IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, *et al.*,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 12-00361 (RMC)
BANK OF AMERICA CORP., *et al.*,	)	
Defendants.	)	

MONITOR'S NOTICE TO DISTRICT COURT OF ADDITIONAL METRICS

The undersigned, Joseph A. Smith, Jr., in my capacity as the Monitor under the Consent Judgment (Case 1:12-cv-00361-RMC; Document 14) filed in the above-captioned matter on April 4, 2012 ("Judgment"), respectfully files this Notice of Amendment of Schedule E-1 to the Judgment ("Notice"). This Notice is filed under and pursuant to paragraph C.11 of Exhibit E to the Judgment ("Exhibit E"), and as contemplated thereunder, I have consulted with and I have not received any objection to the filing of this Notice from Wells Fargo & Company and Wells Fargo Bank, N.A. ("Servicer") and the Monitoring Committee referred to in section B of Exhibit E to the Judgment ("Monitoring Committee").

I. Background

Under Exhibit E, paragraph C.12, in consultation with Servicer and the Monitoring Committee, I am permitted to add up to three additional Metrics and associated Threshold Error Rates through an amendment of Schedule E-1 to the Judgment. The additional Metrics (a) must be similar to the Metrics and associated Threshold Error Rates contained in Schedule E-1 to the Judgment, (b) must relate to material terms of the Servicing Standards, (c) must be either

(i) outcomes-based or (ii) require the existence of policies and procedures in a manner similar to Metrics 5.B-E, and (d) must be distinct from, and not overlap with, any other Metric or Metrics ("Additional Metrics Criteria").

Through my work as Monitor under the Judgment, I determined that additional Metrics were needed and proposed three additional Metrics to the Servicer and the other Servicers that are parties to the four other consent judgments that are filed in Case 1:12-cv-00361-RMC (all the consent judgments, "Settlement," and Servicer and the other Servicers that are parties to the Settlement, collectively "Servicers"). The three additional Metrics I proposed satisfied the Additional Metrics Criteria.

As a result of my consultation with Servicers and with the consent of Servicers, the three additional Metrics I proposed were separated into four additional Metrics. One of these four additional Metrics did not meet the Additional Metrics Criteria. This Metric, denominated as Metric 30, effectively created new servicing standards pertaining to the loan modification process and thereby imposed additional, measurable obligations on Servicers.

The four additional Metrics were then presented to the Monitoring Committee and after discussions among Servicers, the Monitoring Committee and me, the final terms of the four additional Metrics were agreed upon. With the exception of the one additional Metric denominated as Metric 30, the final terms of the additional Metrics satisfy the Additional Metrics Criteria. The additional Metric denominated as Metric 30 does not *per se* satisfy the Additional Metrics Criteria; however, the obligations imposed on Servicers as a result of such additional Metric are substantially similar to and flow from the obligations imposed upon Servicers by the existing Servicing Standards under Exhibit A to each of the consent judgments filed in the Settlement.

This Notice is being filed to amend Schedule E-1 to include the four additional Metrics and their respective Threshold Error Rates, as applicable.

II. Amendment

In accordance with the terms of the Judgment in Exhibit E, paragraph C.12, after consultation with and no objection from Servicer and the Monitoring Committee, Schedule E-1 of the Judgment is amended to include the following four additional Metrics, copies of which are attached to this Notice as Attachments 1, 2, 3 and 4, respectively:

Metric	Measurement	Threshold Error Rate
#30 Servicing Standards: N/A	Loan Modification Process	5%
#31 Servicing Standards: IV.C.4.g, IV.G.2.a, IV.G.3.a	Loan Modification Denial Notice Disclosure	5%
#32 Servicing Standards: IV.C.2	SPOC Implementation and Effectiveness	5% for Test Question 1 and Y/N for Test Questions 2-3
#33 Servicing Standards: I.B.5.a, I.B.5.b, I.B.5.c, I.B.5.d	Billing Statement Accuracy	5%

I respectfully file this Notice with the United States District Court for the District of Columbia on this, the 2nd day of October, 2013, and a copy of this Notice has been provided by me to Servicer and the Monitoring Committee.

/s/ Joseph A. Smith, Jr.
Joseph A. Smith, Jr.
Monitor

Metric	Measurements	Loan Level Tolerance for Error	Threshold Error Rate	Test Loan Population and Error Definition	Test Questions
#30 Standards: N/A	Loan Modification Process	Y/N for Questions 1 - 3	5%	Population Definition: 1st lien borrowers declined in the review period for incomplete or missing documents in their loan modification application.[i] Error Definition: Loans where the answer to any one of the test questions is a No.	1. Is there evidence Servicer or the assigned SPOC notified the borrower in writing of the documents required for an initial application package for available loan modification programs?
					2. Provided the borrower timely submitted all documents requested in initial notice of incomplete information ("5 day letter") or earlier ADRL letters, did the Servicer afford the borrower at least 30 days to submit the documents requested in the Additional Document Request Letter ("ADRL") before declining the borrower for incomplete or missing documents?[ii]
					3. Provided the borrower timely submitted all documents requested in the initial notice of incomplete information ("5-day letter") and earlier ADRL letters, did the Servicer afford the borrower at least 30 days to submit any additional required documents from the last ADRL before referring the loan to foreclosure or proceeding to foreclosure sale? [ii]

[i] The population includes only borrowers who submitted the first document on or before the day 75 days before the scheduled or expected foreclosure sale date.

