

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT NEW YORK

IN RE:

CASE NO. 12-12020 (MG)

RESIDENTIAL CAPITAL, L.L.C., et al

Chapter 11

Debtors

Jointly Administered

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**AFFIDAVIT OF JEFFREY H. UZICK**

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STATE OF TEXAS

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§  
§

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared JEFFREY H. UZICK, known to me to be the person whose name is subscribed below, who, upon being duly sworn under oath, did depose and state:

"My name is JEFFREY H. UZICK. I am over the age of twenty-one years (21), a resident of Harris County, Texas, and am otherwise qualified in all respects to make this Affidavit. I have never been convicted of a crime. I have personal knowledge of the facts, statements, opinions, and attachments contained herein and attached hereto based on my education, training, and experience in the practice of law, and they are true and correct.

"I have been a duly licensed attorney in the state of Texas since 1984, and my license has always been in good standing, and has never been curtailed, disciplined, restricted, or revoked. Throughout my career, I have represented clients in civil matters, for both plaintiffs and defendants. I have experience in handling the type of dispute involved in my representation of Richard Rode.

"I was counsel of record for Richard Rode in his claim against GMAC/Homecomings in the suit filed in Cause No. 2011-43161, filed in Harris County, Texas. This suit was subsequently removed to federal court in Cause No. C.A. NO. 4:12-CV-00390. Subsequent to the removal and scheduling order entered by Judge Hoyt, the Defendant filed bankruptcy.

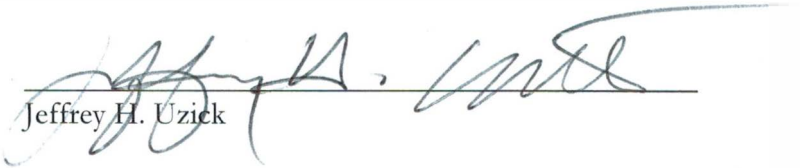
"I am familiar with the reasonable and necessary fees for the services rendered on behalf of Mr. Rode in Harris County, Texas, for this type of civil dispute. Based on my education, training, and experience, I can attest that my hourly rate of \$400-450 (rate increase) per hour is a reasonable rate for an attorney with 31 years of experience handling the civil dispute involved in Mr. Rode's claim. The hours reflected on the attached invoice for services was necessary for the




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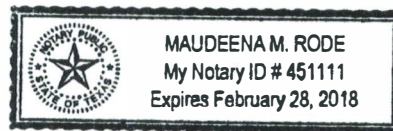
representation of Mr. Rode. It is my opinion, based on my education, training, and experience that the fees and expenses incurred on Mr. Rode's case was both reasonable and necessary."

Further Affiant sayeth not.

  
Jeffrey H. Uzick

SUBSCRIBED and sworn to before me on this 11<sup>th</sup> day of March, 2016.

  
Notary Public in and for the  
STATE OF TEXAS



**UZICK & ONCKEN, P.C.****Attorneys at Law**

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RODE, RICHARD D.  
 2301 West Lawther  
 Deer Park, TX 77536

Page: 1  
 March 11, 2016  
 Account No. 700.100001  
 Invoice No. 26147

Dee Rode  
 RODE v. HOMECOMINGS

**DRAFT INVOICE**Fees

			Rate	Hours	
07/28/2009	JHU	Conference with client working up timeline.	400.00	4.50	1,800.00
07/29/2009	JHU	Letter to GMAC regarding misapplication of funds	400.00	1.00	400.00
08/28/2009	JHU	Receipt and review of correspondence from GMAC in reply to 07-29-09 correspondence; Telephone conference with client regarding same.	400.00	1.00	400.00
09/01/2009	JHU	Telephone call from client regarding property insurance issue	400.00	0.80	320.00
09/02/2009	JHU	Letter to GMAC regarding property insurance, accepting modification terms, and previous submission of Quit Claim Deed.	400.00	0.50	200.00
	JHU	Conference with client	400.00	2.00	800.00
09/18/2009	JHU	Letter to GMAC advising of payment made and requesting posting of same	400.00	0.50	200.00
09/29/2009	JHU	Receipt and review of correspondence from GMAC regarding alleged lapse in insurance on property, confirming receipt of \$3,025.00 payment, and advising of modification agreement terms,	400.00	0.50	200.00
10/01/2009	JHU	Conference with client	400.00	1.30	520.00
	JHU	Letter to GMAC enclosing signed modification agreement	400.00	0.50	200.00
10/27/2009	JHU	Letter to GMAC requesting signed copy of modification			



