

STATE OF WISCONSIN

CIRCUIT COURT

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 DETERMINING
AND DECLARING THE PROPER CONSTRUCTION OF AMBAC
POLICY NOS. AB1003BE, AB1022BE, AB1049BE, AB1065BE, AND
AB1088BE AND DIRECTING THE REHABILITATOR TO MAKE
PAYMENTS CONSISTENT WITH THAT CONSTRUCTION ON THE
PENDED CLAIMS SUBMITTED ON THOSE POLICIES**

This matter came before the Court for hearing on the Rehabilitator's Motion for an Order determining and declaring the proper construction of Ambac Policy Nos. AB1003BE, AB1022BE, AB1049BE, AB1065BE, and AB1088BE (each a "Policy," collectively the "Policies") and directing the Rehabilitator to make payments consistent with that construction on the pended claims submitted on those Policies (the "Motion"). The Motion came before the Court on proper advance written notice for hearing in open court. The motion was served on all interested parties.

Two interested parties filed Responses to the Rehabilitator's Motion consistent with the notice provisions set forth in the Motion: U.S. Bank National Association, solely in its trustee capacity ("U.S. Bank"); and Tricadia Capital Management, LLC ("Tricadia"). Neither U.S. Bank nor Tricadia objected to the construction sought by the Rehabilitator, and thus the Motion was unopposed. Tricadia's filing was designated as a response to the Rehabilitator's Motion, but was in substance a request to reform the insurance policies at issue. The Rehabilitator opposed Tricadia's request at the hearing. U.S. Bank neither opposed Tricadia's request nor joined it.

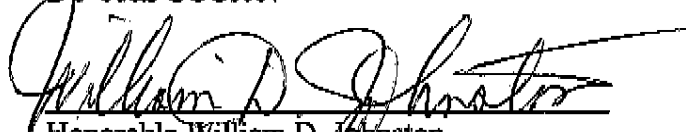
Both responding parties appeared at the hearing by their respective counsel. Appearances were noted on the record. All interested parties were afforded the opportunity to appear and be heard on the Motion.

The Court having considered the Rehabilitator's Motion and the information and argument provided at the hearing, and for the reasons stated by this Court at the hearing on this Motion, it is hereby **ORDERED** that:

1. The Rehabilitator's unopposed Motion is **GRANTED**;
2. The Court hereby adopts the factual assertions in the Rehabilitator's Motion as its Findings of Fact, and hereby determines and declares that the proper construction of the Policies is the construction advocated by the Rehabilitator in the Motion;
3. The Court hereby **ORDERS** the Rehabilitator to pay all pended and future claims pertaining to Policy Nos. AB1003BE, AB1022BE, AB1049BE, AB1065BE, and AB1088BE consistent with the Court's construction of the Policies in accordance with the Rehabilitator's Motion; and
4. Tricadia's request to reform the Policies is **DENIED**.

Dated this 6th day of March, 2012.

BY THE COURT:



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