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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177036
Party	Plaintiff Nationstar Mortgage LLC
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Date	08/04/2011
Attachments	<p>Socknat Transcript (7-12-2011).pdf (52 pages)(442029 bytes)</p> <p>List of Exhibits.pdf (2 pages)(15243 bytes)</p> <p>Exhibit 1.pdf (1 page)(88312 bytes)</p> <p>Exhibit 2.pdf (3 pages)(118806 bytes)</p> <p>Exhibit 3.pdf (3 pages)(121676 bytes)</p> <p>Exhibit 4.pdf (20 pages)(857979 bytes)</p> <p>Exhibit 5.pdf (1 page)(69144 bytes)</p> <p>Exhibit 5a.pdf (1 page)(44616 bytes)</p> <p>Exhibit 5b.pdf (1 page)(20203 bytes)</p> <p>Exhibit 5c.pdf (2 pages)(89150 bytes)</p> <p>Exhibit 5d.pdf (2 pages)(163489 bytes)</p> <p>Exhibit 6.pdf (1 page)(38332 bytes)</p> <p>Exhibit 6a.pdf (2 pages)(129646 bytes)</p> <p>Exhibit 6b.pdf (1 page)(52501 bytes)</p> <p>Exhibit 6c.pdf (1 page)(71871 bytes)</p> <p>Exhibit 6d.pdf (1 page)(65941 bytes)</p> <p>Exhibit 7.pdf (1 page)(323618 bytes)</p> <p>Exhibit 8.pdf (3 pages)(144681 bytes)</p> <p>Exhibit 8a.pdf (1 page)(38456 bytes)</p> <p>Exhibit 9.pdf (1 page)(45232 bytes)</p> <p>Exhibit 9a.pdf (10 pages)(107848 bytes)</p> <p>Exhibit 10.pdf (1 page)(61665 bytes)</p> <p>Exhibit 11.pdf (1 page)(102141 bytes)</p> <p>Exhibit 12.pdf (2 pages)(300644 bytes)</p> <p>Exhibit 13.pdf (3 pages)(231688 bytes)</p> <p>Exhibit 14.pdf (3 pages)(271268 bytes)</p> <p>Certificate of Service.pdf (1 page)(15452 bytes)</p> <p>Exhibit 6bb.pdf (1 page)(52415 bytes)</p>

In The Matter Of:

NATIONSTAR MORTGAGE, LLC

v.

MUJAHID AHMAD

JOHN D. SOCKNAT - Vol. 1

July 18, 2011

MERRILL LAD

1325 G Street NW, Suite 200, Washington, DC
Phone: 800.292.4789 Fax: 202.861.3425

IN THE UNITED STATES DISTRICT PATENT AND TRADEMARK
OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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	:
NATIONSTAR MORTGAGE, LLC,	:
	:
Opposer,	:
	:
vs.	: Opposition No.
	: 91177036
	:
MUJAHID AHMAD,	:
	:
Applicant.	:
	:

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Deposition of JOHN D. SOCKNAT
Washington, D.C.
Tuesday, July 12, 2011
10:00 a.m.

Page 2	Page 4
<p>1 Deposition of JOHN D. SOCKNAT, held at 2 the offices of: 3 4 PATTON BOGGS 5 2445 M Street, Northwest 6 Washington, D.C. 20037 7 8 9 10 11 12 13 14 15 Pursuant to agreement, before Paula J. 16 Eastes, Court Reporter and Notary Public in and for 17 the District of Columbia. 18 19 20 21 22</p>	<p>1 C O N T E N T S 2 EXAMINATION OF JOHN D. SOCKNAT PAGE 3 By Mr. McDonald 8 4 By Mr. Rea 68 5 By Mr. McDonald 114 6 7 E X H I B I T S 8 (Exhibits attached to the transcript.) 9 SOCKNAT DEPOSITION EXHIBITS PAGE 10 Exhibit 1 Professional biography of 11 John Socknat 11 Exhibit 2 United States Patent and 14 12 Trademark Office. Status of Service Mark Application filed 13 April 20th, 2006 14 Exhibit 3 United States Patent and 21 Trademark Office. Service Mark 15 Application Serial Number 77195561. June 1st, 2007. 16 Registration Service Mark Nationstar Mortgage 17 Exhibit 4 Advertising and direct mail 22 18 solicitations 19 Exhibit 5 Certificate of Incorporation 27 Commonwealth of Virginia State 20 Corporation Commission. Nationstar Mortgage, Inc. 21 May 19th, 2006 22</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S 2 3 ON BEHALF OF THE OPPOSER: 4 5 BRUCE A. McDONALD, ESQUIRE 6 Buchanan, Ingersoll & Rooney, PC 7 1737 King Street 8 Suite 500 9 Alexandria, Virginia 22314 10 (703) 836-6620 11 12 ON BEHALF OF THE APPLICANT: 13 14 PATRICK I. REA, ESQUIRE 15 Taylor & Rea, PLC 16 10482 Armstrong Street 17 Fairfax, Virginia 22030 18 (703) 385-3322 19 20 ALSO PRESENT: MUJAHID AHMAD 21 22</p>	<p>1 E X H I B I T S 2 (Exhibits attached to the transcript.) 3 SOCKNAT DEPOSITION EXHIBITS PAGE 4 Exhibit 5-A Section 59.1-69 29 Code of Virginia 5 Exhibit 5-B Section 59.1-75 31 6 Code of Virginia 7 Exhibit 5-C Section 47-2855.02 32 District of Columbia Code 8 Exhibit 5-D Section 47-2855.02 32 9 District of Columbia Code 10 Exhibit 6 Letter dated May 12, 2010 to 33 Kathleen McCann Hemmerdinger, 11 Trademark Paralegal, at Buchanan Ingersoll & Rooney 12 from Rick Ritter, a Business Tax Specialist 13 Exhibit 6-A Illustrative printout 36 14 Virginia Department of Professional and Occupational 15 Regulation 16 Exhibit 6-B Section 54.1-2106.1 37 Virginia Code 74 17 Exhibit 7 Photocopy of real estate 38 18 Licenses by the Virginia Department of Professional and 19 Occupational Regulation, Real Estate Board, for Mr. Ahmad in 20 capacity as salesperson for First American Real Estate 21 22</p>

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1 E X H I B I T S
(Exhibits attached to the transcript.)

2 SOCKNAT DEPOSITION EXHIBITS PAGE

3 Exhibit 8 Printout from website of 40
 Virginia Department of
4 Professional and Occupational
 Regulation-October 18th, 2010

5 Exhibit 8-A Section 54.1-2105.2 41
 Virginia Code

7 Exhibit 9 Certification from 43
 Commonwealth of Virginia State
8 Corporation Commission, Bureau
 of Financial Institutions

9 Exhibit 9-A Report of John D. Socknat 46

10 Exhibit 10 Copy of license certificate 49
 Bureau of Financial
11 Institutions to Nationstar
 Mortgage, Inc. effective
12 April 9, 2009

13 Exhibit 11 Photocopy of three licenses 55
 Issued to Mr. Ahmad as
14 Salesperson for First American
 Real Estate issued by Maryland
15 Department of Labor, Licensing
 and Regulation Real Estate
16 Commission

17 Exhibit 12 Photocopy of two licenses 56
 Mr. Ahmad as salesperson for
18 First American Real Estate,
 Inc. District of Columbia
19 Department of Consumer and
 Regulatory Affairs,
20 Occupational and Professional
21 License Administration

22

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1 P R O C E E D I N G S

2 JOHN D. SOCKNAT

3 having been duly sworn, testified as follows:

4 EXAMINATION BY COUNSEL FOR OPPOSER

5 BY MR. McDONALD:

6 **Q Good morning, Mr. Socknat.**

7 A Good morning.

8 **Q My name is Bruce McDonald. I am a partner**

9 **at Buchanan Ingersoll & Rooney in the Alexandria,**

10 **Virginia office representing in this case the Opposer**

11 **Nationstar Mortgage LLC.**

12 MR. McDONALD: Before we get started today

13 I will simply ask for acknowledgement that we are

14 reserving all objections except as to form for the

15 trial.

16 MR. REA: That is agreed.

17 Can I enter my appearance?

18 MR. McDONALD: Yes.

19 MR. REA: I am Patrick Rea. I am with the

20 law firm of Taylor & Rea, 10482 Armstrong Street,

21 Fairfax, Virginia 22030. And I represent the

22 Applicant Mujahid Ahmad.

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1 E X H I B I T S
(Exhibits attached to the transcript.)

2 SOCKNAT DEPOSITION EXHIBITS PAGE

3 Exhibit 13 Photocopy of three licenses 58
 Issued to Nationstar Mortgage,
4 Inc. by Maryland Department of
 Labor, Licensing and
5 Regulation, Commissioner of
 Financial Regulation

6 Exhibit 14 Photocopy of licenses issued 59
 to Nationstar Mortgage, Inc.
7 District of Columbia Banking
 Bureau of the Department of
8 Insurance, Securities and
 Banking

9 Exhibit 6-C Section 6.2-1600 75
 Code of Virginia

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1 BY MR. McDONALD:

2 **Q Let's start by asking you if I can call you**

3 **John for this case?**

4 A Of course.

5 **Q We are on a first-name basis here I think,**

6 **all of us.**

7 **So, John, would you just state your name**

8 **and business address for the record?**

9 A Sure.

10 John David Socknat, S-O-C-K-N-A-T. 2550 M

11 Street, Northwest, Washington, D.C. 20037.

12 **Q And, John, what is your occupation?**

13 A I am an attorney.

14 **Q And who is your employer or law firm?**

15 A I am a partner with Patton Boggs LLP.

16 **Q And we are at their office today, is that**

17 **correct, taking this deposition?**

18 A That is correct.

19 **Q Could you describe your area of practice**

20 **here at Patton Boggs?**

21 A Sure.

22 I am a partner and one of the co-heads of

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1 the Patton Boggs mortgage banking practice. I have a
 2 particular emphasis and focus on state licensing
 3 related issues, mortgage, real estate, title and other
 4 service to providers.
 5 **Q So you deal with legal and regulatory**
 6 **issues?**
 7 A I do.
 8 **Q And those issues relate to mortgage**
 9 **banking?**
 10 A Mortgage banking. Real estate brokerage.
 11 The title industry. Certain insurance industries both
 12 on the residential and commercial side.
 13 **Q I am marking as Exhibit Number 1 a document**
 14 **entitled John D. Socknat, Partner. This is from the**
 15 **website at www.pattonboggs.com.**
 16 **Before I hand this to you to look at let me**
 17 **interject that the exhibits that I introduce today**
 18 **will be numbered exactly the same as the attachments**
 19 **to the report of Opposer's expert John Socknat**
 20 **pursuant to the Federal Rules of Civil Procedure**
 21 **26(a)(2) and that report was dated October 19th, 2010.**
 22 **It is in the record. And simply for purposes of**

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1 **simplicity and symmetry I will adhere to the numbering**
 2 **of those attachments.**
 3 **So, if it is Exhibit 1 in this deposition**
 4 **then it was Attachment 1 in the October 19th report.**
 5 **(Exhibit 1 was marked for identification**
 6 **and is attached to the deposition transcript.)**
 7 **BY MR. McDONALD:**
 8 **Q With that let me extend to you what I have**
 9 **marked as Exhibit Number 1 and ask you to identify**
 10 **that document.**
 11 A This is a printout from the firm's website
 12 of my professional biography. It was printed in
 13 October of 2010.
 14 **Q And who prepared that document?**
 15 A This was prepared by me in conjunction with
 16 our Marketing Department. They are responsible for
 17 ultimate uploading. But reviewed and prepared by me.
 18 **Q So you have examined all of the contents of**
 19 **that document?**
 20 A I have.
 21 **Q And are those contents true and accurate?**
 22 A They are true and accurate.

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1 **Q Now, regarding the scope of your engagement**
 2 **as an expert witness for the Opposer in this case, can**
 3 **you basically confirm that you are engaged to testify**
 4 **as an expert in this case?**
 5 A I am.
 6 I was engaged to testify on behalf of the
 7 Opposer specifically to address whether Mr. Ahmad
 8 could legally and lawfully have provided certain
 9 services as laid out in his trademark application and
 10 whether he could have done so prior to April 28, 2006.
 11 **Q Yes.**
 12 **And is the testimony that you are giving**
 13 **today based on testimony and exhibits that were**
 14 **introduced by the Applicant in this case?**
 15 A By the Applicant as well as my independent
 16 review of various applicable statutes, regulations,
 17 regulatory agency websites and other documents.
 18 **Q Can you basically describe what documents**
 19 **and information you have examined in preparation of**
 20 **your opinion?**
 21 A Sure.
 22 The transcripts of depositions from

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1 Mr. Ahmad, Mr. Hussain, Mr. Sharieff, and exhibits to
 2 those deposition transcripts, including copies of
 3 various licenses issued by Mortgage Banking and/or
 4 real estate regulatory agencies in Virginia, the
 5 District of Columbia and Maryland.
 6 **Q So you have conducted an independent**
 7 **examination of records from relevant licensing**
 8 **authorities in Virginia, the District of Columbia and**
 9 **Maryland?**
 10 A I have.
 11 **Q Have you read the testimony deposition of**
 12 **Mr. Ahmad?**
 13 A I have.
 14 **Q And you have examined the attachments to**
 15 **his report?**
 16 A Yes.
 17 **Q And you are aware that two other witnesses**
 18 **have testified for Mr. Ahmad in this case?**
 19 A Correct. Mr. Sharieff and Mr. Hussain.
 20 **Q And you have examined the transcripts of**
 21 **those depositions?**
 22 A I have.

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1 **Q And the exhibits and attachments to those**
 2 **transcripts?**
 3 A Yes.
 4 **Q Is it your understanding that Mr. Ahmad**
 5 **claims to have used the name Nationstar Mortgage since**
 6 **2005?**
 7 A I am aware that he has claimed to have used
 8 the Nationstar Mortgage name prior to April 28, 2006
 9 and sometime in 2005. And I believe there is also
 10 some reference to in his testimony about when he
 11 conceived of the name, which I believe he indicates
 12 was sometime in 2004.
 13 **Q Now I am marking as Exhibit 2 a printout**
 14 **from the website of the United States Patent and**
 15 **Trademark Office. The date of the printout is**
 16 **October 18, 2010 indicating the status at that time of**
 17 **the Service Mark Application filed by Mr. Ahmad on**
 18 **April 20th, 2006.**
 19 **This is also Attachment 2 to your report of**
 20 **October 19th.**
 21 **(Exhibit 2 was marked for identification**
 22 **and is attached to the deposition transcript.)**

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1 **BY MR. McDONALD:**
 2 **Q I will just hand that to you and ask you if**
 3 **you are familiar with the contents of that document?**
 4 A I am.
 5 **Q Do you see the description of services that**
 6 **is listed in that application?**
 7 A I do. On page 2.
 8 **Q All right.**
 9 **I would like to go down that list and ask**
 10 **you basically about the regulatory context of those**
 11 **services.**
 12 **The first service there do you see that it**
 13 **is real estate brokerage?**
 14 A Yes.
 15 **Q And is that a regulated activity of**
 16 **commerce?**
 17 A It is a regulated activity of commerce in
 18 Virginia, D.C., Maryland and virtually every other
 19 state.
 20 **Q So that in order to be engaged in real**
 21 **estate brokerage does one need to have a license?**
 22 A One needs to be licensed. One also needs

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1 to be affiliated or associated with an entity that
 2 holds the appropriate license.
 3 **Q Now, if an individual is using a trade**
 4 **name, and in this case the trade name Nationstar, does**
 5 **there need to be a licensed issued to Nationstar, one**
 6 **that reflects that name?**
 7 A There would.
 8 The licensing laws in the various states
 9 limit an entity from conducting business in the name
 10 that appears on their license. The various states do
 11 accept and permit use of trade names subject to
 12 appropriate registration and filing with, depending on
 13 the state, as many as two or three different agencies.
 14 **Q So if a person is using a particular trade**
 15 **name, and in this case Nationstar, that name has to be**
 16 **reflected in a license that was issued by the state?**
 17 A The name should be reflected to be properly
 18 used. That is correct.
 19 **Q Now just going down that list I see that**
 20 **the next one is rental of real estate. How does that**
 21 **fit in with the licensing scheme?**
 22 A That also is activity for which a license

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1 is required whether you are representing an entity or
 2 an individual who wants to rent real estate or whether
 3 you are representing an individual or an entity that
 4 is seeking to lease real estate.
 5 **Q And so if a person wanted to use a**
 6 **particular trade name such as Nationstar or Nationstar**
 7 **Mortgage in the conduct of the rental of real estate**
 8 **there would need to be some reflection of that fact in**
 9 **the licensing records of the state?**
 10 A Correct. To the same extent as it would
 11 for real estate brokerage activity.
 12 **Q Now going down to the next service that is**
 13 **identified in the Service Mark Application which I**
 14 **have handed to you as Exhibit 2, do you see where it**
 15 **says real estate management services, namely,**
 16 **management of commercial and residential properties?**
 17 A Yes.
 18 **Q How does that fit into the regulatory**
 19 **scheme?**
 20 A That also is activity for which a license
 21 is required managing property, commercial or
 22 residential, for others. It fits within the

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1 definition of real estate activity for which a license
 2 is required.
 3 **Q All right.**
 4 **And then we come to real estate investment.**
 5 **Where does that fit in here?**
 6 A It is hard to know context without more.
 7 You know, investing one's own funds in real estate
 8 does not require a license and depending on the
 9 circumstances advising someone about real estate
 10 investment may not necessarily trigger a need for a
 11 license. But without context it is difficult to say.
 12 **Q Are you aware of any evidence in the record**
 13 **that the Applicant has earned revenues using the name**
 14 **Nationstar for real estate investment?**
 15 A There is nothing in the record or any of
 16 the documents that I have reviewed or any of my
 17 independent investigation that would indicate that any
 18 revenues, compensation or the like have been earned by
 19 or paid to Nationstar Mortgage, Incorporated.
 20 **Q Now, the next service listed in the Service**
 21 **Mark Application which I have handed to as Exhibit 2**
 22 **is residential and commercial property and insurance**

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1 **brokerage.**
 2 **Do you see where it says that?**
 3 A I do.
 4 **Q How does that fit in?**
 5 A Depending on the type of activity
 6 conducted, the type of insurance, each of the states,
 7 Maryland, Virginia and District of Columbia, actually
 8 have insurance agent licensing requirements.
 9 On its face this appears to be dealing with
 10 what is also called hazard insurance or property
 11 insurance. And acting as an agent in that capacity or
 12 a broker in that capacity requires licensure as
 13 generally the term is an insurance producer. That is
 14 another term for an insurance agent.
 15 **Q Okay.**
 16 **Have you had an opportunity to determine**
 17 **whether there are any licenses on record in Virginia**
 18 **and Maryland or the District of Columbia for insurance**
 19 **brokerage?**
 20 A I don't recall whether I have looked at
 21 Maryland or the District of Columbia, but I have
 22 searched the records of Virginia, the appropriate

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1 website, searching both for Mr. Ahmad as a producer
 2 and Nationstar Mortgage as a producer and even as an
 3 insurance company and I found no record of any license
 4 having been issued to either Mr. Ahmad or to
 5 Nationstar Mortgage, Inc.
 6 **Q So, just to make sure that I understand**
 7 **correctly, if an individual were conducting business**
 8 **under a trade name, in this case Nationstar Mortgage,**
 9 **and offering and selling services in connection with**
 10 **residential and commercial property and insurance**
 11 **brokerage, there would have to be some indication to**
 12 **that effect in the licensing authorities?**
 13 A Correct. Correct.
 14 And to the extent that Mr. Ahmad was doing
 15 this in his personal capacity through any other
 16 employment or relationship he in his individual
 17 capacity would need to be licensed.
 18 **Q And there is no record of any such license.**
 19 **Do I understand that correctly?**
 20 A That is correct.
 21 **Q I am now marking as Exhibit 3 a printout of**
 22 **records from the United States Patent and Trademark**

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1 **Office documenting the Service Mark Application Serial**
 2 **Number 77195561 filed June 1st, 2007 seeking**
 3 **registration of the Service Mark Nationstar Mortgage.**
 4 **(Exhibit 3 was marked for identification**
 5 **and is attached to the deposition transcript.)**
 6 **BY MR. McDONALD:**
 7 **Q I will ask you if you have seen that**
 8 **application?**
 9 A I have.
 10 **Q Are you aware that this application claims**
 11 **a first use date of December 2004?**
 12 A I see that on page 2. Yes. First Use Date
 13 December 2004. Similar First Use in Commerce Date,
 14 the same, December 2004 date.
 15 **Q Parenthetically allow me to interject that**
 16 **Exhibit 2, which we discussed a moment ago, has a**
 17 **Serial Number that I neglected to mention. The Serial**
 18 **Number is 78866376. That is Exhibit 2.**
 19 **I am now marking as Exhibit 4 a compilation**
 20 **of advertising and direct mail solicitations allegedly**
 21 **distributed by Mr. Ahmad in 2005 and early 2006 prior**
 22 **to April 28th of 2006.**

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1 **(Exhibit 4 was marked for identification**
2 **and is attached to the deposition transcript.)**
3 **BY MR. McDONALD:**
4 **Q I will hand you this compilation of**
5 **documents.**
6 **They also have Bates stamps at the bottom**
7 **right and the Bates stamps are numbered APP 24 through**
8 **APP 43. And these were all introduced as Attachment 4**
9 **to your report of October 19th, 2010.**
10 **I will hand you this compilation of**
11 **documents and ask you if you could please go through**
12 **those one by one and make note of the Bates stamp**
13 **there at the bottom right if you refer to any one of**
14 **them and just indicate whether you have seen them**
15 **before.**
16 A Yes.
17 Bates stamp number ending in 24 I have
18 seen. Same with 25, 26, 27, 28, 29, 30, 31, which
19 seems to be the same as 30, although there might be a
20 slight difference, 32, 33, 34, 35, 36 and 37, which
21 are letters on Nationstar Mortgage letterhead, as well
22 as 38, 39, 40, 41, 42 and 43, which appear to be a

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1 very similar, if not identical, solicitation letter
2 sent to various individuals.
3 **Q And you have seen those before?**
4 A I have seen them all before. Yes.
5 **Q And how would you describe the services**
6 **that are being offered by Mr. Ahmad in those**
7 **documents?**
8 A The services range from, I will call it
9 real estate services, mortgage services.
10 I am looking again to see any offer or
11 reference.
12 There are some that would appear to be
13 offering both real estate and mortgage services
14 because the Nationstar Mortgage name is used in
15 reference to Mr. Ahmad as a mortgage broker, but also
16 information about one stop for all of your real estate
17 needs, which I read as a solicitation for real estate
18 services.
19 **Q In all of the documents, in all of the**
20 **pages that are encompassed in Exhibit 4, is there any**
21 **one of those documents that describes services that**
22 **would not require regulatory approval?**

