

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

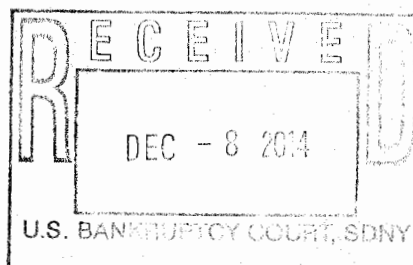
In re:)	
)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITOL, LLC, <u>et al.</u> ,)	
)	CHAPTER 11
Debtors.)	

**MOTION FOR RECONSIDERED FOR CAUSE OR REHEARING BORROWER
CLAIM 1574 TO REINSTATE SEVENTY - FIFTH OMNIBUS OBJECTION
DOC.# 7803 AND DOCKET NO. 7800 ORDER SUSTAINING BORROWER
CLAIMS TRUST OBJECTION TO CLAIM 1574 FILED BY RAINER P.
WARNER APPEAL AND STATES AS FOLLOWS:**

BASIS FOR RECONSIDERATION OF CLAIM NO.1574

Table of Authorities

Stevens v. Miller , 676 F.3d 62, 67 (2d Cir. 2012).....	2
Hine v. Overstock.com, 380 Fed.App. 22, 25 (2d Cir. 2010).....	2
F.R.Civ.P 60.....	2
Lee v. Marvel Enterprises, Inc., 765 F.Supp.2d 440, 450 (S.D.N.Y. 2011).....	3



Comes now RAINER P. WARNER, moves this Honorable Court to reconsider its decision on claim [#1574] upon the presentation of new evidence [Exhibit G] which prompted a quick response to (ECF Doc #7727) which was electronically mailed six days before the scheduled hearing. Although filed on the 13TH Nov 2014 Warner's court document #7782 [Exhibit H] could not have been brought to the attention of the Court earlier, respectfully representing the following to this Court:

BASIS FOR RECONSIDERATION OF CLAIM NO.1574

PRELIMINARY STATEMENT

1. Mr. Warner after reviewing the Trust reply and **Exhibit G**, found many inconsistencies in the foreclosure inspections, BPO's, and property vacancies. The evidence will show that the property was never vacant and locked. Mr. Warner recognize that the Trust succeeded at putting forward additional evidence that should have been introduced in its initial reply but did not. *Hine v. Overstock.com*, 380 Fed.App. 22, 25 (2d Cir. 2010)

2. Mr. Warner also noticed the possibility that the Trust may have pursued books and records from another property which Warner owned, and was in foreclosure with GMAC simultaneously as based on the (Horst Supp. Ex. B. The relevant property is located at 1180 Flintock Avenue Southeast, Palm Bay, Florida 32909-4707) (the "Property"). (Horst Supp. Ex. B.) Doc #7800 [**Exhibit F. Pg 2 ORDER SUSTAINING RESCAP BORROWER CLAIMS TRUST'S OBJECTION**]. *Stevens v. Miller* , 676 F.3d 62, 67 (2d Cir. 2012) F.R. Civ. P. 60 (1) (2).

3. The Trust filed an reply to several claims including the expediently filed Claim on November 7, 2014, (the "Reply," ECF Doc. # 7727), supported by a supplemental declaration of Ms. Horst ("Supplemental Horst Declaration," ECF Doc. # 7727-1). The Court held a hearing on November 13, 2014 and took the Objection to the Claim under submission.

4. On 7 November 2014 Mr. Warner electronically received Court Docket: #7727 Document Name: ResCap Borrower Claims Trust's Omnibus Reply in Support of its Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) as to Claim Nos. 1574, 2761, 3702, 4118, 4128, 5653, 5892, and 5970 Date Filed: 11/7/2014 Related Documents [5] 7794, 7784, 7759, 7740, 7552

5. Court document #7782 Mr. Warner submitted a Response to ResCap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) as to Claim No. 1574 Filed 11/13/2014. **Exhibit H** which provided additional evidence to counter the Trust's objection to the claim. The discovery by the Trust came as a surprise and did not allow ample review or reply, which suggests fraud by the Trust on the court. F.R. Civ. P. b. (3) d. (3). Lee v. Marvel Enterprises, Inc., 765 F.Supp.2d 440, 450 (S.D.N.Y. 2011)

ARGUMENT

6. Federal Rules of Bankruptcy Procedure Rule 9024 applies F.R.Civ.P. 60 generally. This motion is in reference to the petition to consider new evidence, or pertinent information which was not brought to the attention of the Court because of the expedient nature of the other party to disallow the claim in the upcoming court hearing; and not allow a response to discovery by the claimant due to the time restraint. The new evidence also challenges the fidelity of the Trust's position on the Warner claim, as well as the reasoning for filing an expedited objection, supplemental declaration, and Horst declaration six days' before the hearing is to commence. Court should be inclined to allow the motion and reopen the contested matter.

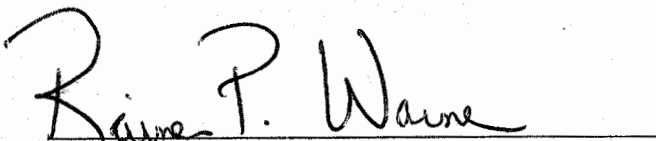
7. Under F.R.Civ.P. 60(b)(2) the Court may entertain a motion, and review the judgment, upon new evidence. And that reconsideration is appropriate if new evidence becomes available. This issue is one which the Court may consider as new evidence, and weigh whether or not if the information would have brought about a different outcome.

