

At IAS Part 60 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York on the 9<sup>th</sup> day of July 2018

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

Friedman, J.

**[REPOSED] INTERIM  
ORDER CONCERNING  
SETTLEMENT TRUSTS FOR  
WHICH NO PARTIES HAVE  
APPEARED**

WHEREAS, pursuant to the Order to Show Cause entered April 20, 2018, U.S. Bank National Association (“U.S. Bank”), Wells Fargo Bank, National Association (“Wells Fargo”), Citibank, N.A. (“Citibank”), and Wilmington Trust, National Association (“Wilmington Trust”) (collectively, the “Relevant Petitioners”) hereby file this Interim Order Concerning Settlement Trusts For Which No Investors Have Appeared; and

WHEREAS, none of the parties that have appeared in the proceeding (the “Appearing Parties”) have alleged an interest in the following eleven (11) Subject Settlement Trusts: SACO 2004-10, SASCO 2004-17XS, BNCMT 2007-4, LMT 2007-9, LMT 2008-2, SAIL 2003-BC4, SASCO 2003-S2, SASC 2003-3XS, SASC 2003-36XS, SASC 2003-S1, and SASC 2006-S2 (the “No Appearance Settlement Trusts”); and

41 of 3

WHEREAS, U.S. Bank is the Payment Administrator and Trustee for LXS 2007-8H, SASCO 2004-10, and SASCO 2004-17XS; Wells Fargo is the Payment Administrator and Trustee for BNCMT 2007-4, LMT 2007-9, LMT 2008-2, SAIL 2003-BC4, and SASCO 2003-S2; and Citibank is the Payment Administrator and Wilmington Trust is the Trustee for SASC 2003-3XS, SASC 2003-36XS, SASC 2003-S1, and SASC 2006-S2; and

WHEREAS, for the No Appearance Settlement Trusts, the Petition identifies issues related to the Settlement Payment Application Process that require judicial instruction; and

WHEREAS, certain Subject Settlement Trusts are likely to be excluded from this proceeding based on the consent of the Appearing Parties; and

WHEREAS, for certain Subject Settlement Trusts, the Settlement Payment Application Process is likely to be subject to dispute among the Appearing Parties, and the Relevant Petitioners understand that the Court will establish a process for addressing issues related to such disputed Subject Settlement Trusts (the "Dispute Resolution Process"); and

WHEREAS, after it is determined what issues and which Subject Settlement Trusts will be subject to the Dispute Resolution Process, the Relevant Petitioners expect to be able to propose a procedure that will allow the Court to address the issues for the No Appearance Settlement Trusts, in a manner the Relevant Petitioners believe will permit the parties and the Court to efficiently resolve similar issues related to the No Appearance Settlement Trusts without duplicative use of resources;

SUFFICIENT CAUSE THEREFORE BEING ALLEGED, IT IS

1. ORDERED that after it is determined what issues and which Subject Settlement Trusts will be subject to the Dispute Resolution Process, the Relevant Petitioners shall promptly submit

6 2 of 3

Matter of US Bank Nat. Assoc. (Article 7D) 651625/2018  
 Interim order Concerning Settlement Trusts for which no Investor  
 Have Appeared  
 to the Court a proposed procedure for addressing the issues for the No Appearance Settlement  
 Trusts; and it is further

2. ORDERED that this Interim Order Concerning Settlement Trusts For Which No Parties  
 Have Appeared shall have no application to, and shall be without prejudice to and shall have no  
 precedential effect on, the distribution and administration of the Settlement Payment for any  
 Subject Settlement Trusts other than the No Appearance Settlement Trusts or any argument of  
 any party concerning the distribution and administration of the Settlement Payment for any  
 Subject Settlement Trusts other than the No Appearance Settlement Trusts.

Dated: New York, New York  
 July 9, 2018

  
 Hon. Marcy Friedman, J.S.C.

~~Judgment signed and entered this \_\_\_\_\_ day of \_\_\_\_\_, 2018.~~

~~\_\_\_\_\_  
 Clerk of New York County~~