Docket #0046 Date Filed: 11/15/2016

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, et al.,	)	Chapter 11
Debtors.	)	Jointly Administered
Gwendolyn B. Hawthorne	)	
Plaintiff,	)	
v.	)	Adv. No. 12-02050 (MG)
GMAC Mortgage, LLC, U.S. Bank National Association, GMFS LLC, Judy Faber, Vice President, Brenda Guidry, and Mortgage Electronic Registration System Inc., and Duane Thompson, Assistant Secretary Mortgage Electronic Registration Systems Inc., as Nominee for GMFS, LLC, Residential Funding Corporation	)	
Defendants.	)	

CERTIFICATE OF NO OBJECTION REGARDING JOINT MOTION OF THE RESCAP LIQUIDATING TRUST AND THE RESCAP BORROWER CLAIMS TRUST FOR (I) DISMISSAL OF ADVERSARY PROCEEDING PURSUANT TO BANKRUPTCY RULE 7012(b) AND FRCP 12(b)(6), AND (II) DISALLOWANCE OF PROOFS OF CLAIM NOS. 6273 AND 6274 FILED BY PLAINTIFF

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1. The undersigned hereby certifies that, as of the date hereof, he is not aware of any answer, objection or other responsive pleading submitted by Plaintiff to the relief sought in the following motion, filed by the ResCap Liquidating Trust and the ResCap Borrower Claims on September 30, 2016 (the "Joint Motion to Dismiss and Objection"):

> *Joint Motion of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust for (I) Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and FRCP 12(b)(6), and (II) Disallowance of Proofs of Claim Nos. 6273 and 6274 Filed by Plaintiff* [Docket No. 40].[1]

2. The undersigned further declares that he has caused a review of the Court's docket in this case and has not been advised that any other answer, objection or other responsive pleading to the Joint Motion to Dismiss and Objection appears thereon. The deadline for filing responses to the Joint Motion to Dismiss and Objection, October 21, 2016, has passed.

3. In accordance with the *Order Under Bankruptcy Code Sections 102(1), 105(a) and 105(d), Bankruptcy Rules 1015(c), 2002(m) and 9007 and Local Bankruptcy Rule 2002-2 Establishing Certain Notice, Case Management and Administrative Procedures* entered on May 23, 2012 (Bankr. S.D.N.Y. 12-12020 (MG)) [Docket No. 151] (the "Case Management Procedures"), the Parties submit this Certificate of No Objection pursuant to 28 U.S.C. § 1746.

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[1] The only responsive pleading submitted to the relief sought in the Joint Motion to Dismiss and Objection was the following motion, filed by certain non-Debtor Defendants, Mortgage Electronic Registration System, Inc., Duane Thompson, Judy Faber and U.S. Bank National Association, on November 2, 2016 in support of the Joint Motion to Dismiss and Objection (the "Motion to Dismiss and Joinder"):

> *Motion to Dismiss Plaintiff's Complaint to Determine Nature and Extent of Liens Pursuant to 11 U.S.C. 506(a) for Failure to State a Claim Upon Which Relief Can be Granted, Lack of Personal Jurisdiction and Insufficient Service of Process and Limited Joinder of Points and Authorities in Support of Dismissal from Joint Motion of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust for (I) Dismissal of Adversary Proceeding Pursuant to Bankruptcy Rule 7012(b) and FRCP 12(b)(6), and (II) Disallowance of Proofs of Claim Nos. 6273 and 6274 Filed by Plaintiff* [Docket No. 44].

The undersigned further certifies that, as of the date hereof, he is not aware of any answer, objection or other responsive pleading submitted by Plaintiff to the relief sought in the Motion to Dismiss and Joinder.

4. Accordingly, for the reasons set forth in the Joint Motion to Dismiss and Objection, the Parties respectfully request that the proposed orders granting the Joint Motion to Dismiss and Objection, annexed hereto as Exhibit 1 and Exhibit 2, respectively, be entered in accordance with the procedures set forth in the Case Management Procedures.

The undersigned declare under penalty of perjury that the foregoing is true and correct.

