

STATE OF WISCONSIN

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CIRCUIT COURT
DANE CO. CIRCUIT COURT

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DANE COUNTY

In the Matter of the Rehabilitation of:

Case No. 10 CV 1576

Segregated Account of Ambac Assurance
Corporation

**ORDER GRANTING REHABILITATOR'S MOTION
TO CONFIRM AND DECLARE THE SCOPE OF THE RELIEF ISSUED
UNDER THIS COURT'S PRIOR ORDER FOR INJUNCTIVE RELIEF**

This matter came before the Court for hearing on the Rehabilitator's Motion to Confirm and Declare the Scope of the Relief Issued Under this Court's Prior Order for Injunctive Relief (the "Motion"). The Motion came before the Court on proper advance written notice for hearing in open court. Appearances were noted on the record. All interested parties were afforded the opportunity to appear and be heard on the Motion.

As used herein, the terms "Events," "the Proceedings," "Transaction Documents," "RMBS Transactions" and "RMBS Transaction Documents" have the meanings defined in the Injunction entered by this Court on March 24, 2010, as supplemented by its November 8, 2010 Order for Supplemental Relief and made permanent by this Court's January 24, 2011 Decision and Final Order Confirming the Rehabilitator's Plan of Rehabilitation (collectively the "Injunction"). Moreover, as used in the Injunction and herein, the terms "Transactional Documents" and "RMBS Transactional Documents" include, but are not limited to, the various insurance and indemnify agreements, pooling and servicing agreements, mortgage loan purchase agreements and other contracts, agreements and transactional documents executed in connection with the RMBS Transactions insured by Ambac and/or the Segregated Account; and

The Court having considered the Rehabilitator's Motion and the information provided at the hearing, it is hereby **ORDERED** that:

1. The Rehabilitator's Motion is **GRANTED**; and
2. The Court hereby confirms and declares that the Injunction is intended to prevent Ambac and the Segregated Account from losing any rights to obtain relief for counterparties' breaches of the Transaction Documents or RMBS Transaction Documents due to these Proceedings or the occurrence of any of the Events, and that the Injunction's effect is in that regard, *inter alia*:


- A. To prohibit counterparties to any of the Transaction Documents or RMBS Transaction Documents from taking any actions: (i) to prevent or to attempt to prevent Ambac and/or the Segregated Account from exercising or enforcing or attempting to exercise or enforce particular rights, interests and/or claims pursuant to any of those documents due to the existence of the Proceedings or the occurrence of one or more of the Events, and (ii) to avoid paying a recovery to Ambac and/or the Segregated Account due to the existence of the Proceedings or the occurrence of one or more of the Events; and
- B. To ensure that Ambac and/or the Segregated Account are not prevented from exercising the right to demand the repurchase of loans that do not comply with contractual representations and warranties and/or pursuing claims for breach of contract or otherwise with respect to those

Transaction Documents or RMBS Transaction Documents due to the occurrence of the Proceedings or one or more of the Events, regardless of whether such occurrences are described, *inter alia*, as insurer default, certificate insurer default, credit enhancer default, material breach, or failure to perform (referred to collectively in the Rehabilitator's Motion as the "Insurer Default Defenses");

3. This Court has exclusive jurisdiction over any challenges regarding the content, scope, meaning or legal effect of the Injunction and this Order.

Dated this 12th day of September, 2012.

BY THE COURT:



Honorable William D. Johnston
Lafayette County Circuit Court Judge
Presiding by Judicial Appointment