

1 So we have this copy that, you know, we go with what
2 we have, which is a copy, in my case of the other prop-
3 erty, we sign it. We think, okay, this person should
4 not be here, we notarize it, I send it back and that is
5 it.

6 On the case of 8038, Tangelo Drive, we did the same
7 thing, but, yet, she make the payment, make every
8 payment, and then there was two other followup
9 statement until the third followup statement, if I re-
10 member correctly, that they stopped receiving it. She
11 carried the payment to the bank itself, and the bank
12 just couldn't figure out what was going on.

13 So, there is a lot of things that was different between
14 the two modification and we couldn't figure out why.
15 The paperwork was very sloppy, and the timing was
16 not really give us a lot of time to get things straight-
17 ened out, but, you know, in both case, we and she
18 make the effort to try and make it work. We went to
19 the bank often to try to straighten this thing out, but
20 it didn't seem to help in her case.

21 **THE COURT:** Okay.

22 **BY MS. YEH HO:**

23 **Q.** You are the one – did Karen ask you to sign it any-
24 way for the 8038 Tangelo Drive, Boynton Beach, Flor-
25 ida 33436, and you refused?

26 **A.** I did not sign it.

27 **Q.** you refused to sign?

28 **A.** Yes.

29 **Q.** Because you don't believe you should be on the
30 mortgage?

31 **A.** Right.

32 **Q.** And you are a man and Karen is a woman, your
33 permanent streamline application went through, and
34 Karen Ho's streamline modification had to come all
35 the way to this Federal Court?

1 A. As I said earlier, I can tell the difference, that
2 seems to me it is indicating some of the issue of, you
3 know, I am -- the other property went through, the
4 other one did not. Then they start asking questions
5 like -- after much later on, the didn't even serve us be-
6 fore foreclosure, asking questions about marital sta-
7 tus and those information and the request seems to
8 either excuse or it seems like she was treated a little
9 bit differently.

10 **THE COURT:** Anything else?

11 **BY MS. YEH HO:**

12 **Q.** Did Karen put 20 percent down on the property at
13 the 8038 Tangelo Drive, Boynton beach, Florida --

14 **THE COURT:** Are you taking about the original pur-
15 chase?

16 **MS. YEH HO:** Yes.

17 **THE COURT:** What is the relevance of that?

18 **MS. YEH HO:** Establishing damages.

19 **THE COURT:** How does that establish damages?

20 **MS. YEH HO:** They foreclosed on my property, I lost
21 the property, I lost all my initial investment into the
22 property, and also the upgrades and then payments,
23 everything. So, it's like you put your heart and soul
24 into a place, and then because they violate -- I don't
25 know if this a conclusion of the law now, but we al-
26 ready established RESPA and then -- SO HOW IT'S
27 Equal Credit Opportunity Act, that they discriminate
28 against me. Because they failed to honor FEMA -- not
29 FEMA, Fannie Mae approval, I lost all my initial in-
30 vestment and whatever I put in the property, and
31 Wing Ho already had testified that every time they
32 call me, it caused stress.

33 It caused me to loss sleep, it caused me a medical con-
34 dition because of their phone call, but they tried to
35 produce that because their phone call -- they tried to

1 establish because I am not following the law. The law
2 is very clear.

3 **THE COURT:** Okay. Why don't we move on from
4 there. Okay?

5 **MS. YEH HO:** Okay.

6 **BY MS. YEH HO:**

7 **Q.** So, at this point that – in your belief, in your obser-
8 vation, what do you see Karen Yeh Ho's denial of her
9 streamline permanent loan modification, the settle-
10 ment, it is because she is a --

11 **THE COURT:** I think he already said that it is based
12 upon gender. He already said that.

13 **MS. YEH HO:** Thank you. I conclude my --

14 **THE COURT:** Questions?

15 **MS. YEH HO:** - questions. I rest my -- I reserve --

16 **THE COURT:** Now the Defense gets to ask him some
17 questions.

