

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CONSUMER FINANCIAL PROTECTION)
BUREAU,)
1700 G Street, NW)
Washington, DC 20552)

13-cv-2025 (RMC)

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THE STATE OF ALABAMA,)
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THE STATE OF WYOMING, and)
Wyoming Attorney General's Office)
123 State Capitol Bldg.)
Cheyenne, WY 82002)

THE DISTRICT OF COLUMBIA,)
Office of the Attorney General)
441 Fourth Street, N.W.)
Washington, DC 20001)

)
)
)
Plaintiffs,)
)
v.)
)
OCWEN FINANCIAL CORPORATION,)
)
and OCWEN LOAN SERVICING, LLC,)
)
Defendants.)
_____)

CONSENT JUDGMENT

WHEREAS, Plaintiffs, the Consumer Financial Protection Bureau (the “CFPB” or “Bureau”), and the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, the Commonwealths of Kentucky, Massachusetts, Pennsylvania and Virginia, and the District of Columbia (collectively, “Plaintiff States”) filed their complaint on December 19, 2013, alleging that Ocwen Financial Corporation and Ocwen Loan Servicing, LLC (collectively, “Defendant” or “Ocwen”) violated, among other laws, the Unfair and Deceptive Acts and Practices laws of the Plaintiff States and the Consumer Financial Protection Act of 2010.

WHEREAS, the parties have agreed to resolve their claims without the need for litigation;

WHEREAS, Defendant has consented to entry of this Consent Judgment without trial or adjudication of any issue of fact or law and to waive any appeal if the Consent Judgment is entered as submitted by the parties;

WHEREAS, Defendant, by entering into this Consent Judgment, does not admit the allegations of the Complaint other than those facts deemed necessary to the jurisdiction of this Court;

WHEREAS, the intention of the Consumer Financial Protection Bureau and the States in effecting this settlement is to remediate harms allegedly resulting from the alleged unlawful conduct of the Defendant;

WHEREAS, the State Mortgage Regulators are entering into a Settlement Agreement and Consent Order with Ocwen to resolve the findings identified in the course of multi-state and concurrent independent examinations of Ocwen, as well as examinations of Litton Loan Servicing, LP and Homeward Residential, Inc., which were subsequently acquired by Ocwen.

AND WHEREAS, Defendant has agreed to waive service of the complaint and summons and hereby acknowledges the same;

NOW THEREFORE, without trial or adjudication of issue of fact or law, without this Consent Judgment constituting evidence against Defendant, and upon consent of Defendant, the Court finds that there is good and sufficient cause to enter this Consent Judgment, and that it is therefore ORDERED, ADJUDGED, AND DECREED:

I. JURISDICTION

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345, and 1367, and under 12 U.S.C. § 5565, and over Defendant. The

Complaint states a claim upon which relief may be granted against Defendant. Venue is appropriate in this District pursuant to 28 U.S.C. § 1391(b)(2) and 12 U.S.C. § 5564(f).

II. APPLICABILITY

2. Defendant's obligations as set forth in this Consent Judgment and the attached Exhibits shall apply equally and fully to Defendant regardless of whether Defendant is servicing residential mortgages as a servicer or subservicer.

III. SERVICING STANDARDS

3. Defendant shall comply with the Servicing Standards, attached hereto as Exhibit A, in accordance with their terms and Section A of Exhibit D, attached hereto.

IV. FINANCIAL TERMS

4. *Payments to Foreclosed Borrowers and Administration Costs.* Ocwen shall pay or cause to be paid the sum of \$127.3 million (the "Borrower Payment Amount") into an interest bearing escrow account established for this purpose by the State members of the Monitoring Committee within 10 days of receiving notice from the State members of the Monitoring Committee that the account is established. The State members of the Monitoring Committee and the Administrator appointed under Exhibit B will use the funds in this account to provide cash payments to borrowers whose homes were sold in a foreclosure sale between and including January 1, 2009, and December 31, 2012, and who otherwise meet criteria set forth by the Monitoring Committee, and to pay the reasonable costs and expenses of the Administrator, including taxes and fees for tax counsel, if any. Ocwen shall also pay or cause to be paid any additional amounts necessary to pay claims, if any, of borrowers whose data is provided to the Administrator by Ocwen after Defendant warrants that the data is complete and accurate pursuant

to Paragraph 3 of Exhibit B. The Borrower Payment Amount shall be administered in accordance with the terms set forth in Exhibit B.