CONCLUSION

8. Mr. Warner asks the Court to restore his Claim to the list of approved Claims. Although, Warner asserts a \$207,947.59 secured claim and a \$292,052.41 unsecured claim against Debtor Residential Capital, LLC ("ResCap"), and with the new pertinent information have shown the inconsistencies in proposed property inspections, BPO's, excessive and improperly assessed fees and charges, and the sincere possibility that the Trust has integrated the wrong books and records for a different property which Warner owned (Horst Supplement 1180 Flintlock Ave SE). Mr. Warner is willing to consider a settlement for this claim as it seems that the main issue may be the amount of the claim and not that there is a legitimate claim for damages.

WHEREFORE, Mr. Warner respectfully asks this Court to reconsider its decision and set the Claim[#1574] returned to the list of allowed claims, in full or part as the Court may deem appropriate, and for such other relief which the Court may find merited in the interests of justice.

Respectfully Submitted by,

A handwritten signature in cursive script that reads "Rainer P. Warner". The signature is written in dark ink and is positioned above a horizontal line.

RAINER P. WARNER

Dated 3 November 2014

CERTIFICATE OF SERVICE

I certify that on December 4, 2014, copies of this Motion were served by mailing the same by ordinary U.S. Mail, postage pre-paid, and/or via electronic mail to the persons listed below:

(i) Chambers of the Honorable Martin Glenn
United States Bankruptcy Court for the Southern District of New York
Alexander Hamilton Custom House
One Bowling Green
New York, NY 10004-1408

(ii) Morrison & Foerston LLP,
Counsel for the Debtors
ATTN: Norman S. Rosenbaum, Jordan A. Wishnew, and Jessica J. Arett
250 West 55th Street
New York, NY 10019

(iii) The ResCap Borrower Claims Trust
Polsinelli PC
ATTN: Daniel J. Flanigan
900 Third Avenue, 21st Floor
New York, NY 10022

(iv) Office of the United States Trustee for the Southern District of New York
ATTN: Linda A Rifkin, Esq., and Brian S. Masumoto, Esq.
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014

(v) The ResCap Liquidating Trust
Quest Turnaround Advisors
ATTN: Jeffrey Brodsky
800 Westchester Avenue, Suite S-520
Rye Brook, NY 10573

EXHIBIT

F

Exhibit F

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

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

**ORDER SUSTAINING RESCAP BORROWER CLAIMS TRUST'S OBJECTION TO
CLAIM NUMBER 1574 FILED BY RAINER P. WARNER**

Pending before the Court is the *ResCap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims)* (the "Objection," ECF Doc. # 7552). It is supported by the declarations of Deanna Horst ("Horst Declaration," ECF Doc. # 7552-3) and Norman S. Rosenbaum (ECF Doc. # 7552-4). The Objection addresses 26 claims (*see* Obj. Ex. A), including Proof of Claim Number 1574 filed by Rainer P. Warner (the "Claim"). Warner filed an opposition to the Objection on October 14, 2014 (the "Opposition," ECF Doc. # 7722). The Trust filed a reply to several claims including the Claim on November 7, 2014, (the "Reply," ECF Doc. # 7727), supported by a supplemental declaration of Ms. Horst ("Supplemental Horst Declaration," ECF Doc. # 7727-1). The Court held a hearing on November 13, 2014 and took the Objection to the Claim under submission. This Order sustains the Objection with respect to Warner's Claim.

A. The Claim

In his timely filed Proof of Claim, Warner asserts a \$207,947.59 secured claim and a \$292,052.41 unsecured claim against Debtor Residential Capital, LLC ("ResCap") on the grounds that the Debtors (1) wrongfully denied loan modifications despite Warner's eligibility; (2) improperly assessed certain fees and charges; (3) wrongfully foreclosed on Warner's property; and (4) failed to conduct property inspections. (Horst Supp. Ex. A.) The relevant



121202014112500000000003

property is located at 1180 Flintock Avenue Southeast, Palm Bay, Florida 32909-4707 (the "Property"). (Horst Supp. Ex. B.) Warner's Proof of Claim attaches an answer and cross-claim he filed against Deutsche Bank Trust Company Americas ("Deutsche Bank") and Homecomings Financial, LLC ("Homecomings") in a foreclosure proceeding initiated by Deutsche Bank. The answer and cross-claim assert that Deutsche Bank and Homecomings failed to modify Warner's mortgage despite hardship and changes in his medical condition. The cross-claim also alleges that Deutsche Bank and Homecomings were wrongfully forcing foreclosure of Warner's home.

Aside from the answer and cross-claim, Warner's Proof of Claim also attaches (1) an order setting Warner's foreclosure case for trial,¹ (2) a letter from Homecomings informing Warner that his loan modification was approved pending fulfillment of certain conditions, (3) two pages from Warner's original note, and (4) two pages from Warner's loan modification agreement. On the pages from the original note and loan modification agreement, Warner circled the original loan amount (\$208,000), the original amount of his initial interest-only payments (\$1,235.00), which were subject to change, and the modified loan amount (\$220,228.03).

The Trust previously objected to Warner's Claim in its 50th Omnibus Objection (ECF Doc. # 5162). The Court overruled the objection to Warner's Claim without prejudice on January 8, 2014 (ECF Doc. # 6236). In the original objection, the Debtors did not specifically discuss the Claim, but instead stated that the Claim fell in a category of claims for which the Debtors determined that they bear no liability based on a review of their books and records, including payment histories, loan modification documents, foreclosure related documents, and internal servicing notes. In his original response, Warner asserted that ownership of his note was

¹ The state court entered a final judgment of foreclosure in August 2012.

EXHIBIT

G

Property Job Summary.

Page 1 of 2

12-12020-mg Doc 7727-8 Filed 11/07/14 Entered 11/07/14 18:07:33 Exhibit G
Pg 3 of 209



CoreLogic Field Services
1 First American Way
Westlake, TX 76262
1-800-873-4532

Client: Ocwen Loan Servicing, LLC - Homecomings Mortgage: RAINER P WARNER
Loan #: 6197 Address: 510 ENTRADA ST SE
Guarantor: UNIN PALM BAY FL 32909

Order Id	Man/PLS Code	Request On	Request Type	FAFS Received Date	Completed Date	Invoice Date	Invoice #	Invoice Amount	Occupancy Status	Order Status
238866557	060	Property	Foreclosure Inspection	12/25/2012	12/27/2012	12/27/2012	42612645	\$14.75	Owner (Mortgagor)	Completed
238225517	060	Property	Foreclosure Inspection	11/24/2012	11/26/2012	11/26/2012	42180048	\$14.75	Owner (Mortgagor)	Completed
237633838	060	Property	Foreclosure Inspection	10/25/2012	10/30/2012	10/31/2012	41845047	\$14.75	Occupied Name Unknown	Completed
236957690		Property	Foreclosure Inspection	9/25/2012	10/03/2012	10/05/2012	41422467	\$16.50	Occupied Name Unknown	Completed
236350640		Property	Foreclosure Inspection	8/25/2012	8/29/2012	8/29/2012	40945860	\$14.75	Owner (Mortgagor)	Completed
235745861		Property	Foreclosure Inspection	7/26/2012	7/27/2012	7/27/2012	40499847	\$14.75	Owner (Mortgagor)	Completed
235141703		Property	Foreclosure Inspection	6/26/2012	7/02/2012	7/04/2012	40133088	\$14.75	Owner (Mortgagor)	Completed
234559319		Property	Foreclosure Inspection	5/26/2012	6/05/2012	6/06/2012	39763703	\$16.50	Occupied Name Unknown	Completed
233955873		Property	Foreclosure Inspection	4/26/2012	5/03/2012	5/04/2012	39311798	\$13.00	Owner (Mortgagor)	Completed
233344370		Property	Foreclosure Inspection	3/27/2012	3/31/2012	4/04/2012	38906286	\$14.75	Owner (Mortgagor)	Completed
232781514		Property	Foreclosure Inspection	2/24/2012	2/27/2012	2/29/2012	38480361	\$14.75	Owner (Mortgagor)	Completed
232175897		Property	Foreclosure Inspection	1/24/2012	1/27/2012	1/30/2012	38069694	\$14.75	Occupied Name Unknown	Completed
231572636		Property	Foreclosure Inspection	12/24/2011	12/28/2011	12/29/2011	37615431	\$14.75	Owner (Mortgagor)	Completed
230961957		Property	Foreclosure Inspection	11/24/2011	11/29/2011	11/30/2011	37211185	\$11.25	Owner (Mortgagor)	Completed
230368793		Property	Foreclosure Inspection	10/27/2011	11/01/2011	11/03/2011	36786069	\$11.25	Occupied Name Unknown	Completed
229769492		Property	Foreclosure Inspection	9/27/2011	10/05/2011	10/07/2011	36343698	\$11.25	Occupied Name Unknown	Completed
229147610		Property	Foreclosure Inspection	8/27/2011	8/29/2011	8/29/2011	35764582	\$11.25	Owner (Mortgagor)	Completed
228599195		Property	Foreclosure Inspection	7/28/2011	7/28/2011	7/29/2011	35325477	\$11.25	Owner (Mortgagor)	Completed
228082856		Property	Foreclosure Inspection	6/28/2011	6/29/2011	7/06/2011	34964733	\$11.25	Occupied Name Unknown	Completed
227600471		Property	Foreclosure Inspection	5/28/2011	6/04/2011	6/06/2011	34531772	\$11.25	Owner (Mortgagor)	Completed
227103400		Property	Foreclosure Inspection	4/28/2011	4/30/2011	5/04/2011	34147683	\$11.25	Occupied Name Unknown	Completed
226639095		Property	Foreclosure Inspection	3/31/2011	4/06/2011	4/08/2011	33781391	\$11.25	Occupied Name Unknown	Completed
226206535		Property	Foreclosure Inspection	3/01/2011	3/04/2011	3/07/2011	33383246	\$11.25	Occupied Name	Completed