Dated: November 15, 2016
New York, New York

/s/ Norman S. Rosenbaum

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EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:	)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, et al.,	)	Chapter 11
Debtors.	)	Jointly Administered
Gwendolyn B. Hawthorne	)	
Plaintiff,	)	
v.	)	Adv. No. 12-02050 (MG)
GMAC Mortgage, LLC, U.S. Bank National Association, GMFS LLC, Judy Faber, Vice President, Brenda Guidry, and Mortgage Electronic Registration System Inc., and Duane Thompson, Assistant Secretary Mortgage Electronic Registration Systems Inc, as Nominee for GMFS, LLC, Residential Funding Corporation	)	
Defendants.	)	

ORDER DISMISSING ADVERSARY PROCEEDING
PURSUANT TO BANKRUPTCY RULE 7012(b)
AND FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)

Upon consideration of the complaint (the "Complaint") filed by *pro se* plaintiff Gwendolyn B. Hawthorne in the above-captioned adversary proceeding (the "Adversary Proceeding"); and upon consideration of the *Joint Motion of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust for (I) Dismissal of Adversary Proceeding Pursuant To Bankruptcy Rule 7012(b) and FRCP 12(b)(6), and (II) Disallowance of Proofs of Claim*

Numbers 6273 and 6274 Filed by Plaintiff (ECF Doc. # 40) (the "Motion"); and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and after due deliberation; it is hereby

ORDERED ADJUDGED, AND DECREED THAT:

1. For the reasons stated on the record at the Hearing, the Motion is **GRANTED** as provided in this Order.

2. The Complaint is dismissed with prejudice in its entirety with respect to all Debtor Defendants pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted, as made applicable to the Adversary Proceeding by Bankruptcy Rule 7012(b).

3. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: November __, 2016
New York, New York

THE HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:	)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, et al.,	)	Chapter 11
Debtors.	)	Jointly Administered
Gwendolyn B. Hawthorne	)	
Plaintiff,	)	
v.	)	Adv. No. 12-02050 (MG)
GMAC Mortgage, LLC, U.S. Bank National Association, GMFS LLC, Judy Faber, Vice President, Brenda Guidry, and Mortgage Electronic Registration System Inc., and Duane Thompson, Assistant Secretary Mortgage Electronic Registration Systems Inc, as Nominee for GMFS, LLC, Residential Funding Corporation	)	
Defendants.	)	

ORDER GRANTING OBJECTION OF THE RESCAP BORROWER CLAIMS TRUST TO PROOFS OF CLAIM # 6273 AND 6274 FILED BY GWENDOLYN B. HAWTHORNE

Upon the *Joint Motion of the ResCap Liquidating Trust and the ResCap Borrower Claims Trust for (I) Dismissal of Adversary Proceeding Pursuant To Bankruptcy Rule 7012(b) and FRCP 12(b)(6), and (II) Disallowance of Proofs of Claim Numbers 6273 and 6274 Filed by Plaintiff* (ECF Doc. # 40) (the "Objection"), seeking entry of an order, pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rule 3007, disallowing and expunging proofs of claim numbers 6273 and 6274 filed by Gwendolyn B. Hawthorne (the "Proof of Claim"), for the

reasons set forth in the Objection; and the Court having jurisdiction to consider the Objection pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Objection having been provided, and it appearing that no other or further notice need be provided; and upon consideration of the Objection and the declaration of Sara Lathrop annexed to the Objection as Exhibit 1; and the Court having found and determined that the relief sought in the Objection is in the best interests of the Borrower Trust, the Borrower Trust's beneficiaries, the Debtors, their estates, creditors, and other parties in interest, and that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and responses to the Objection, if any, having been resolved, withdrawn or otherwise overruled by this Order; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the relief requested in the Objection is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the Proofs of Claim are disallowed and expunged with prejudice; and it is further

ORDERED that Kurtzman Carson Consultants LLC, the notice and claims agent in these Chapter 11 Cases, is directed to disallow and expunge the Proofs of Claim so that they are no longer reflected on the claims register maintained in the Chapter 11 Cases; and it is further

ORDERED that entry of this Order is without prejudice to the Borrower Trust's right to object to any other claims in these Chapter 11 Cases; and it is further

ORDERED that the Borrower Trust and the Debtors are authorized and empowered to take all actions as may be necessary and appropriate to implement the terms of this Order; and it is further

ORDERED that notice of the Objection, as provided therein, is deemed good and sufficient notice of such objection, and the requirements of Bankruptcy Rule 3007(a), the Case Management Procedures entered on May 23, 2012 [Docket No. 141], the Procedures Order, and the Local Bankruptcy Rules of this Court are satisfied by such notice; and it is further

ORDERED that the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: November __, 2016
New York, New York

THE HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE