

MORRISON & FOERSTER LLP
250 West 55th Street
New York, New York 10019
Telephone: (212) 468-8000
Facsimile: (212) 468-7900
Norman S. Rosenbaum
Erica J. Richards

*Counsel for the ResCap Liquidating Trust,
as successor in interest to Defendant GMAC Mortgage LLC*

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

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	
Charles C. Heyward,)	Adv. Case No. 14-01778 (MG)
)	
Plaintiff,)	
)	
v.)	
)	
GMAC Mortgage, LLC, <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	
_____)	

The ResCap Liquidating Trust's Progress Report

The ResCap Liquidating Trust, as successor in interest to GMAC Mortgage, LLC and any other debtors in the above-captioned chapter 11 cases purportedly named as defendants in this adversary proceeding, hereby submit the following Progress Report pursuant to the Mandatory Supplemental AP Procedures for AP Actions ("Supplemental AP Procedures")



entered by the Bankruptcy Court in the above-captioned chapter 11 cases on March 22, 2013 [Docket No. 3293], as amended on April 22, 2013, [Docket No. 3490], and the Notice of Applicability of The Order Approving Mandatory Supplemental AP Procedures for AP Actions filed in the above-captioned adversary proceeding (the “Adversary Proceeding”) on February 19, 2014 [Docket No. 8].¹

Plaintiff Charles Heyward (“Plaintiff”) commenced the Adversary Proceeding on January 16, 2014 [Docket No. 1]. On January 28, 2014, Plaintiff filed an emergency motion seeking entry of a temporary restraining order to prevent a foreclosure sale of Plaintiff’s property purportedly scheduled for January 30, 2014 from going forward (the “TRO Motion”) [Docket No. 3].

On January 30, 2014, the Court entered an order denying the TRO Motion based on representations by the ResCap Liquidating Trust’s counsel, Morrison & Foerster LLP, that Ocwen Loan Servicing LLC (“Ocwen”) is the current servicer of Plaintiff’s loan and that Ocwen had advised the ResCap Liquidating Trust that it would adjourn the foreclosure sale [Docket Nos. 4, 5].

On February 19, 2014, the ResCap Liquidating Trust served a notice of applicability of the Supplemental AP Procedures on Plaintiff, together with a copy of the Supplemental AP Procedures [Docket No. 9].

On April 24, 2014, Plaintiff filed a second emergency motion seeking entry of a temporary restraining order to prevent a foreclosure sale of Plaintiff’s property scheduled for

¹ Although the parties were required to submit a Joint Progress Report on April 21, 2014, the ResCap Liquidating Trust waited several days after that deadline to file this report because it had not been able to make contact with Plaintiff.

April 28, 14 from going forward (the “Second TRO Motion”) [Docket No. 10]. On that same date, the Court entered an order denying the Second TRO Motion [Docket No.11].

The ResCap Liquidating Trust reports that Plaintiff has failed to comply with the Court’s Supplemental AP Procedures. Plaintiff failed to provide the ResCap Liquidating Trust with updated contact information as required by paragraph 2 of the Supplemental AP Procedures. Plaintiff also failed to cooperate with the ResCap Liquidating Trust’s efforts to schedule the initial conference required by paragraph 4 of the Supplemental AP Procedures. In accordance with paragraph 4(i) of the Supplemental AP Procedures, the ResCap Liquidating Trust’s counsel, Morrison & Foerster LLP, attempted to contact Plaintiff to schedule the initial conference through letters sent via overnight mail directed to the address listed by Plaintiff on his complaint sent on March 25, 2014, April 1, 2014, and April 15, 2014. Plaintiff has not responded to any of these letters.

The ResCap Liquidating Trust proposes to proceed to the Status Conference under the Supplemental AP Procedures, and further proposes to schedule a Status Conference for May 29, 2014.

Dated: April 28, 2014
New York, New York

/s/ Norman S. Rosenbaum
Norman S. Rosenbaum
Erica J. Richards
MORRISON & FOERSTER LLP
250 West 55th Street
New York, New York 10019
Telephone: (212) 468-8000
Facsimile: (212) 468-7900

*Counsel for the ResCap Liquidating Trust,
as successor in interest to the Debtor-
Defendants*