} Occupied

} Occupied

} Occupied

} Occupied

} Excessive

									Unknown	
225741618	Property	Foreclosure Inspection	1/29/2011	1/31/2011	2/04/2011	32992531	\$11.25	Owner (Mortgagor)	Completed	
225255073	Property	Foreclosure Inspection	12/30/2010	1/06/2011	1/06/2011	32595133	\$11.25	Owner (Mortgagor)	Completed	
224728022	Property	Foreclosure Inspection	11/30/2010	12/07/2010	12/07/2010	32150705	\$11.25	Occupied Name Unknown	Completed	
224199257	Property	Foreclosure Inspection	11/01/2010	11/03/2010	11/04/2010	31651492	\$11.25	Owner (Mortgagor)	Completed	
223636197	Property	Foreclosure Inspection	9/30/2010	10/04/2010	10/04/2010	31197202	\$11.25	Owner (Mortgagor)	Completed	
223048693	Property	Foreclosure Inspection	8/26/2010	8/30/2010	8/31/2010	30691009	\$11.25	Owner (Mortgagor)	Completed	
222500141	Property	Foreclosure Inspection	7/27/2010	8/03/2010	8/03/2010	30238222	\$11.25	Owner (Mortgagor)	Completed	
221959607	Property	Foreclosure Inspection	6/26/2010	6/30/2010	7/13/2010	29848084	\$11.25	Owner (Mortgagor)	Completed	
221441045	Property	Foreclosure Inspection	5/27/2010	5/30/2010	5/31/2010	29278435	\$11.25	Owner (Mortgagor)	Completed	
220916739	Property	Foreclosure Inspection	4/27/2010	5/04/2010	5/04/2010	28848014	\$11.25	Owner (Mortgagor)	Completed	
219990507	Property	Foreclosure Inspection	3/09/2010	3/16/2010	3/17/2010	28104492	\$11.25	Occupied Name Unknown	Completed	
219542306	Property	Initial Securing	2/10/2010	2/11/2010	2/12/2010	27676213	\$35.00	Owner Occupied	Completed	
219496179	Property	Foreclosure Inspection	2/06/2010	2/09/2010	2/15/2010	27659698	\$11.25	Vacant & Locked	Completed	
218957438	Property	Foreclosure Inspection	1/07/2010	1/13/2010	1/13/2010	27176668	\$11.25	Occupied Name Unknown	Completed	
218435441	Property	Foreclosure Inspection	12/08/2009	12/17/2009	12/17/2009	26777728	\$11.25	Occupied Name Unknown	Completed	
217357792	Property	Foreclosure Inspection	10/08/2009	10/17/2009	10/19/2009	25876918	\$11.25	Owner (Mortgagor)	Completed	
216726878	Property	Foreclosure Inspection	9/08/2009	9/13/2009	9/15/2009	25275508	\$11.25	Owner (Mortgagor)	Completed	
216129934	Property	Foreclosure Inspection	8/07/2009	8/11/2009	8/12/2009	24732817	\$11.25	Occupied Name Unknown	Completed	
215489741	Property	Foreclosure Inspection	7/02/2009	7/04/2009	7/06/2009	24150819	\$11.25	Occupied Name Unknown	Completed	
214910382	Property	Foreclosure Inspection	6/02/2009	6/06/2009	6/09/2009	23694023	\$11.25	Occupied Name Unknown	Completed	
213795388	Property	Foreclosure Inspection	4/01/2009	4/04/2009	4/06/2009	22698746	\$11.25	Occupied Name Unknown	Completed	
212328335	Property	Borrower Interview	1/06/2009	1/13/2009	1/15/2009	21521881	\$11.25	Owner (Mortgagor)	Completed	
211687390	Property	Borrower Interview	11/18/2008	11/29/2008	12/03/2008	20994558	\$11.25	Occupied Name Unknown	Completed	
211165136	Property	Borrower Interview	10/17/2008	10/26/2008	11/04/2008	20636347	\$11.25	Occupied Name Unknown	Completed	

} Occupied

} Excessive

Never Took Place
Never Happened

} Occupied

INCONSISTENCIES IN PRICES
 INCONSISTENCIES IN WHETHER THE PROPERTY WAS OCCUPIED OR MORTGAGOR OWNED
 THIS IS CLEAR INDICATION THAT NO ONE PHYSICALLY DROVE
 PAST THE PROPERTY OR WITNESSED MOVEMENT AROUND THE PROPERTY.



GMAC, Member FDIC
 Loan#: 197

Address: 520 SE ENTRADA STREET PALMBAY FL 32909 Inspection Type: Interior
 Borrower: F WARNER RAISER APN: 293707000529.000

Inspection Date: 3/26/2010	Deal Name:	VMA Request ID: 7441986197
Client: GMAC RESCAP	BPO Vendor: PCV Murcor	Vendor Tracking ID: 1284538
Agent Name: Margaret Kyle Frego	Brokerage: Marga Frego Realty Inc.	Agent Phone: 7726643783 -

Occupied: Y	Property Type: SFR	HOA Fees:	Zoning: Residential
Date Last Sold: 6/1/2006	Last Sale Price: \$260,000	Data Source: Public Record	Currently Listed: Y
Agent Name: prithi real estate	Initial List Price: \$188,000	Initial List Date: 11/29/2009	Current List Price: \$188,000
Last Reduction Date: 11/21/2009	MLS#: 555541	Total Repair Cost: \$200.00	Estimated Monthly Rent: \$800.00

SUBJECT PROPERTY COMMENTS: INTERNAL INFLUENCES: Property has been well-maintained.

Location Type: Suburban	Supply / Demand: In Balance	Value Trend: Decreasing	Local Economic Trend: Decreasing
Price Range: \$79,000 to \$200,000	Median Price: \$125,000	Avg Marketing Time: 120	

NEIGHBORHOOD COMMENTS: Neighborhood is well maintained and near school, parks, and recreational facilities. Subject appears to be well maintained. Values have been steadily declining due to an increase in unemployment and foreclosures.