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			Rate	Hours	
11/07/2011	JHU	Preparation of Request for Admissions.	400.00	3.00	1,200.00
	JHU	Preparation of Requests for Production.	400.00	3.00	1,200.00
11/18/2011	JHU	Receipt and review of Defendants' Responses to Requests for Disclosure.	400.00	0.50	200.00
12/19/2011	JHU	Receipt and review of Responses to production with attached documents; preparation of letter to defense counsel regarding Objections and Responses to discovery; preparation of Interrogatories to defendant; and preparation of letter requesting depositions of witnesses.	400.00	6.50	2,600.00
01/19/2012	JHU	Attendance at meeting with client and review of discovery from defendants.	400.00	4.00	1,600.00
	JHU	Conference with client.	400.00	1.20	480.00
01/20/2012	JHU	Review and evaluation of case law on DTPA in mortgage cases; preparation of changes to Interrogatories; and begin draft of amended pleadings.	400.00	4.00	1,600.00
01/31/2012	JHU	Preparation of Amended Petition; and review of GMAC file produced regarding unreadable documents and other information.	400.00	4.50	1,800.00
02/01/2012	JHU	Preparation of Motion to Compel.	400.00	2.50	1,000.00
02/06/2012	JHU	Preparation of changes to Petition; preparation of correspondence to defense counsel regarding Motion, amended pleadings, discovery responses and other requests.	400.00	2.80	1,120.00
02/15/2012	JHU	Receipt and review of Defendant's Original Answer and Order For Conference	400.00	0.40	160.00
02/20/2012	JHU	Receipt and review of Notice of Removal with attached documents and Certificate of Interested Parties.	400.00	1.50	600.00
02/22/2012	JHU	RESEARCH regarding MERS	400.00	3.00	1,200.00
02/28/2012	JHU	Preparation of Certificate of Interested Parties; preparation of Request for Jury trial; and preparation of Notice of Appearance.	400.00	2.50	1,000.00
03/21/2012	JHU	Review of Local Rules, review of file, and preparation of Joint Management Plan; lengthy telephone conference with opposing counsel; preparation of email and attached plan; receipt and review of email and changes to plan, preparation of letter, and filing of Joint Management Plan with Judge Hoyt's court.	400.00	4.00	1,600.00
03/26/2012	JHU	Receipt and review of documents from client regarding economic damages proof.	400.00	3.00	1,200.00
	JHU	Receipt and review of correspondence from opposing counsel regarding conference on 26f filing.	400.00	0.10	40.00

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			Rate	Hours	
04/10/2012	JHU	Review of discovery and materials, and preparation of Rule 26a disclosures.	400.00	3.00	1,200.00
04/11/2012	JHU	Receipt and review of Order from Judge Hoyt regarding deadlines and trial date.	400.00	0.50	200.00
	JHU	Letter to defense counsel requesting depositions	400.00	0.50	200.00
04/15/2012	JHU	Receipt and review of Defendant's Responses to Interrogatories.	400.00	1.00	400.00
04/19/2012	JHU	Receipt and review of Rule 26a Disclosures.	400.00	0.50	200.00
04/30/2012	JHU	Preparation of email to opposing counsel regarding depositions of key witnesses.	400.00	0.50	200.00
05/03/2012	JHU	Lengthy telephone conference with opposing counsel regarding depositions, key documents, identification of witnesses, damage documents, and mediation; and lengthy telephone conference with client regarding documents reflecting damages.	400.00	1.00	400.00
05/22/2012	JHU	Receipt and review of GMAC's Notice of Bankruptcy; Discussion with client regarding same.	400.00	3.20	1,280.00
01/24/2013	JHU	Receipt and review of correspondence from defense counsel with offer of settlement.	400.00	0.30	120.00
01/31/2013	JHU	Conference with client regarding offer of settlement.	400.00	2.00	800.00
02/01/2013	JHU	Exchange of emails with defense counsel regarding offer of settlement.	400.00	0.30	120.00
02/08/2013	JHU	Review of file materials, information from client, and latest information on GMAC bankruptcy; attendance at telephone conference with opposing counsel and bankruptcy counsel regarding regarding possible settlement.	400.00	3.50	1,400.00
02/13/2013	JHU	Preparation and review of materials regarding damages; preparation of email to opposing counsel regarding same.	400.00	2.00	800.00
08/21/2013	JHU	Telephone conference with client regarding hearing.	450.00	1.00	450.00
09/24/2013	JHU	Telephone conference with client regarding hearing.	450.00	0.80	360.00
11/06/2013	JHU	Meeting with client regarding status of GMAC bankruptcy case.	450.00	1.00	450.00
02/04/2014	JHU	Meeting with client.	450.00	0.70	315.00
10/06/2014	JHU	Meeting with client.	450.00	1.00	450.00
05/14/2015	JHU	Discussion with client regarding hearing in bankruptcy court.	450.00	0.80	360.00
12/28/2015	JHU	Receipt and review of of correspondence from Ocwen regarding status of loan review.	450.00	0.20	90.00
01/04/2016	JHU	Receipt and review of correspondence from Ocwen regarding			



