

HOUSING AND ECONOMIC RIGHTS ADVOCATES

ARTHUR D. LEVY Bar No. 095659

GINA DI GIUSTO Bar No. 293252

P.O. Box 29435

Oakland, CA 94604

Telephone: (415) 702-4551

Facsimile: (415) 814-4080

arthur@yesquire.com

gdigiusto@heraca.org

KEMNITZER, BARRON & KRIEG, LLP

BRYAN KEMNITZER Bar No. 066401

KRISTIN KEMNITZER Bar No. 278946

42 Miller Ave., 3rd Floor

Mill Valley, CA 94941

Telephone: (415) 632-1900

Facsimile: (415) 632-1900

bryan@kbklegal.com

kristin@kbklegal.com

Attorneys for Plaintiffs TAQUELIA WASHINGTON TOLAND AND GEORGIA TOLAND
Individually and on Behalf of All Others Similarly Situated

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TAQUELIA WASHINGTON TOLAND
and GEORGIA TOLAND, individually
and on behalf of All Others Similarly
Situated,

Plaintiffs,

vs.

NATIONSTAR MORTGAGE LLC, a
Delaware limited liability company;
VERIPRO SOLUTIONS INC., a Delaware
corporation, and DOES 1 through 20,

Defendants.

Case No. 3:17-cv-02575-JD

CLASS ACTION

**DECLARATION OF TAQUELIA
WASHINGTON TOLAND IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
PROPOSED CLASS ACTION
SETTLEMENT**

Date: April 15, 2021

Time: 10:00 a.m.

Courtroom 11, 19th Floor

Hon. James Donato

Complaint Filed: March 24, 2017

I, TAQUELIA WASHINGTON TOLAND, do hereby declare as follows:

1. I am an individual over 18 years of age living in Oakland, California. I am a Plaintiff and

1 co-Class Representative in the above-referenced matter. I have personal knowledge of all
2 information stated below and I am competent to testify thereto.

3 2. On November 2, 2006, Georgia and I bought a condominium together, located at
4 1318 "B" Street, Unit B208 in Hayward, California, as our personal residence. To finance the
5 condo, we obtained two loans from Countrywide Bank, N.A., a purchase money first mortgage
6 for \$332,000.00, and a purchase money second mortgage for \$83,000.00. We used these loans to
7 pay the purchase price. We moved into the condo and occupied it as our personal residence.

8 3. In May 2012, the Federal National Mortgage Association conducted a non-judicial
9 foreclosure sale of the condo. A copy of the Trustee's Deed for the foreclosure sale is attached as
10 **Exhibit 1** to this declaration. The foreclosure sale did not produce enough to pay off either the
11 first or the second mortgage, leaving an unsatisfied balance on both loans. After the foreclosure,
12 servicing of the second mortgage was transferred to Nationstar Mortgage, LLC.

13 4. On or about October 10, 2016, Veripro Solutions, Inc. sent Georgia the collection letter
14 attached to our Complaint as Exhibit "A" in our pending case against Nationstar and Veripro. In
15 or about January 12, 2017, Veripro sent the substantially similar letter to me, which is
16 attached as Exhibit "B" to our Complaint. In February 2017, each of us received a substantially
17 identical third letter from Veripro, which is attached as Exhibit "C" to our Complaint.

18 5. All of these letters were trying to collect a balance remaining on our second
19 purchase money mortgage after the 2012 foreclosure sale. When we received these letters,
20 Georgia and I became very worried that Veripro might take legal action against us. We contacted
21 Housing and Economic Rights Advocates (HERA) in Oakland for advice on our legal rights.

22 6. In March 2017, HERA and Kemnitzer, Barron & Krieg, acting as our attorneys, filed our
23 case against Nationstar and Veripro in Alameda County Superior Court.