18 **MS. YEH HO:** Yes, your Honor. I reserve to rebuttal.

19 **THE COURT:** Redirect.

20 **MS. YEH HO:** Redirect.

21 **THE COURT:** Redirect.

22 **MS. YEH HO:** Okay. Thank you, your Honor.

23 **THE COURT:** Thank you. You can resume your seat.

24 **CROSS-EXAMINATION**

25 **BY MS. HOLLADAY:**

26 **Q.** Hi, Mr. Ho.

27 **A.** Hello.

28 **Q.** I have a few clarifying questions based on your tes-
29 timony moment ago.

30 At the time that the Tangelo property was purchased,
31 you and your wife, Ms. Karen Yeh Ho, were married,
32 correct?

33 **A.** That is correct.

1 Q. It is correct that at the time that a loan was ob-
2 tained on the Tangelo property you signed the mort-
3 gage for that loan, correct?

4 A. on the closing, yes.

5 Q. Okay. At any point in time between the time you
6 signed the mortgage and today, have you and your
7 wife ever been declared legally separated or divorced?

8 A. No.

9 Q. And at the time the property was purchased, the
10 Tangelo Drive property was purchased, were you and
11 your wife both on the title, you had a deed in both of
12 your names?

13 A. I believe so.

14 Q. Okay. You had mentioned another loan modifica-
15 tion with Wells Fargo, I believe it was Via Lugano Cir-
16 cle?

17 A. Yes, 100 Via Lugano Circle.

18 Q. Isn't it true that both you and your wife signed that
19 loan modification?

20 A. And so did my son – no, no, my son didn't, but we
21 did. Yes, we both signed the loan modification.

22 Q. That is because you and your wife were both on the
23 mortgage for that property?

24 A. Well, there was a number of – there were three
25 names on it, right. Brian Ho, my son, our son, was
26 also on the loan modification, so all three names ap-
27 pear on the loan modification agreement, and as I de-
28 scribed earlier, at that time, doesn't look like it is ap-
29 propriate for him to be on the loan modifications.

30 Q. And so, was it your testimony you then crossed it
31 off and just you and Karen signed?

32 A. Yes.

33 Q. Okay. Just so we have the record clear, we are go-
34 ing to pull up Exhibit 14, Wells Fargo Exhibit 14.

1 **MS. HOLLADAY:** I have hard copies if your Honor
2 would like those.

3 **THE COURT:** If you have them, sure.

4 **MS. HOLLADAY:** Okay.

5 **THE COURT:** Why don't you give me all of the ex-
6 hibits.

7 **MS. HOLLADAY:** That works. I will give you Karen
8 C. Yeh Ho exhibits also. May I approach the witness?

9 **THE COURT:** Yes.

10 **BY MS. HOLLADAY:**

11 **Q.** If you will take a look at that, sir. I just want to
12 confirm and make sure everything is clear for the rec-
13 ord. Your son Brian's name does not appear on this
14 loan modification agreement, crossed off or otherwise,
15 is that correct?

16 **A.** It is not here.

17 **THE COURT:** I am sorry?

18 **THE WITNESS:** It is not on this scheduled paper.

19 **BY MS. HOLLADAY:**

20 **Q.** When the original mortgage was taken out on the
21 Tangelo property, did you see the uniform residential
22 loan application that was submitted for that loan?

23 **A.** Um-m-m, do you have a copy?

24 **MS. HOLLADAY:** We're going to pull up Exhibit 3.

25 **THE WITNESS:** What was your question again?

26 **BY MS. HOLLADAY:**

27 **Q.** Are you familiar with this document? Did you see
28 it at the time that the application was submitted?

29 **A.** No.

30 **Q.** Okay.

31 **A.** This borrower's name is KH.