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March 11, 2016

		Rate	Hours	
	loan review and telephone conference with client.	450.00	1.00	450.00

03/11/2016	JHU	Preparation of Affidavit regarding reasonable and necessary fees and expenses.	450.00	0.40	180.00
		For Current Services Rendered		112.40	45,305.00

Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Jeffrey H. Uzick	105.50	\$400.00	\$42,200.00
Jeffrey H. Uzick	6.90	450.00	3,105.00

Expenses

04/30/2010	Monthly (April) In-House Photocopying (14 @ \$.15 ea.)	2.10
07/21/2011	COURT COSTS - casefilexpress.com - E-filing fee for filing DTPA - Deceptive Trade Practice - DTD (D)	488.24
07/29/2011	Monthly (July) In-House Photocopying (163 @ \$.15 ea.)	24.45
08/30/2011	Monthly (August) In-House Photocopying (3 @ \$.15 ea.)	0.45
09/01/2011	LONG DISTANCE	0.18
09/30/2011	Monthly (September) In-House Photocopying (20 @ \$.15 ea.)	3.00
10/11/2011	FAX (5 @ \$1.00/pg)	5.00
10/12/2011	FAX (11 @ \$1.00/pg)	11.00
10/12/2011	POSTAGE	12.95
10/13/2011	DELIVERY CHARGES - FEDEX (D)	25.64
10/28/2011	Monthly (October) In-House Photocopying (592 @ \$.15 ea)	88.80
11/07/2011	FAX (21 @ \$1.00/pg)	21.00
11/07/2011	Postage - USPS - Sent documents Certified Return Receipt Requested to O'Dell, Bradley, Arant, Boulton, & Cummings	6.83
11/29/2011	Monthly (November) In-House Photocopying (56 @ \$.15 ea)	8.40
11/29/2011	FAX (2 @ \$1.00/pg)	2.00
12/28/2011	Monthly (December) In-House Photocopying (353 @ \$.15 ea)	52.95
01/19/2012	FAX (8 @ \$1.00/pg)	8.00
01/19/2012	Postage - USPS - Sent documents Certified Return Receipt Requested to Brian O'Dell	5.79
02/06/2012	FAX (62 @ \$1.00/pg)	62.00
02/28/2012	Monthly (February) In-House Photocopying (1,548 @ \$.15 ea)	232.20
03/31/2012	COURT COSTS - PACER (Inv #UO0031-Q12012) - For accessing the Court's electronic records for pleadings, filed Motions, etc. for the first quarter 2012.	23.12
04/02/2012	LONG DISTANCE	0.78
04/11/2012	FAX (8 @ \$1.00/pg)	8.00
04/30/2012	Monthly (April) In-House Photocopying (14 @ \$.15 ea)	2.10
05/01/2012	LONG DISTANCE	3.78
05/25/2012	Monthly (May) In-House Photocopying (145 @ \$.15 ea)	21.75
06/01/2012	LONG DISTANCE	0.22
06/29/2012	Monthly (June) In House Photocopying (346 @ \$.15 ea)	51.90
06/30/2012	COURT COSTS - PACER (Inv #UO0031-Q22012) - For accessing the Court's electronic records for pleadings, filed Motions, etc. for the 2nd quarter 2012.	1.30
07/30/2012	Monthly (July) In-House Photocopying (3 @ \$.15 ea)	0.45
10/27/2012	Copying costs - FEDEX/KINKO'S - Bulk copying for filing of Proof of Claims (D)	82.48
11/05/2012	FAX (64 @ \$1.00/pg)	64.00
11/06/2012	FAX (16 @ \$1.00/pg)	16.00
11/07/2012	DELIVERY CHARGES - FEDEX - (Airbill #8731 3693 7610) - Sent three proofs of claims to KCC Rescap Claims Processing	65.45

