

**POLSINELLI**

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*Counsel for ResCap Borrower Claims Trust*

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

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

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**NOTICE OF FILING AMENDED EXHIBIT**

**PLEASE TAKE NOTICE** that the undersigned hereby files an Amended Exhibit C to the *Motion of ResCap Borrower Claims Trust for Order Authorizing Interim Distribution and Establishing Disputed Claims Reserve*, filed on September 22, 2016, as Docket No. 10136 (the “**Motion**”). Exhibit C to the Motion is a chart of the Disallowed Claims on Appeal that has been amended to correct the claims referenced for Claimant Erlinda Aniel only. The corrected items are in bold and italicized on the attached Exhibit C – Amended. The reason for the amendment is described in the attached correspondence.



Dated: October 10, 2016  
New York, New York

/s/ Daniel J. Flanigan

Daniel J. Flanigan

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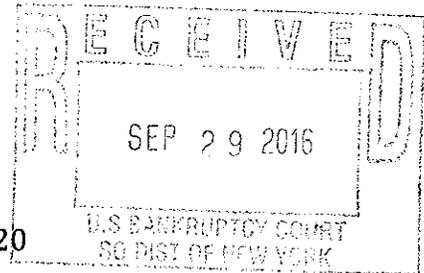
**EXHIBIT C - AMENDED**  
**DISALLOWED CLAIMS ON APPEAL**

<b>Claimant</b>	<b>Claim #</b>	<b>Amount</b>
Erlinda Aniel	<i>Claim #416</i> Claim #417	<i>Unliquidated</i> Unliquidated
Michael Boyd	Claim #960	\$ 186,000.00
Philip Emiabata	Claim #3910, #4085	\$ 500,000.00
Thomas La Casse	Claim #3856	\$26,500,000.00
Barry F. Mack	Claim #386	\$2,850,000.00
Patricia McNerney/Susan Gray	Claim #s 4758, 4757(Gray)	\$ 122,481.59
	Claim #s 4764,4762 (McNerney)	\$ 600,000.00
Gregory Morse	Claim #'s 5680, 5682	\$6,475,662.00
Francine Silver	Claim #61	\$ 3,000,000.00
Tia Smith	Claim #3889, #4129, #4134, #4139	\$ 3,000,000.00
<b>Total</b>		<b><i>\$43,234,143.59</i></b>

Erlinda Abibas Aniel  
75 Tobin Clark Dr.  
Hillsborough, CA 94010

September 22, 2016

The Honorable Judge Martin Glenn  
United States Bankruptcy Court for the  
Southern District of New York  
Courtroom 501  
One Bowling Green  
New York, New York 10004-1408



Re: *In re: Residential Capital, LLC, et al.*, Case No. 12-12020

Dear Judge Glenn:

I wrote this letter to seek clarification on my claims, which are the subject of a motion made by the Rescap Borrowers' Claims Trust for an order authorizing the interim distribution and establishing a disputed claims reserve.

The attached Exhibit "C" of their Motion "Disallowed Claims on Appeal", listed only two out of my four claims against the Trust in the following order:

- 1. Claim # 114 in the amount of \$1,085,000.00 against GMAC Mortgage, LLC, including \$10,000.00 for attorney's fees.**
- 2. Claim # 417 in an unliquidated amount against Executive Trustees Services ("ETS").**

However, I filed two other proof of claims against the Debtors which were not disclosed in the exhibit. Those are the following:

- A. Claim # 112 against Executive Trustees Services in the amount of \$1,085,000.00, including the \$10,000.00 attorney's fees.**
- B. Claim # 416 against GMAC Mortgage, LLC, in an unliquidated amount.**

For clarification purposes, does this mean that claim # 112 and claim # 416 are deemed allowed claims that will not be effected by the instant motion?

Before I file my objection to this motion, I would like clarification on this issue by the Borrower Claims Trust to avoid any further confusion on my part.

Respectfully,



Erlinda Abibas Ariel

Cc:

Counsel to the ResCap Liquidating Trust and ResCap Borrower Claims Trust  
Jordan A. Wishnew, and Jessica J. Arett  
Morrison and Foerster  
250 West 55th Street  
New York, NY 10019-9601



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September 28, 2016

Daniel J. Flanigan  
(816) 360-4260  
dflanigan@polsinelli.com

**VIA FEDERAL EXPRESS  
AND EMAIL DELIVERY**

Erlinda Abibas Aniel  
75 Tobin Clark Dr.  
Hillsborough, CA 94010  
[bootsaniel1952@yahoo.com](mailto:bootsaniel1952@yahoo.com)

Dear Ms. Aniel:

We are counsel for the ResCap Borrower Claims Trust (“Borrower Trust”) and submit this response to your September 22, 2016 letter inquiry. The letter references four Proofs of Claims, 112, 114, 416 and 417. In response to your inquiry, please note that each of those claims has been disallowed as further explained below.

Claims 416 and 417

Claims 416 and 417 are Borrower Claims per the Revised Second Amended Plan which were objected to by the Borrower Trust. After a trial, claims 416 and 417 were disallowed by a Memorandum Opinion and Order on April 20, 2016. (Docket No. 9850). A motion for reconsideration (Docket No. 9872) (“Motion”) and supplement to the Motion (Docket No. 9878) were denied on August 9, 2016. (Docket No. 10031). An appeal was filed from the Memorandum Opinion and Order and the denial of the Motion for Reconsideration on August 11, 2016. (Docket No. 10044). That appeal is fully briefed and awaits decision by the United States District Court for the Southern District of New York.

As Borrower Claims these two claims are the only claims that concern the Borrower Trust. Exhibit C attached to the Motion of ResCap Borrower Claims Trust For Order Authorizing Interim Distribution and Establishing Disputed Claims Reserve lists claims 114 and 417 as on appeal with respect to Ms. Aniel when it should have listed claims 416 and 417 as on appeal. Please be advised that prior to the October 13, 2016 hearing, Exhibit C will be corrected and submitted to the Bankruptcy Court to list claims 416 and 417 as the only Aniel Borrower Claims on appeal.

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Claims 112 and 114

Claims 112 and 114 were not Borrower Claims because the claims involved loans to which the Aniels were not a party so the ResCap Liquidating Trust (Liquidating Trust”) objected to those two claims. (Docket No. 8237). Claims 112 and 114 were disallowed by Memorandum Opinion and Order on June 30, 2015. (Docket No. 8820). The Aniels filed a motion for reconsideration on July 9, 2015 (Docket No. 8897) which was denied on August 18, 2015 (Docket No. 9027). The Aniels appealed on August 24, 2015 (Docket No. 9055). The United States District Court for the Southern District of New York affirmed the disallowance of claims 112 and 114 on September 26, 2016. Because these two claims are the responsibility of the Liquidating Trust, they will not be listed on Exhibit C attached to the Motion of ResCap Borrower Claims Trust For Order Authorizing Interim Distribution and Establishing Disputed Claims Reserve.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Flanigan", with a long horizontal flourish extending to the right.

Dan Flanigan

DJF:fg