

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

In the matter of the application of

WELLS FARGO BANK, NATIONAL ASSOCIATION, U.S. BANK NATIONAL ASSOCIATION, THE BANK OF NEW YORK MELLON, THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., WILMINGTON TRUST, NATIONAL ASSOCIATION, HSBC BANK USA, N.A., and DEUTSCHE BANK NATIONAL TRUST COMPANY (as Trustees, Indenture Trustees, Securities Administrators, Paying Agents, and/or Calculation Agents of Certain Residential Mortgage-Backed Securitization Trusts),

Petitioners,

For Judicial Instructions under CPLR Article 77 on the Administration and Distribution of a Settlement Payment.

Index No. 657387/2017

Motion Sequence No. 005

IAS Part 60

Honorable Marcy S. Friedman

AFFIRMATION OF NEIL S. BINDER IN OPPOSITION TO JOINT MOTION TO LIMIT STANDING

NEIL S. BINDER, an attorney duly admitted to practice law before the courts of the state of New York, affirms the following under penalty of perjury:

1. I am a partner at Binder & Schwartz LLP, counsel for Axonic Capital LLC in the above-captioned action. This affirmation is submitted in support of Axonic’s Opposition to the Joint Motion to Limit Standing to Certificateholders in the Settlement Trusts. I have personal knowledge of the facts set forth herein.

2. Annexed hereto as Exhibit A is a true and correct copy, without exhibits, of the Deutsche Mortgage & Asset Receiving Corporation Re-REMIC Trust 2014-RS1 (“DMARC 2014-RS1”) Trust Agreement, dated June 6, 2014.

3. Annexed hereto as Exhibit B is a true and correct copy of an excerpt of Form 10-D, a publicly available document, showing the certificate classes of the Settlement RMBS REMIC Trust JPMorgan Alternative Loan Trust 2006-A6 (“JPALT 2006-A6 Settlement Trust”),

filed with the United States Securities and Exchange Commission on January 9, 2007, and found at <https://www.sec.gov/edgar/searchedgar/companysearch.html>.

4. Annexed hereto as Exhibit C is a true and correct copy, without exhibits, of the CitiGroup Mortgage Loan Trust Inc. Re-REMIC Trust 2008-AR4 (“CMTLI 2008-AR4”) Trust Agreement, dated October 31, 2008.

5. Annexed hereto as Exhibit D is a true and correct copy of the CitiGroup Mortgage Loan Trust Inc. Re-REMIC Trust 2008-AR4 (“CMTLI 2008-AR4”) Private Placement Memorandum, dated October 31, 2008.

6. Annexed hereto as Exhibit E is a true and correct copy of an excerpt of Form 10-D, a publicly available document, showing the certificate classes of the Settlement RMBS REMIC Trust Bear Stearns ARM Series 2007-1 (“BSARM 2007”), filed with the United States Securities and Exchange Commission on January 10, 2008, and found at <https://www.sec.gov/edgar/searchedgar/companysearch.html>.

7. Annexed hereto as Exhibit F is a true and correct copy of an excerpt of Form 10-D, a publicly available document, showing the certificate classes of the Settlement RMBS REMIC Trust Bear Stearns ARM Series 2007-4 (“BSARM 2007-4 Settlement Trust”), filed with the United States Securities and Exchange Commission on January 10, 2008, and found at <https://www.sec.gov/edgar/searchedgar/companysearch.html>.

8. Annexed hereto as Exhibit G is a true and correct copy of the NOMURA Resecuritization Trust 2015-10R (“NMRR 2015-10R”) Trust Agreement, dated October 30, 2015.

9. Annexed hereto as Exhibit H is a true and correct copy of the NOMURA Resecuritization Trust 2015-11R (“NMRR 2015-11R”) Trust Agreement, dated October 30, 2015.

10. Annexed hereto as Exhibit I is a true and correct copy of a letter, without attachments, from Wells Fargo Bank, National Association, solely in its capacity as Resecuritization Trustee, dated September 22, 2014. The letter states that the Resecuritization Trustee received notices from the Trustees of the Settlement Trusts regarding the Initial Article 77 Proceeding and that “the Resecuritization Trustee, as holder of the Underlying Certificates, does not intend to take any additional action in response to the Notices.”

11. Annexed hereto as Exhibit J is a true and correct copy of an excerpt from the BSARM 2007-1 Settlement Trust Pooling and Service Agreement, dated February 1, 2007.

Executed: New York, New York
April 12, 2018

/s/ Neil S. Binder
Neil S. Binder