

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

In the matter of the application of

U.S. BANK NATIONAL ASSOCIATION, WELLS FARGO BANK, NATIONAL ASSOCIATION, WILMINGTON TRUST, NATIONAL ASSOCIATION, WILMINGTON TRUST COMPANY, and CITIBANK, N.A. (as Trustees, Indenture Trustees, Securities Administrators, Paying Agents, and/or Calculation Agents of Certain Residential Mortgage-Backed Securitization Trusts),

Petitioners,

For Judicial Instructions under CPLR Article 77 on the Administration and Distribution of a Settlement Payment.

Index No. 651625/2018

Assigned to: Crane, J.

**AFFIRMATION OF  
JARMAN D. RUSSELL**

I, Jarman D. Russell, an attorney duly admitted to practice law in the State of New York, hereby affirm under penalties of perjury, pursuant to CPLR § 2106, as follows:

1. I am a Counsel with the firm Mayer Brown LLP, counsel for petitioner Citibank, N.A. (“Citibank”) in this proceeding. I am familiar with the proceedings in this case.
2. I have personal knowledge of the facts stated in this affirmation, and they are all true and correct. I make this application in support of the Proposed Order to Show Cause (the “Proposed OSC”) filed by Citibank contemporaneously herewith.
3. All capitalized terms used and not otherwise defined herein shall have the meanings ascribed to such terms in the Petition ([NYSCEF No. 1](#)).
4. On April 20, 2018, the Court entered an Order to Show Cause (the “Show Cause Order”) ([NYSCEF No. 37](#)) directing the Petitioners to provide notice of this proceeding pursuant to the notice program described in the Show Cause Order (the “Notice Program”), and the Court found that the Notice Program was the best notice practicable, was reasonably calculated to put

interested persons on notice of the proceeding, and constituted due and sufficient notice of the proceeding in satisfaction of federal and state due process requirements and other applicable law.

5. The Notice Program directed that interested persons respond to the Petition on or before May 30, 2018.

6. The Institutional Investors (AEGON USA Investment Management, LLC, BlackRock Financial Management, Inc., Cascade Investment, LLC, the Federal Home Loan Bank of Atlanta, Goldman Sachs Asset Management L.P., Voya Investment Management LLC, Invesco Advisers, Inc., Kore Advisors, L.P., Metropolitan Life Insurance Company, Pacific Investment Management Company LLC, The TCW Group, Inc., Thrivent Financial for Lutherans, and Western Asset Management Company), Nover Ventures, LLC, and Poetic Holdings VII LLC (collectively, the “Responding Parties”) have asserted an interest in LXS 2005-8 (the “Undisputed Trust”).

7. The Responding Parties agree and consent to this Partial Severance Order and Partial Final Judgment (the “Order”), which resolves the issues for which judicial instructions were sought concerning the administration and distribution of the Settlement Payment for the Undisputed Trust (the “Subject Allocable Shares”).

8. Prior to this filing, I circulated a copy of the Order to all parties in this matter, and inquired as to whether each party with an interest in the Order consents to the entry of the same. Each interested party responded to my inquiry and confirmed that they consent to the entry of the Order. Nevertheless, consistent with prior instructions of this Court, the Proposed OSC filed herewith provides an opportunity for parties to file opposition papers to the Order if they so wish.

9. For the reasons set out herein and subject to my understanding that no party opposes the Order, Citibank respectfully requests that the Court enter the Order.

10. No prior application for the relief herein requested has been made to this Court or to any other Court.

Dated: September 13, 2023  
New York, New York

/s/ Jarman D. Russell  
Jarman D. Russell

**RULE 17 CERTIFICATE OF COMPLIANCE WITH WORD COUNT LIMIT**

I hereby certify that the foregoing document complies with the word count limit set forth in Rule 17 of the Rules of Practice for the Commercial Division of the Supreme Court because it contains 490 words, excluding the caption and signature block.

In making this calculation, I have relied on the word count of the word-processing system used to prepare the document.

Dated: September 13, 2023  
New York, New York

/s/ Jarman D. Russell  
Jarman D. Russell