

This Objection seeks to disallow and expunge certain Proofs of Claim.

You should locate your name and claims on Exhibit A attached to this Objection.

If you *do not* oppose the disallowance of your claim, you *do not* need to file a written response, and you do not need to appear for the hearing. If you *do* oppose the disallowance of your claim, you *must* file a written response to the Objection as provided below.

If the Bankruptcy Court disallows your claim, you will not be entitled to any money based on the claim.

IF YOU HAVE QUESTIONS, PLEASE CONTACT THE OFFICE OF THE CONSUMER CLAIMS TRUSTEE AT INFO@DITECH-SETTLEMENT.COM OR 877-783-6297

JENNER & BLOCK LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 891-1600
Facsimile: (212) 891-1699
Richard Levin
rlevin@jenner.com

Attorneys for the Consumer Claims Trustee

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
:
In re : **Chapter 11**
:
DITECH HOLDING CORPORATION, et al., : **Case No. 19-10412 (JLG)**
:
Wind Down Estates.¹ : **(Jointly Administered)**
:
----- X

NOTICE OF HEARING
CONSUMER CLAIMS TRUSTEE’S TWENTY-FIFTH OMNIBUS OBJECTION TO PROOFS OF CLAIM
(INSUFFICIENT LEGAL BASIS UNSECURED CONSUMER CREDITOR CLAIMS)

¹ The Wind Down Estates, along with the last four digits of each 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.

On June 12, 2020, the Consumer Claims Trustee filed the attached *Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims—Insufficient Legal Basis Unsecured Consumer Creditor Claims* (the “**Objection**”), which seeks to disallow proofs of claim listed on Exhibit A to the Objection that do not state a sufficient legal basis to establish liability on the part of the debtors. The Objection asks the Bankruptcy Court to disallow the claims listed on Exhibit A because, for the reasons stated on Exhibit A, the claimants did not establish a legal basis that would entitle them to recovery in the claims process. Recipients of this Notice should locate their name and claims on Exhibit A.

If you *do not* oppose the disallowance of your claim, you do not need to file a written response to the Objection or appear for the hearing. The Court will disallow your claim, and you will not be entitled to any money on account of your claim.

If you *do* oppose the disallowance of your claim, **you must file a written response to the Objection. If you do not respond to this Notice, the court may disallow your claim without further notice or hearing.**

The Court has ordered that certain procedures—the “**Claims Hearing Procedures**”—apply to this Objection and to any Response you file. A copy of the Claims Hearing Procedures is Attachment 1 to this Notice. The Claims Hearing Procedures impose deadlines for action. Failure to comply with the Claim Hearing Procedures may result in the disallowance of your claim without further notice. Please review them carefully if you oppose disallowance of your claim.

Among other things, the Claims Hearing Procedures require that you file with the Bankruptcy Court and send a copy of your response so that it is received by **July 10, 2020** to:

- (1) Consumer Claims Trustee, Tara Twomey, Ditech Consumer Recovery Trust, c/o Settlement Administrator, PO Box 1607, Blue Bell, PA 19422 or via email to info@ditech-settlement.com;
- (2) The chambers of the Honorable James L. Garrity, Jr., United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004. Claimants wishing to file by email should check the court website for operating procedures, which are subject to frequent changes due to COVID-19 accommodations.

The Claims Hearing Procedures also require that every response to the Objection contain the following:

- a. a caption identifying the court (U.S. Bankruptcy Court for the Southern District of New York), the Debtor (Ditech Holding Corporation, et al), the case number (19-10412); and the document to which the response is directed (Consumer Claim Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claim);
- b. the name of the claimant and a description of the basis for the claim;
- c. a statement describing why the claim should not be disallowed, including the specific factual and legal bases upon which the claimant will rely in opposing the Objection;
- d. all documentation or other evidence upon which claimant will rely in opposing the Objection, excluding documentation provided with the original Proof of Claim; and
- e. the name, address, telephone number and email of the person (which may be the claimant or the claimant's legal representative) who will have the ultimate authority to settle or otherwise resolve the Claim on behalf of the claimant.