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1 A No.
2 The services, all the services that are
3 solicited or advertised, are either real estate and/or
4 mortgage services, both of which require licensure,
5 and in the states certainly where these appeared to
6 have been distributed, Virginia, Maryland and D.C.,
7 and frankly any other state where these services would
8 be offered.
9 **Q And have you determined that no such**
10 **licenses exist?**
11 A As it relates to Nationstar Mortgage, Inc.,
12 currently Nationstar Mortgage, Inc. holds mortgage
13 broker licenses in each of Virginia, Maryland and the
14 District of Columbia, although those licenses weren't
15 obtained until, I believe the earliest was in Virginia
16 sometime in 2006, perhaps October, and then Maryland
17 and the District of Columbia would have been after
18 that.
19 As it relates to Nationstar, any real
20 estate broker license or brokerage license, there is
21 no evidence or record of Nationstar Mortgage, Inc.
22 holding any such license, again a real estate

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1 brokerage license, in Virginia, Maryland or the
2 District of Columbia, nor did I find any indication or
3 evidence that Nationstar is a registered trade name
4 linked to First American Realty, which is the real
5 estate brokerage to which Mr. Ahmad perhaps still is,
6 but at least during the time at issue here was,
7 associated as a salesperson, as a licensed
8 salesperson.
9 **Q So, is it your opinion that the services**
10 **that are described in Exhibit 4 could or could not**
11 **have been offered under the name Nationstar lawfully**
12 **without regulatory approval?**
13 A Yes. It is my opinion that the services
14 offered could not have been offered lawfully without
15 the appropriate regulatory consents and approvals.
16 At the earliest it would have been in
17 Virginia, mortgage brokerage activity, sometime in
18 2006 and then in the other states after that time.
19 And to this date conducting real estate business under
20 the Nationstar name in my opinion is unlawful.
21 **Q Now, in terms of mortgage banking activity**
22 **you made reference to a 2006 license and we will come**

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1 **back to that in a few minutes.**
 2 **Are we talking about a license that was**
 3 **issued before or after April 28th, 2006?**
 4 A The license was issued after April 28,
 5 2006.
 6 **Q So, as of April 28, 2006 then Mr. Ahmad did**
 7 **or did not have the necessary regulatory approval to**
 8 **offer any of the services that are indicated in the**
 9 **advertising and promotional materials submitted as**
 10 **Attachment 4?**
 11 A Prior to and as of April 28, 2006 Mr. Ahmad
 12 did not have the necessary regulatory approvals or
 13 licenses to conduct the activities that he purports to
 14 have provided in that which he solicits and advertises
 15 in the documents that are in Exhibit Number 4.
 16 **Q I am now marking as Exhibit Number 5 the**
 17 **Certificate of Incorporation issued by the**
 18 **Commonwealth of Virginia State Corporation Commission**
 19 **to Mr. Ahmad's company Nationstar Mortgage, Inc. on**
 20 **May 19th, 2006.**
 21 **This was also Attachment 5 to your report**
 22 **of October 19th, 2010.**

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1 **(Exhibit 5 was marked for identification**
 2 **and is attached to the deposition transcript.)**
 3 **BY MR. McDONALD:**
 4 **Q I will ask you if you have seen that**
 5 **before?**
 6 A I have.
 7 **Q Do you see the date of issuance on that**
 8 **certificate?**
 9 A I do. May 19, 2006.
 10 **Q Now, are you aware of any prior record in**
 11 **Virginia of any license or authority issued to**
 12 **Mr. Ahmad or his company for the conduct of business**
 13 **using Nationstar as all or part of a trade name?**
 14 A I am not.
 15 The first record that I have discovered and
 16 am familiar with as relates to the Nationstar name as
 17 linked to Mr. Ahmad is this Certificate of
 18 Incorporation issued by the State Corporation
 19 Commission of the Commonwealth of Virginia on May 19,
 20 2006. I am not aware and have not found any prior
 21 record of the name Nationstar as a trade name,
 22 fictitious name or corporate name having been

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1 registered or application made by Mr. Ahmad.
 2 **Q All right.**
 3 **Now then based on the documents in evidence**
 4 **that you have described so far, are you aware of any**
 5 **source of authority or approval that Mr. Ahmad would**
 6 **have had to use Nationstar as all or part of a trade**
 7 **name prior to the date of that Certificate of**
 8 **Incorporation on May 19th, 2006?**
 9 A I am not aware of any authority that would
 10 have granted Mr. Ahmad the rights or ability to use
 11 Nationstar prior to May 19, 2006.
 12 In fact all this document does is grant
 13 authority for Nationstar Mortgage, Inc. generally to
 14 conduct business in the Commonwealth of Virginia. It
 15 is not a grant of a license that would be required by
 16 the Bureau of Financial Institutions which regulates
 17 mortgage brokerage or the department in Virginia -- I
 18 am drawing a blank on the name -- that is responsible
 19 for regulating and issuing licenses for real estate
 20 brokerage.
 21 **Q I am introducing now what I have marked as**
 22 **Exhibit 5-A, a printout from a State of Virginia**

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1 **website of Section 59.1-69 of the Code of Virginia.**
 2 **(Exhibit 5-A was marked for identification**
 3 **and is attached to the deposition transcript.)**
 4 **BY MR. McDONALD:**
 5 **Q Subject to any issue about the authenticity**
 6 **of the document, which we can reserve, I would just**
 7 **ask you if you are familiar with that statute?**
 8 A I am.
 9 **Q Does this statute require a person or a**
 10 **partnership or limited liability company or**
 11 **corporation transacting business under an assumed name**
 12 **to file a certificate?**
 13 A It does.
 14 **Q And is this the Virginia fictitious name**
 15 **statute?**
 16 A That is another term for this. Yes.
 17 **Q And with apologies for the tedious aspect,**
 18 **may I ask you to please read the first section of that**
 19 **statute into the record?**
 20 A Sure.
 21 No person, partnership, limited liability
 22 company or corporation shall conduct or transact

Page 30

1 business in this Commonwealth under any assumed or
 2 fictitious name unless such person, partnership,
 3 limited liability company or corporation shall sign
 4 and acknowledge a certificate setting forth the name
 5 under which such business is to be conducted or
 6 transacted, and the names of each person, partnership,
 7 limited liability company or corporation owning the
 8 same, with their respective post-office and residence
 9 addresses.

10 **Q And so basically just to summarize that, do**
 11 **I understand correctly that in order to use an assumed**
 12 **or fictitious name in Virginia a person must sign and**
 13 **acknowledge a certificate?**

14 A That is correct.

15 **Q And that certificate is required to contain**
 16 **the name under which the business is to be conducted;**
 17 **is that correct?**

18 A That is correct.

19 **Q And the certificate is also required to**
 20 **contain the name of the person who owns that business;**
 21 **is that correct?**

22 A That is correct.

Page 31

1 **Q And also the person's post-office and**
 2 **residential address; is that correct?**

3 A Correct.

4 **Q Now, do you know if there is any penalty in**
 5 **the Commonwealth of Virginia for conducting business**
 6 **under an assumed or fictitious name without compliance**
 7 **with that statute?**

8 A There is a penalty. Yes.

9 **Q I am now going to mark as Exhibit 5-B a**
 10 **printout of Section 59.1-75 of the Virginia Code.**
 11 **(Exhibit 5-B was marked for identification**
 12 **and is attached to the deposition transcript.)**
 13 **BY MR. McDONALD:**

14 **Q Are you familiar with that statute?**

15 A I am.

16 **Q It is very brief. Would you just read that**
 17 **into the record please?**

18 A Sure.

19 It is again Section 59.1-75 captioned
 20 penalty for violation.

21 Any person violating any of the provisions
 22 of this chapter shall be guilty of a misdemeanor and,

Page 32

1 upon conviction, shall be punished by a fine not
 2 exceeding \$2,500 or by confinement in jail for not
 3 more than one year, or both.

4 **Q Do you know whether Maryland and D.C. have**
 5 **similar statutes?**

6 A Maryland and D.C. do have similar statutes.

7 **Q I am marking as Exhibit 5-C a printout of**
 8 **Section 47-2855.02 of the District of Columbia Code.**
 9 **(Exhibit 5-C was marked for identification**
 10 **and is attached to the deposition transcript.)**
 11 **BY MR. McDONALD:**

12 **Q I will ask you if you are familiar with**
 13 **that statute and if that statute is one that you**
 14 **referred to previously?**

15 A I am familiar with this statute. And yes,
 16 this is a statute which I previously referred as one
 17 in specifically the District of Columbia that requires
 18 the registration of trade names.

19 **Q I am marking as Exhibit 5-D a copy of**
 20 **Section 1-406 of the Maryland Corporations and**
 21 **Associations law.**
 22 **(Exhibit 5-D was marked for identification**

Page 33

1 **and is attached to the deposition transcript.)**
 2 **BY MR. McDONALD:**

3 **Q I will ask you if you are familiar with**
 4 **that statute?**

5 A I am.

6 **Q And is that basically the Maryland statute**
 7 **that you referred to previously?**

8 A Yes. This is the statute in Maryland which
 9 requires the registration of trade names or fictitious
 10 names.

11 **Q I am now marking as Exhibit 6 a copy of a**
 12 **letter that was Attachment 6 to your report dated**
 13 **October 19th. You have it right there. This is a**
 14 **letter dated May 12, 2010 to Kathleen McCann**
 15 **Hemmerdinger, Trademark Paralegal, at Buchanan**
 16 **Ingersoll & Rooney from an individual named Rick**
 17 **Ritter, a Business Tax Specialist.**
 18 **(Exhibit 6 was marked for identification**
 19 **and is attached to the deposition transcript.)**
 20 **BY MR. McDONALD:**

21 **Q I am handing you that Exhibit 6 and ask you**
 22 **if you have seen that before?**

Page 34

1 A Yes. I have.

2 **Q It is very brief. Would you please read**

3 **the contents?**

4 A Dear Ms. Hemmerdinger:

5 Per your request, I can confirm that

6 Mujahid Ahmad has not registered the trade name

7 NationStar, one word, or Nation Star, two words. I

8 can further confirm there is no business tax

9 registration for this individual.

10 **Q Now, how does that information fit in with**

11 **your testimony, if at all?**

12 A This letter confirms that Mr. Ahmad has not

13 filed in Arlington County for the registration of

14 Nationstar or any variation of Nationstar, at least as

15 set forth in the letter, which is a requirement

16 pursuant to the fictitious name statute or trade name

17 statute in Virginia where you are required to make

18 application in the county or county square the

19 business will be undertaken.

20 **Q Previously you have testified that**

21 **Mr. Ahmad lacked the regulatory approval to offer real**

22 **estate agency and brokerage services and mortgage**

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1 **brokerage services in the absence of any relevant**

2 **license.**

3 **Now that I have showed you Exhibit Number 6**

4 **do you have an opinion on whether Mr. Ahmad could have**

5 **conducted any business using Nationstar as all or part**

6 **of a trade name prior to May 19th, 2006?**

7 A Yes. This does not change my opinion that

8 he was not lawfully authorized to have conducted any

9 business under that name prior to April 28, 2006.

10 I think your question was May 19, 2006 when

11 Nationstar Mortgage was first granted a Certificate of

12 Incorporation by the Commonwealth of Virginia.

13 **Q In other words, putting aside his**

14 **regulatory authority to offer a particular kind of**

15 **service, what we see from the Certificate of**

16 **Incorporation of May 19, 2006 and the absence of any**

17 **fictitious trade name filing prior to that date is**

18 **that he did or did not have the right to offer any**

19 **service lawfully using the name Nationstar?**

20 A Prior to May 19, 2006 Mr. Ahmad had no

21 rights to use the Nationstar name, period, and did not

22 hold the appropriate regulatory approvals or licenses

Page 36

1 to provide the services that he purports to have been

2 providing since 2005.

3 **Q Now, a moment ago we were talking about the**

4 **Commonwealth of Virginia and how that regulates the**

5 **conduct of real estate agency and brokerage services.**

6 **I am marking as Exhibit 6-A an illustrative**

7 **printout of the website from the Virginia Department**

8 **of Professional and Occupational Regulation.**

9 **(Exhibit 6-A was marked for identification**

10 **and is attached to the deposition transcript.)**

11 **BY MR. McDONALD:**

12 **Q I would ask you if that is the Virginia**

13 **agency that regulates the conduct of real estate**

14 **agency and brokerage services?**

15 A Correct. That is the agency. And then

16 there is a Board within this agency that specifically

17 is responsible for the regulation of and issuance of

18 licenses to real estate brokers or real estate agents.

19 **Q Would that be the Real Estate Board?**

20 A Correct.

21 **Q I am now marking as Exhibit 6-B a copy of**

22 **Section 54.1-2106.1 of the Virginia Code.**

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1 **(Exhibit 6-B was marked for identification**

2 **and is attached to the deposition transcript.)**

3 **BY MR. McDONALD:**

4 **Q Let me ask you if you are familiar with**

5 **this statute.**

6 A I am.

7 **Q Is this the statute that requires persons**

8 **offering real estate agency and brokerage services in**

9 **the Commonwealth of Virginia to obtain a license from**

10 **the Real Estate Board of the Virginia Department of**

11 **Professional and Occupational Regulation?**

12 A Yes.

13 **Q Now, we know that Mr. Ahmad has been**

14 **licensed to offer real estate agency and brokerage**

15 **services in the Commonwealth of Virginia as early as**

16 **2005.**

17 **We know that, don't we?**

18 A We do.

19 **Q But do those licenses provide him with any**

20 **regulatory authority to use the name Nationstar when**

21 **he is offering such services?**

22 A They do not.

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1 Mr. Ahmad's license, he holds a salesperson
 2 license and is linked to and sponsored by the
 3 brokerage known as First American Real Estate. First
 4 American Real Estate does not, based on our review of
 5 appropriate records, hold or have registered
 6 Nationstar as a trade name.

7 **Q I am marking as Exhibit 7 a photocopy of**
 8 **real estate licenses issued to Mr. Ahmad by the**
 9 **Virginia Department of Professional and Occupational**
 10 **Regulation, specifically the Real Estate Board, issued**
 11 **to Mr. Ahmad in his capacity as a salesperson for**
 12 **First American Real Estate.**

13 **This exhibit was Attachment 7 to your**
 14 **report dated October 19th, 2010.**
 15 **(Exhibit 7 was marked for identification**
 16 **and is attached to the deposition transcript.)**
 17 **BY MR. McDONALD:**

18 **Q I would ask you to look at that and ask if**
 19 **you remember that document?**

20 A I do.

21 **Q So, these are the licenses that authorize**
 22 **Mr. Ahmad to engage in services in real estate agency**

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1 **and brokerage; is that correct?**

2 A Correct. With two previous and prior
 3 licenses, one of which expired in September of 2006,
 4 the other September of 2008, and then the third set to
 5 expire in September 30th, 2010.

6 **Q Now, is there anything in those licenses**
 7 **that authorizes him to use the name Nationstar or**
 8 **Nationstar Mortgage?**

9 A It does not.

10 The licenses are in his personal name above
 11 the First American Real Estate, Inc. and below that
 12 First American Real Estate, which I read to be a trade
 13 name under which First American Real Estate, Inc. is
 14 conducting and authorized to do business.

15 **Q Now I am marking as Exhibit Number 8 a**
 16 **printout from the website of the Virginia Department**
 17 **of Professional and Occupational Regulation dated**
 18 **October 18th, 2010.**

19 **This was submitted as Attachment 8 to your**
 20 **report of October 19th, 2010 attesting to Mr. Ahmad's**
 21 **current authorization to engage in real estate agency**
 22 **services on behalf of First American Real Estate,**

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1 **Inc., accompanied by a printout from the same website**
 2 **attesting that no real estate broker's license has**
 3 **ever been issued to any individual or entity doing**
 4 **business as or under the name Nationstar or Nationstar**
 5 **Mortgage. And these three pages were introduced as**
 6 **Attachment 8 to your October 2010 report.**
 7 **(Exhibit 8 was marked for identification**
 8 **and is attached to the deposition transcript.)**
 9 **BY MR. McDONALD:**

10 **Q I will just ask you to review those and**
 11 **tell me whether that is the same document that**
 12 **accompanied your report.**

13 A (Witness complies.)

14 Yes. I am familiar with this and this is
 15 the same document that was appended to my report.

16 **Q Do you know whether there is any civil**
 17 **penalty in Virginia for offering real estate agency**
 18 **and brokerage services under a particular name without**
 19 **obtaining a license in that name from the Real Estate**
 20 **Board of the Virginia Department of Professional and**
 21 **Occupational Regulation?**

22 A Yes. The relevant statute does provide for

Page 41

1 such a penalty.

2 **Q I am introducing now as Exhibit 8-A a copy**
 3 **of Section 54.1-2105.2 of the Virginia Code.**
 4 **(Exhibit 8-A was marked for identification**
 5 **and is attached to the deposition transcript.)**
 6 **BY MR. McDONALD:**

7 **Q I will ask you if you are familiar with**
 8 **that statute?**

9 A I am familiar.

10 **Q And in your own words what is the import of**
 11 **this statute, what does this statute provide?**

12 A This particular provision lays out the
 13 authority of the Board to take action for unlicensed
 14 activity and also sets out by statute the civil
 15 penalty for violations of certain provisions of the
 16 real estate statute and specifically for engaging in
 17 unlicensed activity.

18 **Q So, under this statute is the offer or sale**
 19 **of real estate agency or brokerage services in the**
 20 **Commonwealth of Virginia without the necessary license**
 21 **subject to a civil money penalty of up to \$1,000 per**
 22 **transaction?**

Page 42

1 A Correct.

2 The statute provides for civil penalty not

3 to exceed \$1,000 for any real estate transaction or

4 any compensation that is received from any such

5 transaction.

6 **Q Do you know whether the District of**

7 **Columbia and Maryland have similar prohibitions?**

8 A They do.

9 **Q I believe you indicated that you had**

10 **independently looked at real estate regulatory records**

11 **in Virginia; is that correct?**

12 A Correct.

13 **Q And Maryland and D.C. also?**

14 A Correct.

15 **Q Have you found any evidence anywhere that**

16 **Mr. Ahmad has applied for or received a license to use**

17 **the name Nationstar or Nationstar Mortgage for real**

18 **estate agency or brokerage services in Virginia,**

19 **Maryland or D.C.?**

20 A I found no record of any license issued or

21 any application submitted for Mr. Ahmad's use of the

22 name Nationstar or for a license to conduct real

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1 estate activity under the name Nationstar either as a

2 fictitious name or for Nationstar Mortgage, Inc.

3 **Q I am marking now as Exhibit 9 a copy of a**

4 **certification from the Commonwealth of Virginia State**

5 **Corporation Commission, Bureau of Financial**

6 **Institutions.**

7 **This was Attachment 9 to your report of**

8 **October 19th, 2010.**

9 **(Exhibit 9 was marked for identification**

10 **and is attached to the deposition transcript.)**

11 **BY MR. McDONALD:**

12 **Q I will ask you if you have seen that**

13 **before?**

14 A Yes. I have seen this before.

15 **Q Now, describe in your own words what is**

16 **that document.**

17 A This is a license issued by the Bureau of

18 Financial Institutions to Nationstar Mortgage, Inc.

19 dated October 24, 2006 which authorizes Nationstar

20 Mortgage, Inc. to engage in mortgage brokerage

21 business in the Commonwealth of Virginia.

22 **Q So, mortgage brokerage services are**

Page 44

1 **regulated in Virginia, right?**

2 A The provision providing mortgage brokerage

3 services that is correct. And even holding oneself

4 out as able to provide mortgage broker services,

5 advertising to conduct mortgage brokerage services, is

6 regulated activity for which a license is required.

7 **Q But don't the business cards and**

8 **solicitations distributed by Mr. Ahmad, allegedly**

9 **distributed by Mr. Ahmad, in 2005 and early 2006,**

10 **don't they offer mortgage brokerage services?**

11 A They do. They make specific reference to

12 and include the title mortgage broker and solicit and

13 offer to provide mortgage services. And the dates on

14 certain of those documents certainly precede

15 October 24 of 2006.

16 **Q If a person is offering mortgage brokerage**

17 **services in Virginia under a particular name does the**

18 **license have to specify that name?**

19 A Absolutely.

20 The relevant provisions of the Virginia

21 Mortgage Brokerage and Mortgage Lending Act requires

22 not only that an entity hold a license, but also that

Page 45

1 business is conducted only in the name that appears on

2 such license.

3 Virginia also, as do all of the states now,

4 impose individual licensing requirements on employees

5 of mortgage brokers who act as loan officers, which is

6 defined as individuals who take applications or

7 negotiate rates and terms of residential mortgage

8 transactions.

9 **Q Do you know if there is a penalty for**

10 **offering mortgage brokerage services in Virginia**

11 **without a license?**

12 A There is.

13 **Q I am just handing to you a copy of your**

14 **report from October 19, 2010.**

15 **At the top of the page do you recall your**

16 **testimony regarding the penalty for offering or**

17 **selling mortgage broker services in Virginia without a**

18 **license?**

19 A I do.

20 In addition to being punishable by a fine

21 of up to \$2,500 --

22 MR. REA: I am going to object.

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1 Are we going to enter the report into
 2 evidence here?
 3 MR. McDONALD: We can if you want to, but I
 4 wasn't planning on it.
 5 MR. REA: I would rather have the report
 6 entered if he is going to read from it.
 7 MR. McDONALD: All right. Let's do that
 8 then.
 9 I will mark that as Exhibit 9-A.
 10 (Exhibit 9-A was marked for identification
 11 and is attached to the deposition transcript.)
 12 BY MR. McDONALD:
 13 **Q I will hand that back to you.**
 14 A Okay.
 15 MR. McDONALD: Parenthetically my purpose
 16 in handing him the document was simply to refresh his
 17 recollection as to the citation of the exact section
 18 of the Virginia Code which has a lot of numbers and
 19 letters in it which I would certainly not hold in my
 20 mind.
 21 BY MR. McDONALD:
 22 **Q Would you read that one paragraph?**

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1 A The offer or sale of mortgage brokerage
 2 services in Virginia without such a license is a class
 3 6 felony, punishable by a fine of up to \$2,500 and
 4 confinement in jail for up to 12 months pursuant to
 5 Virginia Code Section 6.1-429.
 6 There is a footnote that notes that
 7 effective October 1, 2010 that provision was repealed
 8 and then recodified, as was the balance of the
 9 Mortgage Broker and Lending Licensing Act.
 10 **Q Do you recall preparing this report?**
 11 A I do.
 12 **Q And the paragraph that you just read did**
 13 **anybody draft that for you?**
 14 A No. I drafted this.
 15 **Q That came from you?**
 16 A Absolutely.
 17 **Q So, nobody cited that statute to you; is**
 18 **that correct?**
 19 A That is correct.
 20 **Q You were the one that provided that?**
 21 A I did.
 22 There is additional penalty language too in

Page 48

1 Section 6.1 or former 6.1-428 where the Commissioner
 2 of the Bureau of Financial Institutions has discretion
 3 to impose a fine of up to \$2,500 per instance of
 4 violation upon any individual that offers or provided
 5 mortgage brokerage services without a license.
 6 **Q Thank you.**
 7 **And in any event the sum and substance of**
 8 **this provision would be that a person who uses a name**
 9 **such as Nationstar --**
 10 MR. REA: Objection. Leading.
 11 MR. McDONALD: All right.
 12 BY MR. McDONALD:
 13 **Q In your own words then just summarize what**
 14 **you think is the sum and substance of this statutory**
 15 **language?**
 16 A This language makes clear that conducting
 17 business without benefit of a license can subject an
 18 entity and/or individuals to certain penalties. And
 19 the definition of licensable activity includes not
 20 only providing mortgage brokerage activity, but also
 21 soliciting or holding oneself out as able to offer
 22 mortgage broker services.

