

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

----- X
:
In re : Chapter 11
:
Washington Mutual, Inc., *et al.*,¹ : Case No. 08-12229 (MFW)
:
Debtors. : (Jointly Administered)
:
----- X

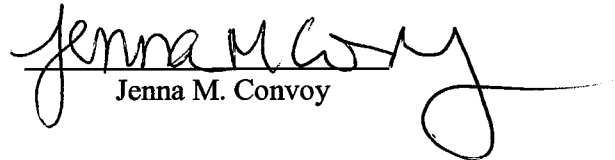
AFFIDAVIT OF SERVICE

I, Jenna M. Convoy, being duly sworn according to law, depose and say that I am employed by Kurtzman Carson Consultants LLC, the Court appointed claims and noticing agent for the Debtors in the above-captioned cases.

On December 7, 2012, I caused to be served the following document listed below upon the parties listed on Exhibit B via Overnight Mail; and via Email upon the parties listed on Exhibit C:

- [Customized] Notice of Release Form for Holders of Employee Claims [attached as Exhibit A]

Dated: January 23, 2013


Jenna M. Convoy

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on January 23, 2013, by Jenna M. Convoy, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature: 



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.



Exhibit A

**YOU ARE RECEIVING THIS NOTICE AND
RELEASE FORM BECAUSE YOU HAVE NOT GRANTED
THE RELEASES PROVIDED IN SECTION 41.6 OF THE PLAN
WITH RESPECT TO CERTAIN CLAIMS THAT YOU ASSERTED AS
OF THE EFFECTIVE DATE OF THE PLAN, MARCH 19, 2012, EITHER
BY RETURNING A BALLOT BY FEBRUARY 9, 2012, OR BY RETURNING
ANY OF THE POST-EFFECTIVE DATE RELEASE FORMS THAT HAVE BEEN
SENT TO YOU ON A QUARTERLY BASIS FOLLOWING THE EFFECTIVE DATE.**

**PLEASE NOTE THAT, IF YOU DO NOT
GRANT THE RELEASES PROVIDED IN SECTION 41.6 OF
THE PLAN (THE FORM OF WHICH IS ANNEXED HERETO) ON
OR BEFORE MARCH 19, 2013, PURSUANT TO THE PLAN, YOU WILL NOT
BE ELIGIBLE TO RECEIVE, AND SHALL FOREVER WAIVE YOUR RIGHT TO
RECEIVE, A DISTRIBUTION ON THE UNDISPUTED PORTION OF YOUR CLAIMS.**

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

-----X	:	
<i>In re</i>	:	Chapter 11
WASHINGTON MUTUAL, INC., <u>et al.</u> , ¹	:	Case No. 08-12229 (MFW)
Debtors.	:	(Jointly Administered)
-----X	:	

**NOTICE OF RELEASE FORM FOR
HOLDERS OF EMPLOYEE CLAIMS**

PLEASE TAKE NOTICE that, on December 12, 2011, the Debtors filed (a) the *Seventh Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code*, dated December 12, 2011 (as modified, the “*Plan*”), of Washington Mutual, Inc. (“*WMI*”) and WMI Investment Corp. (together with WMI, the “*Debtors*”),² as debtors and debtors in possession, and

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 principal offices of WMI Liquidating Trust, as successor-in-interest to the Debtors, are located at 1201 Third Avenue, Suite 3000, Seattle, Washington 98101.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan, the Solicitation Order, or the Disclosure Statement.

(b) related *Disclosure Statement for the Seventh Amended Joint Plan of Affiliated Debtors Pursuant to Chapter 11 of the United States Bankruptcy Code* (the “**Disclosure Statement**”), and by order, dated January 13, 2012 [D.I. 9414] (the “**Solicitation Order**”), the United States Bankruptcy Court for the District of Delaware (the “**Bankruptcy Court**”) approved the Disclosure Statement and authorized the Debtors to solicit acceptances and elections (including the granting of releases) with respect to the Plan.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Solicitation Order, (a) the Debtors caused a Ballot to be delivered to, among others, holders of Claims, on which the holder could vote to accept or reject the Plan and, in order to receive distributions in accordance with the Plan, elect whether or not to grant the releases contained in Section 41.6 of the Plan, (b) in order to be counted, Ballots (including the releases incorporated therein) were to be received by 5:00 p.m. (Pacific Time) on February 9, 2012 (the “**Voting and Election Deadline**”), and (c) **you failed to complete, execute, and deliver a Ballot (including the release incorporated therein) by the Voting and Election Deadline.**

PLEASE TAKE FURTHER NOTICE that, by order [D.I. 9759], dated February 23, 2012, the Bankruptcy Court confirmed the Plan and, upon satisfaction or waiver of the conditions described in the Plan, the transactions contemplated by the Plan were substantially consummated on March 19, 2012 (the “**Effective Date**”).