5. *Consumer Relief.* Defendant shall provide \$2 billion of relief to consumers who meet the eligibility criteria in the forms and amounts described in Exhibit C, to remediate harms allegedly caused by the alleged unlawful conduct of Defendant. Defendant shall receive credit towards such obligation as described in Exhibit C.

V. ENFORCEMENT

6. The Servicing Standards and Consumer Relief Requirements, attached as Exhibits A and C, are incorporated herein as the judgment of this Court and shall be enforced in accordance with the authorities provided in the Enforcement Terms, attached hereto as Exhibit D.

7. The Parties agree that Joseph A. Smith, Jr. shall be the Monitor and shall have the authorities and perform the duties described in the Enforcement Terms.

8. Within fifteen (15) days of the Effective Date of this Consent Judgment, the Plaintiffs shall designate an Administration and Monitoring Committee (the "Monitoring Committee") as described in the Enforcement Terms. The Monitoring Committee shall serve as the representative of the Plaintiffs in the administration of all aspects of this Consent Judgment and the monitoring of compliance with it by the Defendant.

VI. RELEASES

9. The CFPB and Defendant have agreed, in consideration for the terms provided herein, for the release of certain claims and remedies as provided in the CFPB Release, attached hereto as Exhibit E. CFPB and Defendant have also agreed that certain claims and remedies are

not released, as provided in Paragraph C of Exhibit E. The releases contained in Exhibit E shall become effective upon payment of the Borrower Payment Amount by Defendant.

10. The Plaintiff States and Defendant have agreed, in consideration for the terms provided herein, for the release of certain claims and remedies as provided in the State Release, attached hereto as Exhibit F. The Plaintiff States and Defendant have also agreed that certain claims and remedies are not released, as provided in Section IV of Exhibit F. The releases contained in Exhibit F shall become effective upon payment of the Borrower Payment Amount by Defendant.

VII. OTHER TERMS

11. The Consumer Financial Protection Bureau and any State Party may withdraw from the Consent Judgment and declare it null and void with respect to that party if Ocwen fails to make any payment required under this Consent Judgment and such non-payment is not cured within thirty (30) days of written notice by the party, except that the Released Parties, as defined in Exhibits E and F, other than Ocwen, are released upon the payment of the Borrower Payment Amount, at which time this nullification provision is only operative against Ocwen.

12. This Court retains jurisdiction for the duration of this Consent Judgment to enforce its terms. The parties may jointly seek to modify the terms of this Consent Judgment, subject to the approval of this Court. This Consent Judgment may be modified only by order of this Court.

13. In addition to the provisions of paragraph 12, and in accordance with the terms set forth in Exhibit D, any Plaintiff State may also bring an action to enforce the terms of this Consent Judgment in the enforcing Plaintiff's state court. Ocwen agrees to submit to the jurisdiction of any such state court for purposes of a Plaintiff State's enforcement action.

14. The Effective Date of this Consent Judgment shall be the date on which the Consent Judgment has been entered by the Court and has become final and non-appealable. An order entering the Consent Judgment shall be deemed final and non-appealable for this purpose if there is no party with a right to appeal the order on the day it is entered.