A HEARING ON THE OBJECTIONS will be held on July 23, 2020 at 11:00 a.m. EDT in the United States Bankruptcy Court, One Bowling Green, Room 601, New York, New York 10004. The Claims Hearing Procedures govern the procedures at the hearing. Due to

restrictions related to COVID-19, all court hearings are currently being held telephonically.² If you file a written response to the Objection, you should plan to appear telephonically at that hearing, unless the Consumer Claims Trustee notifies you that the hearing will be postponed to a later date. You may participate in the hearing telephonically by complying with the Court's instructions (including providing prior written notice to the attorneys for the Consumer Claims Trustee), which can be found on the Court's website at www.nysb.uscourts.gov.

**CLAIMANTS SHOULD NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT
TO DISCUSS THE LEGAL MERITS OF THEIR CLAIMS.**

/s/ Richard Levin
JENNER & BLOCK LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 891-1600
Facsimile: (212) 891-1699
Richard Levin
rlevin@jenner.com

Attorneys for Consumer Claims Trustee

² Per General Order M-543 of the U.S. Bankruptcy Court, Southern District of New York, issued March 20, 2020.

Attachment 1

COURT-ORDERED CLAIM HEARING PROCEDURES

The claim hearing procedures (the “**Claim Hearing Procedures**”) have been ordered by the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) to apply to the chapter 11 cases of the Ditech Holding Corporation and its affiliates (each, a “**Debtor**”).¹

Claim Hearing Procedures

1. Under the Court’s “**Case Management Order**” (*Order Implementing Certain Notice and Case Management Procedures*, dated March 19, 2019 (ECF No. 211)), the Court established periodic hearings in these cases and required the Plan Administrator (which term includes the Consumer Claims Trustee), on behalf of the Wind Down Estates, to schedule response deadlines for claims objections to be heard at the hearings the Plan Administrator schedules with the Court.
2. If a claimant properly files and serves a response to an objection, the Plan Administrator will schedule a hearing (a “**Claim Hearing**”) to consider the claim (a “**Contested Claim**”), the objection, and the response as follows:
 - (a) If the objection asserts that the Contested Claim fails to state a legal basis for a claim against the Debtor, that the Plan Administrator does not intend to introduce evidence in support of the objection, that is, that the Contested Claim should be dismissed under Bankruptcy Rule 7012, the hearing (a “**Sufficiency Hearing**”), will go forward at the date stated in the Notice Of Hearing to which this Attachment 1 is attached. The legal standard of review that will be applied by the Court at a Sufficiency Hearing will be equivalent to the standard applied by the Court upon a motion to dismiss for failure to state a claim upon which relief can be granted.
 - (b) If the Plan Administrator instead intends to proceed with an evidentiary hearing on the merits of a Contested Claim (a “**Merits Hearing**”), the Plan Administrator must serve upon the relevant Claimant, by email or overnight delivery and file with the

¹ Capitalized terms used but not otherwise defined in this Attachment 1 shall have the meanings assigned to those terms in the *Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors* (the “**Third Amended Plan**”) (ECF No. 1326) or the *Order Approving (I) Claims Objection Procedures and (II) Claim Hearing Procedures* (the “**Order**”) (ECF No. 1632), as applicable, which are available at <https://dm.epiq11.com/case/ditech>.

Court, a notice (a “**Notice of Merits Hearing**”) substantially in the form attached as Exhibit 2 to the Order establishing these Claims Hearing Procedures, at least 30 calendar days before the date of the Merits Hearing. The rules and procedures applicable to a Merits Hearing will be set forth in any scheduling order issued by the Court in connection with the Merits Hearing.

3. Discovery with respect to a Contested Claim will not be permitted until either (i) the Court has held a Sufficiency Hearing and determined that the Contested Claim states a claim that could be allowed and should not be dismissed pursuant to Bankruptcy Rule 7012 or (ii) the Plan Administrator has served the Claimant a Notice of Merits Hearing with respect to the Contested Claim.
4. The Plan Administrator may file and serve a reply (a “**Reply**”) to a Response no later than 4:00 p.m. EDT on the day that is at least five business days before the date of the hearing.
5. The Plan Administrator, in its sole discretion, may postpone a hearing scheduled in accordance with these Claims Hearing Procedures at any time by providing notice to the Court and the Claimant.
6. The Court will consider appropriate sanctions, including allowance or disallowance of the Contested Claim, if either party does not follow the Claim Hearing Procedures.

