

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

PRELIMINARY DESIGNATION OF CONTENTS OF RECORD ON APPEAL

NOW COMES Tia Danielle Smith, by her attorney, Wendy Alison Nora of ACCESS LEGAL SERVICES, pursuant to Fed. R. Bankr. P. 8009, and, for her Preliminary Designation of Contents of Record on Appeal (Notice of Appeal, filed on November 9, 2016 as Doc. 10211), designates the following documents, reserving her right to supplement the record on appeal, upon leave of Court to do so:

Docket Entries:

1. Doc. 46: Debtors' Motion for Interim and Final Orders Under Sections 105(a), 362, 363, 1107(a) and 1108 of the Bankruptcy Code (I) Authorizing the Debtors to Continue in the Ordinary Course of Business (A) Servicing Non-Governmental Association Loans, and (B) Sale Activities Related to Certain Loans in Foreclosure and Real Estate Owned Property, and (II) Granting Limited Stay Relief to Enable Borrowers to Assert Related Counter-Claims in Foreclosure and Eviction Proceedings filed on May 14, 2012
2. Doc. 91: Interim Order Under Sections 105(a), 362, 363, 1107(a) and 1108 of the Bankruptcy Code (I) Authorizing the Debtors to Continue in the Ordinary Course of Business (A) Servicing Non-Governmental Association Loans, and (B) Sale Activities Related to Certain Loans in Foreclosure and Real Estate Owned Property, and (II) Granting Limited Stay Relief to Enable Borrowers to Assert Related Counter-Claims in Foreclosure and Eviction Proceedings entered on May 16, 2012
3. Doc. 102: U.S. Trustee's Appointment of Committee of Unsecured Creditors on May 16, 2012
4. Doc. 774: Final Supplemental Order Under Bankruptcy Code Sections 105(a), 362, 363, 502,



1107(a), and 1108 and Bankruptcy Rule 9019 (I) Authorizing the Debtors to Continue Implementing Loss Mitigation Programs; (II) Approving Procedures for Compromise and Settlement of Certain Claims, Litigations and Causes of Action; (III) Granting Limited Stay Relief to Permit Foreclosure and Eviction Proceedings, Borrower Bankruptcy Cases, and Title Disputes to Proceed; and (IV) Authorizing and Directing the Debtors to Pay Securitization Trustee Fees and Expenses

5. Doc. 1264: Motion for an Order Appointing an Official Committee of Borrowers Pursuant to Section 1102(a)(2) of the Bankruptcy Code filed on August 24, 2012

6. Doc. 1449: Objection of the Official Committee of Unsecured Creditors to the Motion for an Order Appointing an Official Committee of Borrowers Pursuant to Section 1102(a)(2) of the Bankruptcy Code filed on September 14, 2012

7. Doc. 1451: Debtors' Objection to Motion for an Order Appointing an Official Committee of Borrowers Pursuant to Section 1102(a)(2) of the Bankruptcy Code filed on September 14, 2012

8. Doc. 1921: Memorandum Opinion and Order Denying Motion for Order Appointing an Official Committee of Borrowers entered on October 23, 2012

9. Doc. 4451: Notice of Preliminary Hearing Regarding Joint Motion Pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 7023 and 9019 for an Order (1) Granting Class Certification for Purposes of Settlement Only, (2) Appointing Class Representative and Class Counsel for Purposes of Settlement Only, (3) Preliminarily Approving the Settlement Agreement Between Plaintiffs, on their Own Behalf and on Behalf of the Class of Similarly Situated Persons, and the Debtors, (4) Approving the Form and Manner of Notice to the Class, (5) Scheduling a Fairness Hearing to Consider Approval of the Settlement Agreement on a Final Basis and Related Relief and (6) Approving the Settlement Agreement on a Final Basis and Granting Related Relief filed on July 31, 2013