24 7. I agreed to act as a Class Representative because I wanted to help protect homeowners
25 from the Defendants' unlawful behavior. This situation was extremely stressful and if we had not
26 reached out to HERA for advice, we would not have known that the defendants' behaviors were
27 wrong. Not everyone has the resources or capacity to access legal advice and it felt important
28 that we use the knowledge we received to try to help others. My primary goal in acting as a Class

Representative was to ensure that I could help individuals who had been hurt by Nationstar and Veripro's practices as I had been. I feel a moral obligation to stand up for what is right and help others who have been in my situation. I hold this moral obligation both in my profession as a social worker and in how I navigate my life as a whole. I am proud that if this class action settlement is approved, it will help hundreds of California homeowners who were in a same position as me and my wife.

8. I understand my obligations and responsibilities as a class representative, and I have taken them seriously from the very beginning of my involvement in this case. I understand my responsibilities to act for the best interests of the proposed Class. I am not aware of any conflicts or reasons why I cannot represent the interests of the Classes.

9. I have actively taken part in this lawsuit and will continue to do so. I have searched for documents, made myself available to my attorneys by phone and in person, met and spoken with my attorneys in person on numerous occasions, have been kept informed of the case status, and cooperated with my attorneys throughout this case. I have appeared and testified at a deposition on July 18, 2019 at the request of Defendants. I have provided documents and answered written discovery that Defendants demanded of me.

10. Nobody promised me compensation to serve as a Class Representative. I approved the settlement because I think it is in the best interest of the Class Members.

11. I am represented by Arthur Levy, Housing and Economic Rights Advocates, and the law firm of Kemnitzer, Barron & Krieg, LLP, all of whom I believe are competent to represent me and the class. I rely on my attorneys' expertise in class actions to assist and counsel me in fulfilling my obligations to the class.



I declare under penalty of perjury under the laws of California that the foregoing is true and correct, and that this Declaration is executed on January 19, 2021, at Oakland California.


TAQUELIA WASHINGTON TOLAND

EXHIBIT 1

LANDSAFE TITLE

RECORDING REQUESTED BY:
RECONTRUST COMPANY, N.A.
 AND WHEN RECORDED MAIL TO:
RECONTRUST COMPANY, N.A.
 1800 Tapo Canyon Rd., CA6-914-01-94
 SIMI VALLEY, CA 93063

	2012177040	05/30/2012 11:51 AM
	OFFICIAL RECORDS OF ALAMEDA COUNTY PATRICK O'CONNELL RECORDING FEE: 24.00	
		4 PGS

Forward Tax Statements to Address listed above

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TS No. 12-0000239

Title Order No. 12-0000543

TRUSTEE'S DEED UPON SALE

APN# 427-0031-123

TRANSFER TAX: \$ 0

The Grantee herein was the beneficiary
 The amount of the unpaid debt was \$ 352,423.50
 The amount paid by the Grantee was \$ 107,500.00
 The property is in the city of HAYWARD, County of ALAMEDA

RECONTRUST COMPANY, N.A., as the duly appointed Trustee (or successor Trustee or substituted Trustee), under a Deed of Trust referred to below, and herein called "Trustee", does hereby grant without covenant or warranty to:

FEDERAL NATIONAL MORTGAGE ASSOCIATION

herein called Grantee, the following described real property situated in ALAMEDA County, California:

SEE ATTACHED LEGAL DESCRIPTION **see Exhibit A**

This conveyance is made pursuant to the powers conferred upon Trustee by the Deed of Trust executed by TAQUELIA N WASHINGTON, AN UNMARRIED WOMAN, AND GEORGIA TOLAND, AN UNMARRIED WOMAN, as Trustor, recorded on 11/17/2006, Instrument Number 2006427613 (or Book , Page) Official Records in the Office of the County Recorder of ALAMEDA County.

All requirements of law regarding the recording and mailing of copies of the Notice of Default and Election to Sell, and the recording, mailing, posting, and publication of the Notice of Trustee's Sale have been complied with.

see Attached *certificate*

TS No. 12-0000239

Title Order No. 12-0000543

Trustee, in compliance with said Notice of Trustee's Sale and in exercise of its power under said Deed of Trust sold said real property at public auction on 05/16/2012. Grantee, being highest bidder at said sale became the purchaser of said property for the amount bid, which amount was \$ 107,500.00.

DATE:

5/22/12

RECONTRUST COMPANY, N.A.