This Objection seeks to disallow and expunge certain Proofs of Claim.

You should locate your name and claims on Exhibit A attached to this Objection.

If you *do not* oppose the disallowance of your claim, you *do not* need to file a written response, and you do not need to appear for the hearing. If you *do* oppose the disallowance of your claim, you *must* file a written response to the Objection as provided in the Notice of Objection.

If the Bankruptcy Court disallows your claim you, will not be entitled to any money based on the claim.

IF YOU HAVE QUESTIONS, PLEASE CONTACT THE OFFICE OF THE CONSUMER CLAIMS TRUSTEE AT INFO@DITECH-SETTLEMENT.COM OR 877-783-6297

JENNER & BLOCK LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 891-1600
Facsimile: (212) 891-1699
Richard Levin
rlevin@jenner.com

Attorneys for the Consumer Claims Trustee

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
:
In re : Chapter 11
:
DITECH HOLDING CORPORATION, *et al.*, : Case No. 19-10412 (JLG)
:
Wind Down Estates.¹ : (Jointly Administered)
:
----- X

**CONSUMER CLAIMS TRUSTEE’S TWENTY-FIFTH OMNIBUS OBJECTION TO
PROOFS OF CLAIM
(INSUFFICIENT LEGAL BASIS UNSECURED CONSUMER CREDITOR CLAIMS)**

¹ The Wind Down Estates, along with the last four digits of each 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.

The Consumer Claims Trustee (“**Trustee**”), on behalf of the Consumer Creditor Recovery Trust (“**Trust**”) established under the confirmed Plan respectfully represents as follows in support of this omnibus objection (the “**Objection**”):

BACKGROUND

1. On February 11, 2019, Ditech Holding Corporation and certain of its affiliates (collectively, the “**Debtors**”) each commenced with this Court a voluntary case under chapter 11 of title 11 of the United States Code. The chapter 11 cases are being jointly administered for procedural purposes only under Rule 1015(b) of the Federal Rules of Bankruptcy Procedure. On September 26, 2019, the Court confirmed the Third Amended Plan, under which the Debtors sold their forward and reverse mortgage businesses to the Forward Buyer and Reverse Buyer, respectively. The Effective Date of the Third Amended Plan occurred on September 30, 2019. *See Notice of (I) Entry of Order Confirming Third Amended Joint Chapter 11 Plan of Ditech Holding Corporation and Its Affiliated Debtors, (II) Occurrence of Effective Date, and (III) Final Deadline for Filing Administrative Expense Claims* (ECF No. 1449).

JURISDICTION

2. This Court has jurisdiction to consider this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

3. The Trustee files this Objection under the Claims Procedures Order seeking entry of an order disallowing the Insufficient Legal Basis Unsecured Consumer Claims listed on the attached Exhibit A.

4. The Trustee, with the assistance of her professionals, examined the proofs of claim identified on Exhibit A (the “**Insufficient Legal Basis Unsecured Consumer Creditor Claims**”),

documentation provided with respect to each claim, and, as needed, the Debtors' respective books and records. Each of these claims is asserted as a general unsecured claim. The Trustee has determined in each case that, for the reasons stated on Exhibit A, the proofs of claim fail to state a legal basis that establishes wrongdoing or liability on the part of the Debtors that would give rise to compensable recovery by the claimants.

5. The Trust expressly reserves all rights to object on any other basis to any Insufficient Legal Basis Unsecured Consumer Creditor Claims as to which the Court does not grant the relief requested in this Objection.

**THE INSUFFICIENT LEGAL BASIS UNSECURED CONSUMER CREDITOR
CLAIMS SHOULD BE DISALLOWED**

6. A filed proof of claim is "deemed allowed, unless a party in interest . . . objects." 11 U.S.C. § 502(a). Upon an objection, the claimant has the burden to demonstrate the validity of the claim. *See Residential Capital, LLC*, 2016 WL 796860, at *9 (S.D.N.Y. 2016); *In re Motors Liquidation Co.*, 2012 WL 1886755, at *3 (S.D.N.Y. 2012).

