

Exhibit B

Proposed Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
In re	:	Chapter 11
	:	
DITECH HOLDING CORPORATION, <i>et al.</i> ,	:	Case No. 19-10412 (JLG)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	Related Docket No.
-----	X	

PROPOSED ORDER GRANTING CONSUMER CLAIMS TRUSTEE'S FORTY-FIRST OMNIBUS OBJECTION TO PROOFS OF CLAIM (INSUFFICIENT LEGAL BASIS UNSECURED CONSUMER CREDITOR CLAIMS)

The Consumer Claims Trustee by the *Consumer Claims Trustee's Forty-First Omnibus Objection to Proofs of Claim (Insufficient Legal Basis Unsecured Consumer Creditor Claims)* filed on February 12, 2021 (the "**Objection**"),² seeks an entry of an order, under section 502(b) of the title 11 of the United States Code, Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court's order for approving procedures for the filing of omnibus objections to proofs of claim (the "**Claim**

¹ The Debtors confirmed the *Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors* (ECF No. 1326) (the "**Third Amended Plan**"), which created the Wind Down Estates. Wind Down Estates, along with the last four digits of their federal tax identification number, as applicable, are Ditech Holding Corporation (0486); DF Insurance Agency LLC (6918); Ditech Financial LLC (5868); Green Tree Credit LLC (5864); Green Tree Credit Solutions LLC (1565); Green Tree Insurance Agency of Nevada, Inc. (7331); Green Tree Investment Holdings III LLC (1008); Green Tree Servicing Corp. (3552); Marix Servicing LLC (6101); Walter Management Holding Company LLC (9818); and Walter Reverse Acquisition LLC (8837). The Wind Down Estates' principal offices are located at 1100 Virginia Drive, Suite 100, Fort Washington, Pennsylvania 19034.

² Capitalized terms not otherwise herein defined shall have the meanings assigned to them in the Objection.

Procedures Order”), disallowing the Insufficient Legal Basis Unsecured Consumer Creditor Claims on the basis that, for the reasons stated on Exhibit A, such claims fail to state a legal basis for the claim or attach supporting documentation sufficient to establish the legal basis and demonstrate the claimant’s right to compensable recovery. It appearing that this Court has jurisdiction to consider the Objection under 28 U.S.C. §§ 157 and 1334; that the relief requested is a core proceeding under 28 U.S.C. §157(b); that venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409; that due and proper notice of the Objection has been provided, and that such notice was adequate and appropriate under the circumstances such that no other or further notice need be provided; that the Objection complies with the Claim Procedures set forth in the Claim Procedures Order; the Court finds and determines that the relief sought in the Objection is in the best interest of the Debtors’ estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein, and it is:

ORDERED that the relief requested in the Consumer Claims Trustee’s Forty-First Omnibus Objection to Proofs of Claim is granted to the extent provided in this Order;

ORDERED that, under section 502(b) of the Bankruptcy Code, the claims listed on Exhibit A annexed hereto (collectively, the “**Insufficient Legal Basis Unsecured Consumer Creditor Claims**”) are disallowed with prejudice;

ORDERED that Epiq Corporate Restructuring, LLC, the Debtors’ claims and noticing agent, is directed to mark the Debtors’ Claims Register to show the Insufficient Legal Basis Unsecured Consumer Creditor Claims listed on Exhibit A to this Order as disallowed and expunged so that such claims are no longer maintained on the Debtors’ Claims Register;

ORDERED that the Trustee is authorized and empowered to take all actions as may be necessary and appropriate to implement the terms of this Order;

ORDERED that notice of the Consumer Claims Trustee's Forty-First Omnibus Objection to Proofs of Claim shall be deemed adequate and appropriate notice of such Objection, and the requirements of Bankruptcy Rule 3007(a), the Order Implementing Certain Notice and Case Management Procedures, entered March 19, 2019 (ECF No. 211), the Claims Procedures Order, and the Local Bankruptcy Rules of this Court are satisfied by such notice;

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity, allowance, or disallowance of any claim not listed in Exhibit A, and the Trustee and any party in interest's rights to object on any basis is expressly reserved with respect to any such claim not listed on Exhibit A;