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1 **Q I am now marking Exhibit 10.**
 2 **This is a copy of Attachment 10 from your**
 3 **report of October 19, 2010.**
 4 **(Exhibit 10 was marked for identification**
 5 **and is attached to the deposition transcript.)**
 6 **BY MR. McDONALD:**
 7 **Q Let me ask you if you have seen that**
 8 **before?**
 9 A I have.
 10 **Q And what is that document?**
 11 A This is a copy of the license certificate
 12 issued by the Bureau of Financial Institutions to
 13 Nationstar Mortgage, Inc. effective April 9, 2009
 14 which permits Nationstar Mortgage, Inc. to engage in
 15 the business of mortgage brokering.
 16 **Q Would that document have retroactively**
 17 **conferred any authority or approval on use of the**
 18 **Nationstar name for mortgage brokerage services by**
 19 **Mr. Ahmad prior to October of 2006?**
 20 A No.
 21 This is effective as of the date on the
 22 certificate, which is April 9, 2009.

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1 **Q** And then prior to October of 2006 is there
2 any license on file that would have permitted
3 Mr. Ahmad to use the name Nationstar or Nationstar
4 Mortgage to offer or sell mortgage brokerage services?
5 A There is no such license.
6 **Q** Now, if Mr. Ahmad had truly been offering
7 or selling mortgage brokerage services prior to
8 October 24, 2006 what would the legal consequences
9 have been?
10 A We discussed just a few moments ago the
11 penalty provisions under the Act, former Chapter 6.1,
12 which lays out penalties monetary and potential
13 criminal and jail time for violation of the licensing
14 provisions of the Act.
15 **Q** Thank you very much.
16 I think we have covered Virginia as well as
17 I know how to. So, let me ask you a couple of
18 questions about Maryland and the District of Columbia.
19 Basically are there similar license
20 requirements for persons engaged in real estate and
21 mortgage brokerage services?
22 A There are similar requirements in the

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1 District of Columbia and Maryland that impose
2 licensing requirements on companies offering real
3 estate brokerage and/or mortgage brokerage services.
4 They have similar, although not identical, provisions
5 regarding penalties that can be imposed upon those who
6 conduct business without benefit of a license.
7 **Q** Now, in Maryland would that be the
8 Department of Labor Licensing and Regulation?
9 A Correct.
10 **Q** Now, in Maryland do you know if there is a
11 penalty for the offer or sale of real estate agency
12 and brokerage services without a license?
13 A There is.
14 **Q** And can you tell me what that is?
15 A I don't recall the exact penalties, but I
16 know in connection with preparing my report I
17 researched and summarized those penalty provisions in
18 my report.
19 **Q** I am showing you your report at the last
20 paragraph on page 6.
21 For purposes of clarity and so that we have
22 the appropriate citations, does that refresh your

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1 recollection as to what the exact statutory citation
2 it?
3 A It does as to the offering of real estate
4 agency services in Maryland.
5 Reading from my report on page 6: The
6 offer or sale of real estate agency services in
7 Maryland without a license is a misdemeanor punishable
8 by a fine of up to \$5,000 and imprisonment for up to
9 12 months, pursuant to Maryland Code Annotated,
10 Business Occupations and Professions Section of the
11 Maryland Code and Section 17-613.
12 **Q** Do you recall writing that portion of your
13 report?
14 A I do.
15 **Q** Did anybody write that for you?
16 A No.
17 **Q** Did anybody tell you what to say in that
18 report?
19 A No. Not at all.
20 **Q** Did anybody cite those statutory provisions
21 to you?
22 A They did not.

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1 **Q** So, you were the one that provided them?
2 A Correct.
3 **Q** Hold on to your report there and let's move
4 up to the regulation of real estate agency and
5 brokerage services in the District of Columbia.
6 Do you know what agency regulates that in
7 the District of Columbia?
8 A I do not recall the exact name of the
9 agency, but looking at my report I recall that the
10 name and agency cited here is the appropriate agency.
11 **Q** Is that the District of Columbia Department
12 of Consumer and Regulatory Affairs?
13 A Correct. And there is a specific division,
14 the Occupational and Professional License
15 Administration.
16 **Q** Right.
17 And at the risk of repetition I will ask
18 you again did anybody tell you that in connection with
19 this report?
20 A No.
21 **Q** If I may just interject parenthetically,
22 your area of practice is national?

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1 A Correct.

2 **Q So you need to be knowledgeable about the**

3 **regulations in all 50 states?**

4 A Correct.

5 We represent clients and I am familiar with

6 the mortgage brokerage, real estate brokerage, as well

7 as other licensing provisions and requirements across

8 the country.

9 **Q How easy is it to remember the exact name**

10 **of the exact agency that regulates the exact service**

11 **in every exact state?**

12 A It is pretty difficult. You have 50 states

13 plus D.C., Puerto Rico and other places that have in

14 some instances two or three agencies that regulate

15 mortgage and/or real estate activity.

16 **Q So, now in the District of Columbia is**

17 **there a similar statutory penalty for the offer or**

18 **sale of real estate agency services under a particular**

19 **name without a license?**

20 A Reading from my report and referencing D.C.

21 Code Section 47-2853.27: The offer or sale of real

22 estate agency services in the District of Columbia

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1 without a license is a misdemeanor punishable by a

2 fine of up to \$10,000 or up to 12 months imprisonment,

3 or both.

4 **Q Now I am marking as Exhibit 11 a photocopy**

5 **of three licenses issued to Mr. Ahmad in his**

6 **connection as a salesperson for First American Real**

7 **Estate issued by the Maryland Department of Labor,**

8 **Licensing and Regulation Real Estate Commission, with**

9 **expiration dates of July 13th, 2007, 2009, and 2011**

10 **respectively.**

11 **This was Attachment 11 to your report of**

12 **October 2010.**

13 **(Exhibit 11 was marked for identification**

14 **and is attached to the deposition transcript.)**

15 **BY MR. McDONALD:**

16 **Q I would ask you if you have seen that**

17 **before?**

18 A I have seen this before.

19 **Q And similarly I am marking as Exhibit 12 a**

20 **photocopy of two licenses issued to Mr. Ahmad in his**

21 **connection as a salesperson for First American Real**

22 **Estate, Inc. issued by the District of Columbia**

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1 **Department of Consumer and Regulatory Affairs,**

2 **Occupational and Professional License Administration,**

3 **expiring on August 31st, 2007, 2009 and 2011**

4 **respectively.**

5 **I misspoke. There is three licenses here,**

6 **not two.**

7 **This was Attachment 12 to your report of**

8 **October of 2010.**

9 **(Exhibit 12 was marked for identification**

10 **and is attached to the deposition transcript.)**

11 **BY MR. McDONALD:**

12 **Q I will ask you to tell me if you have seen**

13 **that before?**

14 A Yes. I have seen this before. I have seen

15 these before.

16 **Q Now, do any of these documents that I have**

17 **shown you authorize Mr. Ahmad to use the name**

18 **Nationstar or Nationstar Mortgage in connection with**

19 **real estate services of any kind in Maryland or D.C.?**

20 A They do not.

21 Each of these licenses, each of these are

22 copies of certificates issued by the relevant real

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1 estate regulators in the District of Columbia and

2 Maryland and individually name Mr. Ahmad and grant him

3 the ability to conduct business as a salesperson on

4 behalf of First American Real Estate.

5 There are no additional authorities or

6 approvals or consents granted in these certificates

7 that would allow Mr. Ahmad or First American Real

8 Estate to conduct business under the Nationstar name

9 or any variation.

10 **Q Now, we have talked about real estate**

11 **agency and brokerage services and the regulations of**

12 **such services in Maryland and the District of**

13 **Columbia. Now I will move on to mortgage brokerage**

14 **services in the State of Maryland.**

15 **I have marked as Exhibit 13 a photocopy of**

16 **three licenses issued to Nationstar Mortgage, Inc.,**

17 **Mr. Ahmad's company, by the Maryland Department of**

18 **Labor, Licensing and Regulation, Commissioner of**

19 **Financial Regulation, effective February 28, 2007,**

20 **March 1st, 2009, and March 18th, 2010 respectively.**

21 **These three pages were appended as**

22 **Attachment 13 to your report of October 19th, 2010.**

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1 **(Exhibit 13 was marked for identification**
2 **and is attached to the deposition transcript.)**
3 **BY MR. McDONALD:**
4 **Q I will ask you if you have seen those**
5 **before?**
6 A Yes. I have seen these before.
7 **Q What is the name of the agency in Maryland**
8 **that regulates mortgage brokerage licenses?**
9 A It is the Commissioner of Financial
10 Regulation within the Department of Labor, Licensing
11 and Regulation.
12 **Q Is there a penalty in Maryland do you know**
13 **for offering mortgage brokerage services without a**
14 **license?**
15 A There is.
16 **Q Can you recall what that is?**
17 A I don't recall the exact penalty.
18 **Q Let me refer you to page 7 of your report**
19 **of October 19th, 2010 and ask you if that refreshes**
20 **your recollection as to what the exact penalty is?**
21 A It does.
22 Reading from my report on page 7: The

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1 willful offering or sale of mortgage brokerage
2 services in Maryland without a license is a felony
3 punishable by a fine of up to \$50,000 and imprisonment
4 for up to ten years, or both.
5 **Q And when you prepared your report did you**
6 **provide that information?**
7 A I did.
8 **Q Did anybody tell you what to say?**
9 A No.
10 **Q Did anybody cite that statute to you?**
11 A No.
12 **Q I am now marking as Exhibit 14 licenses**
13 **issued to Mr. Ahmad's company Nationstar Mortgage,**
14 **Inc. by the District of Columbia Banking Bureau of the**
15 **Department of Insurance, Securities and Banking.**
16 **These three licenses purport to be effective**
17 **March 16th, 2007, June 6th, 2008 and July 13th, 2009**
18 **respectively.**
19 **These three pages appeared as Attachment 14**
20 **to your report dated October 19th, 2010.**
21 **(Exhibit 14 was marked for identification**
22 **and is attached to the deposition transcript.)**

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1 **BY MR. McDONALD:**
2 **Q I would ask if you have seen those before?**
3 A Yes. I have.
4 **Q Now, based on these documents and your**
5 **other independent investigations and your review of**
6 **all the records in the case, are you aware of any**
7 **regulatory authority that Mr. Ahmad may have had to**
8 **use Nationstar as a name or part of a name for real**
9 **estate agency brokerage or mortgage brokerage services**
10 **in Maryland, Virginia or the District of Columbia at**
11 **any time prior to April 28th of 2006?**
12 A No. There is no evidence, no
13 documentation, no consent or approvals that would have
14 conferred upon Mr. Ahmad the right or authority to
15 conduct business as Nationstar Mortgage either in the
16 real estate or mortgage brokerage fields and
17 specifically in Maryland, Virginia and D.C. until such
18 time as the appropriate mortgage regulatory agency
19 granted a license to Nationstar Mortgage, Inc.
20 As it relates to real estate brokerage
21 services, to this day Nationstar Mortgage, Inc. has
22 not been issued a real estate broker license in the

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1 Commonwealth of Virginia, the District of Columbia or
2 Maryland, nor has Mr. Ahmad registered or obtained the
3 consent or approval to use the fictitious name
4 Nationstar Mortgage in the real estate business.
5 **Q Now I am just going to sum up and ask you**
6 **some bullet point questions summarizing what you said**
7 **and I apologize if this is redundant, but I am**
8 **wrapping up.**
9 **In terms of real estate agency and**
10 **brokerage in Virginia then, your opinion then is that**
11 **Mr. Ahmad may or may not lawfully use the name**
12 **Nationstar or Nationstar Mortgage as all or part of a**
13 **trade name for real estate agency or brokerage**
14 **services in the Commonwealth of Virginia at this time?**
15 A My opinion is at this time Mr. Ahmad may
16 not lawfully use the name Nationstar or any variation
17 of that name as a trade name, fictitious name or
18 otherwise in connection with providing, soliciting or
19 offering real estate brokerage services.
20 **Q And then if I understand you correctly, he**
21 **was never lawfully permitted to use the name**
22 **Nationstar or Nationstar Mortgage as all or part of a**

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1 **trade name for real estate agency or brokerage**
 2 **services in the Commonwealth of Virginia?**
 3 A That is correct.
 4 **Q And that such use would have been and would**
 5 **be now a violation of the Virginia Code punishable by**
 6 **a fine of up to \$1,000 per occurrence?**
 7 A That is correct.
 8 **Q Now, as to mortgage brokerage services in**
 9 **the Commonwealth of Virginia, do you have an opinion**
 10 **on whether Mr. Ahmad was lawfully permitted to use the**
 11 **name Nationstar or Nationstar Mortgage as all or part**
 12 **of a trade name for mortgage brokerage services in the**
 13 **Commonwealth of Virginia prior to his receipt of a**
 14 **license on October 24th, 2006?**
 15 A It is my opinion that prior to the date of
 16 first issuance October 24, 2006 of a mortgage broker
 17 license that Mr. Ahmad was not lawfully permitted to
 18 engage in, solicit or offer mortgage brokerage
 19 services in the Commonwealth of Virginia.
 20 **Q And is it your opinion that any such use as**
 21 **he purports to have made of that name prior to**
 22 **October 26th would have been had it occurred a class 6**

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1 **felony?**
 2 A Yes.
 3 **Q Now, as to real estate in Maryland, do you**
 4 **have an opinion on whether Mr. Ahmad may at this time**
 5 **use the name Nationstar or Nationstar Mortgage in**
 6 **connection with real estate agency or brokerage**
 7 **services in the State of Maryland?**
 8 A It is my opinion that Mr. Ahmad is not
 9 permitted to lawfully engage in the real estate
 10 brokerage services in the State of Maryland under the
 11 name Nationstar Mortgage or any variation.
 12 **Q And in your opinion was he ever lawfully**
 13 **permitted to use the name Nationstar in Maryland for**
 14 **real estate agency or brokerage services?**
 15 A In my opinion Mr. Ahmad has never been
 16 lawfully permitted to conduct real estate brokerage
 17 services in the State of Maryland under the name
 18 Nationstar.
 19 **Q Now that was Maryland real estate. Now let**
 20 **me ask you about Maryland mortgage brokerage.**
 21 **Do you have an opinion on whether Mr. Ahmad**
 22 **was lawfully permitted to use the name Nationstar for**

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1 **mortgage brokerage services in Maryland prior to his**
 2 **receipt of the license on February 28, 2007?**
 3 A It is my opinion that Mr. Ahmad was not
 4 lawfully permitted to engage in or provide mortgage
 5 brokerage services in the State of Maryland prior to
 6 the issuance of a license in February of 2007 in the
 7 State of Maryland.
 8 **Q And in the District of Columbia do you have**
 9 **an opinion on whether Mr. Ahmad may at this time**
 10 **lawfully use the name Nationstar for real estate**
 11 **agency or brokerage services in the District of**
 12 **Columbia?**
 13 A It is my opinion that Mr. Ahmad cannot
 14 currently nor has he ever been lawfully permitted to
 15 conduct real estate brokerage services in the District
 16 of Columbia under the name Nationstar.
 17 **Q And how about mortgage brokerage services**
 18 **in the District of Columbia? Do you have an opinion**
 19 **on whether Mr. Ahmad could lawfully have offered such**
 20 **services in the District of Columbia prior to his**
 21 **receipt of a license effective March 16th, 2007?**
 22 A It is my opinion that prior to the issuance

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1 of a license by the appropriate agency in the District
 2 of Columbia in -- 2007?
 3 **Q That would be referring to Exhibit 14 at**
 4 **this point, which was licenses issued by the District**
 5 **of Columbia Banking Bureau of the Department of**
 6 **Insurance, Securities and Banking effective**
 7 **March 16th, 2007 would have been the first license.**
 8 A Yes.
 9 Prior to March 16th, 2007 Mr. Ahmad and
 10 Nationstar Mortgage, Inc. would not have been lawfully
 11 permitted to engage in or offer mortgage brokerage
 12 services in the District of Columbia.
 13 **Q And I think this is going to be my last**
 14 **question.**
 15 **We have been talking about three**
 16 **jurisdictions and we have been talking about two**
 17 **different groups of services. One group of services**
 18 **would be the real estate agency and brokerage**
 19 **services. The other group of services would have been**
 20 **the mortgage brokerage services. So, we have two**
 21 **different groups of services in three different**
 22 **jurisdictions. And now I will just ask you about any**

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1 **services whatsoever.**
 2 **Prior to the incorporation of Mr. Ahmad's**
 3 **company on May 19th, 2006, do you have an opinion on**
 4 **whether Mr. Ahmad was lawfully permitted to offer or**
 5 **sell any commercial services in Virginia prior to that**
 6 **date of incorporation?**
 7 A Prior to the date of incorporation May 19,
 8 2006 Mr. Ahmad, through Nationstar Mortgage, Inc.,
 9 would not have been permitted to provide any services,
 10 regulated or otherwise, in the Commonwealth of
 11 Virginia and then until such time as he was granted a
 12 mortgage broker license by the Bureau of Financial
 13 Institutions in October of 2006 would not have
 14 lawfully been able to offer mortgage brokerage
 15 services in the Commonwealth and to this day still is
 16 not lawfully permitted to provide real estate
 17 brokerage services in the Commonwealth of Virginia
 18 under the name of or on behalf of Nationstar Mortgage,
 19 Inc.
 20 **Q Let me ask you one follow-up question.**
 21 **You have made a distinction between**
 22 **providing services in the name of Nationstar and**

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1 **providing services on behalf of Nationstar.**
 2 **Is there a distinction in that respect?**
 3 A Well, the entity Nationstar Mortgage, Inc.
 4 was not formed and incorporated. So, it did not come
 5 into existence until May 19, 2006. That would have
 6 been the first date that that legal entity, Nationstar
 7 Mortgage, Inc., could have potentially provided any
 8 services.
 9 Separately, because there is no record of
 10 any registration of Nationstar Mortgage, Inc. or any
 11 variation of that name as a fictitious name or trade
 12 name in the Commonwealth of Virginia or Maryland or
 13 the District of Columbia, any use of that name or
 14 offering of services under that name would not have
 15 been permitted.
 16 MR. McDONALD: I have no further questions.
 17 MR. REA: I am going to voice my objection
 18 that the prejudice created by this testimony far
 19 outweighs any probative value.
 20 Before I begin would you like more water?
 21 THE WITNESS: Can we take a quick break?
 22 (Recess.)

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1 MR. REA: Back on the record.
 2 EXAMINATION BY COUNSEL FOR THE APPLICANT
 3 BY MR. REA:
 4 **Q May I call you John?**
 5 A Please.
 6 **Q John, have you previously provided any**
 7 **expert testimony?**
 8 A I have not.
 9 **Q Are you being paid to serve as an expert in**
 10 **this matter?**
 11 A I am.
 12 **Q How much are you being paid?**
 13 A I am being paid my regular hourly rate
 14 which is \$525.
 15 **Q Have you ever defended a party accused of**
 16 **improperly using a fictitious name?**
 17 A Yes.
 18 **Q And what was the nature of that?**
 19 A It was in the context of a residential
 20 mortgage agency claiming that an entity's use of a
 21 name was not permissible because it did not appear on
 22 their license.

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1 **Q And what was the resolution?**
 2 A Dismissed.
 3 **Q Have you ever represented a party accused**
 4 **of engaging or offering or rendering real estate**
 5 **agency services or sales services without a proper**
 6 **license?**
 7 A No.
 8 **Q Have you ever been involved in an action**
 9 **where an unlicensed real estate agency or brokerage**
 10 **was the issue?**
 11 A Yes. I have represented clients and been
 12 involved in issues around the need for licenses and
 13 discussions with regulators about the appropriateness
 14 of the need for a license or not.
 15 **Q So, the issue in that case was whether a**
 16 **license was necessary?**
 17 A Correct. It was not a trade name or
 18 fictitious name specific.
 19 **Q And the report dated October 19th, 2010**
 20 **that you signed did you write the entire report?**
 21 A I did.
 22 **Q Did anyone assist you in writing it?**

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1 A I consulted with Mr. McDonald about various
 2 issues. To that extent, yes. But I was responsible
 3 for its contents and authored it.
 4 **Q Are you familiar with the law related to**
 5 **federal trademarks?**
 6 A Tangentially.
 7 **Q Have you ever been involved in a trademark**
 8 **opposition proceeding?**
 9 A I have not.
 10 **Q In your opinion you state that Mr. Ahmad**
 11 **would have violated a number of Virginia, Maryland and**
 12 **D.C. statutes if he engaged in his purported**
 13 **activities.**
 14 **In your investigation did you discover any**
 15 **instance of Mr. Ahmad actually being prosecuted or**
 16 **penalized under any of the statutes?**
 17 MR. McDONALD: I object because it assumes
 18 a fact not in evidence, namely that he actually did
 19 these things. So, subject to that opposition. We
 20 don't think Mr. Ahmad ever did any of these things.
 21 THE WITNESS: I am not aware of any
 22 regulatory agency prosecuting or taking any action

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1 against Mr. Ahmad.
 2 BY MR. REA:
 3 **Q Can you show me any documents of all these**
 4 **exhibits that have been provided prior to**
 5 **incorporation of Nationstar Mortgage, Inc. where the**
 6 **word Nationstar appears and Mr. Ahmad's name does not**
 7 **appear?**
 8 MR. McDONALD: Object to the leading.
 9 Counsel, if there is such a document, why
 10 don't you just show him that document and ask him if
 11 he has seen it before?
 12 MR. REA: I don't believe there is such
 13 document.
 14 MR. McDONALD: That means then we are
 15 looking through papers for something that doesn't
 16 exist.
 17 MR. REA: No. I am asking him whether he
 18 has seen it.
 19 THE WITNESS: Of the documents that have
 20 been entered as exhibits in this deposition I am
 21 looking now to see if the Nationstar name always
 22 appears with some reference to Mr. Ahmad.