7. Section 502(b)(1) of the Bankruptcy Code provides, in relevant part, that a claim may not be allowed to the extent that "such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law." 11 U.S.C. § 502(b)(1).

8. Based upon a diligent review of the proofs of claim filed on the Claims Register, the Trustee determined that the Insufficient Legal Basis Unsecured Consumer Creditor Claims are claims that should be disallowed because, for the reasons stated on Exhibit A, they do not adequately state a legal basis which would establish liability on the part of the Debtors. *Vaughn v. Air Line Pilots Ass'n, Int'l*, 604 F.3d 703, 709 (2d Cir. 2010) (well-pleaded facts must state a plausible claim for relief); *Brincken v. GMAC Mortgage, LLC, et al.*, 2016 WL 1179259, *5 (Bankr. S.D.N.Y. Mar. 25, 2016) (same); Fed. R. Bankr. P. 7012.

9. Because the claims lack legal basis, claimants are not entitled to damages or compensation for the alleged harms. Accordingly, these proofs of claim do not present valid prepetition claims against the Debtors. If the Insufficient Legal Basis Unsecured Consumer Creditor Claims are not disallowed, then the parties who filed these proofs of claim may potentially receive an improper recovery to the detriment of the Trust's beneficiaries.

10. Therefore, to avoid the possibility that the claimants at issue receive improper recoveries against the Trust, and to ensure that the Trust's beneficiaries are not prejudiced by such improper recoveries, the Trust requests that the Court disallow in their entirety each of the Insufficient Legal Basis Unsecured Consumer Creditor Claims.

SEPARATE CONTESTED MATTERS.

11. To the extent a claimant files a Response regarding any Insufficient Legal Basis Unsecured Consumer Creditor Claim and the Trustee is unable to resolve the Response, the Objection shall constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. Any order entered by the Court regarding an objection asserted in this Objection shall be deemed a separate order with respect to each Insufficient Legal Basis Unsecured Consumer Creditor Claim.

RESERVATION OF RIGHTS.

12. The rights of the Trustee to (i) file subsequent objections to any Insufficient Legal Basis Unsecured Consumer Unsecured Creditor Claim on any ground to the extent there are surviving claims; (ii) amend, modify, or supplement this Objection including, without limitation, the filing of objections to further amended or newly-filed claims; (iii) seek to disallow or reduce any claim to the extent all or a portion of such claim has been paid; and (iv) settle any claim for less than the asserted amount are fully reserved. Separate notice and a hearing will be provided in connection with any such additional objections.

NO PRIOR REQUEST.

13. No previous request for the relief sought herein with respect to the Insufficient Legal Basis Unsecured Consumer Creditor Claims has been made by the Trustee to this or any other court.

WHEREFORE the Trustee respectfully requests entry of the Proposed Order granting the relief requested herein and such other and further relief as is just.

/s/ Richard Levin
JENNER & BLOCK LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 891-1600
Facsimile: (212) 891-1699
Richard Levin
rlevin@jenner.com

Attorneys for Consumer Claims Trustee

Exhibit A

Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Aarons, Ann Barnegat, NJ	281	\$183,364.00	Claim asserts damages resulting from Debtors' securing of the property based on vacancy status. Foreclosure court found on the record that the claimant had adduced no evidence showing that the property was occupied during the relevant time. The claim is precluded based on a prior court decision and fails to state a claim upon which relief may be granted.
Abate, Alfred M Cos Cob, CT	2484	\$25,179.75	Claim seeks refund of overpaid mortgage insurance premiums (MIP) based on October 2017 guidance from the Department of Housing and Urban Development reducing the MIP for loans originated on or after October 2, 2017. Claimant's mortgage originated prior to October 2, 2017. Claimant fails to state a claim upon which relief may be granted. Claim filed after the bar date.
Adams, Oscar Birmingham, AL	551	\$15,000.00	On January 22, 2020, the Eleventh Circuit Court of Appeals affirmed the district court's dismissal of litigation asserting the same claims as in the filed claim. The claim is precluded based on a prior court decision.
Amuzie, Chinyere J Cliffwood, NJ	1445	\$9,498.92	Claimant settled and released all claims raised against Debtors in August 2017. Claim fails to state a claim upon which relief may be granted.
Amuzie, Chinyere J, Pro Se Cliffwood, NJ	20859	\$9,498.92	Claimant settled and released all claims raised against Debtors in August 2017. Claim fails to state a claim upon which relief may be granted.
Anggelis, Frances S & Virginia Lexington, KY	21296	\$0.00	Claims raised are based on litigation to which Debtors were not a party. Claim fails to state a claim against Debtors upon which relief may be granted.
Barker, Rickie & Sheila Birmingham, AL	2177	\$0.00	Claimant seeks return of surplus in escrow account. Escrow balance was transferred to successor mortgage servicer in the normal course of business. Claim fails to state a claim upon which relief may be granted. Claim filed after the bar date.

