

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), 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 Advisors, 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), 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,

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

**Index No. 651786-2011**

**Kapnick, J.**

**AFFIDAVIT OF  
ROBERT J. MADDEN  
IN SUPPORT OF  
RESPONSE TO  
SETTLEMENT  
OBJECTIONS**

I, Robert J. Madden, hereby affirm under the penalty of perjury that the following is true and correct:

1. I am a member of the Bar of the State of Texas and a partner in the law firm of Gibbs & Bruns, L.L.P., counsel for the Institutional Investors in the above captioned matter, and have been admitted to appear before this Court *pro hac vice*. I have personal knowledge of the facts stated in this affidavit, and they are all true and correct. I submit this affidavit in support of the Institutional Investors' Response to Settlement Objections.

2. Attached as Exhibit 1, is a true and correct copy of the Prospectus Supplement for CWHL 2006-13.

3. Attached as Exhibit 2, is a true and correct copy of the Prospectus Supplement for CWL 2006-15.

4. Attached as Exhibit 3, is a true and correct copy of the Prospectus Supplement for CWALT 2005-86CB.

5. Attached as Exhibit 4, is a true and correct copy of a report entitled "U.S. Treasury Department, Supplemental Directive 09-05 Revised: Update to the Second Lien Modification Program (2MP)," dated March 26, 2010.

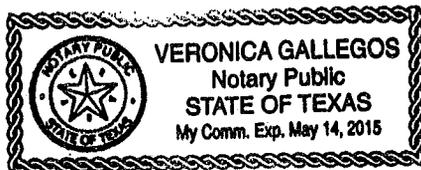
6. Attached as Exhibit 5, is a true and correct copy of a report entitled "U.S. Treasury Department, Supplemental Directive 09-05: Introduction of the Second Lien Modification Program (2MP)," dated August 13, 2009.

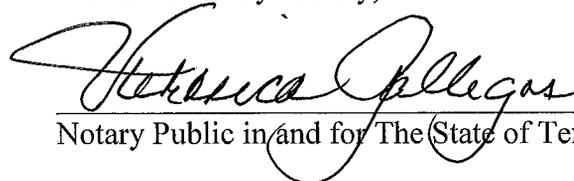
7. Attached as Exhibit 6, is a true and correct copy of a report entitled "U.S. Treasury Department, Supplemental Directive 10-05: Home Affordable Modification Program – Modification of Loans with Principal Reduction Alternative — Treatment of Principal Forbearance in HAMP," dated June 3, 2010.

FURTHER AFFIANT SAYETH NOT.

  
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ROBERT J. MADDEN

SWORN TO AND SUBSCRIBED before me on the 13th day of May, 2013.



  
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Notary Public in and for The State of Texas