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1 (Witness perusing documents.)
 2 Of the documents that I have just reviewed
 3 in each instance Mr. Ahmad's name appears on any
 4 document where the Nationstar Mortgage, Inc. name also
 5 appears.
 6 BY MR. REA:
 7 **Q In your investigation did you see any**
 8 **evidence made to a Nationstar entity prior to**
 9 **incorporation of Nationstar Mortgage, Inc.?**
 10 A I don't understand the question.
 11 **Q Let me rephrase it.**
 12 **Do you see any evidence in your**
 13 **investigation that an entity with a Nationstar name**
 14 **engaged in any kind of business transaction?**
 15 MR. McDONALD: I object on relevance unless
 16 it is a Nationstar entity associated with Mr. Ahmad.
 17 BY MR. REA:
 18 **Q Let me refine the question.**
 19 **Did you see any evidence of a Nationstar**
 20 **entity associated with Mr. Ahmad engaging in any**
 21 **business transaction?**
 22 A I don't know how you are defining business

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1 transaction. But I have seen numerous documents where
 2 Mr. Ahmad prior to incorporation of his company was
 3 holding himself out as Nationstar Mortgage, Inc. and
 4 offering real estate and mortgage brokerage services.
 5 **Q Do you see any evidence of a transaction**
 6 **with an entity?**
 7 MR. McDONALD: I object only because it is
 8 confusing what actually happened with what Mr. Ahmad
 9 purports to have happened.
 10 Can you clarify it?
 11 I mean Mr. Ahmad claims to have distributed
 12 these materials in 2005 and early 2006, but we don't
 13 know if he really did that or not and we don't believe
 14 that he did it. So, you would have to be clear about
 15 what you are asking.
 16 BY MR. REA:
 17 **Q In your opinion you cite a number of**
 18 **circumstances where use of the trade name Nationstar**
 19 **would cause a violation of various fictitious name**
 20 **real estate registration and mortgage broker**
 21 **registration statutes.**
 22 **Did you see any evidence at all of such a**

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1 **violation by an entity with the Nationstar name?**
 2 A Yes.
 3 **Q And what was that violation?**
 4 A The marketing materials that Mr. Ahmad
 5 issued offer mortgage broker services in advance of
 6 Nationstar Mortgage, Inc. being granted a license to
 7 engage in such activity.
 8 **Q Are all mortgage brokerage services subject**
 9 **to regulation?**
 10 **And I would ask if you can answer this with**
 11 **respect to Virginia.**
 12 MR. McDONALD: I object because I don't
 13 know what you mean.
 14 BY MR. REA:
 15 **Q Let's approach it this way.**
 16 **This is a copy of the Virginia statute from**
 17 **the Virginia Code.**
 18 MR. REA: What was your numbering sequence?
 19 What numbering sequence should we use on the exhibits?
 20 MR. McDONALD: Exhibit 6-B is the statute.
 21 (Exhibit 6-B was marked for identification
 22 and is attached to the deposition transcript. This

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1 exhibit was also marked previously during the
 2 examination by Mr. McDonald.)
 3 BY MR. REA:
 4 **Q Now, this statute states the general**
 5 **license requirement for someone engaged as a mortgage**
 6 **broker; is that correct?**
 7 A That is correct.
 8 **Q I am going to offer another statute which**
 9 **precedes that statute and has the definitions**
 10 **applicable to the license requirement.**
 11 **What would this be? 6-C?**
 12 MR. McDONALD: The one that you just handed
 13 me if you want to introduce that now, we would call
 14 that 6-C.
 15 (Exhibit 6-C was marked for identification
 16 and is attached to the deposition transcript.)
 17 BY MR. REA:
 18 **Q That has certain definitions, right?**
 19 A Yes.
 20 **Q And defined in there specifically is what a**
 21 **mortgage broker is.**
 22 **Could you real quickly read what a mortgage**

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1 **broker means for purposes of that statute, at least**
 2 **the first line?**
 3 A For purposes of the definition, mortgage
 4 broker means any person who directly or indirectly
 5 negotiates, places or finds mortgage loans for others,
 6 or offers to negotiate, place or find mortgage loans
 7 for others.
 8 **Q And then if we go down the page mortgage**
 9 **loan is defined.**
 10 **Could you read what a mortgage loan is?**
 11 A Sure.
 12 Mortgage loan means a loan made to an
 13 individual, the proceeds of which are to be used
 14 primarily for personal, family or household purposes,
 15 which loan is secured by a mortgage or deed of trust
 16 upon any interest in one-to-four family residential
 17 property located in the Commonwealth, regardless of
 18 where made, including the renewal or refinancing of
 19 any such loan. And then has some exceptions.
 20 **Q So, if you read the License Requirement,**
 21 **Section 1601, in conjunction with 1600, Definitions,**
 22 **it appears that a mortgage broker is a person who**

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1 **directly or indirectly negotiates, places or finds**
 2 **mortgage loans for others, right, and a mortgage loan**
 3 **is defined as the subset of all possible mortgage**
 4 **loans. Maybe it is a loan to an individual primarily.**
 5 A Yes.
 6 **Q So, would you agree then that not all**
 7 **mortgage brokers engage in loans that would be subject**
 8 **to a license requirement?**
 9 A Yes.
 10 **Q Would you also agree that the statutes in**
 11 **D.C. and Maryland have a similar structure?**
 12 A Yes.
 13 **Q And would you further agree that the**
 14 **statutes governing real estate salespersons and real**
 15 **estate brokers have a similar structure in that these**
 16 **are technical terms which are defined in the statute**
 17 **and conceivably someone using the term casually may**
 18 **not necessarily be referring to the technical term in**
 19 **the statute?**
 20 MR. McDONALD: Well, I object on the
 21 grounds that the question assumes a fact not in
 22 evidence. And the fact is that the business cards and

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1 solicitations that Mr. Ahmad allegedly distributed in
 2 2005 and early 2006 were in fact advertising mortgage
 3 broker services and real estate agency and brokerage
 4 services.
 5 So, if that is not the case, then this
 6 question makes sense, but otherwise it is assuming a
 7 fact not in evidence. He offered those services.
 8 MR. REA: I am merely discussing the
 9 statute.
 10 MR. McDONALD: Well, you are asking
 11 questions to him that assume facts not in evidence, at
 12 least that is what it seems to be.
 13 BY MR. REA:
 14 **Q The question is are all services described**
 15 **as mortgage brokerage services subject to standard**
 16 **licensure requirements? And I believe the answer was**
 17 **no.**
 18 **Is that the correct answer? Is that a fair**
 19 **paraphrase?**
 20 A That is a fair paraphrase, yes, as defined
 21 by statute. Yes.
 22 **Q Okay.**

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1 **Now I would like to refer you to**
 2 **Exhibit 6-D, which also works with Section 1601 and**
 3 **1600, and these are the exemptions from the license**
 4 **requirements.**
 5 A I believe you mean 1602.
 6 **Q Yes. Sorry.**
 7 **If you would read Exemption Number 8**
 8 **please.**
 9 A Persons licensed by the Commonwealth as
 10 attorneys, real estate brokers, or real estate
 11 salesmen, not actively and principally engaged in
 12 negotiating, placing or finding mortgage loans, when
 13 rendering services as an attorney, real estate broker
 14 or real estate salesman; however, a real estate broker
 15 or real estate salesman who receives any fee,
 16 commission, kickback, rebate or other payment for
 17 directly or indirectly negotiating, placing or finding
 18 a mortgage loan for others shall not be exempt from
 19 the provisions of this chapter.
 20 **Q And so it specifically refers to real**
 21 **estate salesmen.**
 22 **Why do you suppose this exemption is?**

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1 A I suppose it exists because in the real
 2 estate transaction there are times when a consumer
 3 will seek guidance or assistance from their real
 4 estate agent as it relates to securing financing for a
 5 loan to acquire property.
 6 **Q Now, if I read this statute correctly, it**
 7 **doesn't say this is not a real estate brokerage. It**
 8 **says these people are exempt from license**
 9 **requirements.**
 10 **Is that the way you read that?**
 11 A I read that in very limited circumstances
 12 when a real estate agent is working with a customer in
 13 connection with securing financing that they may not
 14 necessarily need to be licensed.
 15 I do not read this to provide a blanket
 16 exemption for real estate salesmen or agents from the
 17 licensing provisions of this Act.
 18 **Q Okay. Fair enough.**
 19 **This is part of the transcript from**
 20 **Mr. Hussain. This is part of the record. So I don't**
 21 **believe we have to offer this as an exhibit or**
 22 **anything.**

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1 **What I am going to do is just ask you to**
 2 **read from page 12 here.**
 3 **No. I'm sorry. Page 11, line 17.**
 4 A (Witness complies.)
 5 Okay.
 6 **Q Do you see in these few pages how**
 7 **Mr. Hussain is testifying that basically Mr. Ahmad**
 8 **assisted him in getting financing?**
 9 A Yes.
 10 **Q Would you describe this as mortgage**
 11 **brokerage services that would have been subject to**
 12 **licensure if Mr. Ahmad had not been a real estate**
 13 **agent?**
 14 MR. McDONALD: I object because there is no
 15 real indication here of what he did. According to
 16 this testimony he may have driven Mr. Hussain in his
 17 cab to the lender.
 18 Are you asking if that is mortgage
 19 brokerage, giving somebody a ride?
 20 MR. REA: No. I am asking based on the
 21 testimony that is actually in the transcript.
 22 BY MR. REA:

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1 **Q I think we have that answered and now the**
 2 **question is would it otherwise require a license?**
 3 A There is not enough information here. I
 4 don't have enough details about the conversations.
 5 **Q So, you can't answer it definitely one way**
 6 **or the other?**
 7 A I cannot answer definitively one way or
 8 another.
 9 **Q This is from the deposition of Mr. Sharieff**
 10 **reported by Paula Eastes.**
 11 **If you could just look on page 46 and**
 12 **glance down at that give-and-take there.**
 13 A (Witness complies.)
 14 **Q In this question and answer Mr. Sharieff is**
 15 **describing the assistance that Mr. Ahmad gave him in**
 16 **the securing financing of a loan; is that correct?**
 17 A Yes.
 18 **Q Would you characterize this as mortgage**
 19 **brokerage services?**
 20 A In the Commonwealth of Virginia I believe
 21 that it would be.
 22 **Q But because Mr. Ahmad had a real estate**

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1 **license he would be exempt from being licensed as a**
 2 **mortgage broker?**
 3 A Not necessarily.
 4 **Q For the assistance that he gave described**
 5 **in this transcript?**
 6 A No. Because he is holding himself out as a
 7 mortgage broker. There is a reference here to he was
 8 advertising as a real estate agent and as a mortgage
 9 broker. As we looked at the definition of mortgage
 10 broker, it includes holding oneself out or offering to
 11 negotiate. So, the fact of the advertisement I think
 12 would turn --
 13 **Q Is there a reference to that?**
 14 A In the section of the Definitions in
 15 6.26-1600, as well as in 1601, the License
 16 Requirement, includes that no person shall engage in
 17 the business of mortgage broker or hold himself out to
 18 the general public to be a mortgage broker. Then the
 19 definition of mortgage broker includes offering to
 20 negotiate or offering to place or offering to find.
 21 In my opinion advertising and soliciting
 22 and referring to yourself as a mortgage broker

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1 constitutes holding oneself out as offering or being
 2 able to offer or assist in obtaining financing.
 3 **Q And how would you reconcile that with**
 4 **Exception Number 8 in 1602?**
 5 A Exception Number 8 in practice and in my
 6 experience, including on similar issues with the
 7 Bureau, is meant to account for instances when a real
 8 estate agent is not regularly engaged in or holding
 9 themselves out as a mortgage broker, not advertising or
 10 soliciting mortgage broker activity, but rather in
 11 their role as a real estate agent or salesperson
 12 assisting a consumer in understanding the financing
 13 process, perhaps by making referral to a mortgage
 14 lender or a mortgage broker, all without the
 15 expectation of compensation.
 16 **Q But we already determined that not all**
 17 **mortgage brokerage services are subject to licensure,**
 18 **that it is a subset.**
 19 A It is a subset, but the advertisements that
 20 Mr. Ahmad apparently was sending out in my opinion
 21 squarely fit into the subset of what his licensable
 22 activity is, solicitations to individuals in reference

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1 to residential mortgage docs.
 2 **Q You are referring to the letters?**
 3 A The letters. The flyers.
 4 **Q Let's refer to a letter to be specific.**
 5 A Sure.
 6 MR. McDONALD: Objection to form.
 7 THE WITNESS: So, Exhibit 4.
 8 BY MR. REA:
 9 **Q If you would go to APP 00036, for instance.**
 10 A I will read it.
 11 Nationstar Mortgage, Inc. assists its
 12 customers in the purchase of Residential, Commercial
 13 and Land properties. If you are interested in buying
 14 or want to refinance -- I am paraphrasing -- please
 15 feel free to call or contact me.
 16 We can help you with multiple loan options
 17 available to you, such as home equity line of credit,
 18 interest only loan, no down payment with 82/20, full
 19 doc, limited or no doc loan and stated income loans.
 20 In the parlance at the time, 2005, these
 21 were products that were routinely offered to
 22 individual borrowers, persons, in connection with

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1 purchase or refinance of a residence.

2 **Q The actual language is we can help you.**

3 **And the way I read the exemption in 1602 that is**

4 **exactly what a real estate agent is allowed to do.**

5 A I understand the point and I understand

6 your position. My opinion is different. The advice

7 that I provide to my clients is different.

8 My experience is that the Bureau of

9 Financial Institutions similarly would disagree.

10 Specifically because of the holding with the reference

11 to Nationstar Mortgage, Inc., the reference to helping

12 you with multiple loan options available to you.

13 **Q You think that pushes it, tips it?**

14 A I believe it does. And I believe that the

15 Bureau of Financial Institutions certainly would if

16 they saw a solicitation like this and determined that

17 the entity was not licensed it certainly would beg

18 further inquiry.

19 **Q When you read this letter and you**

20 **understand the record you have reviewed would you**

21 **characterize Mr. Ahmad as a sophisticated business**

22 **person with respect to real estate?**

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1 MR. McDONALD: Objection on relevance.

2 MR. REA: This is very relevant.

3 THE WITNESS: I don't know that I have

4 enough basis to form an opinion.

5 I will say that as it relates to

6 advertising collateral and the like that was prevalent

7 in the industry at the time it is fairly similar to

8 others that I have seen.

9 BY MR. REA:

10 **Q I have a question about your report.**

11 **This is on page 2. And this is the**

12 **sentence that begins the very bottom of page 2 and**

13 **says: In my opinion, therefore, any commercial use of**

14 **the name Nationstar or Nationstar Mortgage by**

15 **Mujahid Ahmad in Virginia, Maryland or D.C. prior to**

16 **May 19, 2006 would have violated the fictitious trade**

17 **name statutes.**

18 **When you say name, and I just want**

19 **clarification here, you mean a trade name, you don't**

20 **mean the word, you mean the name, right, the named**

21 **representative business entity?**

22 **You can look at it again.**

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1 A Yes. I don't understand the distinction.

2 I'm sorry.

3 **Q Well, a word is not necessarily a name.**

4 **Okay?**

5 A Okay.

6 MR. McDONALD: I object. I think that they

7 can be the same for all relevant purposes.

8 MR. REA: I said they are not necessarily

9 the same.

10 Do you disagree with that?

11 MR. McDONALD: I think that for all

12 relevant purposes at this time they are the same.

13 Yes.

14 MR. REA: Okay. Your objection is noted.

15 BY MR. REA:

16 **Q When you say name here you are referring to**

17 **a business entity or a person operating a business; is**

18 **that correct?**

19 A I am referring to use of the word or name

20 Nationstar or Nationstar Mortgage whether by an entity

21 or whether by a person. Commercial use of Nationstar

22 or Nationstar Mortgage without -- what I was trying to

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1 say in the report -- without appropriate registration

2 in my opinion would have been in violation of the

3 applicable laws.

4 **Q So, you used the term commercial use. The**

5 **statute actually says conduct or transact business.**

6 **When you say commercial use do you mean**

7 **what it says in the statute?**

8 MR. McDONALD: I just object on relevance

9 because I don't understand the question.

10 THE WITNESS: Well, let me answer it this

11 way.

12 When I say commercial use I mean using it

13 in advertising and using it in solicitations, using it

14 in a transaction.

15 In other words, I don't believe it is

16 limited to use of the word or name in a particular

17 real estate transaction or a particular loan

18 transaction.

19 The use and publication and broadcasting of

20 that name to the public is what I believe requires

21 registration and failure to have registration is what

22 could be a violation of those provisions.

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1 BY MR. REA:
 2 **Q So you disagree with the statute then when**
 3 **it says conduct or transact business?**
 4 A I don't know how the statute or a court
 5 would interpret conduct or transact.
 6 **Q Have you done any legal research with**
 7 **respect to that?**
 8 A I have not done any legal research, but my
 9 own practical experience is that use or publication of
 10 a name, regardless of whether there are any if you
 11 want to use a narrow term of transaction consummated
 12 under that name, nonetheless is the activity for which
 13 and which is to be prohibited absent a registration.
 14 **Q Could you say that again?**
 15 A My experience and my reading of the statute
 16 is that using a trade name in an advertisement,
 17 business card, website, radio advertisement or the
 18 like, regardless of whether that ultimately results in
 19 a transaction pursuant to which two parties may
 20 exchange monies or enter into some agreement, is the
 21 activity which if not registered would constitute a
 22 violation.

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1 **Q In your opinion what is the purpose of the**
 2 **fictitious name statute?**
 3 A The purpose of the fictitious name statute
 4 is for the public to be able to trace back to the
 5 legal owner of that name to insure that there is not
 6 deception or unfair activities.
 7 **Q So people have a right to know who they are**
 8 **dealing with basically?**
 9 A Yes. I think that is probably the genesis
 10 of this particular provision.
 11 **Q I am stumbling around. I have two versions**
 12 **of this report.**
 13 **In your report, and maybe you can help me,**
 14 **in your conclusion statement you say: Any use of**
 15 **Nationstar by Mr. Ahmad as he purports to have used**
 16 **the name as all or part of a trade name for any**
 17 **commercial services -- and then you use offered and**
 18 **rendered at any time prior.**
 19 **When you say offered and rendered is that**
 20 **what you mean?**
 21 **I mean do you mean he offered services and**
 22 **then he rendered them?**

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1 A I don't know whether he rendered them.
 2 **Q No. I mean for your conclusion there.**
 3 **I just want to clarify that this is indeed**
 4 **what you intend to say.**
 5 A Well, what I was intending to say, which I
 6 think I have said at least orally during this
 7 deposition a couple of times, is that the solicitation
 8 of business via advertisement, business card or the
 9 like, the offering of services, is activity for which
 10 registration is required.
 11 So, in hindsight offered and rendered I
 12 wasn't intending that to mean that. It is a violation
 13 only if there is a solicitation and there is some
 14 services ultimately rendered specifically pursuant to
 15 that solicitation.
 16 **Q In the definition of a person who is**
 17 **required to register as a real estate agent they make**
 18 **specific reference to offer, don't they?**
 19 A I am sure they do. I don't have that in
 20 front of me.
 21 **Q But when we look at the mortgage statute it**
 22 **doesn't talk about offer.**

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1 A It does not use the word offer, but it does
 2 use terms and words -- it does use offer.
 3 **Q Where is it?**
 4 A Mortgage broker is defined as someone who
 5 directly or indirectly negotiates, places or finds for
 6 others or offers to negotiate, place or find for
 7 others.
 8 **Q So, the legislature knew how to put offer**
 9 **in there. They meant offer. And in the fictitious**
 10 **name statute they didn't put offer.**
 11 **But you apparently, if I understand your**
 12 **opinion correctly, you think that was just an**
 13 **oversight.**
 14 A I do because that would vitiate the statute
 15 entirely. Because then someone could argue, well, all
 16 I did was solicit, but I never rendered, for example,
 17 and so I don't have to have registered a trade name.
 18 MR. McDONALD: I object to the whole line
 19 of questioning on grounds of relevance because the
 20 Service Mark Application that Mr. Ahmad filed on
 21 April 20, 2006 said that he actually did these things.
 22 He listed real estate brokerage and mortgage

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1 brokerage.
 2 So, what is the relevance of the question?
 3 That he only offered to do those things
 4 instead of actually doing them?
 5 I mean he has a trademark application of
 6 April 20, 2006.
 7 MR. REA: John has testified that if
 8 Mr. Ahmad engaged in certain activities he would
 9 violate basically three sets of statutes.
 10 MR. McDONALD: If he had actually engaged
 11 in them.
 12 MR. REA: I mean I have testimony here that
 13 shows he engaged in them.
 14 Where is your testimony?
 15 So, I think we have a reasonable basis to
 16 explore what these statutes actually mean if Mr. Ahmad
 17 is being accused of violating them.
 18 MR. McDONALD: Right. But if he actually
 19 engaged in them, then what is the relevance of the
 20 distinction between engagement and offering?
 21 MR. REA: It has to do with violation of
 22 the statute.

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1 MR. McDONALD: Right. But Mr. Ahmad's
 2 Service Mark Application says that he did these things
 3 as early as April 4, 2005.
 4 MR. REA: We don't have to argue this on
 5 the record.
 6 MR. McDONALD: But it goes to relevance of
 7 the question.
 8 MR. REA: Okay. I disagree.
 9 BY MR. REA:
 10 **Q Can you look at APP 00024 which is a**
 11 **business card.**
 12 MR. McDONALD: Attachment 4.
 13 THE WITNESS: Okay.
 14 BY MR. REA:
 15 **Q You have already testified that you looked**
 16 **at this.**
 17 **In your opinion is there a trade name**
 18 **appearing on that card?**
 19 A There is a name Nationstar Real Estate,
 20 which at this time either needed to be a true legal
 21 name, a corporate name, and if it is not, then it
 22 would be a trade name or a fictitious name.

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1 **Q Let me clarify.**
 2 **You are saying there is a trade name and**
 3 **the trade name is what?**
 4 A I don't know if there is a trade name.
 5 There is no date on this. So, I don't know if this
 6 predates the company's incorporation.
 7 It says Nationstar Real Estate. There is
 8 no such legal entity as Nationstar Real Estate. There
 9 is no to my knowledge any trade name or fictitious
 10 name that is registered under the name Nationstar Real
 11 Estate.
 12 I read this to be Mr. Ahmad holding himself
 13 out as conducting business as Nationstar Real Estate.
 14 **Q So you believe that is a trade name?**
 15 A Without knowing the date whether this is --
 16 **Q Well, wait. We are not talking about**
 17 **whether it is registered, unregistered, fictitious,**
 18 **non-fictitious. I am just trying to determine whether**
 19 **you believe in your opinion that appearing on that**
 20 **business card is a trade name or is there not a trade**
 21 **name.**
 22 A Again, a trade name as I define it, as I

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1 use it, is a name that is other than a corporate name.
 2 So, without knowing the time and place when this was
 3 created --
 4 **Q Okay. Let's say this was created January**
 5 **of 2005.**
 6 A January 2005.
 7 **Q Before the incorporation.**
 8 A Then I would say the Nationstar would be a
 9 trade name.
 10 **Q And if it were incorporated after**
 11 **incorporation of Nationstar Mortgage what would you**
 12 **say?**
 13 A I would say that you potentially still have
 14 a trade name because the true corporate name is
 15 Nationstar Mortgage, Inc. The true corporate name is
 16 not on this card, but there is a reference to
 17 Nationstar and below it Real Estate.
 18 If there was the full legal name on here,
 19 Nationstar Mortgage, Inc., and it was after
 20 incorporation, then I would not consider that to be a
 21 trade name.
 22 MR. McDONALD: I still think we need a

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1 proffer of relevance as to the questioning. And I
 2 apologize if I am missing something. I just do not
 3 understand what you are getting at.
 4 MR. REA: John has testified extensively
 5 about Ahmad's use of Nationstar as a trade name and we
 6 have a right to know where he thinks the trade name
 7 actually appears and what constitutes the trade name.
 8 BY MR. REA:
 9 **Q That was kind of a long answer, but if I**
 10 **understand correctly, you are saying Nationstar Real**
 11 **Estate is a trade name and it really doesn't matter**
 12 **whether Nationstar Mortgage was incorporated or not**
 13 **because it doesn't say Nationstar Mortgage, Inc.**
 14 **Is that what your answer was?**
 15 A Yes.
 16 Also my opinion was based on Mr. Ahmad's
 17 deposition and the attachments which reference these
 18 solicitations as being made in 2005 and 2006 prior to
 19 Nationstar being incorporated, which would mean that
 20 they would be trade names.
 21 **Q So, you believe that is a trade name?**
 22 A I do.

