

Hearing Date and Time: September 24, 2013 at 10:00 AM (ET)

Objection Deadline: September 16, 2013 at 4:00 PM (ET)

Bradley Arant Boult Cummings LLP

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Christopher L. Hawkins

Counsel for Defendant

Mortgage Electronic Registration

Systems, Inc.

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
Derrick Lytle,	:	
	:	
Plaintiffs,	:	Adv. Proc. 12-02069 (MG)
	:	
v.	:	
	:	
GMAC Mortgage LLC, et al.	:	
	:	
Defendants.	:	
-----X	:	
In re	:	
	:	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,	:	
	:	Chapter 11
	:	
Debtors	:	Jointly Administered
-----X	:	

**NOTICE OF JOINDER TO DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S ADVERSARY COMPLAINT**

PLEASE TAKE NOTICE that Defendant Mortgage Electronic Registration Systems, Inc. ("MERS") filed a *Joinder to Defendant's Motion to Dismiss Plaintiff's Adversary Complaint* (the "Joinder") on September 13, 2013, whereby MERS joined in, adopted, and incorporated by reference each of the arguments made in Defendant GMAC Mortgage, LLC's previously filed *Defendant's Motion to Dismiss Plaintiff's Adversary Complaint* [Doc. 20] (the "Motion").



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PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will take place on **September 24, 2013 at 10:00 AM (ET)** before the Honorable Martin Glenn, at the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004-1408, Room 501.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Motion must be made in writing, conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York, and the Notice, Case Management, and Administrative Procedures approved by the Bankruptcy Court [Docket No. 141], be filed electronically by registered users of the Bankruptcy Court's electronic case filing system, and be served, so as to be received no later than **September 16, 2013 at 4:00 PM (ET)** upon (a) counsel for the Debtors, Morrison & Foerster LLP, 1290 Avenue of the Americas, New York, NY 10104 (Attention: Gary S. Lee, Norman S. Rosenbaum, Paul Galante, James A. Newton, and Erica J. Richards); (b) the Office of the United States Trustee for the Southern District of New York, 201 Varick Street, Suite 1006, New York, NY 10004 (Attention: Tracy Hope Davis, Linda A. Riffkin, and Brian S. Masumoto); (v) the Office of the United States Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530 (Attention: U.S. Attorney General, Eric H. Holder, Jr.); (d) the Office of the New York State Attorney General, The Capitol, Albany, NY 12224 (Attention: Nancy Lord and Neal Mann); (e) the Office of the U.S. Attorney for the Southern District of New York, One St. Andrews Plaza, New York, NY 10007 (Attention: Joseph N. Cordaro); (f) counsel for Ally Financial Inc., Kirkland & Ellis LLP, 153 East 53rd Street, New York, NY 10022 (Attention: Richard M. Cieri and Ray C. Schrock); (g) counsel to Barclays Bank PLC, as administrative agent for the DIP lenders, Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, NY 10036 (Attn: Ken Ziman &

Jonathan H. Hofer); (h) counsel for the committee of unsecured creditors, Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, NY 10036 (Attention: Kenneth Eckstein & Greg Horowitz); (i) counsel for Ocwen Loan Servicing, LLC, Clifford Chance US LLP, 31 West 52nd Street, New York, NY 10019 (Attn: Jennifer C. DeMarco and Adam Lesman); (j) Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101 (if by overnight mail, to 2970 Market Street, Mail Stop 5-Q30.133, Philadelphia, PA 19104); and (k) Securities and Exchange Commission, New York Regional Office, 3 World Financial Center, Suite 400, New York, NY 10281 (Attention: George S. Canellos, Regional Director).

PLEASE TAKE FURTHER NOTICE that if you do not timely file and serve a written objection to the relief requested in the Motion, the Bankruptcy Court may deem any opposition waived, treat the Motion as conceded, and enter an order granting the relief requested in the Motion without further notice or hearing.

Respectfully submitted this the 13th day of September, 2013.

/s/ Christopher L. Hawkins

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*Counsel for Defendant Mortgage Electronic
Registration Systems, Inc.*

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	:	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,	:	
	:	Chapter 11
	:	
Debtors	:	Jointly Administered
-----X	:	

**JOINDER TO DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S ADVERSARY COMPLAINT**

Defendant Mortgage Electronic Registration Systems, Inc. ("MERS") hereby joins Defendant GMAC Mortgage, LLC's previously filed *Defendant's Motion to Dismiss Plaintiff's Adversary Complaint* [Doc. 20] (the "Motion to Dismiss"). MERS adopts and incorporates by reference each of the arguments made in the Motion to Dismiss and, for the reasons stated

therein, respectfully requests that Plaintiff Derrick Lyte's Complaint (the "Complaint") be dismissed. MERS also hereby reserves all defenses, counterclaims, and cross claims it has or may have and does not waive or release its right to fully answer the Complaint.

Respectfully submitted this the 13th day of September, 2013.

/s/ Christopher L. Hawkins

Christopher L. Hawkins

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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2013, I served upon the following a true and correct copy of the foregoing, along with the attached Notice of Motion and Proposed Order regarding the foregoing, by United States Mail to their regular mailing addresses or by e-mail to their regular e-mail addresses:

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

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