

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

In the matter of the application of  
U.S. BANK NATIONAL ASSOCIATION and U.S.  
BANK TRUST COMPANY, NATIONAL  
ASSOCIATION (each separately as Trustee,  
Securities Administrator, Paying Agent, and/or  
Calculation Agent, as applicable, under various  
Pooling and Servicing Agreements),

Petitioners,

for judicial instructions pursuant to CPLR Art. 77.

Index No. 656028/2021

**Hon. Andrew A. Borok  
(IAS Part 53)**

**AFFIRMATION OF HENRY J. RICARDO IN SUPPORT OF THE MERITS  
BRIEF OF RESPONDENTS OLIFANT FUNDS, RELIANCE PARTIES, AND TACONIC  
FUNDS**

I, HENRY J. RICARDO, an attorney admitted to practice before the courts of this State, hereby affirm under penalty of perjury:

1. I am a partner in the law firm of Patterson Belknap Webb & Tyler LLP, attorneys for respondents Olifant Fund, Ltd., FFI Fund Ltd., FYI Ltd. (collectively the “Olifant Funds”), Reliance Standard Life Insurance Company, Safety National Casualty Corporation, Stephen Finkelstein, NAV LLC (collectively, the “Reliance Parties”), Taconic Master Fund 1.5 LP, Taconic Opportunity Master Fund LP, and Park Royal II LLC (collectively, the “Taconic Funds”). I submit this affirmation in support of the Merits Brief of Respondents Olifant Funds, Reliance Parties, and Taconic Funds.

2. Attached are true and correct copies of the following documents:

- Exhibit 1.** The Pooling and Servicing Agreement for Bear Stearns Asset Backed Securities I Trust 2007-HE2 (BSABS 2007-HE2). This document was obtained through the U.S. Bank Trust Investor Reporting website at the following URL:  
<https://trustinvestorreporting.usbank.com/TIR/public/deals/detail/9951/bear-stearns-2007-he2?layout=layout&dealName=Bear+Stearns+2007-HE2>.
- Exhibit 2.** Excerpts of the transcript of the deposition of U.S. Bank's Rule 11-f corporate witness, Daniel Nevis, dated January 27, 2023.
- Exhibit 3.** A white paper titled "Discussion Paper on the Impact of Forborne Principal on RMBS Transactions" from the American Securitization Forum, dated June 18, 2009. U.S. Bank produced this document with the Bates numbering USBWaterfall-A77-00002882-2907.
- Exhibit 4.** An email chain titled "Changes to Ocwen ASF Data File Template" and dated September 23, 2009. U.S. Bank produced this document with the Bates numbering USBWaterfall-A77-00002509-2510.
- Exhibit 5.** An archived copy of the FDIC Loan Modification Program. This document was obtained through the Wayback Machine archive with the capture date of December 2, 2008, using the following URL:  
<https://www.fdic.gov/consumers/loans/loanmod/FDICLoanMod.pdf>. This URL was cited by the American Securitization Forum in Exhibit 3.
- Exhibit 6.** A document titled "Supplemental Documentation—Frequently Asked Questions, Home Affordable Modification Program". U.S. Bank produced this document with the Bates numbering USBWaterfall-A77-00002485-2508.
- Exhibit 7.** Excerpts of the transcript of the deposition of U.S. Bank's Rule 11-f corporate witness, Daniel Nevis, dated February 2, 2023.
- Exhibit 8.** An email titled "Chase & USB MS" and dated March 5, 2014. U.S. Bank produced this document with the Bates numbering USBWaterfall-A77-00000020.
- Exhibit 9.** A letter titled "Re: U.S. Bank National Association" and dated May 29, 2014. U.S. Bank produced this document with Bates numbering USBWaterfall-A77-00004938-4940.
- Exhibit 10.** The Affidavit of Daniel Nevis Concerning Non-Subject Trusts dated January 23, 2023. U.S. Bank produced this affidavit to the investors via email.

- Exhibit 11.** An email titled "Process Improvement - IR - Update Remit Sum Subsequent Recovery..." and dated February 11, 2019. U.S. Bank produced this document with the Bates numbering USBWaterfall-A77-00004757-4758.
- Exhibit 12.** The Affidavit of Daniel Nevis Concerning Final Recovery Determinations dated August 24, 2022. U.S. Bank produced this document with the Bates numbering USBWaterfall-A77-00000959-964.
- Exhibit 13.** The Pooling and Servicing Agreement for HarborView Mortgage Loan Trust 2005-2 (HVMLT 2005-2). This document was obtained through the U.S. Bank Trust Investor Reporting website at the following URL: <https://trustinvestorreporting.usbank.com/TIR/public/deals/detail/4500/harborview-2005-2>.

Dated: April 3, 2023

*/s/ Henry J. Ricardo* \_\_\_\_\_  
Henry J. Ricardo

**CERTIFICATION OF COMPLIANCE**

This affirmation complies with the word count limit of Commercial Division Rule 17 because it contains 513 words, excluding the parts of the affirmation exempted by Rule 17. This word count was prepared based on the Microsoft Word count function.

Dated: April 3, 2023  
New York, New York

By: /s/ Henry J. Ricardo  
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