

**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

**Honorable Marcy S. Friedman
Part 60**

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that, pursuant to the Order to Show Cause entered in the above-captioned action on December 19, 2017 (NYSCEF Doc. No. 30), the Court’s August 7, 2018 Order addressing Standing (NYSCEF Doc. No. 471), and the Court’s September 14, 2018 Order Regarding Trustee Substitutions (NYSCEF Doc. No. 513), McKool Smith, PC hereby appears as special litigation counsel on behalf of The Bank of New York Mellon Trust Company, National Association (“BNYMTC”), solely in its capacity as Indenture Trustee under an Indenture, dated as of November 9, 2005 (“the Duke IX Indenture”) (BNYMTC, in such capacity, the “Duke IX Indenture Trustee”) pursuant to a direction from the Controlling Class under the Duke IX Indenture (the “Duke IX Controlling Class”). For the avoidance of doubt, any and all positions taken by BNYMTC in this proceeding are taken solely in its capacity as the Duke IX Indenture Trustee at the direction of the Duke IX Controlling Class and none of these

positions is, or may be interpreted or perceived as, the position of BNYMTC in its individual capacity or in its capacity as trustee, indenture trustee, securities administrator, paying agent or any other representative capacity on behalf of or for the benefit of any person other than the secured parties under the Duke IX Indenture.

All papers filed in this action should be served upon the following persons at the office, post office, and email addresses below:

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DATED: September 18, 2018
New York, New York

Respectfully submitted,

MCKOOL SMITH, P.C.

By: /s/ Gayle R. Klein
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*Attorneys for The Bank of New York Mellon
Trust Company, National Association as
Indenture Trustee under the Duke IX Indenture*