PLEASE TAKE FURTHER NOTICE that, following the Effective Date, (a) the Liquidating Trustee sent, to you and all other claimants who failed to complete, execute, and deliver a Ballot by the Voting and Election Deadline, a release form (the “**Post-Effective Date Release Form**”) which you and such other claimants could complete, execute, and return in order to be eligible to receive a distribution pursuant to the Plan, (b) the Liquidating Trustee has continued to send, on a quarterly basis, Post-Effective Date Release Forms to you and such other claimants who have not completed, executed, and returned such forms, and (c) you have failed to complete, execute, and deliver any such Post-Effective Date Release Form (including the release incorporated therein) as of this date.

PLEASE TAKE FURTHER NOTICE that the WMI Liquidating Trust objected to your claim in either the 79th, 80th, 81st, 82nd, 84th, or 85th Omnibus Objection to Claims (the “**Employee Claims Objections**”), and, in such objection, the WMI Liquidating Trust sought to reduce and allow your claim in an amount which matched its books and records with respect to the WMI Supplemental Executive Retirement Accumulation Plan (the “**SERAP**”) and/or the Washington Mutual, Inc. Executive Target Retirement Income Plan (the “**ETRIP**”).

PLEASE TAKE FURTHER NOTICE that, with respect to certain claimants that did not respond to the Employee Claims Objections, the Bankruptcy Court entered orders disallowing such claims in their entirety, or reducing and allowing such claims in the amount requested by the WMI Liquidating Trust.

PLEASE TAKE FURTHER NOTICE that, with respect to claimants that responded (the “**Responding Claimants**”) to the Employee Claims Objections, no order allowing any portion of such claimants’ claims has yet been entered, but, notwithstanding that such claims remain Disputed Claims pursuant to the terms of the Plan, the Bankruptcy Court has entered an order [D.I. 10777] in which, among other things, the Bankruptcy Court directed that Responding Claimants are entitled to receive a distribution on the undisputed portion of their claims in accordance with the provisions of the Plan.

PLEASE TAKE FURTHER NOTICE that, with respect to the allowed or undisputed portion of your claim, as the case may be, **you must complete, execute, and deliver by March 19, 2013, in accordance with the instructions provided in the release form annexed hereto as Exhibit “A”, (a) the Post-Effective Date Release Form and (b) an IRS W-9 or W-8 form, as appropriate, and, if you fail to do so, then pursuant to the provisions of the Plan, NO distributions shall be made to you and the right to receive any such distributions shall be deemed waived.**

PLEASE TAKE FURTHER NOTICE that, with respect to such distribution, the next quarterly distribution date is February 1, 2013. In order to receive a distribution on or shortly following such date,

your Post-Effective Date Release Form and IRS W-9 or W-8 form, as appropriate, must be completed, executed, and delivered by December 26, 2012. In the event that you fail to complete, execute, and deliver such forms by December 26, 2012, but do complete, execute, and deliver such forms by March 19, 2013, then such distribution shall be made on or shortly after the quarterly distribution date scheduled for May 1, 2013.

Dated: Wilmington, Delaware
December 7, 2012

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square, 920 North King Street
Wilmington, Delaware 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701

*Attorneys for WMI Liquidating Trust,
as successor-in-interest to the Debtors*

Exhibit A
(Release Form)

RELEASE FORM FOR HOLDERS OF EMPLOYEE CLAIMS

IMPORTANT

You should review the Disclosure Statement and the Plan (including the Global Settlement Agreement) before you submit this Release Form. You may wish to seek legal advice concerning the Plan and the classification and treatment of your Claims under the Plan.

DEADLINE

In order for your release to be processed, the Release Form must be properly completed, signed, and returned so that it is actually received by Kurtzman Carson Consultants LLC by no later than 5:00 p.m. (Pacific Time) on the date one (1) year after the Effective Date, which occurred on March 19, 2012, such that Release Forms will not be accepted after 5:00 p.m. (Eastern Time) on **March 19, 2013** (the “Release Deadline”), unless such time is extended by the Bankruptcy Court. Please mail or deliver your Release Form to the applicable address, as described below.