IV. Comparable Properties

	Subject	Sale 1	Sale 2	Sale 3	Listing 1	Listing 2	Listing 3
Address	520 SE ENTRADA STREET PALMBAY, FL	562 balcom Palm Bay, FL	522 se elizabeth Palm Bay, FL	530 collings Palm Bay, FL	250 bruckell Palm Bay, FL	1515 tharp Palm Bay, FL	1430 eldron Palm Bay, FL
Zip	32909	32909	32909	32909	32909	32909	32909
Data Source	Public Record	MLS	MLS	MLS	MLS	MLS	MLS
Proximity	N/A	0.44Mi	0.67Mi	0.13Mi	6.80Mi	1.75Mi	0.89Mi
Sale Price	\$260,000	\$113,000	\$185,000	\$115,500			
Sale Date	06/01/2006	12/04/2009	10/27/2009	01/08/2010			
Orig. List Price	\$188,000	\$119,000	\$168,300	\$119,900	\$129,000	\$154,900	\$130,000
Cur. List Price	\$188,000				\$119,000	\$154,900	\$114,900
DOM	125	5	3	3	32	30	202
Lot Size	0.49 acres	0.26 acres	0.23 acres	0.23 acres	0.24 acres	0.46 acres	0.23 acres
View	None	None	None	None	None	None	None
Design Style	Contemporary/1 St	Contemporary/1 St	Contemporary/1 St	Contemporary/1 St	Contemporary/1 St	Contemporary/1 St	Contemporary/1 St
Type/Unit	SFR/1	SFR/1	SFR/1	SFR/1	SFR/1	SFR/1	SFR/1
Age	15	18	6	4	4	12	7
Condition	Good	Good	Good	Good	Good	Good	Good
Above Grade SF	1530 sq.ft	1468 sq.ft	1520 sq.ft	1630 sq.ft	1742 sq.ft	1690 sq.ft	1640 sq.ft
# Rooms/Bdr/Bth	7/3/2	6/3/2	7/4/2	7/3/2	7/3/2	7/4/2	7/3/2
Basement SF	0	0	0	0	0	0	0
% Finished	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Garage Type	Attached	Attached	Attached	Attached	Attached	Attached	Attached
# Garage Stalls	2	2	2	2	2	2	2
Pool/Spa	Yes/Yes	Yes/No	No/No	No/No	No/No	No/No	No/No
Other Features	+ 2 car detached	none	none	none	corner lot	corner lot	none
Sales Type	Short Sale	Unknown	Unknown	Unknown	Short Sale	Neither	Neither
HOA Fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0

COMPARABLE PROPERTY COMMENTS:

Sales Comp 1: Comp is similar overall to the subject. Comp is in similar in condition when compared to the subject. Comp is located in the same market area as the subject.

Sales Comp 2: Subject has pool and comp does not. Comp is in similar in condition when compared to the subject. Comp is located in the same market area as the subject. Subject property has one of the largest lots in this market; therefore, it was. (See Addendum)

Sales Comp 3: subject has pool, comp does not however comp was built in 2006 11 years younger than subject. Comp is in similar in condition when compared to the subject. Comp is located in the same market area as the subject. Subject property has. (See Addendum)

Listing Comp 1: Comp is a Short Sale Listing. Subject has pool and comp does not. Comp is in similar in condition when compared to the subject. Comp is located in the same market area as the subject. Subject property has one of the largest lots. (See Addendum)

Listing Comp 2: Comp is neither an REO Listing nor a Short Sale Listing. Subject has pool and comp does not. Comp is in similar in condition when compared to the subject. Comp is located in the same market area as the subject. There are no. (See Addendum)

Listing Comp 3: Comp is neither an REO Listing nor a Short Sale Listing. Subject has pool and comp does not. Comp is in similar in condition when compared to the subject. Comp is located in the same market area as the subject. Subject property. (See Addendum)

V. Appraised Value

	"As-Is" Value	"Repaired" Value	Estimated Marketing Time for Subject: 120 days
Estimated Sale Price:	\$115,000	\$116,000	VALUE CONCLUSION SUMMARY: Subject's find value is more in line with the listings as this is a declining market. Due to the small amount of repairs needed on the subject property, the "as-repaired" value is not more than the "as-is" value plus the estimated cost of repairs.
Recommended List Price:	\$125,000	\$125,000	

Photographs
PCV 1284538

Bedrooms - 520 SE ENTRADA STREET



Bathroom - 520 SE ENTRADA STREET





Loan #: 197

Address: 520 ENTRADA ST SE		PALM BAY FL 32909		Inspection Type: Interior	
Borrower: RAINER P WARNER		Loss Mitigation		APN:	

I. Order Information					
Inspection Date:	2/3/2012	Deal Name:		VMA Request ID:	
Client:	GMAC	CoreLogic		Vendor Tracking ID:	7322636
Agent Name:	SHAUN BELL	Brokerage:	SELL FLORIDA HOMES INC.	Agent Phone:	

II. Subject Property Information					
Occupied:	Owner Occupied	Property Type:	SFD	HOA Fees:	
Last Sold Date:		Last Sale Price:		Data Source:	MLS
Agent Name:		Initial List Price:		Currently Listed:	No
Last Reduction Date:		MLS #:	N/A	Initial List Date:	
		Total Repair Cost:	1,500	Current List Price:	
				Est. Monthly Rent:	1,200

SUBJECT PROPERTY COMMENTS / EXTERNAL INFLUENCES:

III. Neighborhood Information					
Location Type:	Urban	Supply/Demand:	Decreasing	Price Trend:	Stable
Price Range:	84,900		100,900	Median Price:	70,000
				Avg Marketing Time:	180

NEIGHBORHOOD COMMENTS:

IV. Comparable Properties													
	Subject	Sale 1	Sale 2	Sale 3	Listing 1	Listing 2	Listing 3						
Address	520 ENTRADA ST SE	547 REMBRANDT CT SE	441 BRANTLEY ST SE	990 ELDORON BLVD SE	699 ARUBA AVE SE	564 BALCON TERRACE SE	876 DRIFTWOOD AVE SE						
	PALM BAY FL	PALM BAY FL	PALM BAY FL	PALM BAY FL	PALM BAY FL	PALM BAY FL	PALM BAY FL						
Zip	32909	32909	32909	32909	32909	32909	32909						
Data Source	MLS	MLS	MLS	MLS	MLS	MLS	MLS						
Proximity		0.21	0.28	0.19	0.37	0.44	0.28						
Sale price		71,000	72,000	87,000									
Sale Date		08/11/2011	08/12/2011	12/01/2011									
Orig. List Price		99,900	99,900	95,000	95,000	89,000	89,900						
Cur./Final List \$		84,900	80,000	85,000	89,000	89,000	89,900						
DOM		338	295	12	219	10	3						
Lot Size	.48	.23	.23	.23	.31	.23	.46						
View	TYPICAL	TYPICAL	TYPICAL	TYPICAL	TYPICAL	TYPICAL	TYPICAL						
Design/Style	Ranch	Ranch	Ranch	Ranch	Ranch	Ranch	Ranch						
Type/#Units	SFD 1	SFD 1	SFD 1	SFD 1	SFD 1	SFD 1	SFD 1						
Age	17	6	7	6	19	24	10						
Condition	Average	Average	Average	Average	Average	Average	Average						
Above Grade SF	1,621	1,655	1,621	1,755	1,539	1,546	1,847						
# Rooms/Bd/Bth	8 / 3 / 2	8 / 3 / 2	8 / 3 / 2	8 / 3 / 2	8 / 3 / 2	7 / 3 / 2	8 / 3 / 2						
Basement SF	NO	NO	NO	NO	NO	NO	NO						
% Finished	0%	0%	0%	0%	0%	0%	0%						
Garage Type	Gar Att	Gar Att	Gar Att	Gar Att	Gar Att	Gar Att	Gar Att						
# Garage Stalls	2	2	2	2	2	2	2						
Pool/Spa	YES YES	NO NO	NO NO	NO NO	NO NO	NO NO	YES YES						
Other Features		PORCH	PORCH	PORCH	ENCLOSED ROOM	PORCH	PORCH						
Sales Type	Fair Market	Short Sale	Short Sale	Short Sale	Short Sale	Fair Market	REO						
HOA Fees		NO	NO	NO	NO	NO	NO						

COMPARABLE PROPERTY COMMENTS:

Sale 1: COMP IS SUPERIOR QUA. YEAR BUILT AND INFERIOR STANDARD LOT. NO POOL, NO DETACHED GARAGE

Sale 2: COMP IS SUPERIOR YEAR BUILT AND INFERIOR STANDARD LOT. NO POOL, NO DETACHED GARAGE

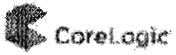
Sale 3: COMP IS SUPERIOR QUA. YEAR BUILT AND INFERIOR STANDARD LOT. NO POOL, NO DETACHED GARAGE

List 1: COMP IS SUPERIOR QUA AND INFERIOR NO POOL, NO DETACHED GARAGE

List 2: COMP IS INFERIOR NO POOL, NO DETACHED GARAGE AND STANDARD LOT.

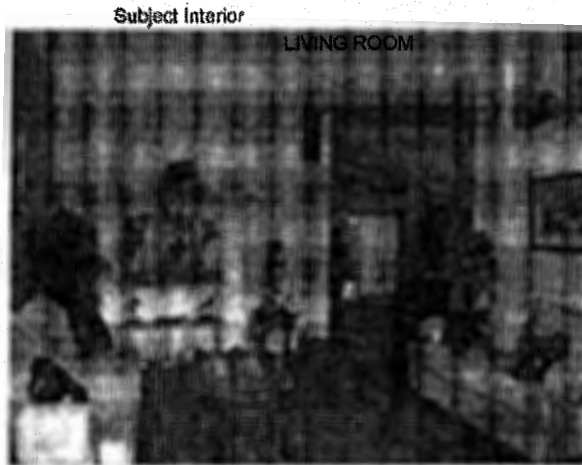
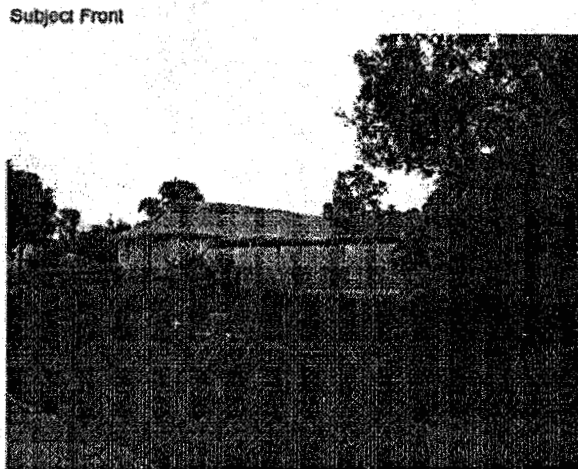
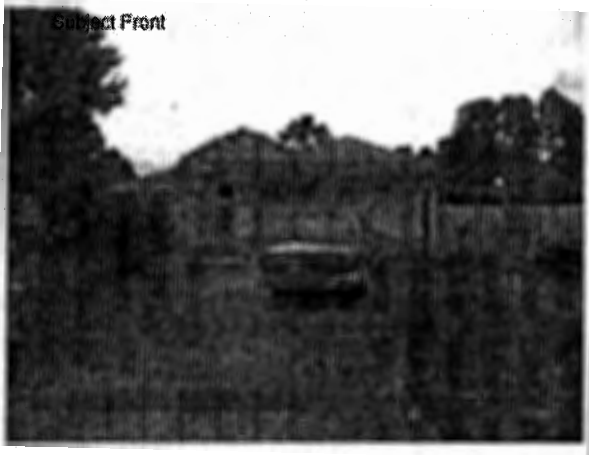
List 3: COMP IS SUPERIOR QUA AND INFERIOR NO DETACHED GARAGE

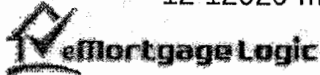
V. Marketing Strategy			
'As-Is' Price	'Repaired' Price	Estimated Marketing Time for Subject:	180
Estimated Sale Price:	98,000	PRICE CONCLUSION SUMMARY:	
Recommended List Price:	102,900	POSITIVE- POOL HOMES REMAIN IN HIGH DEMAND.	



