

**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**

Motion Seq. 1

**AFFIRMATION OF
DAVID I. SCHIEFELBEIN**

I, David I. Schiefelbein, an attorney admitted to practice before the courts of the State of New York, affirms the following to be true under penalty of perjury:

1. I am an associate with the law firm McKool Smith, P.C., counsel to respondent Nover Ventures, LLC (“Nover”) and special litigation counsel to The Bank of New York Mellon Trust Company, N.A., solely in its capacity as Trustee under the Duke IX Indenture (the “Duke IX Trustee”), in the above-captioned proceeding. I submit this affirmation in support of Nover’s and the Duke IX Trustee’s Reply Submission.

2. Attached hereto as Exhibit A is a true and correct copy of the October 5, 2017 Notice Regarding Receipt of Private Letter Rulings From The Internal Revenue Service And The Consequent Occurrence Of The “Effective Date” Under The Settlement Agreement.

3. Attached hereto as Exhibit B is a true and correct redacted copy of IRS Private Letter Ruling 102765-17, Number 201731001, dated April 27, 2017.

4. Attached hereto as Exhibit C is a true and correct redacted copy of the IRS Private Letter Ruling 113051-15, dated October 05, 2015.

**DATED: October 10, 2018
New York, New York**

By: 
David I. Schiefelbein

Counsel for Nover Ventures, LLC, and The Bank of New York Mellon Trust Company, National Association, solely in its capacity as Indenture Trustee under the Duke IX Indenture