

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

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In re:	)	Case No. 12-12020 (MG)
	)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,	)	Chapter 11
	)	
Debtors.	)	Jointly Administered
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**STIPULATION AND ORDER PURSUANT TO 11 U.S.C. § 362(d)  
MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)**

**WHEREAS** Selene Finance (“**Requesting Party**”), as Servicer for U.S. Bank National Association not in its individual capacity but solely as trustee of OWS Remic Trust 2015-1, asserts that it holds a mortgage and security interest on lands and premises of Renaldo V. Sardanopoli and Heather Sardanopoli with an address of 4 William Street, Fishkill, New York 12524 (the “**Mortgaged Property**”);

**WHEREAS** undersigned counsel represents the Requesting Party;

**WHEREAS** the relevant land records reflect that GMAC Mortgage, LLC, one of the above-captioned debtors (the “**Debtors**” and, together with Requesting Party, the “**Parties**”) also holds a mortgage and security interest on the Mortgaged Property;

**WHEREAS** the Requesting Party has requested (the “Request”) relief from the automatic stay, pursuant to section 362(d) of title 11 of the United States Code (the “**Bankruptcy Code**”), to commence the foreclosure of its mortgage and security interests in the Mortgaged Property;

**WHEREAS** the Debtors, following a review of their records have determined that to the best of their knowledge they no longer hold an interest in the Mortgaged Property;

**WHEREAS** the Debtors have agreed to consent to the Request on the terms and conditions contained in this Stipulation and Order;



**NOW, THEREFOR**, it is hereby stipulated and agreed as between the Parties to this Stipulation and Order, through their undersigned counsel, as follows:

**ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Request is granted as set forth herein.
2. To the extent applicable, the automatic stay imposed in this case by section 362(a) of the Bankruptcy Code is modified under section 362(d) of the Bankruptcy Code to the extent necessary to allow Requesting Party to commence the foreclosure of the mortgage and security interest it holds on the Mortgaged Property.
3. Nothing in this Stipulation and Order shall be deemed to affect in any way the rights of any entity, including the Debtors or The ResCap Liquidating Trust, to contest in any foreclosure proceeding the validity or relative priority of the applicable Requesting Party's mortgage and security interest in the respective Mortgaged Property relative to any other any other security interest in such Mortgaged Property.
4. Nothing in this Stipulation and Order shall be construed to provide for the annulment of or any other retroactive relief from the automatic stay.
5. The Requesting Party shall provide due notice to the Debtors, The ResCap Liquidating Trust<sup>1</sup>, Ocwen Loan Servicing, LLC<sup>2</sup>, and Green Tree Servicing LLC<sup>3</sup>,

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<sup>1</sup> Notices should be served on the Debtors and The ResCap Liquidating Trust, at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808 and 8400 Normandale Lake Boulevard, Suite 920, Bloomington, MN 55437.

<sup>2</sup> Notices should be served on Ocwen Loan Servicing, LLC, at 1100 Virginia Drive, Fort Washington, PA 19034 (Attn: Peter J. Mulcahy, Esq.).

<sup>3</sup> Notices should be served on Green Tree Servicing LLC via email at: [Foreclosure\\_Team@gt-cs.com](mailto:Foreclosure_Team@gt-cs.com) or via mail addressed to: Green Tree Servicing LLC, Mailstop: R214, 1400 Turbine Drive, Rapid City, SD 57703.

in connection with any action to be taken with respect to the Mortgaged Property, including, but not limited to proceeding with a sale of the Mortgaged Property, in accordance with and to the extent required by applicable state law.

6. By entering into this Stipulation and Order, Requesting Party hereby represents that it is an agent for U.S. Bank National Association not in its individual capacity but solely as trustee of OWS Remic Trust 2015-1 (“US Bank”), with authority to seek relief from the automatic stay and enter into this Stipulation on US Bank’s behalf.

7. This Stipulation and Order may not be modified other than by a signed writing executed by the Parties hereto or by further order of the Court.

8. This Stipulation and Order may be executed in multiple counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

9. Pursuant to Bankruptcy Rule 4001(a)(3), the 14-day stay of this Stipulation and Order imposed by such Bankruptcy Rule is waived. Requesting Party is authorized to implement the provisions of this Stipulation and Order immediately upon its entry.

10. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and interpretation of this Stipulation and Order.

<p>GMAC MORTGAGE, LLC</p> <p>By: <u>/s/ Norman S. Rosenbaum</u>  Norman S. Rosenbaum  Erica J. Richards  James A. Newton  <b>MORRISON &amp; FOERSTER LLP</b>  250 West 55th Street  New York, New York 10019  Telephone: (212) 468-8000  Facsimile: (212) 468-7900</p> <p><i>Counsel for the Debtors  and The ResCap Liquidating Trust</i></p>	<p>SELENE FINANCE AS SERVICER FOR  U.S. BANK NATIONAL ASSOCIATION  NOT IN ITS INDIVIDUAL CAPACITY BUT  SOLELY AS TRUSTEE OF OWS REMIC  TRUST 2015-1</p> <p>By: <u>/s/ Lisa Milas</u>  Lisa Milas  <b>SCHILLER, KNAPP, LEFKOWITZ &amp;  HERTZEL, LLP</b>  950 New Loudon Road  Latham, New York 12110  Telephone: (518) 786-9069  Facsimile: (518) 786-1246</p> <p><i>Counsel for Selene Finance as Servicer for  U.S. Bank National Association not in its  individual capacity but solely as trustee of  OWS Remic Trust 2015-1</i></p>
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**APPROVED AND SO ORDERED.**

February 26, 2019  
New York, New York

**/s/Martin Glenn**  
**MARTIN GLENN**  
United States Bankruptcy Judge