

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: IA PART 39

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),

Petitioners,

for an order, pursuant to C.P.L.R. § 7701, seeking judicial instructions and approval of a proposed settlement.

Index No. 651786-2011

Assigned to: Kapnick, J.

**AFFIDAVIT OF KATHY D. PATRICK IN SUPPORT OF
THE INSTITUTIONAL INVESTORS'
STATEMENT IN SUPPORT OF THE SETTLEMENT**

Before me, the undersigned authority, on this day personally appeared Kathy D. Patrick, who being by me duly sworn, deposed as follows:

1. I am a member of the Bar of the State of Texas and admitted to appear before this Court pro hac vice, and am a Partner of Gibbs & Bruns LLP, counsel to the Institutional Investors in the above captioned matter. 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 Institutional Investors Statement in Support of the Settlement.
2. Attached as Exhibit 1, is a true and correct copy of excerpts from the May 2, 2013 deposition transcript of John C. Coates IV.
3. Attached as Exhibit 2, is a true and accurate copy of the May 2, 2013 letter from Fir Tree, Inc. to The Honorable Barbara R. Kapnick.
4. Attached as Exhibit 3, is a true and accurate copy of the February 4, 2013 letter from Monarch Alternative Capital to The Honorable Barbara R. Kapnick.
5. Attached as Exhibit 4, is a true and accurate copy of the Bank of New York Transfer Overview as of April 10, 2013.
6. Attached as Exhibit 5, is a true and correct copy of April 29, 2013 Memorandum Decision on MBIA successor liability in Index No. 602825/2008; *MBIA Ins. Co. v Countrywide Home Loans Inc. et al.*, in the Supreme Court of the State of New York [Doc. No. 4092].
7. Attached as Exhibit 6, is a true and correct copy of April 29, 2013 Memorandum Decision on Motions of Summary Judgment on Liability in Index No. 602825/2008; *MBIA Ins. Co.*

v *Countrywide Home Loans Inc. et al.*, in the Supreme Court of the State of New York [Doc. No. 4093].

8. Attached as Exhibit 7, is a true and correct copy of August 16, 2000 Memorandum Decision in Index No. 101530/1998; *In the Matter of the Application of IBJ Schroder Bank & Trust*, in the Supreme Court of the State of New York.

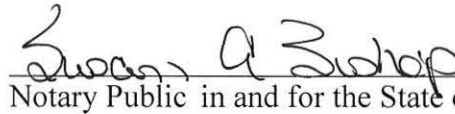
FURTHER AFFIANT SAYETH NOT.



Kathy D. Patrick

SWORN TO AND SUBSCRIBED before me on this 3rd day of May 2013.





Notary Public in and for the State of Texas