

**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), BlackRock Financial Management Inc. (intervenor), Kore Advisors, L.P. (intervenor), Maiden Lane, LLC (intervenor), Maiden Lane II, LLC (intervenor), Maiden Lane III, LLC (intervenor), Metropolitan Life Insurance Company (intervenor), Trust Company of the West and affiliated companies controlled by The TCW Group, Inc. (intervenor), Neuberger Berman Europe Limited (intervenor), Pacific Investment Management Company LLC (intervenor), Goldman Sachs Asset Management, L.P. (intervenor), Teachers Insurance and Annuity Association of America (intervenor), Invesco Advisers, Inc. (intervenor), Thrivent Financial for Lutherans (intervenor), Landesbank Baden- Wuerttemberg (intervenor), LBBW Asset Management (Ireland) plc, Dublin (intervenor), ING Bank fsb (intervenor), ING Capital LLC (intervenor), ING Investment Management LLC (intervenor), New York Life Investment Management LLC (intervenor), Nationwide Mutual Insurance Company and its affiliated companies (intervenor), AEGON USA Investment Management LLC, authorized signatory for Transamerica Life Insurance Company, AEGON Financial Assurance Ireland Limited, Transamerica Life International (Bermuda) Ltd., Monumental Life Insurance Company, Transamerica Advisors Life Insurance Company, AEGON Global Institutional Markets, plc, LIICA Re II, Inc., Pine Falls Re, Inc., Transamerica Financial Life Insurance Company, Stonebridge Life Insurance Company, and Western Reserve Life Assurance Co. of Ohio (intervenor), Federal Home Loan Bank of Atlanta (intervenor), Bayerische Landesbank (intervenor), Prudential Investment Management, Inc. (intervenor), and Western Asset Management Company (intervenor),

Petitioners,

-against-

COMMONWEALTH ADVISORS, INC.,
(Proposed Intervenor)

Respondent.

Index No.: 651786/2011

Assigned to Kapnick, J.

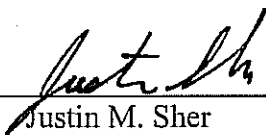
**NOTICE OF INTENTION TO
APPEAR AND OBJECT AND
NOTICE OF PETITION TO
INTERVENE**

PLEASE TAKE NOTICE that Commonwealth Advisors, Inc. (“Commonwealth”), as a Potentially Interested Person in the above-captioned Article 77 proceeding before this Court, intends to appear and object to the settlement proposed by Bank of New York Mellon (the “Trustee”), pursuant to this Court’s orders dated June 29, 2011 and August 5, 2011, upon the grounds that Commonwealth does not have sufficient information to evaluate the proposed settlement (the “Proposed Settlement”). Pursuant to the Order of August 5, 2011, Commonwealth reserves the right to supplement its objection and object to the Proposed Settlement on additional grounds.

PLEASE TAKE FURTHER NOTICE that, upon the Petition to Intervene filed herewith, and all previous papers and proceedings in this Article 77 proceeding, Commonwealth will move this Court on September 16, 2011, at 9:30 a.m. or as soon thereafter as counsel may be heard, for an order pursuant to CPLR §§ 401, 1012, and 1013 permitting proposed Intervenor-Respondent Commonwealth to intervene in this proceeding, directing that Commonwealth be added as a respondent to the caption of this Case, directing that the Trustee’s Petition and Notice of Petition be amended by adding Commonwealth Advisors, Inc., permitting discovery to proceed and granting such other and further relief as may be just.

Dated: New York, New York
August 30, 2011

SHER LLP

By: 
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