This Metric is subject to applicable investor rule requirements.

Nothing in this Metric shall be deemed to prejudice the right of a Servicer to decline to evaluate a borrower for a modification in accordance with IV.H.12. Specifically, Servicer shall not be obligated to evaluate requests for loss mitigation options from (a) borrowers who have already been evaluated or afforded a fair opportunity to be evaluated consistent with the requirements of HAMP or proprietary modification programs, or (b) borrowers who were evaluated after the date of implementation of this Agreement, consistent with this Agreement, unless there has been a material change in the borrower's financial circumstances that is documented by borrower and submitted to Servicer.

[ii] If the Servicer identifies an incomplete document submitted by the borrower before, or in response to the 5-day letter, the Servicer may request a complete document via the 5-day letter or an ADRL. An incomplete document is one that is received and not complete or that is not fully completed per the requirements (e.g. missing signature, missing pages etc.). A missing document is one that is not received by Servicer.

Metric	Measurements	Loan Level Tolerance for Error	Threshold Error Rate	Test Loan Population and Error Definition	Test Questions
#31 Standards: IV.C.4.g IV.G.2.a	Loan Modification Denial Notice Disclosure	Y/N for Questions 1 - 2	5%	Population Definition: 1st lien borrowers declined in the review period for a loan modification application. Error Definition: Loans where the answer to any one of the test questions is a No.	1. Did first lien loan modification denial notices sent to the borrower provide: a. the reason for denial; b. the factual information considered by the Servicer; and c. a timeframe for the borrower to provide evidence that the eligibility determination was in error?
					2. Following the Servicer's denial of a loan modification application, is there evidence the Servicer or the assigned SPOC communicated the availability of other loss mitigation alternatives to the borrower in writing?

Metric	Measurements	Loan Level Tolerance for Error	Threshold Error Rate	Test Loan Population and Error Definition	Test Questions
#32 Standards: IV.C.2	SPOC Implementation and Effectiveness	Y/N for Questions 1 - 3	5% for Question 1 Y/N for Questions 2 - 3	Population Definition: For Question 1: 1st lien borrowers who were reassigned a SPOC for loss mitigation assistance in the review period For Question 2 and 3: Quarterly review of policies or procedures Error Definition: Failure on any one of the test questions for this Metric.	1. Is there evidence that Servicer identified and provided updated contact information to the borrower upon assignment of a new SPOC if a previously designated SPOC is unable to act as the primary point of contact?
					2. Is there evidence of implementation of management routines or other processes to review the results of departmental level SPOC scorecards or other performance evaluation tools? [i]
					3. Is there evidence of the use of tools or management routines to monitor remediation, when appropriate, for the SPOC program if it is not achieving targeted program metrics? [i]

[i] The following evidence is considered appropriate using a qualitative assessment:

- Documents that provide an overview of the program, policy or procedures related to periodic performance evaluations, including the frequency thereof; or
- Sample departmental level SPOC scorecard or other performance evaluation tools that reflect performance and quality metrics, evidence of the use of thresholds to measure non-performance, identifiers when remediation is required and evidence that such remediation was identified by management, when appropriate.

Metric	Measurements	Loan Level Tolerance for Error	Threshold Error Rate	Test Loan Population and Error Definition	Test Questions
#33 Standards: I.B.5	Billing Statement Accuracy	For test question 1: Amounts overstated by the greater of $99 or 1% of the correct unpaid principal balance. For test questions 2 and 3: Amounts overstated by the greater of $50 or 3% of the total balance for the test question	5%	Population Definition: Monthly billing statements sent to borrowers in the review period. [i] Error Definition: The # of Loans where the net sum of errors on any one of the test questions exceeds the applicable allowable tolerance.	1. Does the monthly billing statement accurately show, as compared to the system of record at the time of the billing statement, the unpaid principal balance?
					2. Does the monthly billing statement accurately show as compared to the system of record at the time of the billing statement each of the following: a) total payment amount due; and, b) fees and charges assessed for the relevant time period?
					3. Does the monthly billing statement accurately show as compared to the system of record at the time of the billing statement the allocation of payments, including a notation if any payment has been posted to a "suspense or unapplied funds account"?

[i] This Metric is N/A for borrowers in bankruptcy or borrowers who have been referred to or are going through foreclosure.