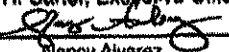


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 7 JPMORGAN CHASE BANK, N.A., CALIFORNIA  
 RECONVEYANCE COMPANY, and U.S. BANK  
 8 NATIONAL ASSOCIATION, as Trustee, successor  
 in interest to Bank of America, National Association  
 9 as Trustee as successor by merger to LaSalle Bank,  
 National Association as Trustee for WaMu Mortgage  
 10 Pass-Through Certificates Series 2007-HY1

**FILED**  
 Superior Court of California  
 County of Los Angeles

JUN 08 2017

Sherri R. Carter, Executive Officer/Clerk  
 By  Deputy  
 Nancy Alvarez

11  
 12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 13 **FOR THE COUNTY OF LOS ANGELES**  
 14

15 HARRY M. FOX, as individual and as Trustee of) Case No. BC602491  
 the FOX LIVING TRUST, )  
 16 ) Action Filed: November 25, 2015  
 Plaintiff, )  
 17 ) **JOINT TRIAL STIPULATION RE ISSUES**  
 vs. ) **AND FACTS**  
 18 )  
 JP MORGAN CHASE BANK, N.A.; ) **ASSIGNED FOR ALL PURPOSES TO:**  
 19 US BANK, N.A.; ) **Judge Dalila Corral Lyons, Dept. 20**  
 Bank of America, NA; )  
 20 WaMu Mortgage Pass Through Certificates )  
 Series 2007-HY1 Trust )  
 21 California Reconveyance Company; )  
 Doe Defendants, )  
 22 )  
 Defendants. )  
 23 )

24  
 25 Plaintiff HARRY M. FOX, as individual and as Trustee of the FOX LIVING TRUST  
 26 and Defendants JPMORGAN CHASE BANK, N.A. ("Plaintiff") and Defendants JPMORGAN  
 27 CHASE BANK, N.A. ("Chase"), CALIFORNIA RECONVEYANCE COMPANY ("CRC"), and U.S.  
 28

JOINT TRIAL STIPULATION RE ISSUES AND FACTS

06/12/2017

1 BANK NATIONAL ASSOCIATION, as Trustee, successor in interest to Bank of America, National  
2 Association as Trustee as successor by merger to LaSalle Bank, National Association as Trustee for  
3 WaMu Mortgage Pass-Through Certificates Series 2007-HY1 ("U.S. Bank") (collectively,  
4 "Defendants") (Plaintiff and Defendants, together, the "Parties"), hereby submit this Joint Trial  
5 Stipulation re Facts and Issues.

6 The Parties stipulate to the following:

7  
8 **FACTS**

9 1. ~~The loan was confirmed by an Adjustable Rate Note ("Note") dated December~~  
10 ~~6, 2006 and executed by Plaintiff.~~

11 2. Harry M. Fox entered into a financial transaction for the advancement of funds  
12 as a loan, for \$690,000.

13 3. Plaintiff's loan was secured by a Deed of Trust ("DOT") encumbering Plaintiff's  
14 property.

15 4. The DOT is dated December 6, 2006 and was executed by Plaintiff.

16 5. The DOT was recorded on December 14, 2006 with the Los Angeles County  
17 Recorder's Office as instrument number 06-2777744.

18 6. CRC is identified as the trustee of Plaintiff's deed of trust.

19 7. JPMorgan Chase Bank, N.A. signed the modification agreement executed by  
20 Mr. Harry M. Fox as the "lender".

21 8. Investor Code A01 in the Loan Transfer History File represents WaMu Asset  
22 Acceptance Corporation.

23 9. Investor Code 369 in the Loan Transfer History File represents Washington  
24 Mutual Mortgage Securities Corporation.

25 10. JPMorgan Chase Bank, N.A. did not purchase the loan from the Federal  
26 Deposit Insurance Corporation.

27 11. ~~The DOT reflects that the lender can sell Plaintiff's loan at any time without~~  
28 ~~notice to Plaintiff. Section 20 of the DOT provides that "[t]he note or a partial interest in the Note~~

1 (together with this Security Instrument) can be sold one or more times without prior notice to  
2 Borrower."

3 12. The PSA lists LaSalle Bank National Association ("LaSalle") as the trustee of  
4 the trust pool.

5 13. The closing date of the PSA was January 24, 2007.

6 14. Pursuant to a Certificate issued by the Comptroller of the Currency, Bank of  
7 America National Association ("BoA") succeeded LaSalle as trustee for the trust pool, effective  
8 October 17, 2008.

