

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

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In the matter of the application of	:	
	:	
THE BANK OF NEW YORK MELLON, in its	:	Index No. 150973/2016
Capacity as Trustee or Indenture Trustee of 530	:	
Countrywide Residential Mortgage-Backed	:	Scarpulla, J.
Securitization Trusts,	:	
	:	AFFIDAVIT OF
Petitioner,	:	ROBERT MADDEN
	:	
for Judicial Instruction under CPLR Article 77 on the	:	
Distribution of a Settlement Payment	:	
	:	
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Before me, the undersigned authority, on this day personally appeared Robert J, Madden, who, being by me duly sworn, deposed as follows:

1. I am a member of the Bar of the State of Texas and a partner in the law firm of Gibbs & Bruns, L.L.P., counsel for the Institutional Investors in the above captioned matter and counsel for the Institutional Investors in *In the Matter of the Application of The Bank of New York Mellon*, Index. No. 651786-2011 (the "CW Article 77"). I have personal knowledge of the facts stated in this affidavit, and they are all true and correct. I make this affidavit in support of the Opening Brief of Certain Institutional Investors filed in the above captioned proceeding.

2. I have reviewed the objections filed by the objectors to the settlement at issue in the CW Article 77. No objector in the CW Article 77 proceeding filed any objection claiming that the "pay first, write up second" order of operations, in Section 3(d) of the Settlement Agreement,¹ which described the flow of settlement proceeds through the payment waterfall of

¹ Capitalized terms used herein have the meaning assigned to them in the Opening Brief of Certain Institutional Investors, filed contemporaneously herewith.

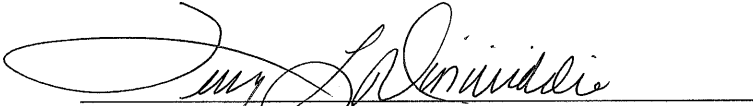
the Covered Trusts, violated or was inconsistent with the Governing Agreements for any of the Covered Trusts.

FURTHER AFFIANT SAYETH NOT.



ROBERT J. MADDEN

SWORN TO AND SUBSCRIBED before me on the 2nd day of March, 2016.



Notary Public in and for The State of Texas



My Commission Expires 10/16/17