BY:

Leticia N. Duran S/P/B

Leticia N. Duran, Vice President

State of California

County of

VENTURA

On MAY 22 2012 before me, JEANINE HOFFMAN, Notary Public (insert name and title of the officer) personally appeared Leticia N Duran, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

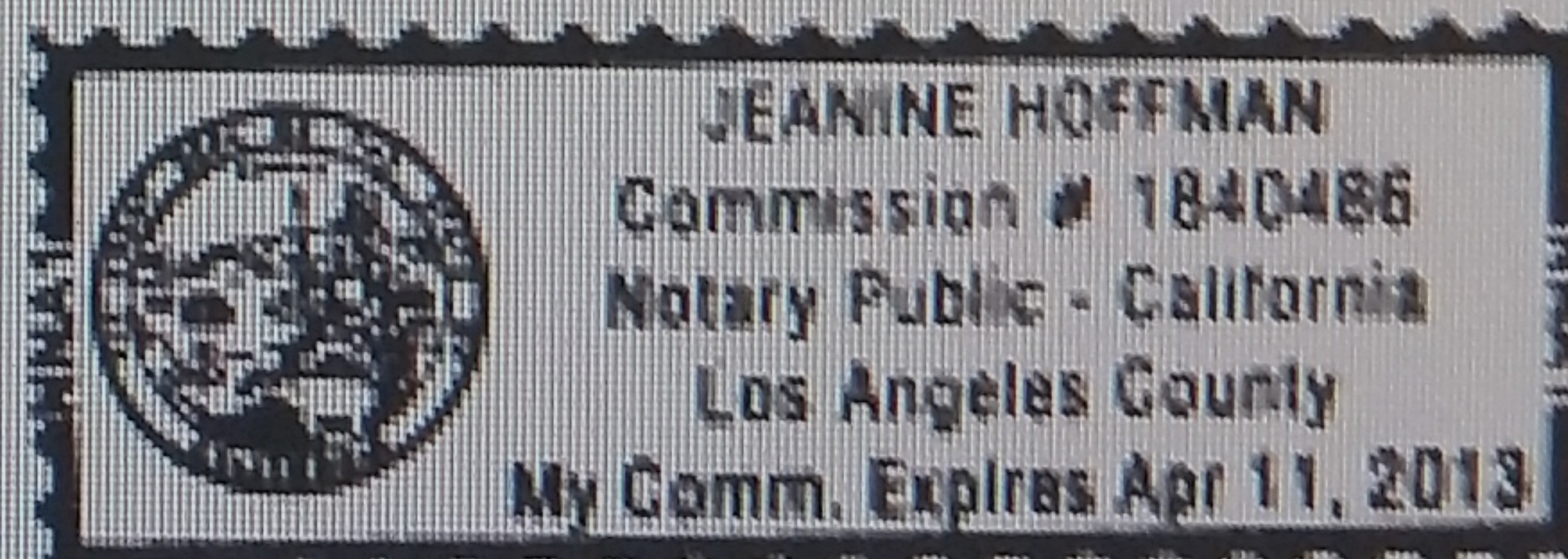
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Jeanine Hoffman
JEANINE HOFFMAN

(Seal)



TS#12-239

Certificate of Acceptance, Government Code Section 27281

This is to certify that the interest in Real Property conveyed by the attached Trustee Deed

Dated MAY 22 2012 from Recontrust Company, N.A. to the Federal National Mortgage Association, is hereby accepted by the undersigned officer or agent on behalf of the Federal National Mortgage Association and the Grantee consents to the recordation thereof by its Duly Authorized Officer.

FEDERAL NATIONAL MORTGAGE ASSOCIATION AND/OR HIS SUCCESSORS
AND/OR ASSIGNS

Pursuant to a delegation of authority
Contained in 38 C.F.R. 36.4342 (F)

State of: California

BY: Leticia N. Duran 5/21/12

County of: Ventura

Leticia N. Duran, Vice President

On MAY 22 2012 before me, JEANINE HOFFMAN, notary public, personally appeared Leticia N. Duran, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jeanine Hoffman (Seal)
JEANINE HOFFMAN