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1 **Q Okay.**
 2 **Let's stay on that page for a second.**
 3 **What if instead of Nationstar it said Fast**
 4 **and Efficient Real Estate?**
 5 **Would that change your opinion?**
 6 A It would depend on the context, whether it
 7 is small "f" and "e" meaning they are descriptive
 8 words or whether Fast and Efficient is intended to
 9 reflect an entity.
 10 **Q If you received the card and it said Fast**
 11 **and Efficient Real Estate, and let's make them**
 12 **capitals, what would you think?**
 13 MR. McDONALD: I object. That is assuming
 14 a fact not in evidence.
 15 MR. REA: This is opinion. He is an
 16 expert. He is supposed to give opinions.
 17 MR. McDONALD: An opinion on this case.
 18 MR. REA: That is what this is all about.
 19 THE WITNESS: Given what I do, I would
 20 certainly have a question in my mind if I was handed a
 21 card like that. Because that is what I am trained to
 22 do is to focus on use of names and whether it is

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1 appropriate.
 2 BY MR. REA:
 3 **Q Let's go back to one of the letters.**
 4 A 36?
 5 **Q Yes.**
 6 **The date of that letter March 25th, 2005**
 7 **predates the incorporation of Nationstar Mortgage,**
 8 **Inc.**
 9 **What is the significance of the name**
 10 **Nationstar Mortgage, Inc. if there is an**
 11 **incorporation?**
 12 A Well, I don't know what Mr. Ahmad's
 13 thinking was as to why he would create a letterhead
 14 with an entity that doesn't exist giving the
 15 appearance that it is an existing entity.
 16 **Q So you agree that simply putting Nationstar**
 17 **Mortgage, Inc. does not create an entity?**
 18 A Correct. It does not create an entity.
 19 **Q And the Inc., the I-N-C, do you agree that**
 20 **that normally signifies a corporation?**
 21 A It is a corporate indicator. Yes.
 22 **Q And corporations have several attributes**

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1 **that we all learned in law school and have largely**
 2 **forgot at this point, but the one we always remember,**
 3 **of course, is limited liability, right, just an**
 4 **attribute of a corporation?**
 5 A A corporation has certain liability
 6 protections that an individual may not.
 7 **Q And the idea of putting Inc. is to alert**
 8 **people who are dealing with corporations that they are**
 9 **dealing with an entity that has limited liability?**
 10 A I don't necessarily agree that that is why
 11 people use Inc. or Corp or use that in their practice
 12 that it is an indicator or a reference to the
 13 limitation of liability. I don't believe frankly that
 14 most people think about the limitation of liability
 15 when they include or don't include a corporate
 16 indicator in a solicitation or an advertisement.
 17 **Q Mr. Ahmad didn't get limited liability by**
 18 **adding Inc., did he?**
 19 A If your question is did the use of a name
 20 that has a corporate indicator to Mr. Ahmad that was
 21 not actually in existence, then no, that did not
 22 provide Mr. Ahmad with any additional liability

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1 protection.

2 **Q Is it a violation of Virginia law for a**

3 **non-corporation to use the word Inc.?**

4 A Yes.

5 **Q What statute might that violate?**

6 **Just generally.**

7 A It is the doing business statute in the

8 corporation section.

9 **Q It is the fictitious name statute, isn't**

10 **it?**

11 A It probably also is in the fictitious name

12 statute.

13 **Q Wouldn't it be a fictitious name if you put**

14 **Inc.?**

15 A Well, it could be a fictitious name. It

16 would depend on whether there was an entity that was

17 formed or not. But in general, yes, it would be a

18 violation of the fictitious name statute. Yes.

19 MR. McDONALD: I have a continuing

20 objection on the grounds of relevance because there is

21 no allegation that use of Inc. per se constituted a

22 violation of anything.

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1 BY MR. REA:

2 **Q In your testimony you looked at several**

3 **documents that showed a company called First American,**

4 **Attachment 8.**

5 **Can you explain from this document what the**

6 **relationship between Mr. Ahmad and First American is?**

7 A Which document?

8 **Q It is Exhibit 8.**

9 A This indicates that Mr. Ahmad is a licensed

10 salesman authorized to conduct business on behalf of

11 and under the name First American Real Estate.

12 **Q So, First American, what is their role in**

13 **this?**

14 A First American Real Estate, Inc. is a

15 licensed brokerage. Mr. Ahmad is a licensed

16 salesperson or at least was at that time.

17 **Q What is the relationship between brokerage**

18 **and salesperson?**

19 A A salesperson may conduct business only in

20 connection with and under ultimately the supervision

21 of an entity that is licensed as a brokerage that has

22 an individual who is the broker or broker of record is

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1 the term of art that is often used.

2 **Q Say a residential sales contract is created**

3 **and there is a real estate agent on each side.**

4 **Are the agents parties to that contract?**

5 A The agents execute on behalf of the

6 brokerage entities.

7 **Q So, the brokerage is the party?**

8 A Correct.

9 **Q And the agents would be prohibited from**

10 **actually executing the contract on their own behalf;**

11 **is that correct?**

12 A They would be prohibited in executing it in

13 their personal capacity. Correct.

14 **Q So an agent always has to be associated**

15 **with a brokerage because the brokerage is the only**

16 **entity that can enter into the contract for the**

17 **purposes of collecting a commission?**

18 A That is one reason why salespersons must be

19 associated with a brokerage.

20 **Q And is it common for salespeople to move**

21 **from brokerage to brokerage in your experience?**

22 A I think that is probably fairly common.

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1 **Q Fairly common.**

2 **And in this area Long & Foster, of course,**

3 **is a big brokerage and whenever we see a Long & Foster**

4 **sign it is a very distinctive sign, but typically it**

5 **will have an agent's name on it also; is that correct?**

6 A Often.

7 **Q So it is kind of both parties are being**

8 **identified, the agent who is providing the kind of on**

9 **the ground services and the brokerage who will**

10 **actually be the party doing the contract?**

11 A Correct.

12 **Q Do agents in your experience try to create**

13 **a separate business impression?**

14 **For instance, I live down near Mount Vernon**

15 **and one of my neighbors or two of my neighbors,**

16 **husband and wife, are agents for Long & Foster and**

17 **they advertise on their sites Long & Foster are Mount**

18 **Vernon specialists.**

19 **Is that common to do something like that?**

20 A That is fairly common.

21 **Q And sometimes there is another one that --**

22 **I can't think of the actual name, but it will come to**

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1 **me. But instead of an agent's name it says like The**
 2 **Christopher Group.**
 3 A Yes.
 4 **Q It says Long & Foster, The Christopher**
 5 **Group. So, Long & Foster is the broker. The**
 6 **Christopher Group apparently is the agent.**
 7 **Now, would that be a fictitious name?**
 8 **How would they do that?**
 9 A As a technical matter you certainly could
 10 make arguments that The Christopher Group is a
 11 fictitious name. As a matter of practice you seldom
 12 see real estate agents registering that as a
 13 fictitious name.
 14 What you also always see, at least in my
 15 experience, is that there is always the linkage
 16 between the name. So, the Mount Vernon specialist
 17 with Long & Foster.
 18 MR. McDONALD: I am going to object on
 19 relevance once again because the Mount Vernon
 20 specialist is merely descriptive. So, it wouldn't
 21 have the same properties as a trade name.
 22 The other name, when you say The

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1 Christopher Group, if you mean that there is a person
 2 named Christopher there, then you are implicating
 3 considerations that are not within the embrace of the
 4 fictitious trade name statute because it is not
 5 fictitious. If the person's name is Christopher that
 6 is not fictitious.
 7 A further basis for my relevance objection
 8 is that again it assumes a fact not in evidence, which
 9 is that we have a usage of First American Real Estate,
 10 the Nationstar Group or something like that. That is
 11 not what we are dealing with here.
 12 MR. REA: My response is John is here as an
 13 expert and I am allowed to ask hypotheticals.
 14 MR. McDONALD: I am not instructing him not
 15 to answer. I am just saying I respectfully have no
 16 idea what you are talking about or what the relevance
 17 of the question is.
 18 MR. REA: Okay. You did effectively
 19 destroy my chain of thought.
 20 BY MR. REA:
 21 **Q Earlier you talked about the registration**
 22 **statutes for DPOR and how an agent can register a**

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1 **fictitious name. And when I say I see something**
 2 **similar to The Christopher Group, and I know that is**
 3 **not what it was, but I see something like that, you**
 4 **are saying that that would not be registered with**
 5 **DPOR?**
 6 A It may or may not be registered. I don't
 7 know. I am not privy to what The Christopher Group
 8 did.
 9 **Q No. No. I mean if it is clearly not**
 10 **somebody's name.**
 11 A Even if it is somebody's name, it still
 12 could be a trade name or a fictitious name.
 13 Each situation is unique. Each situation
 14 the manner in which names are used or not used is
 15 unique and can present and can result in different
 16 conclusions about whether or not registration should
 17 or should not happen, whether it is advisable, whether
 18 it is gray.
 19 I would say that as a general rule when
 20 there is a linking of the true corporate name of the
 21 brokerage, stick to the real estate for a moment, a
 22 true corporate name of the brokerage and there are

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1 descriptive terms or team names, which is very common
 2 in a real estate agency, you know, The John Plank Team
 3 or the like, that you generally would not expect. We
 4 decide whether or not it is technically required or
 5 not, but you generally would not expect that that
 6 group of agents would have gone and registered that as
 7 a fictitious name.
 8 I contrast that with use of a name without
 9 any linkage. So, John Plank I use that because he is
 10 Weichert and he is in Arlington and so I see the
 11 signs. But if he was John Plank Real Estate and if
 12 John Plank was not its own real estate brokerage, I
 13 would expect, and certainly the regulator would
 14 expect, that that fictitious name would need to be
 15 registered and appear on the license for whichever
 16 broker shop he worked for.
 17 **Q Would that person also have to register**
 18 **under the fictitious name statute?**
 19 A Well, I am using them in the same
 20 reference.
 21 Yes. The prerequisite generally to getting
 22 a fictitious name trade name or d/b/a in terms used

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1 interchangeable on your license is to first provide
 2 evidence that you have registered that name with the
 3 appropriate Virginia county or counties.
 4 **Q I am just about done.**
 5 **If an agent registers a fictitious name**
 6 **with DPOR and subsequently moves to another broker can**
 7 **they take that fictitious name with them?**
 8 A I do not believe that agents can register
 9 their own fictitious name. The name under which an
 10 entity conducts business would be controlled by the
 11 entity.
 12 An agent of Weichert, for example, could
 13 not go on to and make application to have ABC Realty
 14 added as a fictitious name to Weichert. That would be
 15 controlled by Weichert through the real estate
 16 functionality.
 17 **Q So, let's say hypothetically that I came up**
 18 **with some really cool fictitious name and I called**
 19 **myself you know Max Nationstar and I registered that**
 20 **fictitious name, you know, first through the State of**
 21 **Virginia and then through DPOR and I am operating as a**
 22 **real estate sales agent using Max Nationstar and I am**

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1 **a Long & Foster agent and I say the grass looks**
 2 **greener at Weichert and I want to move to Weichert.**
 3 **If I understood your answer, you are saying**
 4 **I can't take that.**
 5 A I'm sorry. I didn't understand your
 6 question. There is a distinction.
 7 If an individual wants to conduct business
 8 under a fictitious name or another name because they
 9 want it to be more appealing, for example, that is
 10 unique to them.
 11 If you wanted, if an individual wanted, to
 12 add a trade name or a fictitious name on to an
 13 entity's license my point is that an individual would
 14 not have the ability to do that. That would be
 15 governed by and controlled by the entity.
 16 **Q Can an entity be a salesperson?**
 17 A Can an entity be a salesperson?
 18 I do not believe so.
 19 **Q So, in the context of the hypothetical that**
 20 **would never actually arise because it would always be**
 21 **an individual who would have a fictitious name?**
 22 A Well, an entity -- I am not sure I

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1 understand the question. An individual could have a
 2 fictitious name.
 3 **Q That is good because I didn't understand**
 4 **your qualification of your previous answer.**
 5 A An individual could have a fictitious name.
 6 **Q So, we got Max Nationstar and I am an**
 7 **individual and I am a Long & Foster agent and I decide**
 8 **to move over to Weichert. And if I understood your**
 9 **answer, you said I could take that name with me when I**
 10 **go to Weichert.**
 11 A If it is unique to an individual, yes.
 12 **Q Because I am registered?**
 13 A Because you are registered. Yes. That is
 14 right.
 15 **Q Then you started talking about entities and**
 16 **I didn't understand that because I didn't think an**
 17 **entity could be a salesperson.**
 18 A Well, whether they are a salesperson or not
 19 is not relevant to whether an entity can have a trade
 20 name.
 21 With Weichert you could have ABC Corp doing
 22 business as Socknat Realty. That would be a

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1 fictitious name or a trade name. That functionality,
 2 the control of the name under which that company does
 3 business, is going to be controlled by the management,
 4 the executives and the broker of record of that
 5 company. A salesperson would not be able to
 6 independently effectuate a change to that name.
 7 **Q So you are saying Max Nationstar can't take**
 8 **Long & Foster with them?**
 9 **Is that what you are saying?**
 10 A I am saying that a salesperson who works
 11 for Weichert could not go to the Real Estate Board and
 12 have an additional name added on so that Weichert was
 13 doing business under some other name. That process
 14 would be controlled by Weichert.
 15 **Q Okay.**
 16 **So, a salesperson cannot establish a d/b/a**
 17 **for the broker?**
 18 A For the brokerage. Correct.
 19 **Q That is what you are saying?**
 20 A Yes.
 21 MR. REA: That is all I have.
 22 Thank you.

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1 MR. McDONALD: I may have five or ten
 2 minutes. Should we do that right now and get it over
 3 with?
 4 THE WITNESS: Sure.
 5 MR. McDONALD: Off the record for one
 6 second.
 7 (Off the record.)
 8 MR. McDONALD: Back on the record.
 9 EXAMINATION BY COUNSEL FOR OPPOSER
 10 BY MR. McDONALD:
 11 **Q I am going to ask a few questions on**
 12 **redirect and I will ask you to refer to Exhibit 4.**
 13 A Okay.
 14 **Q Now I would like to go through these pages**
 15 **separately. And right now we are looking at a page**
 16 **that is Bates stamped at the bottom right with the**
 17 **letters APP 00024. And I will just refer to that as**
 18 **24.**
 19 **Is this a copy of a business card?**
 20 A That appears to be what it is.
 21 **Q We have the name Nationstar Real Estate**
 22 **here.**

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1 **Is there any interpretation of the law that**
 2 **would allow for this kind of usage of a name without**
 3 **regulatory approval?**
 4 A To use Nationstar either an entity would
 5 have to be in existence that went by the name of
 6 Nationstar and/or some sort of fictitious name or
 7 trade name or d/b/a of at a minimum Nationstar.
 8 **Q But what if the person was not actually**
 9 **engaged in any commercial transactions? What if he**
 10 **was just giving cards like this out in an effort to**
 11 **solicit transactions?**
 12 **Does that require regulatory approval?**
 13 A In my opinion it does.
 14 **Q Please turn to page 29 within Exhibit 4.**
 15 **Do you see the use of the name Nationstar**
 16 **Mortgage, Inc. here?**
 17 A I do.
 18 **Q And at the top it says One Stop for all**
 19 **your Real Estate Needs. Buying. Selling.**
 20 **Refinancing.**
 21 **Do you see that?**
 22 A I do.

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1 **Q In your opinion is there any interpretation**
 2 **of the applicable laws that would allow for this kind**
 3 **of commercial use without regulatory authority?**
 4 A No.
 5 **Q Now, turning forward to page 36 within**
 6 **Exhibit 4 we see that pages 36 to 43 are substantially**
 7 **identical copies of a direct mail solicitation.**
 8 A Yes.
 9 **Q It says: Nationstar Mortgage, Inc. assists**
 10 **its customers in the purchase of Residential,**
 11 **Commercial and Land properties. If you are interested**
 12 **in buying a new property or want to refinance your**
 13 **current property, please feel free to contact us by**
 14 **e-mail or call us at this telephone number to assist**
 15 **you in either transaction.**
 16 **Do you see where it says that?**
 17 A I do.
 18 **Q Now, we don't really know from this letter**
 19 **exactly what kind of assistance Mr. Ahmad has in mind.**
 20 **Isn't that true?**
 21 A Correct.
 22 **Q The reason I am asking this is because I am**

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1 **trying to put myself into the shoes of the cross**
 2 **examination.**
 3 **Conceivably the assistance might be**
 4 **transportation. Perhaps Mr. Ahmad gave a ride to**
 5 **somebody from that person's house to the mortgage**
 6 **broker's office.**
 7 **That conceivably could be assistance,**
 8 **right?**
 9 A Anything is possible.
 10 I read this as offering up real estate
 11 brokerage and mortgage brokerage or -- you can't sort
 12 of tell from the context -- or mortgage lending
 13 services because there is a solicitation specifically
 14 for buying of a new property. That type of services
 15 would require a real estate brokerage license to
 16 represent someone in the acquisition.
 17 Similarly for a refinance either acting as
 18 a mortgage broker or a mortgage lender for the
 19 refinance, as a general rule will require licensure as
 20 a mortgage broker and/or lender.
 21 Without the context of knowing specifically
 22 we don't know if this particular individual is

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1 residential or commercial, but the solicitation is
 2 broad enough to say and reference ability to assist
 3 for residential, commercial and land, and by inclusion
 4 of residential in particular that pulls in the
 5 mortgage banking solicitation and statute and then the
 6 commercial and land, of course, would pull in the real
 7 estate broker statute.

8 **Q Okay. Thank you.**
 9 **Now I am looking at the second paragraph**
 10 **here. I will read this out loud.**
 11 **Quote. "We can help you with multiple loan**
 12 **options available to you in today's market, such as**
 13 **home equity line of credit, interest only loan, no**
 14 **down payment with 80/20 program, full documentations,**
 15 **limited or not documentation loan and stated income**
 16 **loans." End quote.**
 17 **We don't know exactly what Mr. Ahmad means**
 18 **by the word help here, do we?**

19 A We don't.

20 **Q So, he could be making a peanut butter**
 21 **sandwich for the individual and saying there you go,**
 22 **now you are not going to go into this transaction**

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1 **hungry, lots of luck.**
 2 **But is it reasonable to conclude that maybe**
 3 **Mr. Ahmad did not need regulatory approval for this**
 4 **kind of activity because maybe all he was doing was**
 5 **giving somebody a ride or making a peanut butter**
 6 **sandwich for that person, so maybe he didn't really**
 7 **need regulatory approval to distribute this kind of**
 8 **solicitation?**
 9 **Is that a reasonable interpretation in your**
 10 **view?**

11 A It is not.
 12 The nature of the language used and in
 13 particular the coupling with Nationstar Mortgage, Inc.
 14 on the top certainly is holding oneself out as able to
 15 offer or provide assistance in the residential
 16 mortgage space by virtue of including the use of the
 17 name Nationstar Mortgage and in particular that second
 18 paragraph is focused on financing options.
 19 So, I believe that one can reasonably infer
 20 from this that the intention was to solicit
 21 individuals for residential mortgage and/or commercial
 22 mortgage, I don't know specifically residential, but

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1 for those type of services.
 2 MR. McDONALD: Thank you.
 3 That is all the questions I have.
 4 Thank you very much for your time.
 5 MR. REA: Off the record.
 6 MR. McDONALD: Off the record.
 7
 8
 9 (Signature having not been waived, the
 10 deposition of JOHN D. SOCKNAT was concluded at
 11 1:10 p.m.)
 12
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1 * * *
 2 ACKNOWLEDGMENT OF DEPONENT
 3 I, JOHN D. SOCKNAT, do hereby acknowledge that
 4 I have read and examined the foregoing testimony, and
 5 the same is a true, correct, and complete
 6 transcription of the testimony given by me, and any
 7 corrections appear on the attached Errata Sheet signed
 8 by me.
 9
 10
 11 (DATE) (SIGNATURE)
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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Paula J. Eastes, Registered
3 Professional Reporter, the officer before whom the
4 foregoing proceedings were taken, do hereby certify
5 that the foregoing transcript is a true and correct
6 record of the proceedings; that said proceedings were
7 taken by me stenographically and thereafter reduced to
8 typewriting under my supervision; and that I am
9 neither counsel for, related to, nor employed by any
10 of the parties to this case and have no interest,
11 financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 18th day of
14 July 2011.

15
16 My commission expires: February 14, 2016
17
18
19

20 NOTARY PUBLIC IN AND FOR THE
21 DISTRICT OF COLUMBIA
22

1 ERRATA SHEET
2 IN RE: NATIONSTAR MORTGAGE, LLC VS. MUJAHID AHMAD
3 RETURN BY: _____
4 =====

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**DEPOSITION OF JOHN D. SOCKNAT
CONDUCTED ON JULY 12, 2011**

* * *

ACKNOWLEDGMENT OF DEPONENT

I, JOHN D. SOCKNAT, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct, and complete transcription of the testimony given by me, and any corrections appear on the attached errata sheet signed by me.