10. Doc. 4540: Order Authorizing Debtors to File Under Seal Exhibit D to the Settlement Agreement Filed in Connection with the Joint Motion Pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 7023 and 9019 for an Order (1) Granting Class Certification for Purposes of Settlement Only, (2) Appointing Class Representative and Class Counsel for Purposes of Settlement Only, (3) Preliminarily Approving the Settlement Agreement Between Plaintiffs, on their Own Behalf and on Behalf of the Class of Similarly Situated Persons, and the Debtors, (4) Approving the Form and Manner of Notice to the Class, (5) Scheduling a Fairness Hearing to Consider Approval of the Settlement Agreement on a Final Basis and Related Relief and (6) Approving the Settlement Agreement on a Final Basis and Granting Related Relief filed on August 7, 2013

11. Doc. 4793: August 21, 2013 Notice of Filing of Amended Exhibits in Connection with Joint Motion Pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 7023 and 9019 for an Order (1) Granting Class Certification for Purposes of Settlement Only, (2) Appointing Class

Representative and Class Counsel for Purposes of Settlement Only, (3) Preliminary Approving the Settlement Agreement Between Plaintiffs, on Their Own Behalf and on Behalf of the Class of Similarly Situated Persons, and the Debtors, (4) Approving the Form and Manner of Notice to the Class, (5) Scheduling a Fairness Hearing to Consider Approval of the Settlement Agreement on a Final Basis and Related Relief and (6) Approving the Settlement Agreement on a Final Basis and Granting Related Relief; Hearing to be Held on August 22, 2013 at 1:30 p.m. (EST) filed on August 21, 2013

12. Doc. 5342: Notice of Filing of Exhibits 2 through 21 Comprising the Plan Supplement to the Joint Chapter 11 Plan Proposed by Residential Capital, LLC, et al. and the Official Committee of Unsecured Creditors filed on October 11, 2013 (Especially, 5342-3, pages 6-51; 5342-7, pages 2-4; 5342-10, page 2-7; 5342-11, page 2)

13. Doc. 5595: Kessler Settlement Class' Reply in Further Support of the Joint Motion Pursuant to 11 U.S.C. §105 and Federal Rules of Bankruptcy Procedure 7023 and 9019 for an Order, Inter Alia, Approving the Settlement Agreement on a Final Basis and Granting Related Relief filed on November 4, 2013 by POLSINELLI

14. Doc. 5968: Order Approving Kessler Class Settlement entered on November 27, 2013

15. Doc. 6065: Order Confirming Second Amended Joint Chapter 11 Plan Proposed by Residential Capital, LLC, et al. and the Official Committee of Unsecured Creditors entered on December 11, 2013

16. Doc. 6136: Notice of Filing of Execution Versions of Exhibit 2 (Liquidating Trust Agreement), Exhibit 3 (RMBS Claims Trust Agreement), Exhibit 4 (Borrower Claims Trust Agreement), Exhibit 5 (Private Securities Claims Trust Agreement), and Exhibit 11 (Cooperation Agreement Between Liquidating Trust and the Kessler Settlement Class) to the Plan Supplement to the Joint Chapter 11 Plan Proposed by Residential Capital, LLC, et al. and the Official Committee of Unsecured Creditors filed on December 17, 2013

17. Doc. 7188: 69th Omnibus Objection by RESCAP Liquidating Trust to "No Liability Claims" based on "Books and Records"

18. Doc. 7300: Response of Appellant to Objection to Proofs of Claims ## 3889, 4129, 4134, and 4139 by RESCAP Liquidating Trust

19. Doc. 7410: Reply of RESCAP Liquidating Trust to Response of Tia Danielle Smith

20. Doc. 7598: Order Granting in Part and Denying in Part the RESCAP Liquidating Trust's Objection to Ms. Smith's Proofs of Claims ## 3889, 4129, 4134, and 4139