ADDRESS

You should return this Release Form directly to Kurtzman Carson Consultants LLC by mailing or delivering it to: Washington Mutual Release Form Processing, c/o Kurtzman Carson Consultants, 2335 Alaska Avenue, El Segundo, California 90245.

RELEASE FORMS WILL NOT BE ACCEPTED BY TELECOPY, FACSIMILE, E-MAIL OR OTHER ELECTRONIC MEANS OF TRANSMISSION.

If your Release Form is not received by Kurtzman Carson Consultants LLC on or before the Release Deadline and such Release Deadline is not extended by the Bankruptcy Court, (i) your release will not be processed, and (ii) you will **NOT** be entitled to receive, and shall forever waive your right to receive, a distribution pursuant to the Plan.

Please note that Plan has been confirmed by the Bankruptcy Court and is binding on you whether or not you return a Release Form.

IF YOU DO NOT ELECT TO GRANT THE RELEASES PROVIDED IN SECTION 41.6 OF THE PLAN, YOU WILL NOT BE ELIGIBLE TO RECEIVE, AND SHALL FOREVER WAIVE YOUR RIGHT TO RECEIVE, ANY DISTRIBUTION PURSUANT TO THE PLAN.

DECLARATION

The undersigned, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the following is true and correct to the best of the undersigned's knowledge, information and belief:

(1) The undersigned asserted a claim against the Debtors. The WMI Liquidating Trust objected to such claim in either the 79th, 80th, 81st, 82nd, 84th, or 85th Omnibus Objection to Claims (the "***Employee Claims Objections***"), and, in such objection, the WMI Liquidating Trust sought to reduce and allow such claim in an amount which matched its books and records with respect to the SERAP and/or ETRIP. With respect to certain claimants that did not respond to the Employee Claims Objections, the Bankruptcy Court entered orders disallowing such claims in their entirety, or reducing and allowing such claims in the amount requested by the WMI Liquidating Trust. With respect to other claimants that responded to the Employee Claims Objections, no order allowing any portion of such claimants' claims has yet been entered, but the Bankruptcy Court has directed that such claimants are entitled to receive a distribution on the undisputed portion of their claims in accordance with the provisions of the Plan. The undersigned holds a disputed general unsecured claim, of which the undisputed portion is in the amount of \$_____.

(2) The undersigned previously failed to grant the releases provided in the Non-Debtor Release Provision, on either a Ballot or a Post-Effective Date Release Form, with respect to the claim listed in Item (1).

(3) The undersigned acknowledges that it has full power and authority to elect to grant the releases provided in the Non-Debtor Release Provision and that **it wishes to elect to grant such releases** with respect to the claim listed in Item (1). The undersigned further acknowledges that any holder of Claims electing to grant such releases is affirmatively agreeing to the various release and exculpation provisions of the Plan, which appear principally in Article 41.6 of the Plan and provide as follows:

"41.6 Releases by Holders of Claims.

(a) **Global Third Party Releases.** On the Effective Date, for good and valuable consideration, and to the fullest extent permissible under applicable law, each Entity (Creditor or holder of an Equity Interest) that (i) has held, currently holds or may hold a Released Claim or any Released Third Party Causes of Action, (ii) is entitled to receive, directly or indirectly, a distribution or satisfaction of its Claim or Equity Interest pursuant to the Plan, and (iii) elects, by not checking or checking the appropriate box on its Ballot or election form, as the case may be, to grant the releases set forth in this Section 41.6, on their own behalf and on behalf of anyone claiming through them, shall be deemed to have and hereby does irrevocably and unconditionally, fully, finally and forever waive, release, acquit and discharge (1) each and all of the Released Parties, from any and all Released Claims and/or any claim, act, fact, transaction, occurrence, statement, or omission in connection with or alleged in the Actions or in the Texas Litigation, or that could have been alleged in respect of the foregoing or other similar proceeding, including, without limitation, any such claim demand, right, liability, or cause of action for indemnification, contribution or any other basis in law or equity for damages, costs or fees incurred by the releasors herein arising directly or indirectly from or otherwise relating thereto and (2) each of (a) the AAOC Releasees, (b) the Senior Notes Claims Releasees, (c) the Senior Subordinated Notes Claims Releasees, (d) the PIERS Claims Releasees and (e) the CCB Releasees from any and all Released Third Party Causes of Action; **provided, however, that each Entity that has elected not to grant the releases set forth in this Section 41.6, including, without limitation, any Entity that fails to execute and deliver a release following notice in accordance with the provisions of Section 31.6(c) hereof, shall not be entitled to, and shall not receive, any payment, distribution or other satisfaction of its claim pursuant to the Plan;** and, **provided, further,** that, notwithstanding anything contained in this Section 41.6(a) to the contrary, the release set forth in Section 41.6(a)(1) shall not extend to acts of gross negligence or willful misconduct of any Released Parties (other than with respect to the JPMC Entities and their respective Related Persons); and, **provided, further,** that, notwithstanding the foregoing, solely for purposes of this Section 41.6(a), "Released Parties" shall not include Related Persons other than (i) Related Persons of the JPMC Entities and (ii) Related Persons of the FDIC Receiver and FDIC Corporate."