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11/08/2012	DELIVERY CHARGES - FEDEX - (Airbill #8731 3693 7595) - Sent three Motions to Lift Stay to the Souther District of NY Bankruptcy Court	23.96
11/09/2012	COURT COSTS - US BANKRUPTCY COURT - NYSD (U&O Check #3391) - Filing fee for filing 3 Motions to Lift Stay	528.00
11/14/2012	FAX (65 @ \$1.00/pg)	65.00
11/14/2012	SPECIAL MAILING - USPS - Sent documents Certified Return Receipt Requested to the Bankruptcy Clerk in New York	6.15
11/14/2012	DELIVERY CHARGES - FEDEX - (Airbill #8731 3693 7632) - Sent check for three Motions to Lift Stay to the Southern District New York, NY Bankruptcy Court	23.96
11/18/2012	DELIVERY CHARGES - FEDEX - (Airbill #8731 3693 7654) - Sent three proofs of claim to Rescap Claims Processing Center	26.84
11/30/2012	Monthly (November) In-House Photocopying (599 @ \$.15 ea)	89.85
11/30/2012	LONG DISTANCE	0.72
12/31/2012	COURT FEES - PACER (Inv #UO0031-Q42012) - For accessing the Court's electronic records for pleadings, filed Motions, etc. for the fourth quarter 2012.	14.70
01/24/2013	DELIVERY CHARGES - FEDEX - Filing of Reply to Objections to Motion to Lift Stay	46.52
01/25/2013	FAX (210 @ \$1.00/pg)	210.00
01/31/2013	Monthly (January) In-House Photocopying (167 @ \$.15 ea)	25.05
01/31/2013	COURT COSTS - PACER (Inv #UO0031-Q12013) - For accessing the Court's electronic records for pleadings, filed Motions, etc.	4.40
02/27/2013	Monthly (February) In-House Photocopying (49 @ \$.15 ea)	7.35
02/27/2013	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to Ocwen Loan Servicing, LLC	6.11
03/01/2013	Monthly (February) Long Distance	0.27
03/08/2013	FAX (4 @ \$1.00/pg)	4.00
03/08/2013	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to Ocwen Loan Servicing, LLC	6.11
03/28/2013	Monthly (March) In-House Photocopying (2 @ \$.15 ea)	0.30
06/27/2013	Monthly (June) In-House Photocopying (10 @ \$.15 ea)	1.50
07/19/2013	POSTAGE - USPS - Sent Residential Capital, LLC case documents Certified Return Receipt Requested	13.84
07/30/2013	Monthly (July) In-House Photocopying (259 @ \$.15 ea)	38.85
09/30/2013	Monthly (September) In-House Photocopying (16 @ \$.15 ea)	2.40
10/23/2013	FAX (120 @ \$1.00/pg)	120.00
10/30/2013	Monthly (October) In-House Photocopying (92 @ \$.15 ea)	13.80
11/27/2013	Monthly (November) In-House Photocopying (10 @ \$.15 ea)	1.50
12/01/2013	LONG DISTANCE	0.21
12/30/2013	Monthly (December) In-House Photocopying (12 @ \$.15 ea)	1.80
08/04/2014	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to OCWEN Loan Servicing	6.48
08/21/2014	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to Owen Loan Servicing (Waterloo, IA)	6.69
08/21/2014	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to OCWEN Loan Servicing (West Palm Beach, FL)	6.69
08/21/2014	POSTAGE - USPS - Sent case documents Certified Return Receipt Requested to Power Default Services, Inc	6.69
08/28/2014	Monthly (August) In-House Photocopying (123 @ \$.15 ea)	18.45
11/03/2014	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to OCWEN Loan Servicing	6.48
11/25/2014	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to OCWEN Loan Servicing in Iowa	6.48
12/15/2014	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to OCWEN Loan Servicing in Florida	6.48
02/25/2015	Monthly (February) In-House Photocopying (44 @ \$.15 ea)	6.60
04/28/2015	Monthly (April) In-House Photocopying (15 @ \$.15 ea)	51.45