Exhibit A

**Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)**

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Bevel, John B, Jr Indio, CA	1906	\$9,342.31	Claim appears to assert overcharge of interest rate. After review of the Debtors' books and records, there is no basis for asserted error in interest calculation and application.
Brisson, Karen Weybridge, VT	2227	\$1,000,000.00	Summarily asserts claim for "fraudulent transfer" which fails to state a claim upon which relief can be granted; asserts standing defense which is unimpaired by the Debtors' confirmed plan and does not state an affirmative claim upon which relief can be granted. Claim filed after the bar date.
Brown, Marvella D Hyattsville, MD	2673	\$0.00	Claim asserts the transfer of servicing without claimant entering into a new contract is void. Assertion is factually incorrect and fails to state a claim upon which relief can be granted. Claim also asserts contract is illegal because claimant did not have an attorney present at the closing. Debtors were not a party to the loan closing and disclosure provided with claim indicates claimant represented by closing attorney. Claim fails to state a claim upon which relief can be granted. Claim filed after the bar date.
Brunk, Glenda Ellington, MO	1381	\$0.00	Claim basis listed as litigation in which no Debtor is named as defendant. Claim fails to state a claim against Debtors for which relief may be granted.
Clark, Major & Yvonne Ossining, NY	1439	\$17,746.54	Claim is against contractor for failing to complete work. Claim fails to state a claim against Debtors for which relief may be granted.
Craig, Vicki R & Willie Lee Selma, AL	1216	\$11,836,316.40	Claims date from purchase and financing of home in 2007, which is outside the statute of limitations for any affirmative claims; Consumer Claims Trustee cannot provide desired injunctive relief.

Exhibit A

**Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)**

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Daneshrad, Sherry Plainview, NY	23359	\$1,176.13	Claim based on partial payment placed in suspense account. After review of the Debtors' books and records, use of suspense account for partial payments is permitted under the loan documents. Claim fails to state a claim upon which relief may be granted.
Dezihan, Burton A Puyallup, WA	2845	\$49,000.00	The Consumer Claims Trustee cannot discern a cognizable legal claim on the facts presented.
Dholakia, Jay Emeryville, CA	22590	\$177.00	Claimant alleges Debtors failed to pay taxes from escrow account. Claimant voluntarily canceled escrow account before taxes were due; Debtors therefore had no obligation to pay taxes. Claim fails to state a claim upon which relief may be granted.
Eke, Maclean Indianapolis, IN	23781	\$12,000.00	Claim alleges failure to cancel private mortgage insurance (PMI), as required by Homeowners Protection Act (HPA). PMI cancelled in August 2016, and the HPA has a two-year statute of limitations. Any claims barred by the statute of limitations.
Ekroth, Thomas Ridgewood, NJ	2194	\$2,136.20	Claimant seeks return of surplus in escrow account. Escrow balance was transferred to successor mortgage servicer in the normal course of business. Claim fails to state a claim upon which relief may be granted. Claim filed after the bar date.
English, Mary C Roseland, NJ	798	\$1,026,798.00	Claim based on litigation in which no Debtor was named as a party. Consent order resolving litigation on which claim is based was entered August 2019. Claim fails to state a claim against Debtors upon which relief may be granted.
English, Mary C Roseland, NJ	802	\$1,026,798.00	Claim based on litigation in which no Debtor was named as a party. Consent order resolving litigation on which claim is based was entered August 2019. Claim fails to state a claim against Debtors upon which relief may be granted.