"41.7 Injunction Related to Releases. As of the Effective Date, all Entities that hold, have held, or may hold a Released Claim, an Estate Claim, any Released Third Party Causes of Action or an Equity Interest that is released pursuant to Sections 41.5 and 41.6 of the Plan, are, and shall be, permanently, forever and completely stayed, restrained, prohibited, barred and enjoined from taking any of the following actions, whether directly or indirectly, derivatively or otherwise, on account of or

based on the subject matter of such discharged Released Claims, Estate Claim, Released Third Party Causes of Action or such Equity Interests: (i) commencing, conducting or continuing in any manner, directly or indirectly, any suit, action or other proceeding (including, without limitation, any judicial, arbitral, administrative or other proceeding) in any forum; (ii) enforcing, attaching (including, without limitation, any prejudgment attachment), collecting, or in any way seeking to recover any judgment, award, decree, or other order; (iii) creating, perfecting or in any way enforcing in any matter, directly or indirectly, any Lien; (iv) setting off, seeking reimbursement or contributions from, or subrogation against, or otherwise recouping in any manner, directly or indirectly, any amount against any liability or obligation owed to any Entity released under Sections 41.5 and 41.6 hereof; and (v) commencing or continuing in any manner, in any place of any judicial, arbitration or administrative proceeding in any forum, that does not comply with or is inconsistent with the provisions of the Plan or the Confirmation Order.”

“41.8 **Exculpation.** The Debtors, the Debtors’ officers and directors serving during the period from the Petition Date up to and including the Effective Date, the Creditors’ Committee and each of its members in their capacity as members of the Creditors’ Committee, the Equity Committee and each of its members in their capacity as members of the Equity Committee, and each of their respective professionals shall not have or incur any liability to any Entity for any act taken or omitted to be taken in connection with the Chapter 11 Cases (including any actions taken by the Creditors’ Committee after the Effective Date), the formulation, preparation, dissemination, implementation, confirmation or approval of the Plan or any compromises or settlements contained therein, the Disclosure Statement and the Supplemental Disclosure Statement related thereto, the Global Settlement Agreement, or any contract, instrument, release or other agreement or document provided for or contemplated in connection with the consummation of the transactions set forth in the Plan and the Global Settlement Agreement; provided, however, that the foregoing provisions of this Section 41.8, shall not affect the liability of any Entity that otherwise would result from any such act or omission to the extent that such act or omission is determined in a Final Order to have constituted gross negligence or willful misconduct. Nothing in the foregoing Section 41.8 shall prejudice the right of any of the Debtors, the Debtors’ officers and directors serving during the period from the Petition Date up to and including the Effective Date, the Creditors’ Committee and each of its members in their capacity as members of the Creditors’ Committee, the Equity Committee and each of its members in their capacity as members of the Equity Committee, and each of their respective professionals to assert reliance upon advice of counsel as a defense with respect to their duties and responsibilities under the Plan.”

By granting the releases, the undersigned shall be entitled to its share of whatever distribution, if any, is available to holders of general unsecured claims in Class 12, pursuant to the terms of the Plan, with respect to the allowed or undisputed portion, as the case may be, of the claim listed in Item (1).

(4) Distributions to releasing holders of Claims by the Debtors or the Liquidating Trustee, and any subsequent amounts received by the Liquidating Trust allocable to a holder, are subject to any applicable tax withholding.