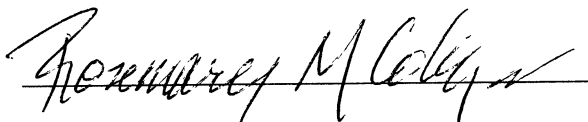
15. This Consent Judgment shall remain in full force and effect for three years from the date it is entered (“the Term”), at which time Defendant’s obligations under the Consent Judgment shall expire, except that pursuant to Exhibit D, Defendant shall submit a final Quarterly Report for the last quarter or portion thereof falling within the Term and cooperate with the Monitor’s review of said report, which shall conclude no later than six months after the end of the Term. Defendant shall have no further obligations under this Consent Judgment six months after the expiration of the Term, but the Court shall retain jurisdiction for purposes of enforcing or remedying any outstanding violations that are identified in the final Monitor Report and that have occurred but not been cured during the Term. The expiration of this Consent Judgment shall not affect any Releases.

16. Each party to this litigation will bear its own costs and attorneys’ fees.

17. Nothing in this Consent Judgment shall relieve Defendant of its obligation to comply with applicable state and federal law.

18. The sum and substance of the parties’ agreement and of this Consent Judgment are reflected herein and in the Exhibits attached hereto. In the event of a conflict between the terms of the Exhibits and paragraphs 1-17 of this summary document, the terms of the Exhibits shall govern.

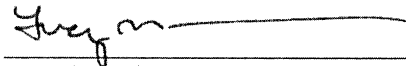
SO ORDERED this 26 day of February, 2014



UNITED STATES DISTRICT JUDGE

Date: 12/19/13

For the Consumer Financial Protection Bureau



Lucy Morris
Deputy Enforcement Director
Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552
lucy.morris@cfpb.gov
202-435-7154

Date 12/10/13

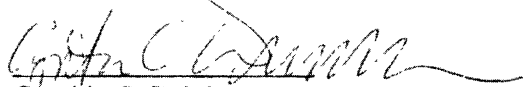
For the State of Alabama:



Noel S. Barnes
Assistant Attorney General
501 Washington Avenue
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(334) 353-9196

Date 12/12/13

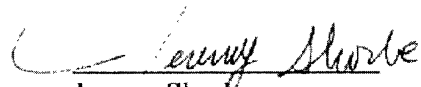
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Date 12/12/13

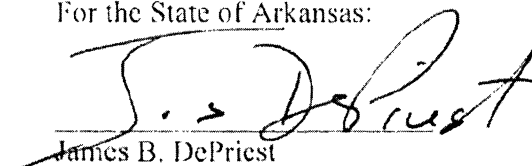
For the State of Arizona:

A handwritten signature in cursive script that reads "Jeremy Shorbe". The signature is written in black ink and is positioned above the printed name.

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400 W. Congress Street, Suite S315
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Jeremy.Shorbe@azag.gov
(520) 628-6504

Date 12/12/13

For the State of Arkansas:

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James B. DePriest

Deputy Attorney General


323 Center Street, Suite 500

jim.depriest@arkansasag.gov

(501)682-5028

Date: December 12, 2013

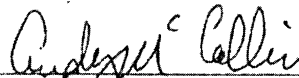
For the State of California:

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Date: December 13, 2013

For the State of Colorado, *ex rel.*
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Andy McCallin
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Date: December 12, 2013

For the State of Connecticut:

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Date: 12/13/13

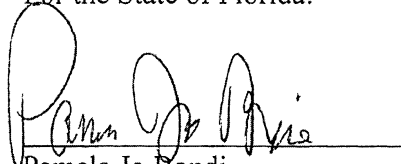
For the State of Delaware:

A handwritten signature in black ink, appearing to read "Matt Lintner", is written over a horizontal line.

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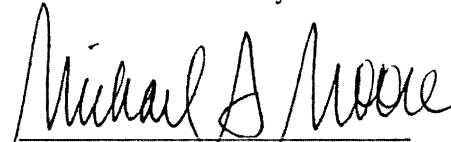
December 16th, 2013.

