarterly on an overall yes/no basis*

****Indicates a Metric with four questions, three of which are tested quarterly on an overall yes/no basis*

*****Indicates a P&P Metric that is required to be tested only annually on an overall yes/no basis*

******Indicates a Metric with three questions, two of which are tested quarterly on an overall yes/no basis*

² Test Question 1 only.

IV. Monitor and Confirmation of Quarterly Report

A. Monitor and Professionals – Independence

The Enforcement Terms provide that the Professionals and I may not have any prior relationships with any of the Parties to the Judgment that would undermine public confidence in the objectivity of our work under the Judgment or any conflicts of interest with any of the Parties to the Judgment.³ In connection with the work summarized in this Report, each of the Professionals and I submitted a conflicts of interest analysis on the basis of which I determined that no such prohibited relationships or conflicts of interest existed.

B. Due Diligence

1. Review of Internal Review Group. I am required to undertake periodic due diligence regarding the IRG in the context of my reviews of the Quarterly Reports and the work of the IRG associated therewith. I undertook this due diligence with the assistance of the Professionals. This due diligence included quarterly interviews of the head of the IRG and other key members of the IRG by the SPF and PPF as well as the SPF's and PPF's interaction with the IRG in the course of their confirmation of the work of the IRG for Test Period 13. Based on this due diligence and the SPF's and PPF's reports regarding such due diligence, and the fact that no material changes occurred in the make-up of the IRG since the most recent previous test period, I found that the IRG's qualifications and performance conformed in all material respects to the requirements set out in the Enforcement Terms and the Work Plan.

³ Exhibit E, Paragraph C.3.

2. Confirmatory Testing.

a. Background. Servicer's compliance with the Servicing Standards is determined primarily through the IRG's testing of the Metrics and my confirmation of such testing, in part through the SPF and PPF. The Metrics are either P&P Metrics in which the testing and confirmation of testing is through a review of Servicer's policies and procedures, or loan-level Metrics in which the testing and confirmation of testing is through a review of loan-level data from the SOR. With respect to Metrics tested on a loan-level basis, my confirmatory work includes confirmation that loan testing populations used by the IRG and the IRG's selection of samples of loans from such loan testing populations conform to the requirements of the Work Plan and the Enforcement Terms.

b. Loan Testing Populations. For Test Period 13, the SPF undertook a review and evaluation of all the relevant loan testing populations. The SPF's review and evaluation was undertaken through the SPF's analysis of the documentation in the Work Papers pertaining to loan testing populations and through the SPF's in-person meetings and walk-throughs with the IRG relative to loan testing populations. Based on the foregoing, and the SPF's knowledge of Servicer's business environment and its understanding of the components of the SOR relevant to the Metrics being tested, the SPF satisfied itself and reported to me that it was reasonable to conclude that the loan testing populations used for each Metric in Test Period 13 conformed in all material respects to the requirements of the Work Plan and the Enforcement Terms.

c. Sampling. For Test Period 13, the IRG provided the SPF with access to information regarding processes, procedures and protocols the IRG used in randomly selecting samples for each of the Metrics subject to loan-level testing. This included providing the SPF with access to the samples selected for testing at the beginning of the test period before

commencement of any testing, rather than at the end after all the testing was completed. The SPF then independently determined the appropriateness of the sample sizes used by the IRG by recalculating the sample sizes for each of the loan testing populations for Metrics subject to loan-level testing in Test Period 13. Based on this work, the SPF was able to satisfy itself and report to me that the sample sizes used by the IRG conformed in all material respects to the Work Plan and the Enforcement Terms.

d. Confirmatory Testing.

1) Confirmatory testing of the IRG's work relative to the Metrics is conducted primarily through the SPF and secondarily through the PPF. The PPF operates in a supervisory capacity to review the SPF's work in assessing Servicer's compliance with the Servicing Standards. This review is accomplished, in part, through the PPF's confirmatory testing of a selection of the samples of loans tested by the SPF. For Test Period 13, the PPF concurred with the SPF's assessments, which are discussed in detail below in sub-paragraph 2.

2) The SPF's confirmatory testing of the Metrics is conducted through a review of the IRG's Work Papers applicable to all the relevant P&P Metrics and a sub-sample of loans or items tested by the IRG for each Metric subject to loan-level testing. These sub-samples are selected by the SPF through use of a risk-based approach. Some of the factors considered in determining the sub-sample size included (a) the size of the loan testing population, (b) the SPF's prior experience and familiarity with the Metric, (c) the calculated error rates for the current and prior test periods, (d) the SPF's assessment of the IRG's performance and (e) the SPF's overall assessment of the risks and complexity surrounding the Metric being tested. For each Metric tested for Test Period 13, the SPF reviewed evidence provided by the IRG for each relevant P&P Metric and each sub-sample loan or item selected for review by the

SPF. The purpose of this review was to independently evaluate whether each loan or item, or each of the policies and procedures reviewed, passed or failed the Metric's test questions. Based on this process, the SPF determined that it concurred with the IRG's conclusions regarding Servicer's compliance with the Servicing Standards for each Metric tested.

