

GRAIS & ELLSWORTH LLP

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June 13, 2012

*By Fax*

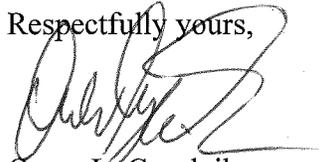
Honorable Barbara R. Kapnick  
Supreme Court, New York County  
60 Centre Street, Room 555  
New York, New York 10007

*In re: The Bank of New York Mellon, Index No. 651786/2011*

Dear Justice Kapnick:

We represent Intervenor-Respondent TM1 Investors, LLC. TM1 Investors respectfully requests that it be permitted to withdraw as an intervenor in this proceeding. Attached to this letter is an affirmation in support of this request and a proposed order. We respectfully request that the Court enter the proposed order and dismiss TM1 Investors from this proceeding with prejudice.

Respectfully yours,



Owen L. Cyrulnik

Enclosure(s)

Copies to: Counsel of record by ECF

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY 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),

Petitioner,

-against-

WALNUT PLACE, et al.,

Intervenor-Respondents.

Index No. 651786/2011

Assigned to: Kapnick, J.

**AFFIRMATION OF OWEN L.  
CYRULNIK IN SUPPORT OF  
TM1 INVESTORS, LLC'S  
MOTION TO WITHDRAW**

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 several intervenor-respondents.

2. The Bank of New York Mellon commenced this proceeding by filing a petition under CPLR 7701 on June 29, 2011. BNYM is seeking judicial approval of a proposed settlement that it entered into on behalf of 530 Trusts for which it serves as trustee.

3. On July 13, 2011, TM1 Investors, LLC moved by order to show cause for permission to intervene in this action. The Court granted TM1 Investors' petition on August 19, 2011.

4. Intervenor-Respondent TM1 Investors intervened in this litigation to preserve its rights to seek the disclosure necessary to make an informed decision about the merits of the proposed settlement. A number of other entities have also intervened in this case, many of whom are also certificateholders in the trusts covered by the proposed settlement. TM1 Investors has concluded that intervening in this proceeding is no longer cost-effective. Withdrawal by TM1 Investors will not cause prejudice to any party remaining in this proceeding.

5. Accordingly, TM1 Investors moves to withdraw as an Intervenor-Respondent with prejudice.

6. No previous application has been made for this relief.

Executed this 13 day of June 2012, in New York, New York.



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Owen L. Cyrulnik

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**PROPOSED ORDER  
DISMISSING TM1  
INVESTORS, LLC WITH  
PREJUDICE**

It is hereby ORDERED that Intervenor-Respondent TM1 Investors, LLC is dismissed as  
an Intervenor-Respondent from this proceeding with prejudice.

ENTER,

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J.S.C.