For the State of Florida:



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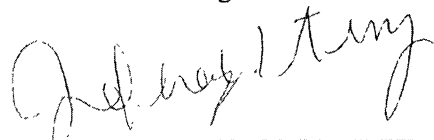
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Date December 16, 2013


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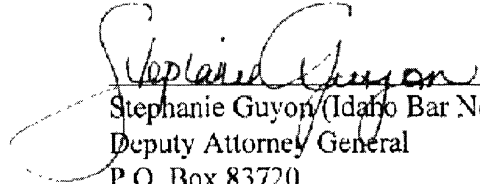
Date 12/11/13

For the State of Hawaii:


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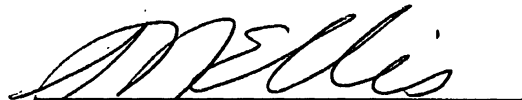
Date 12-10-13

For the State of Idaho


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Date 12/10/13

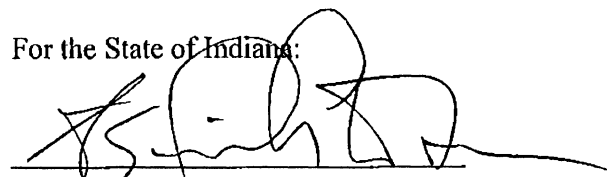
For the State of Illinois:

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Susan N. Ellis
Bureau Chief, Consumer Fraud
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312-814-3000

Date 12-11-13

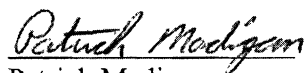
For the State of Indiana:

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Director and Chief Counsel
Consumer Protection Division
Indiana Office of the Attorney General
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Abigail.Kuzma@atg.in.gov
Tel: 317-234-6843

Date: 12/17/13

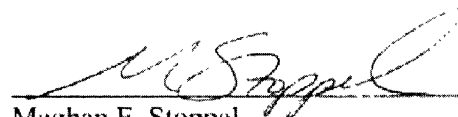
For the State of Iowa:



Patrick Madigan
Assistant Attorney General
Iowa Attorney General's Office
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Des Moines, IA 50319
Patrick.Madigan@iowa.gov
(515) 281-5926

Date 12/13/13

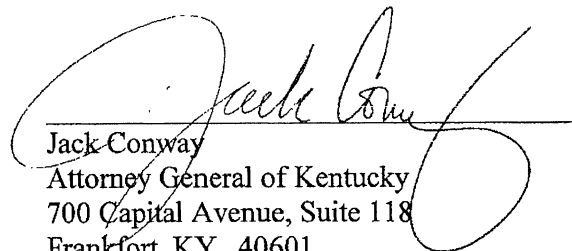
For the State of Kansas:



Meghan E. Stoppel
Assistant Attorney General
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120 SW 10th Avenue, 2nd Floor
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(785) 296-3751

Date 12-10-2013

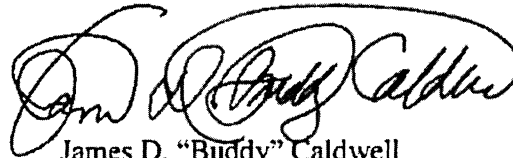
For the Commonwealth of Kentucky:



Jack Conway
Attorney General of Kentucky
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502-696-5643

Date: December 12, 2013

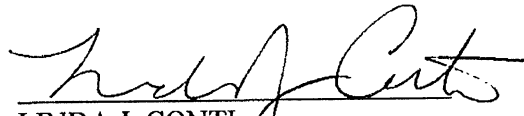
For the State of Louisiana:

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Louisiana Attorney General
Post Office Box 94005
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E-mail: Caldwellb@ag.state.la.us
Phone Number: 225-326-6705

Date 12/12/13

For the State of Maine

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LINDA J. CONTI
Assistant Attorney General
Office of the Attorney General
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Date December 13, 2013

For the State of Maryland:



Lucy A. Cardwell
Assistant Attorney General
Consumer Protection Division
Office of the Maryland Attorney General
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lcardwell@oag.state.md.us
410-576-6337