Photos

ACCOUNT NUMBER 3197	TRACKING NUMBER Loss Mitigation	CoreLogic ORDER NO. 7222528
NAME RAINER P WARNER	ADDRESS 520 ENTRADA ST SE	CITY, STATE, ZIP PALM BAY, FL 32909
PHOTOS COMMENT		





Loan #: 6197

Address: 520 SE ENTRADA STREET, PALMBAY, FL 32909
 Borrower: RAINER P WARNER
 Inspection Type: Interior
 Project Type: APN: 29-37-07-00-0029-0

I. Order Information			
Inspection Date:	Aug 10 2012	Deal Name:	VMA Request ID: 2807702
Client:	Loos Mitigation	BPO Vendor:	cMortgage Logic, LLC
Agent Name:	Andreison Gomes	Brokerage:	ADR Realty LLC
		Agent Phone:	(407) 451-0951
		Vendor Tracking ID:	2634044

II. Subject Property Information					
Occupied:	Yes	Property Type:	SF Detach	HOA Fees:	
Last Sold Date:		Last Sale Price:		Data Source:	County Tax
Agent Name:	Shaun Bell	Initial List Price:		Currently Listed:	Yes
Last Reduction Date:	Jul 18 2012	MLS #:	647296	Initial List Date:	Jul 18 2012
		Total Repair Cost:	\$10,600	Current List Price:	\$119,900
		Est. Monthly Rent:	\$950		

SUBJECT PROPERTY COMMENTS / EXTERNAL INFLUENCES: The subject is in need of roof repairs and and new carpet. There appears to be several additions that are not present in county records

III. Neighborhood Information			
Location Type:	Suburban	Supply/Demand:	Declining
Price Range:	70000 to 110000	Value Trend:	Stable
		Local Economic Trend:	Depreciating
		Median Price:	\$80,000
		Avg Marketing Time:	3 to 6 Mos.

NEIGHBORHOOD COMMENTS: The subjects neighborhood is populated mostly by individually built single family homes varying in age, style and appeal.

IV. Comparable Properties																					
	Subject			Sale 1			Sale 2			Sale 3			Listing 1			Listing 2			Listing 3		
Address	520 SE ENTRADA STREET PALMBAY, FL			591 SE SAUNDERS RD PALMBAY, FL			790 SE KOUTNIK RD PALMBAY, FL			618 SE AWIN CT PALMBAY, FL			771 SE CARROT AVE PALMBAY, FL			505 SE KOUTNIK RD PALMBAY, FL			846 SE SEVEN OAKLE CT PALMBAY, FL		
Zip	32909			32909			32909			32909			32909			32909			32909		
Data Source	County Tax			MLS			MLS			MLS			MLS			MLS			MLS		
Proximity				0.94 Miles			0.49 Miles			0.48 Miles			3 Blocks			0.63 Miles			0.74 Miles		
Sale Price				\$76,000			\$80,000			\$89,900											
Sale Date				Feb 24 2012			Jun 21 2012			May 31 2012											
Orig. List Price	\$119,900			\$98,000			\$80,000			\$97,000			\$74,900			\$81,000			\$80,000		
Curr. List Price	\$119,900												\$74,900			\$74,900			\$80,000		
DOM	25			332			104			54			32			314			103		
Lot Size	0.49ac			0.23ac			0.23ac			0.31ac			0.23ac			0.23ac			0.23ac		
View	Typical			Typical			Typical			Typical			Typical			Typical			Typical		
Design/Style	Single Story			Single Story			Single Story			Single Story			Single Story			Single Story			Single Story		
Type/#Units	SF Detach		1	SF Detach		1	SF Detach		1	SF Detach		1	SF Detach		1	SF Detach		1	SF Detach		1
Age	17yrs			23yrs			24yrs			25yrs			14yrs			16yrs			23yrs		
Condition	Fair			Fair			Fair			Good			Fair			Fair			Fair		
Above Grade SF	1,621			1,499			1,480			1,502			1,620			1,450			1,598		
# Rooms/Bd/Bth	7	3	2	7	3	2	7	3	2	7	3	2	8	4	2	7	3	2	7	3	2
Basement SF				0			0			0			0			0			0		
% Finished	%			0%			0%			0%			0%			0%			0%		
Garage Type	Attached			Attached			Attached			Attached			None			Attached			Attached		
# Garage Stalls	2			2			2			2			N/A			2			2		
Pool/Spa	Yes	No		No	No		Yes	No		No	No		No	No		Yes	No		Yes	No	
Other Features	None			None			None			Upgrades			None			None			None		
Sales Type				Fair Market			Fair Market			Fair Market			REO			Short Sale			Short Sale		
HOA Fees				0/yr			0/yr			0/yr			0/yr			0/yr			0/yr		

COMPARABLE PROPERTY COMMENTS:

