

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In re : **Chapter 11**
:
WASHINGTON MUTUAL, INC., et al.,¹ : **Case No. 08-12229 (MFW)**
:
: **(Jointly Administered)**
Debtors. :
: **Re: Docket Nos. 542, 584, 585, 696, 2457**
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NOTICE OF WITHDRAWAL OF INTEREST IN REGISTRY FUNDS

The United States Department of Justice, as counsel for the United States, hereby provides notice as follows:

1. On or about October 27, 2008, the Internal Revenue Service (the “IRS”) filed a proof of claim (Claim No. 8) against WMI (as most recently amended and superseded by proof of claim number 3850, the “IRS Proof of Claim”).

2. On January 6, 2009, the United States filed a motion for relief from the automatic stay (the “Stay Relief Motion”) [Docket No. 542] to allow the United States to set off the sum of \$55,028,000.00 (representing a partial final judgment (the “Partial Final Judgment”) entered in connection with that certain litigation styled American Saving Bank, F.A. et al. v. United States, No. 98-872 C by the United States Court of Federal Claims on December 19, 2008), payable to Washington Mutual, Inc. (“WMI”) against amounts allegedly owed to the United States by WMI.

¹ The Debtors in these chapter 11 cases along with the last four digits of each Debtor’s federal tax identification number are: (i) Washington Mutual, Inc. (3725); and (ii) WMI Investment Corp. (5395). The Debtors’ principal offices are located at 925 Fourth Avenue, Seattle, Washington 98104.



3. On January 22, 2009, the above-captioned Debtors filed an (a) objection to the United States' Stay Relief Motion [Docket No. 585] and (b) objection to the IRS Proof of Claim Number 8 [Docket No. 584] (the "Claim Objection"). On February 3, 2009, the United States filed a response to the Claim Objection [Docket No. 644] (the "Response").

4. Pursuant to that certain *Order (A) Denying United States Motion to Life Automatic Stay and (B) Directing Payment of Partial Final Judgment Into Registry of the Bankruptcy Court*, dated February 16, 2009 (the "Order") [Docket No. 696], the Court denied the Stay Relief Motion and directed the United States to deposit the amount of the Partial Final Judgment into the registry of this Court (the "Registry Funds"). Pursuant to the Order, this Court directed that "the [Registry] Funds shall be held in the registry of the Bankruptcy Court until the earlier to occur of (a) entry of an order of the Bankruptcy Court with respect to the Debtors' objection to the proofs of claim filed by the Internal Revenue Service in the Debtors' chapter 11 cases, as such objection may be amended, and (b) entry of such other order of the Bankruptcy Court with respect to the Funds."

5. By Order, dated March 4, 2010 [Docket No. 2457], the Court approved that certain *Stipulation Concerning Withdrawal Without Prejudice of (I) Debtors' Objection to Proof of Claim Number 8 Filed by the Internal Revenue Service and (II) Related Response Filed by the United States*, pursuant to which, the above-captioned Debtors, the IRS and the United States sought to resolve consensually outstanding issues regarding the Debtors' potential liability to the IRS. Specifically,

pursuant to the Stipulation, inter alia, (a) the Claim Objection and the Response were deemed to be withdrawn without prejudice and (b) the Debtors, the IRS and the United States reserved all of their rights with respect to the IRS Proof of Claim.

6. By this Notice, the United States hereby withdraws, with prejudice, any and all rights and interests (including setoff rights), if any, with respect to the Partial Final Judgment (or the Registry Funds).

Dated: August 9, 2010

Wilmington, Delaware

/s/ Jan M. Geht
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