8/1/11

(Date)

John D. Socknat

(Signature)

Job No.: 0101-197758

List of Exhibits

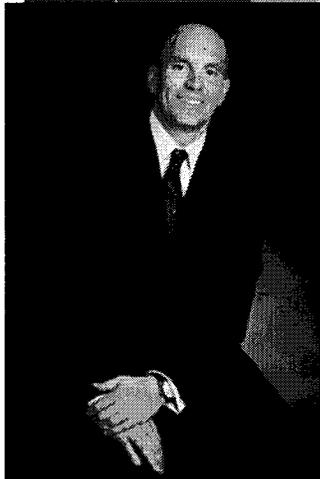
<u>No.</u>	<u>Description</u>
1	John Socknat Professional Biography, Recent Appearances & Publications
2	"NATIONSTAR MORTGAGE," U.S. Service Mark Application 78866376, filed April 20, 2006, for "real estate agent services, real estate consultancy, financial consultancy, real estate management and advisory services relating thereto" (claiming a first-use date of April 4, 2005)
3	"NATIONSTAR MORTGAGE," U.S. Service mark Application Serial No. 77195561, filed June 1, 2007, for "real estate agent services, real estate consultancy, financial consultancy, real estate management and advisory services relating thereto (claiming a first use-date of December 2004, 2005)
4	Advertising and direct mail solicitations allegedly distributed by Mr. Ahmad
5	Virginia certificate of incorporation issued to Nationstar Mortgage Inc., May 19, 2006
5a	Virginia Code § 59.1-69
5b	Virginia Code § 59.1-75
5c	D.C. Code § 47-2855.02
5d	Maryland Code § 1-406
6	Letter dated May 12, 2010, from Rick Ritter, Business Tax Representative of the Business Tax Division, Office of the Commissioner of Revenue for Arlington, Virginia
6a	Home page, website of Virginia Department of Professional and Occupational Regulation, www.dpor.virginia.gov
6b	Virginia Code § 6.2-1601
6bb	Virginia Code § 54.1-2106.1
6c	Virginia Code § 6.2-1600
6d	Virginia Code § 6.2-1602
7	Real estate licenses issued to Mr. Ahmad d/b/a First American Real Estate by the Virginia DPOR
8	Print-out dated October 18, 2010, from DPOR website, attesting to Ahmad's current authorization to engage in real estate agency services using "First American Real Estate" as a trade name
8a	Virginia Code § 54.1-2105.2
9	License issued by Virginia Bureau of Financial Institutions to Nationstar Mortgage, Inc., October 24, 2006
9a	Report of Opposer's Expert John D. Socknat Pursuant to Fed.R.Civ.P. 26(a)(2), October 19, 2010
10	License issued by Virginia Bureau of Financial Institutions to Nationstar Mortgage, Inc., April 9, 2009

- 11** Real Estate License issued to Mujahid Ahmad, d/b/a First American Real Estate, Inc., by the Maryland Department of Labor, Licensing and Regulation, Real Estate Commission, Expiration Dates July 13, 2007; July 13, 2009; and July 13, 2011, respectively
- 12** Real Estate License issued to Mujahid Ahmad, d/b/a First American Real Estate, Inc., by the District of Columbia Department of Consumer and Regulatory Affairs, Occupational and Professional License Administration, issued May 4, 2005, and September 1, 2007, expiration date August 31, 2011
- 13** Mortgage Brokerage License issued to Nationstar Mortgage, Inc., by the Maryland Department of Labor, Licensing and Regulation, Commissioner of Financial Regulation, effective February 28, 2007; March 1, 2009; and March 18, 2010, respectively.
- 14** Licenses issued to Nationstar Mortgage, Inc., by the Banking Bureau of the District of Columbia Department of Insurance, Securities and Banking, effective March 16, 2007, June 6, 2007, and July 13, 2009, respectively.

SEARCH

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John D. Socknat
Partner



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Washington, DC 20037
T: 202-457-7513 F: 202-457-6315

Mortgage Banking
Financial Services and Products
Banking and Financial Institutions

John Socknat uses his knowledge and breadth of the business issues affecting the residential and commercial mortgage banking industries and the legal landscape to advise clients on compliance and licensing matters under state and federal law.



APPEARANCES

PUBLICATIONS

AREAS OF PRACTICE

Education

- Catholic University of America, Columbus School of Law, J.D., 1995
- James Madison University, B.A., *cum laude*, 1990

Bar Admissions

- District of Columbia
- Virginia

Mr. Socknat's clients include mortgage and consumer finance companies, financial institutions, title companies, real estate brokers, and secondary market investors. He focuses his practice in matters concerning regulations such as the Real Estate Settlement Procedures Act (RESPA), the Truth-in-Lending Act (TILA), the Fair Credit Reporting Act (FCRA), the Equal Credit Opportunity Act (ECOA), financial privacy in Title V of the Gramm-Leach-Bliley Act, the Fair Debt Collection Practices Act (FDCPA), state consumer credit and debt collection and telemarketing-related issues, among others. He also counsels clients on e-commerce issues, including electronic signatures, electronic storage of records and electronic delivery of credit-related disclosures. In addition, Mr. Socknat has represented clients in asset and stock transactions and joint venture arrangements.

Mr. Socknat performs specialized regulatory compliance due diligence on lenders, servicers, and other settlement service providers, assists with structuring operations and developing compliance programs and represents clients in state and federal enforcement actions.

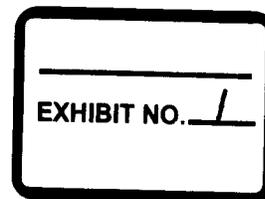
Mr. Socknat is a member of the Advisory Council to the American Association of Residential Mortgage Regulators (AARMR).

Representative Matters:

- Counseled client regarding regulatory and licensing obligations for a distressed asset disposition platform.
- Represented client in connection with state Attorneys General actions related to advertising practices.
- Advised client in connection with regulatory and licensing obligations for an on-line short sale platform.
- Advised third party processor regarding S.A.F.E. Act obligations.
- Counseled various private equity and hedge funds regarding licensing and other compliance-related issues associated with the acquisition, servicing and disposition of distressed assets - whole loans and mortgage servicing rights.
- Advised client in connection with the consolidation and integration of various title agencies onto a single platform.
- Advised state and federal depository institutions regarding loan officer registration obligations imposed by the S.A.F.E. Act.
- Completed an operational and compliance review of a national lender, involving license, disclosure, fee and policies and procedures reviews.

Professional Affiliations:

- American Bar Association
- District of Columbia Bar Association
- Virginia Bar Association



Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-10-18 16:03:11 ET

Serial Number: 78866376 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

NationStar

(words only): NATIONSTAR

Standard Character claim: Yes

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2007-05-01

Filing Date: 2006-04-20

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 109

Attorney Assigned:
WATSON JULIE A

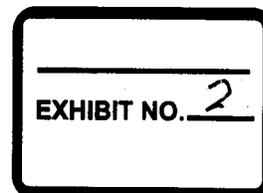
Current Location: 450 -Petitions Office

Date In Location: 2010-01-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Ahmad, Mujahid

Address:
Ahmad, Mujahid
102 2001 North Daniel Street



Arlington, VA 22201

United States

Legal Entity Type: Individual

Country of Citizenship: United States

Phone Number: 703-732-9899

Fax Number: 703-525-8770

GOODS AND/OR SERVICES

International Class: 036

Class Status: Active

Real estate brokerage; rental of real estate; real estate management services, namely, management of commercial and residential properties; real estate investment; residential and commercial property and insurance brokerage; mortgage brokerage; and business finance procurement services

Basis: 1(a)

First Use Date: 2005-04-04

First Use in Commerce Date: 2005-04-04

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-01-25 - Petition To Director Denied

2009-11-03 - Assigned To Petition Staff

2009-09-25 - Petition To Director Received

2009-02-20 - Withdrawal Of Attorney Granted

2009-02-20 - TEAS Withdrawal Of Attorney Received

2007-05-18 - Attorney Revoked And/Or Appointed

2007-05-18 - TEAS Revoke/Appoint Attorney Received

2007-05-01 - Opposition instituted for Proceeding

2007-01-26 - Extension Of Time To Oppose Received

2007-01-02 - Published for opposition
2006-12-13 - Notice of publication
2006-11-09 - Law Office Publication Review Completed
2006-10-27 - Assigned To LIE
2006-10-26 - Approved for Pub - Principal Register (Initial exam)
2006-10-26 - Amendment From Applicant Entered
2006-10-19 - Communication received from applicant
2006-10-19 - PAPER RECEIVED
2006-09-25 - Non-final action e-mailed
2006-09-25 - Non-Final Action Written
2006-09-25 - Assigned To Examiner
2006-04-27 - Notice Of Pseudo Mark Mailed
2006-04-26 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
PATRICK I. REA
TAYLOR & REA PLC
3925 OLD LEE HWY STE 200
FAIRFAX, VA 22030
Phone Number: 703-732-9899
Fax Number: 703-525-8770

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-10-18 16:20:13 ET

Serial Number: 77195561 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

NATIONSTAR

(words only): NATIONSTAR

Standard Character claim: Yes

Current Status: Further action on the application has been suspended.

Date of Status: 2010-09-16

Filing Date: 2007-06-01

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
SHARPER JR SAMUEL E

Current Location: L80 -TMEG Law Office 108

Date In Location: 2010-09-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Mujahid Ahmad

Address:
Mujahid Ahmad
#102 2001 North Daniel Street



Arlington, VA 22201
United States
Legal Entity Type: Individual
Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 036
Class Status: Active
Real estate agent services, real estate consultancy, financial consultancy, real estate management and advisory services relating thereto
Basis: 1(a)
First Use Date: 2004-12-00
First Use in Commerce Date: 2004-12-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-09-16 - Report Completed Suspension Check Case Still Suspended
2010-09-16 - Assigned To LIE
2010-03-12 - Report Completed Suspension Check Case Still Suspended
2010-03-11 - Assigned To LIE
2009-09-10 - Report Completed Suspension Check Case Still Suspended
2009-09-09 - Assigned To LIE
2009-04-03 - Attorney Revoked And/Or Appointed
2009-04-03 - TEAS Revoke/Appoint Attorney Received
2009-03-05 - Report Completed Suspension Check Case Still Suspended
2009-02-20 - Withdrawal Of Attorney Granted

2009-02-20 - TEAS Withdrawal Of Attorney Received
2008-09-05 - Report Completed Suspension Check Case Still Suspended
2008-09-05 - Assigned To LIE
2008-03-05 - Notification Of Letter Of Suspension E-Mailed
2008-03-05 - LETTER OF SUSPENSION E-MAILED
2008-03-05 - Suspension Letter Written
2008-03-04 - Teas/Email Correspondence Entered
2008-03-04 - Communication received from applicant
2008-03-04 - TEAS Response to Office Action Received
2007-09-12 - Notification Of Non-Final Action E-Mailed
2007-09-12 - Non-final action e-mailed
2007-09-12 - Non-Final Action Written
2007-09-11 - Assigned To Examiner
2007-06-07 - Notice Of Pseudo Mark Mailed
2007-06-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Patrick I. Rea

Correspondent

Patrick I. Rea

Taylor & Rea, PLC

3925 Old Lee Hwy, Ste 200

Fairfax VA 22030

Phone Number: 703-385-3322

Fax Number: 703-385-5406



NationStar
REAL ESTATE

Residential • Commercial • Land

Mujahid Ahmad
Realtor®

Cell: (703) 732-9899
Off: (703) 525-8770
2001 North Daniel Street, #102
Arlington, VA 22201
Email: Mak35@nris.com



EXHIBIT NO. 4

APP 00024

Mujahid Ahmad
Mortgage Broker

Residential . Commercial . Land

Cell: (703)-792-8899
Off: (703)-525-2778
2001 North Daniel Stue, #102
Arlington, VA 22201
Email: MjARealtor@yahoo.com



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Mujahid Ahmad
Mortgage Broker

Residential . Commercial . Land

Cell: 703-732-9899

Off: 703-525-8770

2801 North Daniel Street, Suite 102
Arlington, VA 22201

Email: MacReahor@yahoo.com



NationStar | 2001 N. Daniel St. # 102
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Mujahid Ahmad

Cell: (703) 732-9899
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JANUARY 2005

APP 00027

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APRIL 2005



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- Limited documentation
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MakRealtor@Yahoo.com

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Created for Fall 2005

APP 00033

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Off: 703-525-8770

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Mortgage Broker

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Off: 703-525-8770
MakRealtor@yahoo.com

2001 North Daniel Street, # 102, Arlington, VA 22201

NationStar Mortgage, Inc.

March 25, 2005

Mr. Ikram U. Danish
1444 Cottonwood Court
Woodbridge, VA 22191

Dear Sir/Madam:

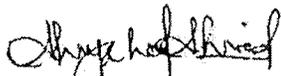
NationStar Mortgage, Inc. assists its customers in the purchase of Residential, Commercial and Land properties. If you are interested in buying a new property or want to refinance your current property, please feel free to contact us by email or call us at (703) 732-9899 to assist you in either transaction.

We can help you with multiple loan options available to you in today's market, such as home equity line of credit, interest only loan, no down payment with 80/20 program, full documentation, limited or no documentation loan and stated income loans.

We are here to help you make your real estate transaction as smooth as possible. If you are not ready at the moment, please feel free to forward this information to your friends or family members who might be interested to buy a real estate.

Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

April 02, 2005

Mr. Ahmed U Sayed
222 North Thomas Street, # 103
Arlington, VA 22203

Dear Sir/Madam:

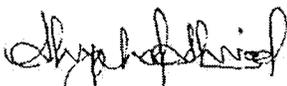
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Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

April 03, 2005

Mr. Shafiq Ahmad
830 S. Greenbrier Street # 3
Arlington, VA 22204

Dear Sir/Madam:

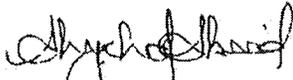
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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

NationStar Mortgage, Inc.

April 16, 2005

Mr. Abdul Haq
1205 South Thomas Street, # 3
Arlington, VA 22204

Dear Sir/Madam:

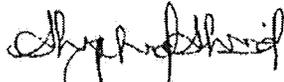
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Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

2001 North Daniel Street, 102, Arlington, VA 22201
Phone: (703) 732-9899 Fax: (703) 525-8770 E-Mail: Mak35@mris.com

APP 00039

NationStar Mortgage, Inc.

July 17, 2005

Mr. Rahat Mushtaq
6135 Leesburg Pike, # 404
Falls Church, VA 22041

Dear Sir/Madam:

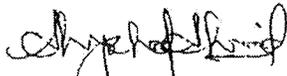
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Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

2001 North Daniel Street, 102, Arlington, VA 22201
Phone: (703) 732-9899 Fax: (703) 525-8770 E-Mail: Mak35@nris.com

APP 00040

NationStar Mortgage, Inc.

October 14, 2005

Mr. Abid Hussain
6143 Leesburg Pike, # 308
Falls Church, VA 22041

Dear Sir/Madam:

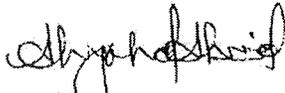
NationStar Mortgage, Inc. assists its customers in the purchase of Residential, Commercial and Land properties. If you are interested in buying a new property or want to refinance your current property, please feel free to contact us by email or call us at (703) 732-9899 to assist you in either transaction.

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Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

2001 North Daniel Street, 102, Arlington, VA 22201
Phone: (703) 732-9899 Fax: (703) 525-8770 E-Mail: Mak35@nris.com

APP 00041

NationStar Mortgage, Inc.

February 05, 2006

Mr. Tahir Majeed
6143 Leesburg Pike, # 501
Falls Church, VA 22041

Dear Sir/Madam:

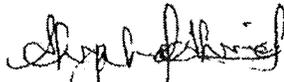
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Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

2001 North Daniel Street, 102, Arlington, VA 22201
Phone: (703) 732-9899 Fax: (703) 525-8770 E-Mail: Mak15@ntris.com

APP 00042

NationStar Mortgage, Inc.

August 18, 2006

Ms. Marina Leon
3404 43rd Avenue
Brentwood, Maryland 20722

Dear Sir/Madam:

NationStar Mortgage, Inc. assists its customers in the purchase of Residential, Commercial and Land properties. If you are interested in buying a new property or want to refinance your current property, please feel free to contact us by email or call us at (703) 732-9899 to assist you in either transaction.

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Thanks for your time and looking forward to hear from you at your earliest convenience.

Sincerely,



Mujahid Ahmad
President
NationStar Mortgage, Inc.
(703) 732-9899

2001 North Daniel Street, 102, Arlington, VA 22201
Phone: (703) 732-9899 Fax: (703) 525-8770 E-Mail: Mak35@nris.com

APP 00043

Commonwealth of Virginia



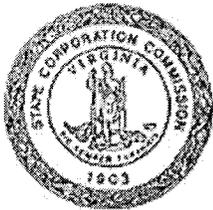
STATE CORPORATION COMMISSION

Richmond, May 19, 2006

This is to certify that the certificate of incorporation of

NATIONSTAR MORTGAGE, INC.

was this day issued and admitted to record in this office and that the said corporation is authorized to transact its business subject to all Virginia laws applicable to the corporation and its business.
Effective date: May 19, 2006



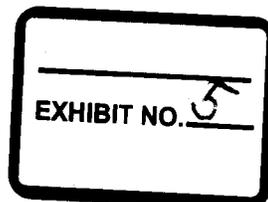
State Corporation Commission

Attest:

Joel H. Beck
Clerk of the Commission

CIS0456

APP 00045



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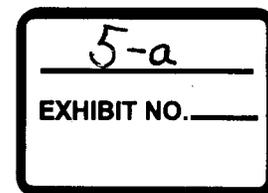
§ 59.1-69. Certificate required of person, partnership, limited liability company or corporation transacting business under assumed name.

A. No person, partnership, limited liability company or corporation shall conduct or transact business in this Commonwealth under any assumed or fictitious name unless such person, partnership, limited liability company or corporation shall sign and acknowledge a certificate setting forth the name under which such business is to be conducted or transacted, and the names of each person, partnership, limited liability company or corporation owning the same, with their respective post-office and residence addresses (and, (i) when the partnership or limited liability company is a foreign limited partnership or limited liability company, the date of the certificate of registration to transact business in this Commonwealth issued to it by the State Corporation Commission, or (ii) when the corporation is a foreign corporation, the date of the certificate of authority to transact business in this Commonwealth issued to it by the State Corporation Commission), and file the same in the office of the clerk of the court in which deeds are recorded in the county or city wherein the business is to be conducted.

B. No person, partnership, limited liability company or corporation shall use an assumed or fictitious name in the conduct of its business to intentionally misrepresent the geographic origin or location of any such person or entity.

(Code 1950, § 59-169; 1968, c. 439; 1987, c. 702; 1995, c. 168; 1996, c. 904.)

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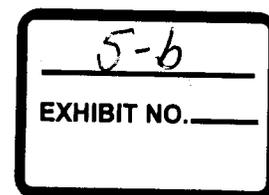
[prev](#) | [next](#)

§ 59.1-75. Penalty for violation.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$2,500 or by confinement in jail for not more than one year, or both.

(Code 1950, § 59-175; 1968, c. 439; 1991, c. 710.)

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Welcome to the online source for the District of Columbia Official Code

DC ST § 47-2855.02

Formerly cited as DC ST 1981 § 47-2855.2

DC ST § 47-2855.02

Formerly cited as DC ST 1981 § 47-2855.2

District of Columbia Official Code 2001 Edition Currentness

Division VIII. General Laws.

Title 47. Taxation, Licensing, Permits, Assessments, and Fees. (Refs & Annos)

Chapter 28. General License Law.

Subchapter I-C. Trade Names. (Refs & Annos)

➔ **§ 47-2855.02. Registration required.**

(a) A person who carries on, conducts, or transacts business in the District of Columbia under any trade name shall register that trade name with the Department as follows:

- (1) A sole proprietorship or general partnership shall register by setting forth the true and real name or names of each person comprising the sole proprietorship or general partnership, the post office address or addresses of each person, and the name of the general partnership, if applicable.
- (2) A foreign or domestic limited partnership shall register by setting forth the limited partnership name as filed with the Mayor.
- (3) A foreign or domestic limited liability company shall register by setting forth the limited liability company name as filed with the Mayor.
- (4) A foreign or domestic corporation shall register by setting forth the corporate name as filed with the Mayor.

(b) The registration shall be executed by:

- (1) The sole proprietor of a sole proprietorship;
- (2) A general partner of a domestic or foreign general or limited partnership; or
- (3) An officer of a domestic or foreign corporation.

CREDIT(S)

(Apr. 20, 1999, D.C. Law 12-261, § 2005(b), 46 DCR 3142.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

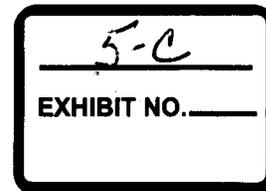
1981 Ed., § 47-2855.2.

Legislative History of Laws

For legislative history of D.C. Law 12-261, see Historical and Statutory Notes following § 47-2801.

Miscellaneous Notes

Short title of title II of Law 12-261: See Historical and Statutory Notes following § 47-2855.01.



DC CODE § 47-2855.02

Current through May 10, 2011

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Justia > US Law > US Codes and Statutes > Maryland Code > 2005 > Maryland Corporations and Associations > Section 1-406

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Maryland Corporations and Associations Section 1-406

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Article - Corporations and Associations

§ 1-406.

(a) Any person engaged in any mercantile, trading, or manufacturing business as an agent or doing business or trading under any designation, title, or name other than the person's own name, prior to commencing operation of the business, shall file with the Department of Assessments and Taxation a certificate:

- (1) In writing;
- (2) Affirmed or acknowledged under oath; and
- (3) Disclosing:

(i) The true and correct names and addresses of the principal or owner of the business;

(ii) The character and location of the business; and

(iii) The name, title, or designation under which the business is conducted.

(b) The name, title, or designation under which a business is conducted shall be recorded with the Department as provided in Subtitle 5 of this title.

(c) The information required in subsection (a) of this section shall be filed in the manner that the Department requires by regulation.

(d) (1) The Department of Assessments and Taxation shall maintain a public record, to be known as the "agency record".

(2) The agency record shall record all certificates filed in accordance with this section, and the certificates shall be properly indexed.

(e) The Department of Assessments and Taxation shall charge and receive a fee of:

- (1) \$25 for recording the certificates under this section; and
- (2) \$25 for each amendment, cancellation, or renewal of a certificate.

(f) (1) A certificate filed under this section is effective for a period of 5 years from the date the certificate is filed.

(2) Every 5 years following the year in which a certificate is filed or renewed, a person who has filed or renewed a certificate under this section may renew the certificate by filing, within 6 months before the end of the 5-year period, an application for renewal in the manner that the Department requires by regulation.

(3) A renewal application extends the certificate for 5 years from the end of the previous 5-year period.

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by **Joanna Grossman**

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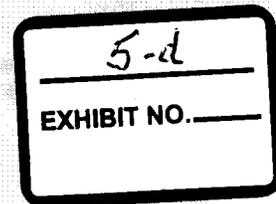
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(g) This section does not apply to any person who has filed a certificate similar to the certificate required under this section with the Department of Assessments and Taxation before July 1, 1991.