C. Confirmation of Quarterly Report

As discussed above, in accordance with the Work Plan and the Enforcement Terms, after receipt of a Quarterly Report from Servicer, I am required to undertake confirmatory testing of the results reported in such Quarterly Report. For Test Period 13, this confirmatory testing was undertaken, in part, through the SPF's review and evaluation of the evidence provided by the IRG in its Work Papers and the PPF's review of a subset of the evidence reviewed by the SPF. Based on the foregoing confirmatory testing, the SPF and PPF reported to me that the work of the IRG was accurate and complete in all material respects. Based on this review, and discussions with the SPF and PPF, I agreed with the conclusions reached by the IRG, the SPF and the PPF concerning the results of the testing for Test Period 13. Table 2 below sets out the total number of loans tested by the IRG and the total number of loans on which the SPF performed confirmatory testing for Test Period 13.

Table 2: Number of Loans Tested for Each Metric

Metric	IRG	SPF
<i>Test Period 13</i>		
1 (1.A)	304	76
2 (1.B)	321	84
3 (2.A)	102	50
4 (2.B)	295	74
5 (2.C)	151	70
6 (3.A)	315	79

Metric	IRG	SPF
<i>Test Period 13</i>		
7 (3.B)	315	79
8 (4.A)	102	50
9 (4.B)	102	50
10 (4.C)	306	77
11 (4.D)	102	50
12 (5.A)	P&P	P&P
13 (5.B)	P&P	P&P
14 (5.C)	102	50
15 (5.D)	Not Tested	Not Tested
16 (5.E)	Not Tested	Not Tested
17 (5.F)	Not Tested	Not Tested
18 (6.A)	102	59
19 (6.B.i)	315	79
20 (6.B.ii)	318	80
21 (6.B.iii)	102	50
22 (6.B.iv)	301	76
23 (6.B.v)	300	75
24 (6.B.vi)	324	81
25 (6.B.vii.a)	288	72
26 (6.B.viii.a)	102	50
27 (6.B.viii.b)	104	50
28 (6.C.i)	309	84
29 (6.C.ii)	303	102
30 (7.A)	310	86
31 (7.B)	315	79
32 (7.C)	102	50
33 (7.D)	102	50

V. Summary and Conclusion

A. Conflicts

On the basis of my review of such documents and information as I have deemed necessary, as set forth above in Section IV.A, I find that I do not have, as Monitor, and the Professionals engaged by me under the Judgment do not have, any prior relationships with Servicer or any of the other Parties to the Judgment that would undermine public confidence in our work and that we do not have any conflicts of interest with any Party.⁴

B. Internal Review Group

With respect to the Internal Review Group and its work, based on the information set out in this Report and on a review of such other documents and information as I have deemed necessary, I find that the Internal Review Group:

1) was independent from the line of business whose performance was being measured, in that it did not perform operational work on mortgage servicing and reported to the Chief Risk Officer of Servicer, who had no direct operational responsibility for mortgage servicing;⁵

2) has the appropriate authority, privileges and knowledge to effectively implement and conduct the reviews and Metric assessments contemplated in the Judgment and under the terms and conditions of the Work Plan;⁶ and

3) has personnel skilled at evaluating and validating processes, decisions and documentation utilized through the implementation of the Servicing Standards.⁷

⁴ Exhibit E, Paragraph C.3.

⁵ Exhibit E, Paragraph C.7.

⁶ Exhibit E, Paragraph C.8.

⁷ Exhibit E, Paragraph C.9.

C. Review of Quarterly Report

With respect to the Quarterly Report submitted by the IRG for Test Period 13, based on the information set out in this Report and on a review of such other documents and information as I have deemed necessary, I find that:

1) for Metrics where the Threshold Error Rate is based on a percentage of the total sample tested by the IRG, the Threshold Error Rate was not exceeded for any of the Metrics that were reported on in the Quarterly Report for the calendar quarter ended September 30, 2015; and

2) for P&P Metrics that are tested on an overall yes/no basis, Servicer did not fail any of those Metrics that were reported on in the Quarterly Report for the calendar quarter ended September 30, 2015.

D. Review of Compliance Report

Prior to the filing of this Report, I have conferred with Servicer and the Monitoring Committee about my findings and I have provided each with a copy of this Report. Immediately after filing this Report, I will provide a copy of this Report to Company's Board of Directors or a committee of such Board designated by Company.⁸

⁸ Exhibit E, Paragraph D.4.

I respectfully file this Report with the United States District Court for the District of Columbia on this, the 3rd day of March 2016.

MONITOR

s/ Joseph A. Smith, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this date I have filed a copy of the foregoing using the Court's CM/ECF system, which will send electronic notice of filing to the persons listed below at their respective email addresses.

This the 3rd day of March, 2016.

s/ Joseph A. Smith, Jr. _____

Joseph A. Smith, Jr.

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LLC**
(Defendant)

**GMAC RESIDENTIAL
FUNDING CO., LLC**
(Defendant)

**RESIDENTIAL
CAPITAL, LLC**
(Defendant)

**OCWEN LOAN
SERVICING, LLC**
*(successors by assignment
to Residential Capital, LLC
and GMAC Mortgage, LLC)*

**GREEN TREE
SERVICING LLC**
*(successors by assignment
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