

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC, et al.,
Post-Effective Date Debtors

Chapter 11

RESCAP BORROWER CLAIMS TRUST,
Objector

Case No. 12-12020-mg

v.
TIA DANIELLE SMITH,
Creditor-Beneficiary

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

Tia Danielle Smith

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Plaintiff
☐ Defendant
☐ Other (describe)

☐ Debtor
☒ Creditor
☐ Trustee
☐ Other (describe)

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:

Order Denying Motion for Relief from Judgment or Order pursuant to Fed. R. Bankr. P. 9024, incorporating Fed. R. Civ. P. 60 (Attached hereto)



2. State the date on which the judgment, order, or decree was entered:

February 8, 2016

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Post-effective date RESCAP Debtors Homecomings Financial, LLC (Homecomings); GMAC Mortgage, LLC (GMACM); Residential Funding Company, LLC (RFC); and Residential Accredit Loans, Inc. (RALI) purportedly proceeding as the RESCAP Borrower Claims Trust, by Trustee Peter S. Kravitz, represented by counsel for the RESCAP Debtors listed below:

Attorney Norman S. Rosenbaum
Attorney Jordan A. Wishnew
Attorney Jessica J. Arett
MORRISON & FOERSTER¹
250 West 55th Street
New York, New York 10019
Telephone: (212) 468-8000
Facsimile: (212) 468-7900

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

NOT APPLICABLE IN THIS DISTRICT

¹ MORRISON & FOERSTER purports to be a limited liability partnership formed under the laws of the State of California for which no registration as a California limited liability partnership has been recorded as of December 25, 2015.

Part 5: Sign below

Date: February 22, 2016.

/s/ Wendy Alison Nora

Signature of attorney for appellant(s)

Wendy Alison Nora

ACCESS LEGAL SERVICES, admitted pro hac vice in
the United States Bankruptcy Court for the Southern District of New York

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Minnesota Bar #165906

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**IN FORMA PAUPERIS APPLICATION FOR FILING FEE
TENDERED HERewith**

EXHIBIT A

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

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*

Debtors.

Case No. 12-12020 (MG)

Jointly Administered

ORDER DENYING MOTION OF TIA SMITH FOR RELIEF FROM PRIOR OPINION

Pending before the Court is a motion (the “Motion,” ECF Doc. # 9593) filed by Tia Smith for relief from the Court’s prior opinion and order (the “Prior Opinion,” ECF Doc. # 7598). Through the Motion, Smith asks the Court for relief from the Prior Opinion in which the Court sustained the ResCap Borrower Claims Trust’s (the “Trust”) objection to claim numbers 3889, 4129, 4134, and 4139 filed by Smith.

The Court having considered the Motion and the arguments contained therein, it is hereby:

ORDERED, that the Motion is DENIED.

IT IS SO ORDERED.

Dated: February 8, 2016
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC, et al.,
Post-Effective Date Debtors

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TIA DANIELLE SMITH,
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DECLARATION OF SERVICE OF
NOTICE OF APPEAL AND STATEMENT OF ELECTION

Wendy Alison Nora declares under penalty of perjury pursuant to 28 U.S.C. sec. 1746 that on February 22, 2016, she filed the Notice of Appeal and Statement of Election from the February 8, 2016 Order of the Honorable Martin Glenn via CM/ECF and thereby served all parties and their counsel who are capable of receiving service via CM/ECF in the proceedings.

Dated at Minneapolis, Minnesota this 22nd day of February 22, 2016.

/s/ Wendy Alison Nora

Wendy Alison Nora