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04/29/2015	DELIVERY CHARGES - FEDERAL EXPRESS (Airbill #8071 1885 6484) - Sent case documents to the Honorable Martin Glenn, U.S. Bankruptcy Court, S.D. of N.Y	30.79
04/29/2015	DELIVERY CHARGES - FEDERAL EXPRESS (Airbill #8071 1885 6500) - Sent case documents to U.S Trustee for Southern District of N.Y.	47.68
04/29/2015	DELIVERY CHARGES - FEDERAL EXPRESS (Airbill #8071 1885 6495) - Sent case documents to Rescap Borrower Claims Trust c/o Morrison & Foerster and to the attention of Rosenbaum, Wishnew & Richards	47.68
04/29/2015	DELIVERY CHARGES - FEDERAL EXPRESS (Airbill #8071 1885 6510) - Sent case documents to Rescap Liquidating Trust Quest Advisors to the attention of Jeffrey Brodsky in Rye Brook, NY	50.55
04/29/2015	DELIVERY CHARGES - FEDERAL EXPRESS (Airbill #8071 1885 6521) - Sent case documents to Rescap Borrower Claims Trust at Polsinelli, PC	47.68
05/01/2015	FAX (4 @ \$1.00/pg)	4.00
05/01/2015	POSTAGE - USPS - Sent case documents Certified Return Receipt Requested to OCWEN Loan Servicing, LLC	6.48
05/05/2015	POSTAGE	0.48
05/11/2015	POSTAGE	0.48
05/11/2015	FAX (2 @ \$1.00/pg)	2.00
05/12/2015	RESEARCH - PACER (Inv #2812711-Q22015) - For accessing the Court's electronic records for pleadings, filed Motions, etc. for the 2nd quarter 2015	18.30
05/28/2015	Monthly (May) In-House Photocopying (511 @ \$.15 ea)	76.65
06/01/2015	LONG DISTANCE	0.74
06/02/2015	FAX (3 @ \$1.00/pg)	3.00
06/04/2015	FAX (2 @ \$1.00/pg)	2.00
06/05/2015	FAX (6 @ \$1.00/pg)	6.00
06/10/2015	POSTAGE for 5/28 thru 6/10/15	2.44
08/19/2015	POSTAGE for 3 letters to OCWEN Loan Servicing	1.47
08/28/2015	Monthly (August) In-House Photocopying (20 @ \$.15 ea.)	3.00
09/17/2015	POSTAGE - USPS - Sent additional documents to OCWEN Loan Servicing, LLC - Customer Care	0.49
09/17/2015	POSTAGE - USPS - Sent additional documents to OCWEN Loan Servicing, LLC - Research Department	0.49
09/17/2015	POSTAGE - USPS - Sent additional documents to OCWEN Loan Servicing, LLC - Legal Department	0.49
09/28/2015	Monthly (September) In-House Photocopying (61 @ \$.15 ea)	9.15
10/02/2015	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to OCWEN Loan Servicing	6.74
10/02/2015	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to Research Department, OCWEN Loan Servicing	6.74
10/02/2015	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to Power Default Services	6.74
10/20/2015	FAX (4 @ \$.25/pg)	1.00
10/27/2015	Monthly (October) In-House Photocopying (37 @ \$.15 ea)	5.55
11/13/2015	POSTAGE - USPS - Sent documents Certified Return Receipt Requested to OCWEN Loan Servicing in West Palm Beach, Florida	6.74
11/25/2015	Monthly (November) In-House Photocopying (58 @ \$.15 ea)	8.70
12/29/2015	Monthly (December) In-House Photocopying (75 @ \$.15 ea.)	11.25
01/12/2016	DELIVERY CHARGES - FEDEX (Airbill #8643 8313 4330) - Sent case documents to Morrison & Foerster in New York, NY	27.59
01/28/2016	Monthly (January) In-House Photocopying (250 @ \$.15 ea)	37.50
02/26/2016	Monthly (February) In-House Photocopying (1 @ \$.15 ea)	0.15
02/29/2016	LONG DISTANCE for February	0.17
	Total Expenses	3,288.90