32 **Q.** Do you see, sir, about halfway through the page
33 where it says, title will be held, and lists Ms. Yeh Ho
34 and yourself. Do you see that line?

35 **A.** Where is that?

1 **Q.** It is about halfway down.

2 **A.** Okay.

3 **THE COURT:** I'm sorry, I am having trouble hearing
4 you.

5 **THE WITNESS:** Okay, yes, I saw the line.

6 **BY HOLLADAY:**

7 **Q.** Is that a correct statement that that is, in fact, how
8 title was held by you and Ms. Yeh Ho as joint tenants?

9 **A.** Yes, the deed has my name on it what we finally
10 closed the loan.

11 **MS. HOLLADAY:** I don't have anything further, your
12 Honor.

13 **THE COURT:** Just so I am clear, sir, this Exhibit 3
14 that your wee just shown, this is for the Tangelo Drive
15 property, correct? Yes?

16 **THE WITNESS:** The one that is on the screen?

17 **THE COURT:** Yes.

18 **THE WITNESS:** Yes, Tangelo Drive.

19 **THE COURT:** Okay, And you and your wife – this is
20 the original loan application when you purchased the
21 property is that correct?

22 **THE WITNESS:** Yes, that is what it says.

23 **THE COURT:** And there is a section on this docu-
24 ment about a third of the way down that says, prop-
25 erty will be – and it is a checkmark, primary resi-
26 dence; is that correct? Do you see the checkmark?

27 **THE WITNESS:** Yes.

28 **THE COURT:** When you bought this it was to be your
29 primary residence?

30 **THE WITNESS:** Yes, it was meant to be our primary
31 residence.

32 **THE COURT:** All right. Thank you.

33 **THE WITNESS:** I would like to add one other thing.
34 Although it says here it doesn't have the cross out and
35 the copy –

1 **THE COURT:** Are you talking about Exhibit 14?

2 **THE WITNESS:** I am talking about, yeah, Exhibit
3 14. In my affidavit, I have attachment as to what was
4 sent back to Wells Fargo Bank, and that was actually
5 – I just want to be sure that, you know, we didn't pull
6 it out, and that was -- really what they receive is ac-
7 tually from the current servicer of that loan, and we
8 have a dispute with the current servicer of the loan,
9 which is Specialized Home Loan Servicing, actually
10 Specialized Loan Servicing, LLC, and in it we ask –
11 you know, during the dispute we asked them for other
12 documents, and then they – I used that particular doc-
13 ument. Of course, you know, I have those information
14 also. I used that because Specialized they have a in-
15 formation also. I use that because Specialized they
16 have a stamp that says Wells Fargo received that doc-
17 ument and from the fax – I think the fax line that say
18 Wells Fargo and how many pages. It is in my affidavit
19 attachment.

20 So, it is not – it is not – the fact that this document,
21 the 14, did not have the cross out on the copy, I just
22 want to clarify that it is what was submitted back to
23 Wells Fargo Bank. If you want to refer to that docu-
24 ment I submitted in my affidavit, it is there.

25 **THE COURT:** Okay.

26 **MS. HOLLADAY:** Honor, we would move to strike
27 that entire testimony as discussing documents not in
28 evidence.

29 **THE COURT:** I will deny your motion. You can ask
30 him some additional questions, Ms. Yeh Ho.

31 **REDIRECT EXAMINATION**

32 **BY MS. YEH HO:**

33 **Q.** The document 14 that you mention, that is admit-
34 ted in evidence, this is a document that you did not
35 sign and I did not sign – I am testifying, sorry.

1 **THE COURT:** I am sorry, Exhibit 14, you both – you
2 and your husband appear to have signed it.

3 **MS. YEH HO:** We sign a different document, a copy,
4 copy, copy. That is the one he sign in affidavit. Wells
5 Fargo Bank is the one submitting this. We have no
6 idea about this.

