

# EXHIBIT A

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

THE BANK OF NEW YORK MELLON,  
F/K/A THE BANK OF NEW YORK AS  
TRUSTEE FOR REGISTERED HOLDERS  
OF CWABS, INC., ASSET-BACKED  
CERTIFICATES, SERIES 2006- 23,

GENERAL JURISDICTION DIVISION

CASE NO.: 2018-037059-CA-01

Plaintiff,

vs.

JULIE NICOLAS, *et. al.*

Defendants.

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**AFFIDAVIT OF BERNARD JAY PATTERSON, CERTIFIED FRAUD EXAMINER**  
**IN SUPPORT OF DEFENDANT'S MOTION FOR SANCTIONS**  
**FOR ADDITIONAL FRAUD UPON THE COURT**

I, Jay Patterson, Certified Fraud Examiner, do hereby state under penalties of perjury:

1. During the evidentiary hearing I testified that it was my expert opinion that Bank of America is the Master Servicer for the CWABS 2006-23 Trust.

2. I based this opinion on my analysis that the original Master Servicer was Countrywide Home Loan Servicing, LP.

3. I further testified that it is industry knowledge that Countrywide Home Loan Servicing, LP was part of the July 2008 sale of Countrywide to Bank of America.

4. Countrywide Home Loan Servicing became BAC Home Loans Servicing LP which eventually was merged into Bank of America.

5. My analysis also concluded that if Bank of America was no longer the Master Servicer of this trust, I would have found a notice or commentary regarding a Master Servicer change in one of the ratings agencies sections that provide financial ratings analyses for this trust.

6. In particular, I examined this trust with Moody's, the ratings agency for this trust, and I found no mention or commentary that Bank of America was no longer the Master Servicer.

7. In fact Moody's page for this trust shows that Bank of America Home Loan Servicing LP is the Master Servicer for this trust. I concluded and testified that Bank of America appears to still be the Master Servicer due to the absence of any data to the contrary.

8. During the evidentiary hearing, it was asserted that Bank of America was not the Master Servicer for this trust and that Carrington Mortgage Services is in fact the Master Servicer and that my testimony was factually incorrect.

9. After the hearing, I contacted Moody's to request confirmation that their rating screen for this trust was correct that BAC Home Loans Servicing, LP was currently the Master Servicer for this trust.

10. I received a reply from Janitza Solarte at Moody's confirming that since Bank of America is the successor to BAC Home Loan Servicing, as such they are providing the correct servicer information on Moody's. Com. (see attached email string attached as **Exhibit #1**)

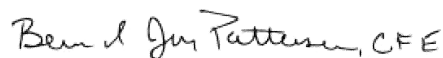
11. I subsequently obtained further verification that supports my original opinion and testimony that Bank of America is the Master Servicer for this Trust.

12. My subsequent examination found that Bank of America is the Master Servicer for 530 securitization trusts that are part of the Bank of New York Mellon v Countrywide Settlement Agreement dated June 11, 2011. (see settlement agreement at <http://www.cwrmbssettlement.com/docs/Exh%20B.pdf>)

13. I examined the February 15, 2021 Countrywide Settlement Annual Attestation Report from the accounting firm of BDO USA, LLP that I retrieved from Bank of New York Mellon's own Global Corporate Trust Investor Reporting site, a structured finance portal I use regularly in my practice.<sup>1</sup> This report (**Exhibit #2**) shows that Bank of America is still to this day the master servicer for the 520 securitization trusts which include the trust in this case. (CHL 2006-23)

14. It is therefore still my opinion that Bank of America is the Master Servicer for the Plaintiff Trust and is further supported by the additional documentation found in my subsequent investigation, examination, and analyses.

15. I declare and affirm under penalties of perjury that the facts set forth in this affidavit are true and correct this 27<sup>th</sup> day of May 2021.



Bernard Jay Patterson, CFE

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<sup>1</sup> Bank of New York GCT website: <https://gctinvestorreporting.bnymellon.com/PublicUserServlet>