To avoid unnecessary withholding, each U.S. holder is required to properly complete and return IRS Form W-9, certifying that such holder is a U.S. person, that its social security number or other taxpayer identification number (“*TIN*”) provided is correct, and that such holder is not subject to backup withholding, as per its instructions. Exempt persons should indicate their exempt status on the Form W-9 as per its instructions. Each non-U.S. holder is required to complete and return the applicable IRS Form W-8 (W-8BEN, W-8ECI or W-8IMY, as applicable), signed under penalties of perjury, certifying the holder’s foreign status. These forms may be obtained from the IRS website (www.irs.gov). Holders should consult their tax advisors as to any qualification for exemption from backup withholding, or a lower rate of U.S. withholding under an applicable treaty or exemption, and the procedure for obtaining such exemption.

The undersigned also acknowledges that its distributions may be subject to unnecessary withholding unless the undersigned has completed and returned a Form W-9 or W-8, as appropriate, with this Release Form.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: _____, 2012

Print or Type Name of
Holder of Claim: _____

Proof of Claim Number (if any): _____

Last Four (4) Digits of Social Security
or Federal Tax I.D. No. of Holder: _____

Signature: _____

Name of Signatory (if different than Holder): _____

If by Authorized Agent, Title of Agent: _____

Street Address: _____

City, State and Zip Code: _____

Telephone Number: _____

E-mail Address: _____

Exhibit B

**Exhibit B
Overnight Service List**

Name	Notice Name	Address 1	Address 2	City	State	Zip
ANN TIERNEY	PHILLIPS GOLDMAN & SPENCE	1200 N BROOM ST	STEPHEN SPENCE	WILMINGTON	DE	19806
ANTHONY BOZZUTI	PHILLIPS GOLDMAN & SPENCE	1200 N BROOM ST	STEPHEN SPENCE	WILMINGTON	DE	19806
BRUCE BIVERT		1 TRIMONT LN 460D		PITTSBURGH	PA	15211
CURT BROUWER		999 THIRD AVE 15TH FL FIS1520	PO BOX 834	SEATTLE	WA	98104
DAVID TOMLINSON	KYLE LAW CORP	255 CALIFORNIA ST STE 1300	STEPHEN KYLE	SAN FRANCISCO	CA	94111
HENRY DARAKHOVSKIY		24463 SE 46TH PL		ISSAQUAH	WA	98029
KIMBERLY CANNON	PHILLIPS GOLDMAN & SPENCE	1200 N BROOM ST	STEPHEN SPENCE	WILMINGTON	DE	19806
KIMBERLY CANNON	EZRA BRUTZKUS GUBNER	21650 OXNARD STE 500	ROBYN SOKOL	WOODLAND HILLS	CA	91367
MICHAEL REYNOLDSON	PHILLIPS GOLDMAN & SPENCE	1200 N BROOM ST	STEPHEN SPENCE	WILMINGTON	DE	19806
MICHAEL REYNOLDSON	EZRA BRUTZKUS GUBNER	21650 OXNARD STE 500	ROBYN SOKOL	WOODLAND HILLS	CA	91367
PATRICIA SCHULTE	GELLERT SCALI BUSENKELL & BROWN	913 N MARKET ST 10TH FL	MIKE BUSENKELL	WILMINGTON	DE	19801
ROBERT BATT	GELLERT SCALI BUSENKELL & BROWN	913 N MARKET ST 10TH FL	MIKE BUSENKELL	WILMINGTON	DE	19801
ROBERT WILLIAMS	PHILLIPS GOLDMAN & SPENCE	1200 N BROOM ST	STEPHEN SPENCE	WILMINGTON	DE	19806
STEVEN STEIN		7271 LAMBTON GRN N		NEW ALBANY	OH	43054

Exhibit C

Exhibit C
Email Service List

Name	Notice Name	Email
BRUCE BIVERT		brucewbivert@aol.com
CURT BROUWER		curt.brouwer@wamuinc.net
STEVEN STEIN		fstevenstein@gmail.com
HENRY DARAKHOVSKIY		henrygid@yahoo.com
PATRICIA SCHULTE	GELLERT SCALI BUSENKELL & BROWN	mbusenkell@gsbblaw.com
ANN TIERNEY	PHILLIPS GOLDMAN & SPENCE	ss@pgslaw.com
ANTHONY BOZZUTI	PHILLIPS GOLDMAN & SPENCE	ss@pgslaw.com
KIMBERLY CANNON	PHILLIPS GOLDMAN & SPENCE	ss@pgslaw.com
MICHAEL REYNOLDSON	PHILLIPS GOLDMAN & SPENCE	ss@pgslaw.com
ROBERT WILLIAMS	PHILLIPS GOLDMAN & SPENCE	ss@pgslaw.com