ORDERED that this Order shall be a final order with respect to each of the Insufficient Legal Basis Unsecured Consumer Creditor Claims identified on Exhibit A, as contemplated by Bankruptcy Rule 9014, as if each such Insufficient Legal Basis Unsecured Consumer Creditor Claim had been individually objected to;

ORDERED that any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall apply only to the contested matter that involves such claim and shall not act to stay the applicability and /or finality of this Order with respect to the other contested matters listed in the Objection or this Order;

ORDERED that the terms and conditions of this Order are effective immediately upon entry;

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

Dated: _____, 2021
New York, New York

HONORABLE JAMES L. GARRITY, JR.
UNITED STATES BANKRUPTCY
JUDGE

Exhibit A

Consumer Claims Trustee's Forty-First Omnibus Objection to Proofs of Claim
(Insufficient Legal Basis Unsecured Consumer Creditor Claims)

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Agee, Debbie K Adamsville, AL	1658	\$0.00	Claimant's allegations of escrow account miscalculations are inconsistent with Debtor's books and records. Duplicate hazard insurance payments were refunded to Claimant and Debtor's cancellation of monthly auto-debit payments was not done in error. Fails to state a claim upon which relief can be granted.
Bowles, Phyllis Lakewood, CA	23762	\$0.00	Claimant's allegations of escrow account errors and unwarranted late fees are inconsistent with Debtor's books and records. Fails to state a claim upon which relief can be granted.
Bowlin, Dewayne Eugene, OR	23133	\$285,000.00	Claimant fails to state a claim upon which relief may be granted and claim is precluded based on a prior court decision.
Brumfield, Dessie Milwaukee, WI	1156	\$224,876.00	Claimant raises arguments/causes of action previously dismissed with prejudice in a foreclosure proceeding and are therefore barred from reconsideration in the bankruptcy claims process. Claimant fails to state a claim upon which relief may be granted and claim is precluded based on a prior court decision.
Clayborn, Terry Chicago Heights, IL	2909	\$1,900,000.00	Where motion for default judgment attached to claim was not granted by court, and instead case was dismissed with prejudice, claimant fails to state a claim upon which relief may be granted.
Collins, Sandra Marksville, LA	22213	\$0.00	No evidence provided of alleged failure of Debtor to offer a loan modification. Debtor under no affirmative obligation to refinance the loan.

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Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Dreggors-Newport, Rhonda L Moyock, NC	23356	\$4,829.68	Claim asserts the misapplication of payments and improper credit reporting of the account. After review of the Debtors' books and records, as well as the relevant credit reports from Claimant, there is no basis for the asserted errors.
Evans, Mary Hillsboro, MO	22846	\$9,314.12	Claim is for loss draft proceeds. Debtors' books & records indicate that funds were applied to the loan balance. Fails to state a claim upon which relief may be granted.
Gaeta, Lorraine Ann Longwood, FL	1516	\$257,679.28	Claim seeks to enforce a 2013 loan modification from a prior servicer, notwithstanding the implementation of a subsequent permanent loan modification. Claim fails to state a claim against Debtors upon which relief may be granted, as Claim fails to establish that the conditions precedent for the 2013 loan modification were satisfied. Moreover, the Consumer Claims Trustee cannot provide injunctive relief such as the enforcement of a different loan terms.
Gillespie, Neil J Ocala, FL	21130	\$0.00	Claims Trustee is unable to discern any cognizable legal claim based on the information provided. Fails to state a claim upon which relief can be granted.
Gravlin, Virginia W West Palm Beach, FL	585	\$0.00	Claim resolved, litigation settled, and loan reinstated.