Date December 17, 2013


For the Commonwealth of Massachusetts:



Glenn S. Kaplan
Assistant Attorney General
One Ashburton Place, 18th Floor
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617-963-2453
D.C. Bar No. 429052

Date 12-13-13

For the State of Michigan:

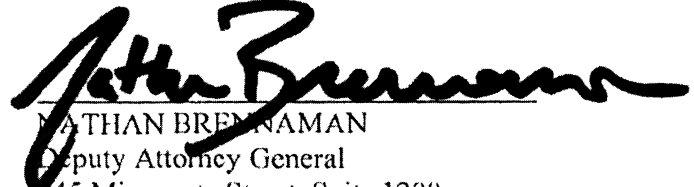


D.J. Pascoe
D.J. Pascoe
Assistant Attorney General
Corporate Oversight Division
P.O. Box 30755
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Date: December 13, 2013

For the State of Minnesota:

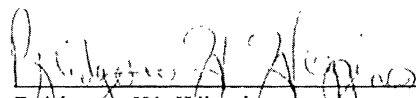
LORI SWANSON
Attorney General
State of Minnesota

A handwritten signature in black ink, appearing to read "Nathan Brennaman", written over a horizontal line.

NATHAN BRENNAMAN
Deputy Attorney General
445 Minnesota Street, Suite 1200
St. Paul, Minnesota 55101-2130
nate.brennaman@ag.state.mn.us
(651) 757-1415 (Voice)

Date: December 12, 2013

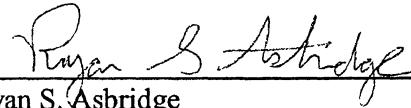
For the State of Mississippi:

A handwritten signature in black ink, appearing to read "Bridgette W. Wiggins", is written over a horizontal line.

Bridgette W. Wiggins
Special Assistant Attorney General
Consumer Protection Division
Post Office Box 22947
Jackson, MS 39225
bwill@ago.state.ms.us
(601) 359-4279

Date 12/10/2013

For the State of Missouri:



Ryan S. Asbridge
Assistant Attorney General
P.O. Box 899, Jefferson City, MO 65102
ryan.asbridge@ago.mo.gov
573-751-7677

Date: December 12, 2013

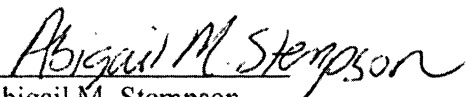
For the State of Montana:



Chuck Munson
Assistant Attorney General
215 N. Sanders
P.O. Box 201401
Helena, MT 59620
cmunson@mt.gov
(406) 444-2026

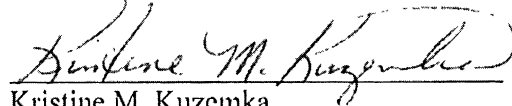
Date December-13, 2013

For the State of Nebraska:


Abigail M. Stempson
Assistant Attorney General
Chief, Consumer Protection Division
2115 State Capitol
Lincoln, NE 68509-8920
abigail.stempson@nebraska.gov
(402) 471-2683

Date 12/13/13

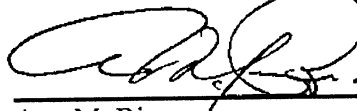
For the State of Nevada:

A handwritten signature in cursive script, reading "Kristine M. Kuzemka", written over a horizontal line.

Kristine M. Kuzemka
Senior Deputy Attorney General
555 E. Washington Avenue, Suite 3900
kkuzemka@ag.nv.gov
(702) 486-3420

Date Dec. 12, 2013

For the State of New Hampshire:

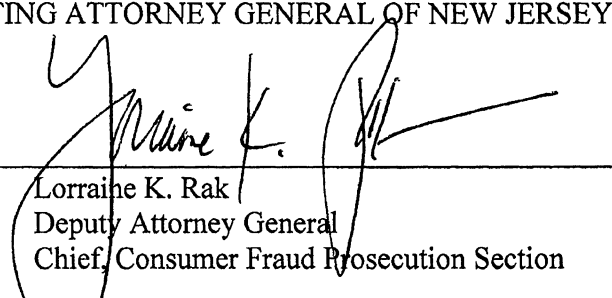
A handwritten signature in black ink, appearing to read "Ann M. Rice", is written over a horizontal line.