Exhibit A

**Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)**

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Farhat, Beth A Troy, MI	1987	\$1,988.22	Claim presented in case Debtors' check, representing insurance proceeds, was not honored by Claimant's bank. Absent evidence that check was not honored, the claim fails to state a claim upon which relief may be granted.
Fulcher, Sherry G Lindenwold, NJ	2323	\$0.00	Claimant objects to letter from Debtors regarding an escrow shortage. After review of the Debtors books and records, the escrow calculation appears correct.
Gilmore, William F Jr & Zelda Y Baltimore, MD	1990	\$27,145.00	Asserts property value in excess of reverse mortgage amount, which fails to state a claim upon which relief may be granted.
Graves, Sharon Kansas City, MO	23622	\$51,600.00	Claim seeks invalidation of mortgage and note based on incorrect lot description. Claim fails to state a claim for which relief may be granted.
Harris, Shirley A Birmingham, AL	940	\$150,000.00	On January 22, 2020, the Eleventh Circuit Court of Appeals affirmed the district court's dismissal of litigation asserting the same claims as in the filed claim. The claim is precluded based on a prior court decision.
Hart, Thomas E Orange, CA	948	\$870.00	Claim alleges double payment of earthquake insurance. After review of Debtors book & records, second payment was refunded to claimant and therefore there was no error.
Healy, Kevin P Levittown, NY	23502	\$8,533.73	Claimant seeks damages for Debtors' miscalculation of the necessary monthly escrow payment. The Consumer Claims Trustee cannot discern a cognizable legal claim on the facts presented.
Henning, John Paisley, FL	23609	\$0.00	Claimant alleges that failure to modify or refinance loan for seven years resulted in excess interest and damage to credit score. There is no general duty to refinance or modify. Claim fails to state a claim upon which relief may be granted.
Herrerias, Raul Miami, FL	2006	\$3,543.79	Claimant seeks recovery of funds that escheated to State, not monies held by Debtors. Claim fails to state a claim upon which relief may be granted.

Exhibit A

**Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)**

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Hill, Jennifer & Darren Bend, OR	840	\$0.00	Claim seeks equitable relief only, including release of mortgage, based on alleged problems with assignments. The Consumer Claims Trustee cannot provide equitable relief; the claim does not state a claim upon which relief may be granted.
Holloway, Betty Lauderdale Lakes, FL	1023	\$80.00	Claim asserts amounts owed that Debtors have already credited to claimant's account. Therefore, the claim does not state a claim upon which relief may be granted.
Hopken, Celia Dallas, TX	1435	\$291,297.08	Claim is based on judgment to which no Debtor is a party. The claim does not state a claim against any Debtor for which relief may be granted.
Hover, Colleen Conlin Wilmington, DE	1473	\$45,000.00	Claim asserts improper denial of loan modification. Debtors book & records show that Debtors had a valid basis for denial of loan modification. Additionally, any claims under the Real Estate Settlement Procedures Act are outside the three-year statute of limitations.
Jackson, Tawada Goshen, AL	2123	\$0.00	Claimant erroneously asserts that the lien on her grandmother's trailer should have been extinguished by her grandmother's death. Claim fails to state a claim upon which relief may be granted.
Jean-Claude, Johnny Fort Lauderdale, FL	2513	\$10,000.00	Claim is for insurance proceeds, which have been transferred to the new servicer in the normal course. Claim fails to state a claim for which relief may be granted. Claim filed after the bar date.
Johnson, Anna P Powhatan, VA	1737	\$12,879.75	Claimant asserts that 2013 loan modification improperly included past due interest. Any contract or UDAP claim is outside the statute of limitations. Further, claimant executed modification agreement, acknowledging and accepting new principal balance. The claim fails to state a claim upon which relief may be granted.
Jolly, Thomas Cocoa, FL	20405	\$13,000.00	Claim fails to state a claim under FDCPA or FCCPA.