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Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Huttula, Doris A West Linn, OR	1258	\$20,000.00	Debtor corrected identified misapplication of payments. Fails to state a claim upon which relief can be granted.
Jackson, Darryl & Patricia Bloomfield, NJ	1295	\$0.00	Claim is based on escrow account. A review of Debtor's books and records shows no evidence of escrow mismanagement.
Kessell, Michael G Charleston, WV	22967	\$122,928.58	Claims Trustee is unable to discern a cognizable legal claim based upon the information provided. Fails to state a claim upon which relief can be granted.
Laneve, Dominick and Lisa Laflure Defuniak Springs, FL	24612	\$295,026.19	Claim asserts Debtor fraudulently collected on a loan after its predecessor in interest released its mortgage. Claim fails to state a claim for which relief may be granted. Claim filed untimely.
Lewine, Lisa Carol Beaufort, SC	2074	\$0.00	Claimant alleges that she was unaware that her loan was a simple interest loan and that the investors would not lower her interest rate when the loan matured in 2015. Affirmative claims based upon the origination of the loan in 1999 are barred by the applicable statute of limitations. To the extent, not so barred, claimant fails to state a claim upon which relief may be granted.
Litvinko, Aleksandr Morton, PA	24674	\$5,000.00	Eligibility for incentive expired as certification was not timely returned. Certification sent in 2016 not returned until 2019. Claim filed untimely.

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Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Mcguffie, Donald Wayne Trussville, AL	21396	\$95,000.00	Claimant alleges credit damage due to negative reporting by Debtors, but does not provide evidence that dispute was filed and that Debtors failed to correct; evidence does not support damage amount sought.
Melgarejo, Marcela E Dallas, TX	20936	\$219,941.00	Claimant fails to state a claim upon which relief may be granted and claim precluded by prior court decision.
Mosby, Shirley Tunica, MS	2077	\$1,581.90	Claimant's allegation that three monthly mortgage payments were not applied to account is inconsistent with Debtor's books and records. Payments were applied and late fees not assessed in error.
Mr & Mrs Albert W Demello, III Hollis, NH	21493	\$250,000.00	Stipulation signed in subsequent litigation in Claimants' bankruptcy resolved the amount at issue in this claim. Claimant further estopped by the failure to list possible pre-petition claim against any Debtor on schedules filed in Claimants' bankruptcy.
Mulanax, Julie Rene Memphis, TN	21333	\$50,000.00	Claims Trustee is unable to discern a cognizable claim based upon the information provided. Fails to state a claim upon which relief can be granted.
Newborn, Beverly Wynne, AR	20832	\$2,294.62	Claim is for escrow surplus, but account was more than 30 days delinquent at the time of the escrow analysis, therefore return of surplus not required.
Panici, Andonios Fairfax, CA	1685	\$600,000.00	Review of Debtor's books and records does not support claim of improper loan modification denial.

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Peterson, Charles Rochester Hills, MI	20989	\$0.00	Claimant alleges several problems with prior servicer, CitiMortgage. Claimant also alleges Debtors misapplied a payment and made improper collection calls in 2015, as well as unspecific escrow account issues. Claims are either asserted against party other than the Debtors or are barred by applicable statutes of limitations. To the extent, not so barred, the facts alleged fail to state a claim upon which relief may be granted.
Ray, Glenda Prestonburg, KY	20278	\$75,000.00	Claimant alleges that Debtor is liable for conduct of third parties engaged in property preservation activity, but fails to state a claim upon which relief may be granted. Prior proceeding dismissed with prejudice as to the Debtor.
Rehm, John and Lisa Woodbridge, CT	23156	\$37,735.96	Claim that Debtor failed to respond to loss mitigation applications not supported by a review of Debtor's books and records.
Ross, Kevin Los Angeles, CA	23739	\$9,219.33	Claims Trustee is unable to discern cognizable claim based upon the information provided. Fails to state a claim upon which relief can be granted.
Sheridan, Edward J III and Teresa M Portland, OR	23066	\$0.00	Allegation of poor customer service does not state a claim upon which relief may be granted.
Smith, Angela D Decatur, GA	1653	\$0.00	Claim requests a deferral of mortgage payments; servicing of loan has since transferred to new servicer; fails to state a legal claim upon which relief may be granted.

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Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Stewart, Patricia Tucson, AZ	21122	\$21,600.00	Claimant alleges Debtors did not properly implement 2018 trial modification. Claim is not supported by Debtors books & records and claim appears to have been resolved by August 2019 modification.
Straughter, Fey Gary, IN	1837	\$43,000.00	Claims raised by borrower inconsistent with Debtors' books and records. Fails to state a claim upon which relief can be granted.
Woods, Deborah Jacksonville, FL	20923	\$0.00	Claimant's allegation of duplicate payment of property taxes inconsistent with Debtor's books and records. Account was escrowed, but only payments advanced on claimant's behalf were for hazard insurance.