Ann M. Rice
Deputy Attorney General
33 Capitol Street, Concord, NH 03301
Ann.Rice@doj.nh.gov
603-271-1238

Date: December 12, 2013

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

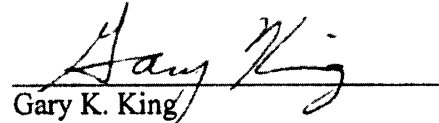
By: _____


Lorraine K. Rak
Deputy Attorney General
Chief, Consumer Fraud Prosecution Section

124 Halsey Street – 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Lorraine.Rak@dol.lps.state.nj.us
(973) 877-1280

Date 12/13/13

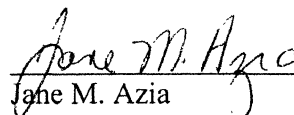
For the State of New Mexico

A handwritten signature in cursive script, appearing to read "Gary King", is written over a horizontal line.

Gary K. King
Attorney General
408 Galisteo Street
Santa Fe, NM 87501
Gking@nmag.gov
(505) 827-5843

December 10, 2013

For the State of New York

A handwritten signature in cursive script, appearing to read "Jane M. Azia", is written over a horizontal line.

Jane M. Azia
Bureau Chief

Bureau of Consumer Frauds & Protection
Office of the New York State Attorney
General

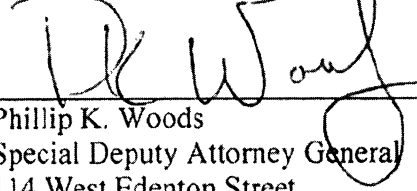
120 Broadway
New York, NY 10271

Jane.azia@ag.ny.gov

(212) 416-8727

December 11, 2013

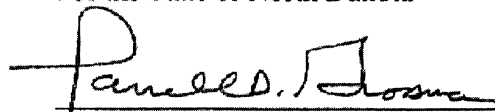
For the State of North Carolina:

A handwritten signature in black ink, appearing to read "P. Woods", written over a horizontal line.

Phillip K. Woods
Special Deputy Attorney General
114 West Edenton Street
Raleigh, NC 27602-0629
Email: pwoods@ncdoj.gov
Telephone: (919) 716-6052

Date December 10, 2013

For the State of North Dakota

A handwritten signature in black ink that reads "Parrell D. Grossman". The signature is written in a cursive style with a large initial 'P' and a long horizontal stroke extending to the left.

Parrell D. Grossman (NDBI #04684)
Assistant Attorney General
Director, Consumer Protection & Antitrust
Division
Office of Attorney General
Gateway Professional Center
1050 East Interstate Ave. Ste. 200
Bismarck, ND 58503-5574
pgrossman@nd.gov
(701)328-5570

Date: December 11, 2013

For the State of Ohio

MIKE DeWINE
The Attorney General of Ohio


MATTHEW J. LAMPKE (0067973)
Mortgage Foreclosure Counsel
30 East Broad Street, 15th Floor
Columbus, Ohio 43215
(614) 466-8569 - Telephone
(866) 403-3979 - Facsimile
Matthew.Lampke@OhioAttorneyGeneral.gov

Trial Counsel for Ohio

Date 12/12/2013

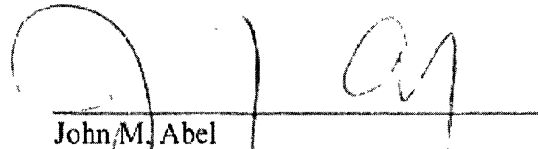
For the State of Oregon:



Simon C. Whang,
Assistant Attorney General
Financial Fraud/Consumer Protection Sectn.
Oregon Department of Justice
1515 SW Fifth Ave Ste 410
Portland, OR 97201
simon.c.whang@doj.state.or.us
971-673-1880

Date 10 13 13

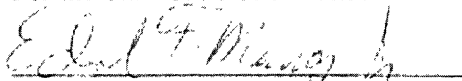
For the Commonwealth of Pennsylvania
KATHLEEN G. KANE, Attorney General:

A handwritten signature in black ink, appearing to read "J. M. Abel", is written over a horizontal line.

John M. Abel
Senior Deputy Attorney General
Pennsylvania Office of Attorney General
Bureau of Consumer Protection
15th Floor, Strawberry Square
Harrisburg, PA 17120
jabel@attorneygeneral.gov
Tel: 717-783-1439
Fax: 717-705-3795

December 13, 2013

For the State of Rhode Island:

A handwritten signature in cursive script, appearing to read "Edmund F. Murray, Jr.", is written over a horizontal line.

Edmund F. Murray, Jr.

Special Assistant Attorney General

Rhode Island Department of Attorney General

150 South Main Street

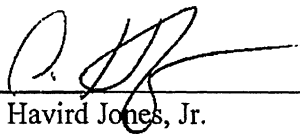
Providence, Rhode Island 02903

(401) 274-4400 ext. 2401

emurray@riag.ri.gov

Date 12/13/13

For the State of South Carolina:




C. Havird Jones, Jr.
Assistant Deputy Attorney General
PO Box 11549
Columbia, SC, 29211
SJones@scag.gov
803-734-3654

Date: December 10, 2013

On Behalf of the State of South Dakota:

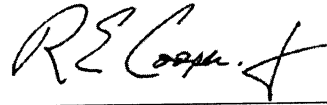
MARTY J. JACKLEY
ATTORNEY GENERAL



Bethanna M. Feist
South Dakota Attorney General's Office
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501
Telephone: (605) 773-3215
Facsimile: (605) 773-4106
Email: Bethanna.Feist@state.sd.us

Date: 2/13/13

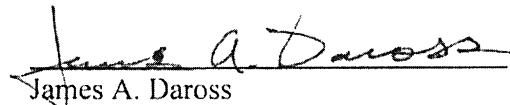
For the State of Tennessee:

A handwritten signature in black ink, appearing to read "R E Cooper, Jr.", written over a horizontal line.

Robert E. Cooper, Jr.
Attorney General and Reporter
Office of the Tennessee Attorney General
425 Fifth Avenue North
Nashville, Tennessee 37243-3400
bob.cooper@ag.tn.gov
(615) 741-3491
DC Bar No. 393721 (inactive)

Date December 13, 2013

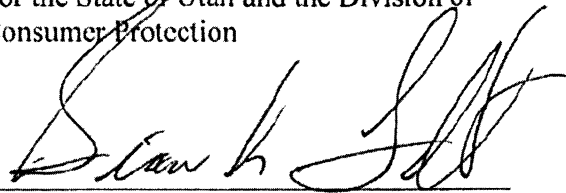
For the State of Texas:

A handwritten signature in black ink that reads "James A. Daross". The signature is written in a cursive style and is positioned above a horizontal line.

James A. Daross
Regional Managing Attorney
Consumer Protection Division
Office of the Attorney General of Texas
401 E. Franklin Ave., Suite 530
El Paso, Texas 79901
james.daross@texasattorneygeneral.gov
915-834-5801 (Direct)
915-834-5800 (Main)
915-542-1546 (FAX)
Texas Bar No. 05391500

Date December 16, 2013


For the State of Utah and the Division of
Consumer Protection

A handwritten signature in black ink, appearing to read "Brian L. Tarbet", written over a horizontal line.

