

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In the matter of the application of

THE BANK OF NEW YORK MELLON (as  
Trustee under various Pooling and Servicing  
Agreements and Indenture Trustee under  
various Indentures), *et al.*,

Petitioners and Intervenor-Petitioners,

-against-

WALNUT PLACE LLC, *et al.*,

Intervenor-Respondents.

Docket No. 11-CV-5988 (WHP)

**DECLARATION OF OWEN L.  
CYRULNIK IN SUPPORT OF  
WALNUT PLACE'S  
SUPPLEMENTAL  
MEMORANDUM OF LAW IN  
OPPOSITION TO THE BANK  
OF NEW YORK MELLON'S  
MOTION TO REMAND**

I, Owen L. Cyrulnik, hereby affirm under penalty of perjury that the following is true and correct:

1. I am a member of the Bar of the State of New York and of Grais & Ellsworth LLP, attorneys for Defendants. I offer this affirmation in support of Walnut Place's Supplemental Memorandum of Law in Opposition to Bank of New York Mellon's Motion to Remand.
2. A true and correct copy of a letter dated October 18, 2010, from Gibbs & Bruns LLP to, among others, Countrywide Home Loans Servicing LP and The Bank of New York is attached hereto as Exhibit A.
3. A true and correct copy of a Press Release issued by Bank of America on December 15, 2010 is attached hereto as Exhibit B.

Executed this 27th day of September 2011, in New York, New York.

A handwritten signature in black ink, appearing to read "Owen L. Cyrulnik". The signature is written in a cursive style with a large initial 'O'.

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Owen L. Cyrulnik