Exhibit A

**Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)**

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Kegley, David Urbana, OH	20466	\$0.00	Claims assert incorrect loan accounting and principal balance. After review of the Debtors books and records, principal balance reflected on amortization schedule matches principal balance in loan contract, and combination of late payments and simple interest loan explain slow decrease in principal balance over time. Claim fails to state a claim for which relief may be granted.
Kirton, Rodney & Veronica Monrovia, CA	560	\$21,193.88	Fails to state a claim with respect insurance proceeds transferred to successor servicer in the normal course.
Kretz, James Carl Bloomington, IL	1073	\$0.00	Claimant filed a certificate of assumed name and asserts that this gives him priority over Debtors as to his mortgage; the Consumer Claims Trustee cannot discern a cognizable legal claim.
Kretz, James Carl Bloomington, IL	1189	\$0.00	Claimant filed a certificate of assumed name and asserts that this gives him priority over Debtors as to his mortgage; the Consumer Claims Trustee cannot discern a cognizable legal claim.
Lemaster, Valerie Montgomery, MN	20104	\$0.00	Claimant filed a state court case in 2014 on the same facts against the same parties. The trial court granted summary judgment for the Debtors, and the grant of summary judgment was upheld on appeal. The claim is precluded based on a prior court decision and fails to state a claim for which relief may be granted.
Marshall, Ileana Houston, TX	23894	\$0.00	Claim asserts that borrower entered into modification because of lack of other options which fails to state a claim upon which relief can be granted. Claim filed after the bar date.
Mayne, Mark Bronx, NY	1511	\$5,000.00	Claimant seeks payment of attorney's fees without identifying any legal basis for a duty to pay attorney fees. Claims fails to state a claim for which relief may be granted.

Exhibit A

**Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)**

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Mitchell, Latrice A Atlanta, GA	21074	\$0.00	Claims are barred by an order granting summary judgment in favor of Debtors in state court on May 2017. Claim precluded by prior court decision, and claim fails to state a claim for which relief may be granted.
Mitchell, Latrice A Atlanta, GA	21191	\$399,000.00	Claims are barred by an order granting summary judgment in favor of Debtors in state court on May 2017. Claim precluded by prior court decision, and claim fails to state a claim for which relief may be granted.
Myrette-Crosley, Faye Capistrano Beach, CA	1172	\$1,200,000.00	Claim is precluded by prior court decision and fails to state a claim for which relief may be granted.
Persaud, Zilla Queens, NY	1771	\$361,289.11	Claimant alleges that she was denied a loan modification in 2018. Claim fails to state a claim for which relief may be granted.
Rellstab, Carl W Worcester, MA	22564	\$675,000.00	Claim is precluded by prior court decision and fails to state a claim for which relief may be granted.
Ritchie, Mildred Georgetown, KY	148	\$0.00	State court action dismissed with prejudice. Claim is precluded by prior court decision and fails to state a claim for which relief may be granted.
Rivas, Rene Garden City, NY	20235	\$0.00	Foreclosure of pre-existing tax lien does not state a basis for recovery against Debtors. Although claimant purchased the property from Debtor, the deed contained no representations or warranties. Claim fails to state a claim for which relief may be granted.
Rives, Michael P Lancaster, CA	21970	\$150,000.00	Claimant complains that servicing was transferred to Debtors without his consent; this does not state a legal claim for which relief may be granted.
Ronan, Michael Gloucester, MA	23504	\$0.00	Claim based on failure to offer principal reduction as part of loan modification. Claim fails to state a claim for which relief may be granted.