(h) A person that willfully and knowingly executes and files a false certificate under subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

Legal Issue or Lawyer Name
Pittsburgh, PA Search

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 **Ronald J. Chieboski Jr.**
Arbitration / Mediation, Construction Law
Pittsburgh, PA

 **John R. Dingess**
Arbitration / Mediation, Construction Law
Pittsburgh, PA

 **Gregory Kunkel**
Business Law, Injury Law, Insurance Bad
Uniontown, PA

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COMMISSIONER

ARLINGTON COUNTY, VIRGINIA

OFFICE OF COMMISSIONER OF REVENUE
BUSINESS TAX DIVISION
2100 CLARENDON BOULEVARD, SUITE 208
ARLINGTON, VA 22201



ANN BISSON
DEPUTY COMMISSIONER

May 12, 2010

Kathleen McCann Hemmerdinger
Trademark Paralegal
Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, VA 22314

Dear Ms. Hemmerdinger:

Per your request, I can confirm that Mujahid Ahmad has not registered the trade name NationStar or Nation Star. I can further confirm there is no business tax registration for this individual.

If you have any additional questions, please email me at rritter@arlingtonva.us or telephone me at 703-228-7057.

Sincerely,

Rick Ritter
Business Tax Specialist

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EXHIBIT NO. _____

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- [Contractor License Revocations: June 7, 2011](#)



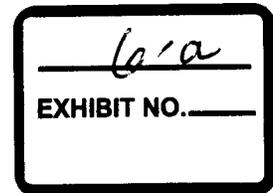
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Robert F. McDonnell



Secretary of Commerce and Trade Jim Cheng



*"A Commonwealth
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WELCOME

Gordon N. Dixon, Director

The Department of Professional and Occupational Regulation's mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses and enforcing standards of professional conduct for professions and occupations as designated by statute.

A Commerce and Trade secretariat agency, DPOR regulates more than 30 occupations and professions through 19 boards composed of practitioners and citizens appointed by the Governor. DPOR licenses or certifies over 300,000 individuals and businesses ranging from architects and contractors to cosmetologists and professional wrestlers.

A Commonwealth of Virginia Agency



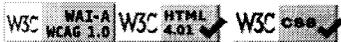
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§ 6.2-1601. License requirement.

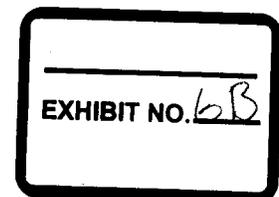
A. No person shall engage in business as a mortgage lender or a mortgage broker, or hold himself out to the general public to be a mortgage lender or a mortgage broker unless such person has first obtained a license under this chapter. Subject to such conditions as the Commission may prescribe, an individual who is a bona fide employee or exclusive agent of a licensee may negotiate, place or find mortgage loans without being licensed as a mortgage broker.

B. Every mortgage lender and mortgage broker required to be licensed under this chapter shall register with the Registry and be subject to such registration and renewal requirements as may be established by the Registry, in addition to any requirements of this chapter. In adopting rules and regulations pursuant to § ~~6.2-1613~~, the Commission shall include any terms, conditions, or requirements applicable to such registration and renewal. Any fees required by the Registry shall be separate and apart from any fees imposed by this chapter. The Commission, at its discretion, may collect any registration and renewal fees on behalf of the Registry and remit such fees to the Registry or permit the Registry to collect any fees imposed by this chapter and remit such fees to the Commission.

C. In connection with its implementation and administration of this chapter, the Commission may establish agreements or contracts with the Registry or other entities designated by the Registry to collect, distribute, and maintain information and records, and process fees related to mortgage lenders and mortgage brokers required to be licensed under this chapter. In establishing such agreements or contracts, the Commission shall not be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

(1987, c. 596, § 6.1-410; 1990, c. 4; 2001, c. 24; 2010, cc. 146, 794, 831.)

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§ 6.2-1600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Entity" means any corporation, partnership, association, cooperative, limited liability company, trust, joint venture, or other legal or commercial entity.

"Licensee" means a mortgage lender or mortgage broker licensed by the Commission pursuant to this chapter.

"Mortgage broker" means any person who directly or indirectly negotiates, places or finds mortgage loans for others, or offers to negotiate, place or find mortgage loans for others. Any licensed mortgage lender that, pursuant to an executed originating agreement with the Virginia Housing Development Authority, acts or offers to act as an originating agent of the Virginia Housing Development Authority in connection with a mortgage loan shall not be deemed to be acting as a mortgage broker with respect to such mortgage loan but shall be deemed to be acting as a mortgage lender with respect to such mortgage loan, notwithstanding that the Virginia Housing Development Authority is or would be the payee on the note evidencing such mortgage loan and that the Virginia Housing Development Authority provides or would provide the funding of such mortgage loan prior to or at the settlement thereof.

"Mortgage lender" means any person who directly or indirectly originates or makes mortgage loans.

"Mortgage loan" means a loan made to an individual, the proceeds of which are to be used primarily for personal, family or household purposes, which loan is secured by a mortgage or deed of trust upon any interest in one- to four-family residential property located in the Commonwealth, regardless of where made, including the renewal or refinancing of any such loan, but excluding (i) loans or extensions of credit to buyers of real property for any part of the purchase price of such property by persons selling such property owned by them, (ii) loans to persons related to the lender by blood or marriage, and (iii) loans to persons who are bona fide employees of the lender. "Mortgage loan" shall not include any loan secured by a mortgage or deed of trust upon any interest in a more than four-family residential property or property used for a commercial or agricultural purpose.

"Nationwide Mortgage Licensing System and Registry" or "Registry" means the mortgage licensing and registration system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

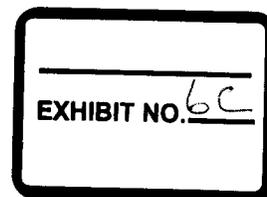
"Person" means any individual or entity.

"Principal" means any person who, directly or indirectly, owns or controls a 10 percent or greater interest in any entity.

"Residential property" means improved real property used or occupied, or intended to be used or occupied, for residential purposes.

(1987, c. 596, § 6.1-409; 1993, c. 183; 2006, c. 422; 2008, c. 863; 2010, cc. 146, 665, 794, 831.)

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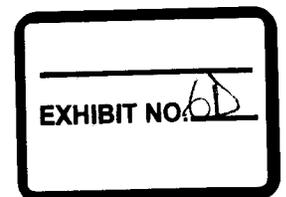
§ 6.2-1602. Persons exempt from chapter.

The following shall be exempt from the licensing and other provisions of this chapter:

1. Lenders making three or fewer mortgage loans in any period of 12 consecutive months;
2. Any person subject to the general supervision of or subject to examination by the Commissioner pursuant to Chapters 7 (§ [6.2-700](#) et seq.), 8 (§ [6.2-800](#) et seq.), 11 (§ [6.2-1100](#) et seq.), 13 (§ [6.2-1300](#) et seq.), or 14 (§ [6.2-1400](#) et seq.);
3. Any lender authorized to engage in business as a bank, savings institution, or credit union under the laws of the United States or any state, and subsidiaries and affiliates of such entities which lender, subsidiary or affiliate is subject to the general supervision or regulation of or subject to audit or examination by a regulatory body or agency of the United States or any state;
4. Nonprofit corporations making mortgage loans to promote home ownership or improvements for the disadvantaged;
5. Agencies of the federal government, or any state or municipal government, or any quasi-governmental agency making or brokering mortgage loans under the specific authority of the laws of any state or the United States;
6. Persons acting as fiduciaries with respect to any employee pension benefit plan qualified under the Internal Revenue Code who make mortgage loans solely to plan participants from plan assets;
7. Any insurance company;
8. Persons licensed by the Commonwealth as attorneys, real estate brokers, or real estate salesmen, not actively and principally engaged in negotiating, placing or finding mortgage loans, when rendering services as an attorney, real estate broker or real estate salesman; however, a real estate broker or real estate salesman who receives any fee, commission, kickback, rebate or other payment for directly or indirectly negotiating, placing or finding a mortgage loan for others shall not be exempt from the provisions of this chapter;
9. Persons acting in a fiduciary capacity conferred by authority of any court;
10. Persons licensed as small business investment companies by the Small Business Administration; and
11. The Virginia Housing Development Authority and persons who (i) are approved by the Virginia Housing Development Authority pursuant to its rules and regulations to act as field originators with respect to mortgage loans made under its programs and (ii) are not engaged in any other activities for which a license is required to be obtained under this chapter.

(1987, c. 596, § 6.1-411; 1989, cc. 411, 667; 1992, c. 156; 1995, c. [62](#); 1996, c. [126](#); 2003, c. [386](#); 2010, c. [794](#).)

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COMMONWEALTH OF VIRGINIA**

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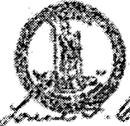
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09-30-2006

NUMBER
0225 084345

**REAL ESTATE BOARD - SALESPERSON LICENSE
POST IN A CONSPICUOUS PLACE
THIS LICENSE TO BE KEPT IN CUSTODY AND CONTROL OF THE PRINCIPAL BROKER**

MUJAHID AHMAD

**FIRST AMERICAN REAL ESTATE INC
FIRST AMERICAN REAL ESTATE
7777 LEESBURG PIKE SUITE 307-S
FALLS CHURCH VA 22043**


Louise F. Ware
 Louise F. Ware, Director

REPLACEMENT OF THIS LICENSE MAY BE REQUIRED IF THE LICENSEE HAS CHANGED HIS OR HER NAME OR ADDRESS SINCE THE DATE OF ISSUANCE.
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3600 West Broad Street, Richmond, VA 23220
Telephone: 1 (804) 367-4500

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09-30-2006

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COMMONWEALTH OF VIRGINIA**

3600 West Broad Street, Richmond, VA 23220
Telephone: 1 (804) 367-4500

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09-30-2010

NUMBER
0225 084345

**REAL ESTATE BOARD - SALESPERSON LICENSE
POST IN A CONSPICUOUS PLACE
THIS LICENSE TO BE KEPT IN CUSTODY AND CONTROL OF THE PRINCIPAL BROKER**

MUJAHID AHMAD

**FIRST AMERICAN REAL ESTATE INC
FIRST AMERICAN REAL ESTATE
7777 LEESBURG PIKE SUITE 307-S
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About DPOR

Real Estate Individual License

Real Estate Individual License	
INDIVIDUAL NAME:	AHMAD, MUJAHID
LICENSE TYPE:	SALESMAN
LICENSE NO:	0225084345
LICENSE STATUS:	ACTIVE
CITY, STATE:	ARLINGTON, VA
INITIAL CERTIFICATION DATE:	SEPTEMBER 28, 2004
EXPIRATION DATE:	SEPTEMBER 30, 2012
BUSINESS NAME:	FIRST AMERICAN REAL ESTATE INC
TRADE NAME:	FIRST AMERICAN REAL ESTATE
FIRM LICENSE NO:	0226008336
VIEW CONTINUING EDUCATION HOURS	

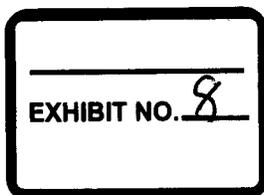
Open Complaints: None

"Open Complaints" reflect only those complaints for which a departmental investigation has determined that sufficient evidence exists to establish probable cause of a violation of the law or regulations. Only those cases that have proceeded through an investigation to the adjudication stage are displayed.

State law prohibits the disclosure of any information about open complaints [Code of Virginia Section 54.1-108]. Members of the public may review official records and obtain copies only after a complaint investigation is closed.

Closed Complaints: None

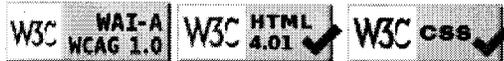
"Closed Complaints" reflect complaints closed since 1990. Cases closed without disciplinary action are purged after three years in accordance with DPOR's record retention policy.



Recovery Fund Claims include claims against a licensee where a judgment has been obtained for improper or dishonest conduct in a court of law. The Contractors Transaction Recovery Fund and the Real Estate Transaction Recovery Fund provide monetary relief to consumers who incur losses through the improper and dishonest conduct of a licensed contractor or licensed real estate professional. The funds are supported entirely by assessments paid by licensed contractors and licensed real estate professionals, not by any tax revenues.

To inquire about any disciplinary actions prior to 1990, contact the department's Public Records Section at (804) 367-8583 or RecordsMgt@dpor.virginia.gov.

Note: The official record copy of the data obtained from this search is maintained by the specific board offices at the Department of Professional and Occupational Regulation (DPOR). [Click here for telephone and email contact information for DPOR licensing boards.](#) [Click here for information on how to file a complaint,](#) or contact the Compliance and Investigations Division at 804-367-8504.



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License Lookup and Disciplinary Actions

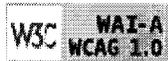
Search Criteria (in addition to board)

Name Zip Code License Number Records Found

nationstar			0
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No records were found that matched the search criteria. Please check your search entries.

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§ 54.1-2105.2. Cease and desist orders for unlicensed activity; civil penalty.

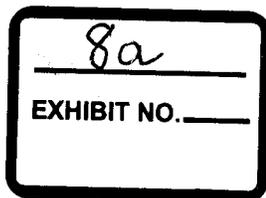
A. Notwithstanding any other provision of law, the Board may issue an order requiring any person to cease and desist from acting as a real estate broker or salesperson when such person is not licensed by the Board in accordance with this chapter. The order shall be effective upon its entry and shall become final unless such person files an appeal with the Board in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) within 21 days of the date of entry of the order.

B. If the person fails to cease and desist the unlicensed activity after entry of an order in accordance with subsection A, the Board may refer the matter for enforcement pursuant to § [54.1-306](#).

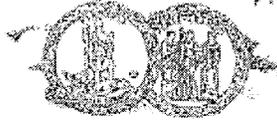
C. Any person engaging in unlicensed activity shall be subject to further proceedings before the Board and the Board may impose a civil penalty not to exceed \$1,000 for any real estate transaction or the compensation received from any such real estate transaction, whichever is greater. Any penalties collected under this section shall be paid to the Literary Fund after deduction of the administrative costs of the Board in furtherance of this section.

(2005, c. [437](#).)

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COMMONWEALTH OF VIRGINIA



STATE CORPORATION COMMISSION
BUREAU OF FINANCIAL INSTITUTIONS

LICENSE NO. MB-3578

THIS IS TO CERTIFY THAT:

NATIONSTAR MORTGAGE, INC.
having met the requirements of law, is authorized to engage in business as a mortgage
broker under the provisions of Chapter 16 of Title 6.1 of the Code of Virginia, at or in:

2001 N. Daniel Street, Suite 102, Arlington, Virginia 22201

IN WITNESS WHEREOF, I have set my hand this twenty-fourth
day of October, 2006, at Richmond, Virginia.

E. J. Fick, Jr., Commissioner of Financial Institutions

THIS LICENSE IS NOT TRANSFERABLE OR ASSIGNABLE
This license is to be displayed conspicuously where business is transacted.

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EXHIBIT NO. _____

It is my understanding that Mr. Ahmad claims to have offered or rendered one or more of the following services prior to April 28, 2006:

(1) Services described in the opposed application, U.S. Service Mark Application 78866376, filed April 20, 2006, for "real estate brokerage; rental of real estate; real estate management services, namely, management of commercial and residential properties; real estate investment; residential and commercial property and insurance brokerage; mortgage brokerage; and business finance procurement services," in Class 36 (claiming first-use date of April 4, 2005)(copy appended hereto as Attachment 2).

(2) Services described in a second application filed by Mr. Ahmad, U.S. Service mark Application Serial No. 77195561, filed June 1, 2007, namely, "real estate agent services, real estate consultancy, financial consultancy, real estate management and advisory services relating thereto," in Class 36 (claiming first-use date of December 2004)(copy appended hereto as Attachment 3).

(3) Services described in advertising and direct mail solicitations allegedly distributed by Mr. Ahmad in 2005, copies appended hereto collectively as Attachment 4).

I. Statement of Opinion

My review of the record in this case, confirmed by my independent investigation, establishes that a Certificate of Incorporation was issued by the Commonwealth of Virginia State Corporation Commission to Mr. Ahmad's wholly owned corporation, Nationstar Mortgage Inc., on May 19, 2006 (copy appended hereto as Attachment 5), but that there is no prior record in Virginia, Maryland or the District of Columbia, of any license or other authority issued to Mr. Ahmad or his company, Nationstar Mortgage, Inc., for the conduct of business using "Nationstar" or "Nationstar Mortgage" as all or part of any commercial or trade name. In my

opinion, therefore, any commercial use of the name "Nationstar" or "Nationstar Mortgage" by Mujahid Ahmad in Virginia, Maryland or the District of Columbia, prior to May 19, 2006, would have violated the fictitious trade name statutes and/or the relevant real estate and mortgage licensing statutes in each of those respective jurisdictions.

For example, Virginia Code § 59.1-69(A) provides:

§ 59.1-69. Certificate required of person, partnership, limited liability company or corporation transacting business under assumed name.

A. No person, partnership, limited liability company or corporation shall conduct or transact business in this Commonwealth under any assumed or fictitious name unless such person, partnership, limited liability company or corporation shall sign and acknowledge a certificate setting forth the name under which such business is to be conducted or transacted, and the names of each person, partnership, limited liability company or corporation owning the same, with their respective post-office and residence addresses (and, (i) when the partnership or limited liability company is a foreign limited partnership or limited liability company, the date of the certificate of registration to transact business in this Commonwealth issued to it by the State Corporation Commission, or (ii) when the corporation is a foreign corporation, the date of the certificate of authority to transact business in this Commonwealth issued to it by the State Corporation Commission), and file the same in the office of the clerk of the court in which deeds are recorded in the county or city wherein the business is to be conducted.

Va.Code § 59.1-69(A). Pursuant to Section 59.1-75, violation of the Virginia fictitious trade name statute, quoted above, is a misdemeanor subject to punishment by a fine of up to \$2,500 and confinement in jail for up to one year. Similar prohibitions are contained in the laws of Maryland and the District of Columbia, *see* D.C. Code § 47-2855.02; MD Code Ann. CORPS. & ASS'NS. § 1-406.

My investigation confirms the statement of Rick Ritter, Business Tax Representative of the Business Tax Division, Office of the Commissioner of Revenue for Arlington, Virginia, in a letter dated May 12, 2010, appended hereto as Attachment 6, that Mr. Ahmad never registered "Nationstar" as all or part of any trade name. Nor is there any evidence that "Nationstar" or "Nationstar Mortgage" was ever registered by Mr. Ahmad as a fictitious trade name in Maryland

or the District of Columbia. Therefore, the conduct of business by Mr. Ahmad under the name "Nationstar" or "Nationstar Mortgage" in Virginia at any time prior to May 19, 2006, would have been punishable by a fine of up to \$2,500 and confinement in jail for up to one year.

As noted above, a Certificate of Incorporation was issued to Mr. Ahmad's wholly owned corporation, Nationstar Mortgage, Inc., by the Commonwealth of Virginia State Corporation Commission, on May 19, 2006. *See* Attachment 5. As of that date, Mr. Ahmad was authorized to use "Nationstar Mortgage" in Virginia as a commercial or trade name for some services, but not in connection with real estate brokerage or mortgage brokerage services, as those services require specific licenses from the Commonwealth of Virginia and any other States in which they are offered or rendered.

In Virginia, real estate brokerage licenses are issued by the Real Estate Board of the Virginia Department of Professional and Occupational Regulation (DPOR). The mission of the DPOR is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses and enforcing standards of professional conduct for professions and occupations as designated by statute. *See generally* www.dpor.virginia.gov/dporweb/dpormainwelcome.cfm. The DPOR regulates more than 30 occupations through 19 boards composed of practitioners and citizens appointed by the Governor. *Id.* DPOR licenses or certifies over 300,000 individuals and businesses ranging from architects and contractors to cosmetologists and professional wrestlers. *Id.*

One of the occupations licensed and regulated by the Virginia DPOR is real estate agency and brokerage. To offer or render real estate agency and brokerage services in the Commonwealth of Virginia, a license must be obtained from the Real Estate Board of the Virginia DPOR pursuant to Va. Code § 54.1-2106.1. Pursuant to Va. Code § 54.1-2105.2, the

offer or sale of real estate agency and brokerage services in the Commonwealth of Virginia without the necessary license can result in a civil money penalty not to exceed \$1,000 per transaction. The record in the present case contains copies of real estate licenses issued to Mr. Ahmad by the Virginia DPOR in his capacity as a salesperson of First American Real Estate Inc. Copies of these licenses are appended hereto collectively as Attachment 7. In addition, a print-out from the DPOR website, appended hereto as Attachment 8, attests to Mr. Ahmad's current authorization to engage in real estate agency services on behalf of First American Real Estate Inc. under the trade name "First American Real Estate." Also appended as Attachment 8 is a print-out from the Virginia DPOR attesting that that no real estate brokers license has ever been issued to any individual or entity doing business as or under the name "Nationstar" or "Nationstar Mortgage."

None of the licenses from the Virginia DPOR submitted by the applicant in this case contain any reference to "Nationstar" or "Nationstar Mortgage" or otherwise authorize Mr. Ahmad or anybody else to engage in real estate agency services in Virginia under the name "Nationstar" or "Nationstar Mortgage." I have independently searched the records of the Virginia DPOR and can find no evidence that Mr. Ahmad has applied for or received such a license. On this basis it is my opinion that Mr. Ahmad is not now, and never was, authorized to use the name "Nationstar" or "Nationstar Mortgage" as a trade name for real estate brokerage services in the Commonwealth of Virginia, and that the conduct of such business by Mr. Ahmad under that name in Virginia would be, and at all times relevant to this would have been, a violation of Virginia law.

Mortgage brokerage licenses in Virginia are similarly regulated. Persons engaged in the offer or sale of mortgage brokerage services are required to obtain a license from the Bureau of Financial Institutions, part of the Commonwealth of Virginia State Corporation Commission. The offer or sale of mortgage brokerage services in Virginia without such a license is a class 6 felony, punishable by a fine of up to \$2,500 and confinement in jail for up to 12 months pursuant to Va. Code § 6.1-429.¹ In addition, pursuant to Va. Code § 6.1-428², the Commissioner of the Bureau may impose a fine of up to \$2,500 per instance upon any individual that offers or provided mortgage brokerage services without a license.

The record contains licenses issued by the Virginia Bureau of Financial Institutions to Nationstar Mortgage, Inc., on October 24, 2006 (copy appended hereto as Attachment 9); and April 9, 2009 (copy appended hereto as Attachment 10). It follows that, prior to October 24, 2006, the applicant's use of "Nationstar" or any other name for mortgage brokerage services as alleged by the applicant in his testimony and illustrated by the exhibits that he submitted, would have been a class 6 felony pursuant to Va. Code § 6.1-429, and subjected Mr. Ahmad to civil money penalties under Va. Code § 6.1-428.

In Maryland and the District of Columbia, persons engaged in real estate and mortgage brokerage services are similarly required to obtain licenses. The Maryland agency responsible for the issuance of licenses to engage in real estate brokerage services is the Maryland Department of Labor, Licensing and Regulation, Real Estate Commission. The offer or sale of real estate agency services in Maryland without a license is a misdemeanor punishable by a fine of up to \$5,000 and imprisonment for up to 12 months, pursuant to Md. Code. Ann., Bus. Occ. & Prof. § 17-613.

¹ Effective October 1, 2010, this provision was repealed and recodified as § 6.2-1625.