7 **THE COURT:** So, I'm sorry, you are saying – and you
8 can ask your husband. On Exhibit 14 that I have on
9 the third –

10 **MS. YEH HO:** Exhibit 14 --

11 **THE COURT:** Exhibit 14 –

12 **MS. YEH HO:** The document that we sign says says
13 copy, copy, copy. The document they file in the public
14 record did not say copy, copy, copy.

15 **THE COURT:** Well, the document, Exhibit 14, has a
16 recording –

17 **MS. YEH HO:** Yes, they record it, we did not record
18 it.

19 **THE COURT:** But your husband and your signatures
20 are on page six.

21 **MS. YEH HO:** The document that we sent to Wells
22 Fargo Bank is the one that he has in the affidavit. The
23 document this, he is saying ---

24 **THE COURT:** Go ahead and ask him.

25 **BY MS. YEH HO:**

26 **Q.** Is this document the one that we signed on the day
27 that we sent it back?

28 **MS. YEH HO:** I shouldn't say we, right, I should say

29 **THE COURT:** Go ahead and ask him.

30 **BY MS. YEH HO:**

31 **Q.** The one with Brian Ho's name on it, we cross it off,
32 and we just sign in front of the notary and stick it to
33 the envelope and send it back to Wells Fargo Bank, is
34 that the same document as this one?

35 **A.** No. That is why I was trying to clarify to the Judge

1 **Q.** Exhibit 14?

2 **A.** – a little earlier, we respond back, we sign it, we
3 cross it out, but the copies is not this document here.

4 **MS. YEH HO:** Right, I totally agree with him.

5 **THE COURT:** All right.

6 **MS. YEH HO:** I am sorry.

7 **THE COURT:** Can you clarify with your husband, is
8 he saying you did not sign – on Exhibit 14, on page six
9 where there are two signature, is he saying you did
10 not sign that?

11 **MS. YEH HO:** Exhibit page six, the signature – the
12 signature is ours.

13 **THE COURT:** That is what I –

14 **MS. YEH HO:** The document is not the one we signed.

15 **THE COURT:** Are you saying that they took another
16 piece of paper and stuck it on here that you signed,
17 this is not the actual document?

18 **MS. YEH HO:** Look at the date, it says March 20,
19 2014, the notary.

20 **THE COURT:** Yes.

21 **MS. YEH HO:** It says March 20, 2014.

22 **THE COURT:** Yes.

23 **MS. YEH HO:** When we signed the mortgage modifi-
24 cation it was back in November 2013. Wing Ho's affi-
25 davit with attachment –

26 **THE WITNESS:** I think you may need to refer to the
27 exhibit that you submit.

28 **MS. YEH HO:** Yes, my exhibit.

29 **THE COURT:** Do you have any other questions for
30 your husband?

31 **MS. YEH HO:** Yes.

32 **BY MS. YEH HO:**

33 **Q.** So, you are saying this, the one that has March 20,
34 2014, it's not the one that you signed in November
35 2013, the one that you send it back?

1 A. In November we received the package, as I men-
2 tioned a little bit earlier, it was kind of confusing and
3 sloppy, and then we did – I don't have to repeat again,
4 go through that. We have a copy, and we send back.
5 That is different than what this document is.