21. Doc. 9917: Memorandum Opinion and Order after Trial of the Contested Matter of the

RESCAP Liquidating Trust and the RESCAP Borrower Claims Trust's Objection to Claims 3889, 4129, 4134, and 4139 filed by Tia Smith entered on June 3, 2016

22. Doc. 9941: Tia Smith's Notice of Appeal filed on June 17, 2016

23. Doc. 10136: Notice of Motion of RESCAP Borrower Claims Trust for Order Authorizing Interim Distribution and Establishing Disputed Claims Reserve dated September 22, 2016 filed by Attorney Daniel J. Flanigan of POLSINELLI, P.C. on behalf of the Borrower Claims Trust filed on September 22, 2015

24. Doc. 10178: Reply to Objections to Motion of ResCap Borrower Claims Trust for Order Authorizing Interim Distribution and Establishing Disputed Claims Reserve filed on October 10, 2016

25. Doc. 10179: Amended, Corrected and Supplemented Limited Objection to Motion of POLSINELLI, Counsel for the Kessler and Mitchell Class Claimants on Behalf of the ResCap Borrower Claims Trust for Order Authorizing Interim Distribution and Establishing Disputed Claims Reserve (Corrections in Bold Italics; Amended and Supplemented in Bold Font) with Supplementary Exhibits C, D, and E filed on October 11, 2016

26. Doc. 10193: Transcript of Hearing on October 13, 2016 at pages 62-76

27. Doc. 10197: Order Authorizing Interim Distribution and Disputed Claims Reserve entered on October 26, 2016

28. Doc. 10211: Notice of Appeal of Tia Smith filed on November 9, 2016

Proofs of Claim filed by Polsinelli, P.C.

#2110: Filed on November 2, 2012 by Attorney Daniel J. Flanigan of POLSINELLI, P.C. on behalf of the Kessler Claims Class

#2117: Filed on November 2, 2012 by Attorney Daniel J. Flanigan of POLSINELLI, P.C. on behalf of the Kessler Claims Class

#2254: Filed on November 5, 2012 by Attorney Daniel J. Flanigan of POLSINELLI, P.C. on behalf of the Kessler Claims Class

#5596: Filed on November 16, 2012 by Attorney Daniel J. Flanigan of POLSINELLI, P.C. on behalf of the Kessler Claims Class

#7354: Filed on January 1, 2014 by Attorney Daniel J. Flanigan of POLSINELLI, P.C. on behalf of the Mitchell Claims Class

Proofs of Claim filed by Tia Danielle Smith

#3889: Filed by Tia Danielle Smith on November 9, 2012 against GMAC Mortgage, LLC

#4129: Filed by Tia Danielle Smith on November 9, 2012 against Homecomings Financial, LLC

#4134: Filed by Tia Danielle Smith on November 9, 2012 against Residential Funding Company, LLC

#4139: Filed by Tia Danielle Smith on November 9, 2012 against Residential Accredited Loans, Inc.

Appellant reserves her right to amend or supplement the foregoing Designation of Contents of Record on Appeal upon good cause shown for such amendment or supplementation.

Dated at Madison, Wisconsin this 23rd day of November, 2016.

/s/ Wendy Alison Nora

Wendy Alison Nora
ACCESS LEGAL SERVICES, admitted pro hac vice in
the United States Bankruptcy Court for the Southern District of New York
310 Fourth Avenue South, Suite 5010
Minneapolis, Minnesota 55415
Telephone: (612) 333-4144
Facsimile: (612) 203-3170
E-mail: accesslegalservices@gmail.com
Wisconsin Bar #1017043
Minnesota Bar #165906

DECLARATION OF SERVICE

Wendy Alison Nora declares that on November 23, 2016 she filed the foregoing Designation of Contents of Record on Appeal with the United States Bankruptcy Court for the Southern District of New York and thereby served all parties and their counsel who are capable of receiving service by CM/ECF.

/s/ Wendy Alison Nora

Wendy Alison Nora