The District of Columbia agency responsible for the issuance of licenses to engage in real estate agency services is the District of Columbia Department of Consumer and Regulatory Affairs, Occupational and Professional License Administration. The offer or sale of real estate agency services in the District of Columbia without a license is a misdemeanor punishable by a fine of up to \$10,000 or up to 12 months imprisonment, or both. *See* D.C. Code § 47-2853.27.

The record contains the following exhibits attesting to Mr. Ahmad's licenses from the District of Columbia and Maryland to engage in business as a real estate salesperson and/or mortgage broker under the name of or on behalf of "First American Real Estate:"

<u>Attachment</u>	<u>Description</u>
11	Licenses issued to Mujahid Ahmad, First American Real Estate, Inc. by the Maryland Department of Labor, Licensing and Regulation, Real Estate Commission, expiration dates July 13, 2007, July 13, 2009, and July 13, 2011, respectively
12	Licenses issued to Mujahid Ahmad, First American Real Estate, Inc. by the District of Columbia Department of Consumer and Regulatory Affairs, Occupational and Professional License Administration, expiration dates August 31, 2007, August 31, 200, and August 31, 2011, respectively.

In Maryland and the District of Columbia, persons engaged in mortgage brokerage services are similarly required to obtain licenses. The Maryland agency responsible for the issuance of such licenses is Maryland Department of Labor, Licensing and Regulation, Commissioner of Financial Regulation. The willful offering or sale of mortgage brokerage services in Maryland without a license is a felony punishable by a fine of up to \$50,000 and imprisonment for up to 10 years, or both, pursuant to Md. Code Ann., Fin. Inst. § 11-523.

The District of Columbia agency responsible for the issuance of licenses to engage in mortgage brokerage services is the Banking Bureau of the District of Columbia Department of Insurance, Securities and Banking. The offer or sale of mortgage brokerage services in the

² Effective October 1, 2010, this provision was repealed and recodified as § 6.2-1624.

District of Columbia without a license is a violation of applicable law, punishable by a fine of up to \$25,000 pursuant to D.C. Mun. Regs. tit. 26C § 1126.2.

None of the licenses identified above provide Mr. Ahmad with authorization to use the name "Nationstar" or "Nationstar Mortgage" as all or part of any commercial trade name in connection with mortgage brokerage services in Maryland or the District of Columbia. The first and only evidence of such authorization on record in Maryland or the District of Columbia are the following:

<u>Attachment</u>	<u>Description</u>
13	License issued to Nationstar Mortgage, Inc., by the Maryland Department of Labor, Licensing and Regulation, Commissioner of Financial Regulation, effective February 28, 2007; March 1, 2009; and March 18, 2010, respectively.
14	Licenses issued to Nationstar Mortgage, Inc., by the Banking Bureau of the District of Columbia Department of Insurance, Securities and Banking, effective March 16, 2007; June 6, 2008; and July 13, 2009, respectively.

Based on the above, it is my opinion that:

(1) Any use of "Nationstar" by Mr. Ahmad as he purports to have used the name as all or part of a trade name for any commercial services offered and rendered at any time prior to the Certificate of Incorporation of Nationstar Mortgage Inc. dated May 19, 2006, would have been a violation of Va. Code, § 59.1-69, punishable by a fine of up to \$2,500 and confinement in jail for up to one year pursuant to Va. Code §59.1-75.

(2) Any use of "Nationstar" by Mr. Ahmad in Virginia as he purports to have used the name as all or part of a trade name for real estate agency services at any time up until and including the present would have been, and would now be, a violation of Virginia Code § 54.1-2106.1, punishable by a fine of up to \$1,000 per occurrence, pursuant to Va. Code § 54.1-2105.2.

(3) Any use of "Nationstar" by Mr. Ahmad in Virginia as he purports to have used the name as all or part of a trade name for mortgage brokerage services prior to October 26, 2006, would have been a class 6 felony, punishable by a fine of up to \$2,500 and confinement in jail for up to 12 months pursuant to Va. Code § 6.1-429, as well as subjecting Mr. Ahmad to civil money penalties of up to \$2,500 per occurrence pursuant to Va. Code § 6.1-428.

(4) Any use of "Nationstar" by Mr. Ahmad in Maryland or the District of Columbia prior to the other dates identified above, all of which are subsequent to April 28, 2006, would have been a violation of analogous statutes in those jurisdictions.

II. Data and Information Considered in Forming This Opinion

The data and information that I have considered in forming this opinion include the transcript of the deposition of Abid Hussain dated June 8, 2010, and exhibits thereto; the transcript of the deposition of Mujahid Ahmad dated June 9, 2010, and exhibits thereto; and the transcript of the deposition of Zulfikhar Ahmad dated September 22, 2010, and exhibits thereto.

III. Exhibits That Will be Used to Summarize or Support This Opinion

The exhibits that I plan to use to summarize and support this opinion are appended as attachments hereto.

IV. List of Other Cases in Which I Have Testified as an Expert at Trial or by Way of Deposition During the Last Four Years

I have not testified in any other as an expert at trial or by way of deposition during the past four years.

V. Compensation

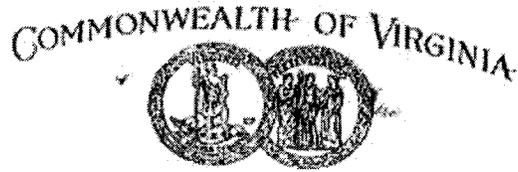
I am being compensated for my time and expense in connection with this opinion at my ordinary hourly rate of \$500/hour.

The undersigned hereby declares, under penalty of perjury pursuant to the laws of the United States and the District of Columbia, that all of the statements hereinabove are true and accurate the best of my knowledge, information and belief.



John D. Socknat
PATTON BOGGS LLP
2550 M Street, N.W.
Washington, D.C. 20037
tel. (202) 457-7513
fax (202) 457-6315
email: JSocknat@PattonBoggs.com

October 19, 2010



STATE CORPORATION COMMISSION
BUREAU OF FINANCIAL INSTITUTIONS

LICENSE NO. MC-4451

THIS IS TO CERTIFY THAT:

NATIONSTAR MORTGAGE, INC.
having met the requirements of law, is authorized to engage in business as a mortgage
broker under the provisions of Chapter 16 of Title 6.1 of the Code of Virginia, at or in:

2001 N. Daniel Street, Suite 102
Arlington, VA 22201

IN WITNESS WHEREOF, I have set my hand this _____ ninth
day of April, 2009, at Richmond, Virginia.

E. J. Pace, Jr., Commissioner of Financial Institutions

THIS LICENSE IS NOT TRANSFERABLE OR ASSIGNABLE

This license is to be displayed conspicuously where business is transacted

APP.00047

EXHIBIT NO. 10

LICENSE, REGISTRATION, OR CERTIFICATION

State of Maryland

DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE COMMISSION

CERTIFIES THAT

MUJAHID AHMAD
FIRST AMERICAN REAL ESTATE, INC.
17A FIRST AMERICAN REAL ESTATE
7777 LEESBURG PIKE, SUITE 307-S
FALLS CHURCH VA 22043-2403

IS AN AUTHORIZED SALESPERSON

U.S. REG. CERT. NO. 603568	EXPIRATION DATE 07-13-2007	EFFECTIVE DATE N/A	CATEGORY 05
-------------------------------	-------------------------------	-----------------------	----------------

3340528

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

LICENSE, REGISTRATION, OR CERTIFICATION

11 05 603568 3,860,858

SAVE THIS PORTION OF CARD AND USE REVERSE SIDE FOR NAME AND/OR ADDRESS CHANGES. BOARD MUST BE NOTIFIED OF THESE CHANGES IMMEDIATELY. 11 05 603568

REAL ESTATE COMMISSION
580 N. CALVERT STREET, BALTIMORE, MD 21202-3651

MUJAHID AHMAD
FIRST AMERICAN REAL ESTATE
SUITE 307-S
7777 LEESBURG PIKE
FALLS CHURCH VA 22043

STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE COMMISSION

CERTIFIES THAT

MUJAHID AHMAD

IS AN AUTHORIZED SALESPERSON

U.S. REG. CERT. NO. 603568	EXPIRATION DATE 07-13-2009	EFFECTIVE DATE N/A	CATEGORY 05
-------------------------------	-------------------------------	-----------------------	----------------

LICENSE, REGISTRATION, OR CERTIFICATION
3560858

LICENSE, REGISTRATION, OR CERTIFICATION

State of Maryland

DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE COMMISSION

CERTIFIES THAT

MUJAHID AHMAD

FIRST AMERICAN REAL ESTATE
SUITE 307-S
7777 LEESBURG PIKE
FALLS CHURCH VA 22043

IS AN AUTHORIZED SALESPERSON

U.S. REG. CERT. NO. 603568	EXPIRATION DATE 07-13-2011	EFFECTIVE DATE N/A	CATEGORY 05
-------------------------------	-------------------------------	-----------------------	----------------

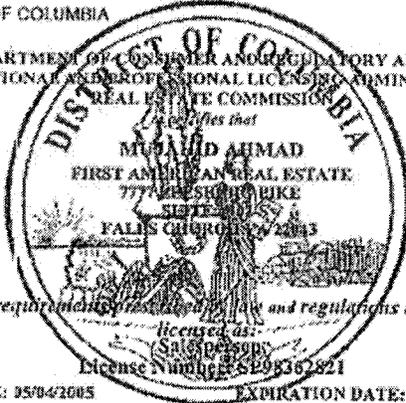
3860044

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

EXHIBIT NO. 11

★★★ GOVERNMENT
OF THE
DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION
REAL ESTATE COMMISSION



has met all requirements of the law and regulations and is hereby

licensed as:

Salesperson

License Number: S08362821

ISSUE DATE: 05/04/2005

EXPIRATION DATE: 08/31/2007

Director

Department of Consumer and Regulatory Affairs

Document Number: 3

★★★ GOVERNMENT
OF THE
DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION
REAL ESTATE COMMISSION



has met all requirements of the law and regulations and is hereby

licensed as:

Salesperson

License Number: S08362821

ISSUE DATE: 09/01/2007

EXPIRATION DATE: 08/31/2009

Director

Department of Consumer and Regulatory Affairs

12

EXHIBIT NO. _____

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
Consumer and Professional Licensing Administration

Real Estate Board

MUSAHID AHMAD
FIRST AMERICAN REAL ESTATE
7427 LEBURG PIKE
SUITE #307-S
FALLS CHURCH VA 22043

*has met all the requirements prescribed
by law and regulations and is hereby licensed as a(n):*

Salesperson
License Number: SP98362821
Issue Date: 05-04-2005
Expiration Date: 08-31-2011



Director, Department of Consumer and Regulatory Affairs



Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor
Thomas K. Perot
Secretary

LICENSE, REGISTRATION, OR CERTIFICATION

State of Maryland

DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONER OF FINANCIAL REGULATION

CERTIFIES THAT

LEGAL NAME: NATIONSTAR MORTGAGE, INC.

D/B/A:

2001 NORTH DANIEL STREET, # 102

ARLINGTON

VA 22201

IS AN AUTHORIZED MORTGAGE LENDERS

LIC. REG. CERT. NO.	EXPIRATION DATE	EFFECTIVE DATE	CATEGORY
16867	02-28-2009	02-28-2007	06

3517377

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

LICENSE, REGISTRATION, OR CERTIFICATION

04 06 16867

3,517,377

SAVE THIS PORTION OF CARD AND USE REVERSE SIDE FOR NAME AND/OR ADDRESS CHANGES. BOARD MUST BE NOTIFIED OF THESE CHANGES IMMEDIATELY.

COMMISSIONER OF FINANCIAL REGUL
500 N. CALVERT STREET, ROOM 402
BALTIMORE, MD. 21202-3651

04 06 16867

NATIONSTAR MORTGAGE, INC.

2001 NORTH DANIEL STREET, # 102

ARLINGTON

VA 22201

STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONER OF
FINANCIAL REGULATION

CERTIFIES THAT

NATIONSTAR MORTGAGE, INC.

IS AN AUTHORIZED

MORTGAGE LENDERS

LIC. REG. CERT. NO.	EXPIRATION DATE	EFFECTIVE DATE	CATEGORY
16867	02-28-2009	02-28-2007	06

LICENSE, REGISTRATION, OR CERTIFICATION 3517377

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

SIGNATURE OF ISSUER

EXHIBIT NO. 13

Martin O'Malley
Governor
Anthony G. Brown
Lieutenant Governor
Thomas H. Pate
Secretary

LICENSE, REGISTRATION, OR CERTIFICATION
State of Maryland

DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONER OF FINANCIAL REGULATION

CERTIFIES THAT
LEGAL NAME: NATIONSTAR MORTGAGE, INC.
D/B/A:
2001 NORTH DANIEL STREET, # 102
ARLINGTON VA 22201

IS AN AUTHORIZED MORTGAGE LENDERS

LIC. REG. CERT. NO.	EXPIRATION DATE	EFFECTIVE DATE	CATEGORY	
16867	12-31-2009	03-01-2009	06	3817829

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

LICENSE, REGISTRATION, OR CERTIFICATION

04 06 16867 3,817,829

SAVE THIS PORTION OF CARD AND USE REVERSE SIDE FOR NAME AND/OR ADDRESS CHANGES. BOARD MUST BE NOTIFIED OF THESE CHANGES IMMEDIATELY. 04 06 16867

COMMISSIONER OF FINANCIAL REGULATION
500 N. CALVERT STREET, ROOM 402
BALTIMORE, MD. 21202-3451

NATIONSTAR MORTGAGE, INC.
2001 NORTH DANIEL STREET, # 102
ARLINGTON VA 22201

STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONER OF
FINANCIAL REGULATION

CERTIFIES THAT
NATIONSTAR MORTGAGE, INC.

IS AN AUTHORIZED MORTGAGE LENDERS

LIC. REG. CERT. NO.	EXPIRATION DATE	EFFECTIVE DATE	CATEGORY
16867	12-31-2009	03-01-2009	06

LICENSE, REGISTRATION, OR CERTIFICATION
3817829
Martin O'Malley Governor Anthony G. Brown Lt. Governor

VOID LINE

VOID LINE

Martin O'Sullivan
Governor
Anthony G. Brown
Lt. Governor
Alexander M. Sanchez
Secretary

LICENSE, REGISTRATION, OR CERTIFICATION

State of Maryland

DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONER OF FINANCIAL REGULATION

CERTIFIES THAT

LEGAL NAME: NATIONSTAR MORTGAGE, INC.
D/B/A:

2001 NORTH DANIEL STREET, # 102
ARLINGTON VA 22201

NMLS ID#
222951

IS AN AUTHORIZED MORTGAGE LENDER LICENSE

LIC. REG. CERT. NO.	EXPIRATION DATE	EFFECTIVE DATE	CATEGORY	
16867	12-31-2010	03-18-2010	06	3971305

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

LICENSE, REGISTRATION, OR CERTIFICATION

04 06 16867 3,971,305

SAVE THIS PORTION OF CARD AND USE REVERSE SIDE FOR NAME AND/OR ADDRESS CHANGES. BOARD MUST BE NOTIFIED OF THESE CHANGES IMMEDIATELY. 04 06 16867

COMMISSIONER OF FINANCIAL REGULATION
500 N. CALVERT STREET, ROOM 402
BALTIMORE, MD. 21202-3651

NATIONSTAR MORTGAGE, INC.
2001 NORTH DANIEL STREET, # 102
ARLINGTON VA 22201

STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION
COMMISSIONER OF FINANCIAL REGULATION

NMLS ID# 222951
CERTIFIES THAT
NATIONSTAR MORTGAGE, INC.

IS AN AUTHORIZED
MORTGAGE LENDER LICENSE

LIC. REG. CERT. NO.	EXPIRATION DATE	EFFECTIVE DATE	CATEGORY	
16867	12-31-2010	03-18-2010	06	3971305

LICENSE, REGISTRATION, OR CERTIFICATION
3971305

NATIONSTAR MORTGAGE, INC.

SIGNATURE OF SEALER



**Government of the District of Columbia
Department of Insurance, Securities and Banking**

NationStar Mortgage, Inc.
Attn: Licensing Division
2001 North Daniel Street, #102
Arlington, VA 22201

Dear Mujahid Ahmad

Please find attached your company's original license issued by the Department of Insurance, Securities and Banking. If you have any questions, please do not hesitate to call our office at (202) 727-8000.

Sincerely,

Howard Amer

Howard Amer
Director, Banking Bureau
Department of Insurance, Securities and Banking

Fold along line

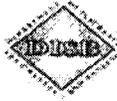
**Government of the District of Columbia
Department of Insurance, Securities and Banking
Banking Bureau
810 1st Street, NE Suite 701
Washington, DC 20002
(202) 727-8000**

The Law Requires This License To Be Posted At All Times

<p>License Type: Mortgage Broker License Category: Broker</p> <p>Customer ID Number: 6453</p> <p>Company Name NationStar Mortgage, Inc.</p> <p>Doing Business As</p> <p>Address 2001 North Daniel Street, #102</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">City Arlington</td> <td style="width: 33%;">State VA</td> <td style="width: 33%;">Postal Code 22201</td> </tr> </table>	City Arlington	State VA	Postal Code 22201	<p>License Number: MLB 6453 Date Issued: 03/16/2007</p> <p>Valid for the Period: 3/16/07 through 6/30/08</p> <p><small>It is a violation of DC Law 2-38 ("Human Rights Act") to discriminate in the provision of any services to the public based upon race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, articulation, political affiliation, physical handicap, source of income, and place of residence or business. Failure or refusal to comply with the above shall be a proper basis for the revocation or suspension of this license.</small></p> <p style="text-align: right;"> Thomas E. Hampton, Commissioner</p>
City Arlington	State VA	Postal Code 22201		

To Report Waste, Fraud, or Abuse by any D.C. Government Office or Official, Call the D.C. Inspector General at 1-800-521-1600
APP-00051

EXHIBIT NO. 14



Government of the District of Columbia
Department of Insurance, Securities and Banking

NationStar Mortgage, Inc.
Attn: Licensing Division
2001 North Daniel Street, #102
Arlington, VA 22201

Dear Mujahid Ahmad,

Please find attached your company's original license issued by the Department of Insurance, Securities and Banking. If you have any questions, please do not hesitate to call our office at (202) 727-8000.

Sincerely,

Howard Amer

Howard Amer
Director, Banking Bureau
Department of Insurance, Securities and Banking

Leave This Section Attached - Fold Along This Line For Display

Government of the District of Columbia
Department of Insurance, Securities and Banking
Banking Bureau
810 1st Street, NE Suite 701
Washington, DC 20002
(202) 727-8000

The Law Requires This License To Be Posted In A Visible Place

License Type: Mortgage Broker License	License Number: MLB 6453
Category: Broker	Date Issued: 06/06/2008
Customer ID Number: 6453	Valid for the Period: 7/01/08 through 6/30/09
Company Name: NationStar Mortgage, Inc.	
Doing Business As:	
Address: 2001 North Daniel Street, #102	
City: Arlington	State: VA
	Postal Code: 22201

It is a violation of DC Law 2-38 ("Human Rights Act") to discriminate in the provision of any services to the public based upon race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, physical handicap, source of income, and place of residence or business. Failure or refusal to comply with the above shall be a proper basis for the revocation or suspension of this license.


Thomas E. Hampton, Commissioner

APP 00052



Government of the District of Columbia
Department of Insurance, Securities and Banking

NationStar Mortgage, Inc.
Attn: Licensing Division
2001 North Daniel Street, #102
Arlington, VA 22201

Dear Mujahid Ahmad,

Please find attached your company's original license issued by the Department of Insurance, Securities and Banking. If you have any questions, please do not hesitate to call our office at (202) 727-8000.

Sincerely,

Howard Amer

Howard Amer
Director, Banking Bureau
Department of Insurance, Securities and Banking

Leave This Section Attached - Fold Along This Line For Display

Government of the District of Columbia
Department of Insurance, Securities and Banking
Banking Bureau
810 1st Street, NE Suite 701
Washington, DC 20002
(202) 727-8000

The Law Requires This License To Be Posted At All Times

License Type: Mortgage Broker License

License Number: MLB 6453

Category: Broker

Date Issued: 07/13/2009

Customer ID Number: 6453

Valid for the Period:

Company Name:
NationStar Mortgage, Inc.

7/01/09 through 12/31/10

Doing Business As:

It is a violation of DC Law 2-38 ("Human Rights Act") to discriminate in the provision of any services to the public based upon race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, physical handicap, source of income, and place of residence or business. Failure or refusal to comply with the above shall be a proper basis for the revocation or suspension of this license.

Address:

2001 North Daniel Street, #102

City: Arlington State: VA Postal Code: 22201


Thomas E. Hampton, Commissioner

APP 00053

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Nationstar Mortgage, LLC,	:	
	:	
Opposer,	:	
	:	
v.	:	
	:	Opposition No. 91177036
Mujahid Ahmad,	:	
	:	
Applicant.	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 4, 2011, an electronic copy of the transcript of deposition of John D. Socknat, dated July 12, 2011, was served on counsel of record for the Applicant at rea@taylorrealaw.com, and that on August 5, 2011, a hard copy of the transcript and exhibits is being served by overnight mail on counsel at the following address:

Patrick I Rea, Esq.
Taylor & Rea, PLC
10482 Armstrong Street
Fairfax, Virginia 22030



Bruce A. McDonald
BUCHANAN INGERSOLL & ROONEY PC
1737 King Street, Suite 500
Alexandria, VA 22314
Tel. (703) 838-6590
Fax: (703) 836-2021

[prev](#) | [next](#)

§ 54.1-2106.1. Licenses required.

A. No business entity, other than a sole proprietorship, shall act, offer to act, or advertise to act, as a real estate firm without a real estate firm license from the Board. Such firm may be granted a license in a fictitious name. No business entity shall be granted a firm license unless (i) every managing member of a limited liability company or officer of a corporation who actively participates in the firm brokerage business holds a license as a real estate broker and (ii) every employee or independent contractor who acts as a salesperson for such business entity holds a license as a real estate salesperson or broker. An individual holding a broker's license may operate a real estate brokerage firm which he owns as a sole proprietorship without any further licensure by the Board, although such individual shall not operate in a fictitious name. A non-broker-owned sole proprietorship shall obtain a license from the Board.

B. No individual shall act as a broker without a real estate broker's license from the Board. An individual who holds a broker's license may act as a salesperson for another broker. A broker acting as a salesperson may be an owner, member, or officer of a business entity salesperson as defined in subsection C.

C. No individual shall act as a salesperson without a salesperson's license from the Board. A business entity may act as a salesperson with a separate business entity salesperson's license from the Board. No business entity shall be granted a business entity salesperson's license unless every owner or officer who actively participates in the brokerage business of such entity holds a license as a salesperson or broker from the Board. The Board shall establish standards in its regulations for the names of business entity salespersons when more than one licensee is an owner or officer.

(1996, c. [993](#); 1998, c. [265](#); 1999, cc. [82](#), [105](#); 2008, c. [319](#).)

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