Sale 1: See Addendum

Sale 2: See Addendum

Sale 3: See Addendum

List 1: See Addendum

List 2: See Addendum

List 3: See Addendum

V. Marketing Strategy			
	'As-Is'	'Repaired'	Estimated Marketing Time for Subject: 30-90 days
Estimated Sale Price:	\$80,000	\$95,000	CONCLUSION SUMMARY: Repairs should be completed on property.
Recommended List Price:	\$85,000	\$100,000	



12020-mg Doc 7863-2 Filed 12/08/14 Entered 12/11/14 14:32:36 Exhibit F



12020-mg Doc 7863-2 Filed 12/08/14 Entered 12/11/14 14:32:36 Exhibit F



12020-mg Doc 7863-2 Filed 12/08/14 Entered 12/11/14 14:32:36 Exhibit F

EXHIBIT

H

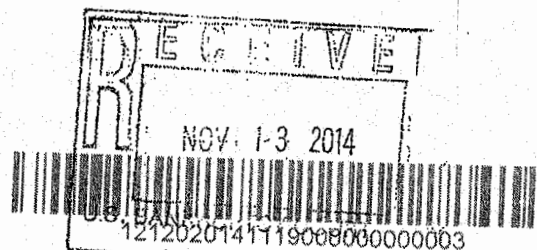
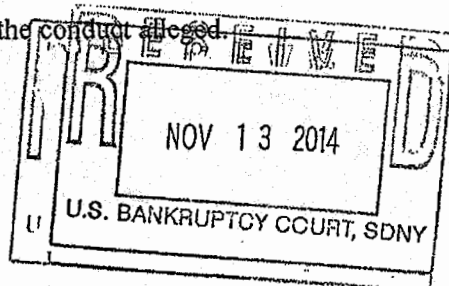
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:)
) Case No. 12-12020 (MG)
)
 RESIDENTIAL CAPITOL, LLC, et al.,)
) CHAPTER 11
 Debtors.)

RESPONSE RESCAP BORROWER CLAIMS TRUST'S SEVENTY-FIFTH
OMNIBUS OBJECTION TO CLAIMS
(NO LIABILITY BORROWER CLAIMS)
AS TO CLAIM NO. 1574

Claim 1574 Filed by Rainer Warner

1. Mr. Warner in reply of the two statements in paragraph 4 of Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to claims (No-Liability Borrower Claims) As to Claim No. 1574 which were identified in the response and objection to the Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) there was not a mention of improperly denying requests for loans; however Mr. Warner has exhibited enough evidence concerning problems and incompetence with the loan modification and short sale reviews, and that the debtors had no intentions to allow a loan modification as the debtor's were better off not to allow either form of remedy as private mortgage insurance (PMI) was better suited for the debtors to offset losses in the case where a mortgagor is not able to repay the loan and the lender is not able to recover its costs after foreclosure and sale of the mortgaged property; therefore again it is possible the plaintiff's injury was a foreseeable consequence of the conduct alleged.



2. Mr. Warner in his previous response stated that there were three (3) BPO's done on the property. Debtor's claimed there were nine (9) BPO's necessary to be properly ordered and charged to Claimant's account in accordance with Debtors standard business practices, and the terms of the note and mortgage. Acknowledging and resubmitting Exhibit G, Mr. Warner has pointed out the inconsistencies that were addressed to the inspections and especially the BPO's. Exhibit G shows that there were eight (8) BPO's related to the property not nine (9) as the debtor's stated; it also showed BPO's being conducted from 2009 to 2012 most BPO's are good for six (6) months per GMAC before it is out of date. Exhibit G shows the BPO "being properly ordered" within 5 months (2/4/2009 - 7/27/2009), 3 months, (7/27/2009 - 10/19/2009) and 1 month (10/19/2009 - 11/12/2009) of each other. BPO's are usually a process very similar to an appraisal, this process involves outside photos, inside photos, comps, and agreement of the owner/occupant.

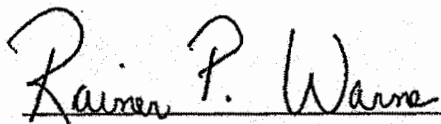
3. Mr. Warner challenged the Debtors to produce any pictures taken of any proposed property inspections and BPO's, other than the authorized pictures taken for the three (3) BPO's. The debtors provided inside photos of the property from three companies 1. PCV/ Murcor Inc "properly ordered" 3/25/2010 and completed 3/30/2010. 2. Core Logic "properly ordered" on 2/2/2012 and completed on 2/3/2012. eMortgage Logic "properly ordered" and completed on 4/8/2012 Exhibit G also shows where the debtors ordered a BPO to First American Residential Value order date 2/2/2012 completed 2/4/2012 where Core Logic did the inspection on 2/3/2012 in the same time span; therefore per Exhibit G there were only eight (8) BPO's ordered, three (3) which included outside photos, inside photos, comps, and agreement of the owner/occupant.

SUMMARY

Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) with regards to paragraph 4 of the Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) As to Claim No. 1574 continue to dance around loan modifications and short sales for the debtor's not to have liability for their actions. Of the thirteen (13) issues in which a reply was given in the Response and Objection to Notice of the Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims) the two issues raised here have no additional merit as the debtor's would not be in this situation if the claims against them were false. In his reply Mr. Warner has addressed and proven through Exhibit G, that there were only three BPO's properly ordered and within reasonable time frames. All other BPO's and inspections were not necessary and should not have been ordered as their was no justifiable cause.

WHEREFORE, The Claimant Rainer P. Warner, respectfully request that the *Rescap Borrower Claims Trust's Seventy-Fifth Omnibus Objection to Claims (No Liability Borrower Claims)* be denied with prejudice

Respectfully Submitted by,



RAINER P. WARNER

Dated 9 November 2014