9 15. Pursuant to the Purchase Agreement dated November 11, 2010, U.S. Bank  
10 succeeded BoA as trustee for the trust pool.

11 16. U.S. Bank is the trustee of the trust pool.

12 17. On March 14, 2011, a Notice of Default and Election to Sell Under Deed of  
13 Trust ("NOD") was recorded on Plaintiff's property.

14 18. The NOD was recorded with the Los Angeles County Recorder's Office as  
15 instrument number 20110383735.

16 19. The NOD bears a Declaration of Compliance regarding California Civil Code §  
17 2923.5(b) that Chase had contacted the borrower to discuss the borrower's financial situation and to  
18 explore options for the borrower to avoid foreclosure.

19 20. At his deposition on March 10, 2017, Plaintiff testified about when he  
20 discovered that Chase improperly reported his interest payments for the years 2011, 2012, and 2013.  
21 Plaintiff admitted that he discovered the allegedly improper reporting for 2011 in the beginning of  
22 2012, the allegedly improper reporting for 2012 in the beginning of 2013, and the allegedly improper  
23 reporting for 2013 in the beginning of 2014.

24 21. At the time the Note and DOT were executed, neither Chase nor U.S. Bank had  
25 any involvement in Plaintiff's loan.

26 22. CRC was the trustee of Plaintiff's loan.

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06/12/2017


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**OTHER**


1. The Parties stipulate to Local Rule 3.49(c): "Stay of Execution. In the event of a judgment in favor of the plaintiff, a stay of execution may be issued to be effective for a period of ten days after determination of a motion for a new trial or until ten days after expiration of the time to file notice of intention to move for a new trial."

**IT IS SO STIPULATED.**

DATED: June 7, 2017

  
\_\_\_\_\_  
RONALD H. FRESHMAN  
LAW OFFICE OF RONALD H. FRESHMAN  
Attorneys for Plaintiff  
HARRY M. FOX, as individual and as Trustee of the  
FOX LIVING TRUST

DATED: June 7, 2017

  
\_\_\_\_\_  
DAVID D. PIPER  
KRISTY H. SAMBOR  
KEESAL, YOUNG & LOGAN  
Attorneys for Defendants  
JPMORGAN CHASE BANK, N.A., CALIFORNIA  
RECONVEYANCE COMPANY, and U.S. BANK  
NATIONAL ASSOCIATION, as Trustee, successor in  
interest to Bank of America, National Association as  
Trustee as successor by merger to LaSalle Bank, National  
Association as Trustee for WaMu Mortgage Pass-  
Through Certificates Series 2007-HY1

06/12/2017

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 2372 SE Bristol Street, 2nd Floor, Newport Beach, California 92660. On June 7, 2017, I served the within **JOINT STIPULATION RE ISSUES AND FACTS** the interested parties in said action by placing the original a true copy thereof, enclosed in a served envelope and addressed as follows:

Kristy Sambor, Esq.  
Kristy.SamborOkvl.com  
KEESAL, YOUNG & LOGAN, APC  
400 Oceangate  
Long Beach, CA 90802  
Tel: (562) 436-2000  
Fax: (562) 436-7416

*Attorneys for Defendants, JP MORGAN CHASE BANK, N.A; US BANK, N.A.;  
BANK OF AMERICA, NA; WAMU MORTGAGE PASS THROUGH  
CERTIFICATES SERIES 2007-HY1 TRUST*

       BY UNITED STATES MAIL, I am "readily familiar" with the practice of collection and processing correspondence for mailing. Under that practice, it would be deposited in a box or other facility regularly maintained by the United States Postal Service with First-Class postage thereon fully prepaid that same day at Newport Beach, California, in the ordinary course of business.

  X   OVERNIGHT DELIVERY – I deposited such envelope for collection and delivery by GSO Overnight with delivery fees paid or provided for in accordance with ordinary business practices. Packages for overnight delivery by GSO Overnight are deposited with a facility regularly maintained by GSO Overnight for receipt on the same day in the ordinary course of business.

       BY PERSONAL SERVICE, I caused to be delivered such envelope by hand to the offices of the addressee.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Dated: June 7, 2017

  
Melissa Alvarez, Declarant

Law Offices of Ronald H. Freshman  
2372 SE Bristol Street, 2nd Floor  
Newport Beach, CA 92660  
Tel. (858) 756-8288

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