Exhibit A

Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Sanders, Willie Wharton, TX	20287	\$150,000.00	Claim asserted based on home purchase and financing in 1998; any affirmative claims are barred by applicable statutes of limitations.
Santos, Epifanio, Sr Chicago, IL	1429	\$5,006.00	Claimant seeks money for deed-in-lieu of foreclosure, attorney fees, and moving costs. Claimant does not state any basis for recovery of these costs from Debtors. Claim fails to state a claim for which relief may be granted.
Sarhan, Emad Libertyville, IL	20376	\$0.00	Underlying claims asserted may give rise to liability against other parties, not Debtors. Claim fails to state a claim against Debtors for which relief may be granted.
Sherer, Suzanne M Tampa, FL	20096	\$20,000.00	Counterclaims on which the claim is based dismissed by trial court, with leave to amend, but not amended. Claim is precluded by prior court decision and fails to state a claim for which relief may be granted.
Siess, Adam L St. Clair, MO	586	\$0.00	Claim barred by statute of limitations.
Smith, Vincent M & Margaret L Reading, PA	1835	\$0.00	Claimant asserts that modification they received was different than what they were supposed to receive. Claimant agreed to the terms of the modification and provides no factual basis for a duty or agreement to provide alternative terms. Claim fails to state a claim for which relief may be granted.
Stephen Sustrick Ttee For Marion Sustrick Montara, CA	2273	\$1.00	Claimant seeks release of lien and alleges that Debtor does not possess valid promissory note. Claimant also alleges harassing debt collection contacts, but without specificity. The Consumer Claims Trustee cannot discern a cognizable affirmative legal claim on these facts. Claim filed after the bar date.
Stone, Tonya Danielle Burlington, NC	1844	\$500.00	Claimant alleges that, due to Debtor's bankruptcy filing, she failed to receive a refund on her federal income taxes. The Consumer Claims Trustee cannot discern a cognizable legal claim on these facts.

Exhibit A

**Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)**

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Strausbaugh, Michael Tucson, AZ	302	\$1,500,000.00	Claim is based on a 2015 lawsuit seeking reversal of a 2012 foreclosure and damages. Lawsuit was decided against the claimant in 2018. Claim is precluded by prior court decision and claim fails to state a claim for which relief may be granted.
Thornton, Artist & Elaine Copperas Cove, TX	762	\$214,000.00	Claimant's complaint against Debtors was dismissed by a federal district court on a motion to dismiss, after repeated repleading by claimant. Claim is precluded by prior court decision and claim fails to state a claim for which relief may be granted.
Vincent Dimasi & Jodi Rappaport Westport, CT	1897	\$152,600.00	Claims against Debtors dismissed in January 2020 by federal district court. Claim is precluded by prior court decision and claim fails to state a claim for which relief may be granted.
Visone, Lance & Miller, Becca Stewartsville, NJ	1471	\$1,678.08	Claimant asserts violation of the Real Estate Settlement Procedures Act in 2014, which has a 3-year statute of limitations. Claim barred by the statute of limitations and fails to state a claim for which relief may be granted.
Watson, Kenneth P & Mistie M Manton, MI	20690	\$34,524.24	Claimant challenges principal balance on modification agreement claimant accepted and signed. Claim fails to state a claim for which relief may be granted.
West, Winnie Faye Lubbock, TX	20928	\$0.00	Complaint attached to claim seeks the stay and reversal of a 2018 foreclosure. Claim fails to state a claim for which relief may be granted; the Consumer Claims Trustee cannot provide injunctive relief.
White, Carolyn J Mobile, AL	1092	\$219,400.00	Claimant asserts that Debtors failed to timely process a loss mitigation application. Claimant does not state the basis for a cognizable legal claim, as she alleges no breach of common law or statutory obligation.
Wilcox, Annette Norwich, CT	1479	\$9,000.00	Any claims lie against third party. Claim fails to state a claim against Debtors for which relief may be granted.

Exhibit A**Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claims
(Insufficient Legal Basis Consumer Creditor Claims)**

Creditor/Address	Claim Number	Total Claim Amount	Basis for Objection
Zamudio, Baltasar Chicago, IL	20768	\$0.00	Claimant deeded property to ex-wife but was not released from liability on the note and security instrument. Claims against Debtors in connection with Debtors' attempts to collect the debt fail. Claim fails to state a claim for which relief may be granted.

Exhibit B

Proposed Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
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 TWENTY-FIFTH OMNIBUS OBJECTION TO PROOFS OF CLAIM (INSUFFICIENT LEGAL BASIS UNSECURED CONSUMER CREDITOR CLAIMS)

The Consumer Claims Trustee by the *Consumer Claims Trustee's Twenty-Fifth Omnibus Objection to Proofs of Claim (Insufficient Legal Basis Unsecured Consumer Creditor Claims)* filed on June 12, 2020 (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 Twenty-Fifth 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 Twenty-Fifth 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: _____, 2020
New York, New York

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