6 MS. YEH HO: Because this document shows March
7 20, 2014.

8 THE COURT: I can see that. Thank you.

9 MS. YEH HO: That is all I wanted to clarify. That is
10 what I try to redirect.

11 THE COURT: Are you finished redirecting or do you
12 have more questions?

13 MS. YEH HO: I rest.

14 THE COURT: You are finished with this witness?

15 MS. YEH HO: Yes.

16 THE COURT: Thank you, sir, you can step down.

17 MS. YEH HO: Does he have to go out?

18 THE COURT: He can stay, but if he stays you can't
19 call him back later. Do you intend to call him back
20 again?

21 MS. YEH HO: No.

22 THE COURT: Then he can stay. Do you have any
23 other witnesses, anyone else who is going to testify?

24 MS. YEH HO: Your Honor –

25 THE COURT: Do you have any other witnesses, peo-
26 ple you are going to bring in and testify?

27 MS. YEH HO: It is me.

28 THE COURT: You are going to testify?

29 MS. YEH HO: Yes, because I have to admit how much
30 I suffer through this.

31 THE COURT: Okay. Get on the stand.

32 MS. YEH HO: May I bring paperwork?

33 THE COURT: It depends. What are you going to do
34 with the paper? Are these your exhibits?

35 MS. YEH HO: No, this is my writing.

1 **THE COURT:** You already submitted that to me.

2 **MS. YEH HO:** I don't have a brain like a computer.

3 **THE COURT:** You seem to have a pretty good
4 memory. Have a seat.

5

6 **KAREN YEH HO, PLAINTIFF, SWORN**

7 **THE COURT:** Tell me your name for the record,
8 please.

9 **MS. YEH HO:** My name is Karen Yeh Ho.

10 **THE COURT:** Thank you.

11 **MS. YEH HO:** Last name is Y-E-H H-O. Wells Fargo
12 Bank decided to call me Karen Y. H-O. I don't know
13 where the Y. come from. I would like to answer ques-
14 tion and answer.

15 **THE COURT:** Well, let's make ti easy, all right. Just
16 tell me your story, and if they have an objection to
17 something you say, they can raise the objection. We
18 are not in front of a jury, so we don't have to have you
19 ask yourself a question. It is going to be very cumber-
20 some, and it is easier fro me to just let you testify.
21 Again, they can object to something that you say that
22 they feel is inappropriate or improper. Okay?

23 **THE WITNESS:** Yes, your Honor.

24 **THE COURT:** Go ahead.

25 **MS. YEH HO:** My name is Karen Yeh Ho. I always
26 like to buy real estate properties and obtaining my
27 own credit for the mortgage, credit cards, and even
28 though I am married to my husband for many, many
29 years, I always pretty independent in my finance and
30 in my investments. Even though he saying no, I just
31 go ahead and I went about and I buy my own proper-
32 ties, obtaining credit. My friends would lend me
33 money for the mortgage for me to purchase the place
34 because they know that I would pay back.

1 So, when I received the streamline permanent loan
2 modification from Wells Fargo Bank, they are the suc-
3 cessor mortgage servicer from AmTrust Bank.
4 I made payments on time. In fact, I made extra pay-
5 ments, and without knowing it, my monthly payment
6 was put in called pending suspending account, and I
7 have no ideas what pending suspending account is un-
8 til in 2016, when my –another two properties come
9 into – asking for huge sum of monthly payments, 9174
10 was asking one month, the next month, \$6,000, an-
11 other month, \$9,000 in 2006. My Yacht Harbor house
12 went to service – successor service was –
13 THE court: I am sorry, I am having trouble under-
14 standing what your are saying, ma'am.

15 Why are we talking about property from 2006?

16 MS. YEH HO: 16.

17 THE COURT: 16, I am sorry.

18 MS. YEH HO: Another two-service company send us
19 the statements. Even though we made extra \$500
20 payment toward the mortgage, principal, they were
21 accusing us of not making mortgage payments, and
22 those mortgage payments was actually put in so-
23 called pending account. I didn't know that.

24 MS. HOLLADAY: Objection, your Honor. I am not
25 sure why suspense payments and anything in 2016 re-
26 ally matters. This is a relevance grounds.

27 THE COURT: I am trying to understand. What does
28 this have to do with this case, ma'am?

29 MS. YEH HO: I am getting to it.

30 THE COURT: All right, go ahead.

31 MS. YEH HO: I am getting to it.

32 THE COURT: All right, go ahead.

33 MS. YEH HO: So we just went ahead and paid the
34 mortgage in full because we don't want to go through
35 what we went through with Wells Fargo anymore, we