Brian L. Tarbet
Utah Attorney General (Acting)
350 North State Street, Suite 230
Salt Lake City, Utah 84114
btarbet@utah.gov
(801) 538-1191

Date 12/12/13

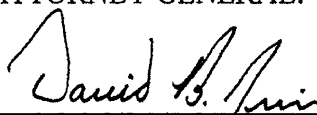
For the State of Vermont:



Elliot Burg
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
eburg@atg.state.vt.us
(802) 828-2153

Date December 12, 2013

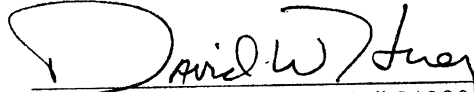
For the COMMONWEALTH of VIRGINIA,
EX REL. KENNETH T. CUCCINELLI, II,
ATTORNEY GENERAL:



DAVID B. IRVIN (VSB #23927)
Senior Assistant Attorney General
MARK S. KUBIAK (VSB #73119)
Assistant Attorney General
Office of Virginia Attorney General
900 East Main Street
Richmond, Virginia 23219
Telephone: 804-786-4047

Date 12/10/2013

STATE OF WASHINGTON
ROBERT W. FERGUSON
ATTORNEY GENERAL

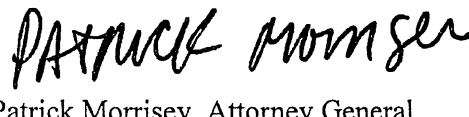


DAVID W. HUEY, WSBA # 31380

Senior Counsel
1250 Pacific Avenue, Suite 105
PO Box 2317
Tacoma, WA 98401-2317
DavidH3@atg.wa.gov
(253)593-5057

Date 12/13/2013

For the State of West Virginia

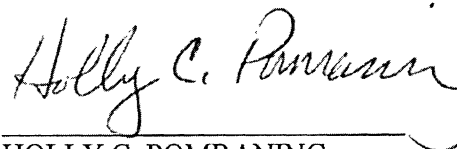
A handwritten signature in black ink that reads "PATRICK MORRISSEY". The signature is written in a cursive style with all caps.

Patrick Morrissey, Attorney General
State Capitol Bldg. 1, Room 26-E
Charleston, WV 25305-0220
Patrick.J.Morrissey@wvago.gov
304-558-2021

Date 12-11-13

For the State of Wisconsin:

J.B. VAN HOLLEN
Attorney General

A handwritten signature in cursive script that reads "Holly C. Pomraning". The signature is written in black ink and is positioned above a horizontal line.

HOLLY C. POMRANING
Assistant Attorney General
Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
Email: pomraninghc@doj.state.wi.us
Tel: 608-266-5410

Date 12/10/13

For the State of Wyoming:

A handwritten signature in cursive script, reading "Peter K. Michael", written over a horizontal line.

Peter K. Michael

Attorney General

123 Capitol Building

Cheyenne, WY 82002

Peter.michael@wyo.gov

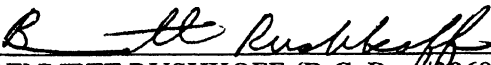
(307) 777-7841


Dated: December 11, 2013

Respectfully submitted,

IRVIN B. NATHAN
Attorney General for the District of Columbia

ELLEN A. EFROS
Deputy Attorney General
Public Interest Division


BENNETT RUSHKOFF (D.C. Bar #986925)
Chief, Public Advocacy Section


GARY M. TAN (D.C. Bar # 987796)
Assistant Attorney General
Office of the Attorney General
441 4th Street, N.W., Suite 600 South
Washington, DC 20001
Telephone: (202) 727-6241
Email: Gary.Tan@dc.gov

Attorneys for the District of Columbia

Date 12-16-13

Ocwen Financial Corporation and Ocwen
Loan Servicing, LLC

By: 

Timothy M. Hayes
Executive Vice President and General
Counsel
2002 Summit Blvd Fl 6
Atlanta, Ga 30319-1560