

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK****IKB INTERNATIONAL S.A. IN LIQUIDATION and  
IKB DEUTSCHE INDUSTRIEBANK AG****Plaintiffs,**

v.

**BANK OF AMERICA CORPORATION; BANK OF  
AMERICA, N.A; MERRILL LYNCH, PIERCE, FENNER  
& SMITH, INC. (f/k/a BANC OF AMERICA  
SECURITIES LLC); MERRILL LYNCH & CO., INC.;  
MERRILL LYNCH MORTGAGE INVESTORS, INC.;  
MERRILL LYNCH MORTGAGE CAPITAL, INC.;  
ASSET BACKED FUNDING CORPORATION; and  
CREDIT-BASED ASSET SERVICING AND  
SECURITIZATION LLC,****Defendants.**

Index #:

**Summons with Notice****TO THE ABOVE-NAMED DEFENDANTS:**

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED and required to serve upon Plaintiffs' attorneys a notice of appearance or demand for a complaint within twenty (20) days after service of this Summons, exclusive of the day of service, or within thirty (30) days after service is complete if this Summons is not personally delivered to you within the State of New York. In case of your failure to appear or answer, judgment will be taken against you on default for the relief demanded herein.

Plaintiffs designate New York County as the place of trial. Venue is proper because Defendants are principally located in this County, and many of the wrongful acts alleged herein occurred in this County.

## NOTICE

This is an action for damages and/or a declaratory judgment arising from Plaintiffs' investment in residential mortgage-backed securities (the "Securities") which were securitized by Defendants and sold to Plaintiffs by Defendants. Plaintiffs purchased \$56,188,000 in Securities in the offerings listed on Exhibit A attached hereto (the "Offerings"). The Securities were sold by Plaintiffs at a loss.

Defendants were actively involved in each step of the securitization and sale of the Securities to Plaintiffs. Defendants acted as depositor, underwriter, seller, sponsor, and/or broker-dealer for the Offerings.

The offering materials issued by Defendants for the Offerings (the "Offering Materials") contained material misrepresentations and omissions regarding the underwriting standards used to issue the mortgage loans that were pooled together into the Offerings, the legal validity of assignments of those mortgage loans to trusts formed to hold the pooled loans and to collect interest and principal payments due on the loans, and the legal validity of the trusts and their legal entitlement to receive interest and principal payments on the loans.

The Offering Materials also contained material misrepresentations and omissions regarding key statistical characteristics of the mortgage loans underlying the Securities, including the loans' loan-to-value ratios and combined loan-to-value ratios, as well as the percentage of owner-occupied properties. The Offering Materials also contained material misrepresentations about the Securities' credit ratings, which understated the Securities' risk profile.

Each of the Defendants knew, or at a minimum was negligent in not knowing, that its representations and omissions were false and/or misleading at the time they were

made. Each Defendant made the false and/or misleading statements with the intent for Plaintiffs to rely upon those statements.

Defendants obtained mortgage loans from the originators and created securities from them. The underwriters underwrote the Offerings and sold the Securities to Plaintiffs by means of Offering Materials which contained knowing material misrepresentations and omissions.

Plaintiffs did not know the true facts regarding Defendants' misrepresentations and omissions in the Offering Materials, and justifiably relied on those misrepresentations and omissions. Defendants' wrongdoing has led directly to Plaintiffs' damages, which include loss of market value on the Securities.

Plaintiffs' causes of action against Bank of America Corporation, Bank of America, N.A. and Merrill Lynch & Co., Inc. are at law and at equity for claims including common-law fraud, fraudulent inducement, negligent misrepresentation, aiding and abetting fraud, declaratory judgment, and contract claims. The depositors identified in Exhibit A are liable for claims including common law fraud, fraudulent inducement, and negligent misrepresentation. The sponsors identified in Exhibit A are liable for claims including common law fraud, fraudulent inducement, and negligent misrepresentation.

Upon your failure to appear, judgment will be taken against you by default for money damages in an amount of at least \$56,188,000, and interest thereon, together with punitive damages of \$56,188,000, rescissory damages, legal fees, and the costs of this action.

Dated: New York, New York  
May 14, 2012

**LABATON SUCHAROW LLP**

By: /s/ Joel H. Bernstein  
Joel H. Bernstein

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*Attorneys for IKB International S.A. in  
Liquidation and IKB Deutsche  
Industriebank AG*

**Exhibit A**

Trade Date	Start Date	CUSIP	Issuing Entity	Short Name	Tranche	Sponsor	Underwriter/Counterparty	Depositor	Original Position
08/07/2006	08/10/2006	00075QAL6	ABFC 2006- OPT1 Trust	ABFC 06- OPT1	M7	Bank of America, National Association	Banc of America Securities LLC	Asset Backed Funding Corporation	\$2,000,000
08/07/2006	08/10/2006	00075QAM4	ABFC 2006- OPT1 Trust	ABFC 06- OPT1	M8	Bank of America, National Association	Banc of America Securities LLC	Asset Backed Funding Corporation	\$1,750,000
11/03/2006	11/14/2006	00075VAJ0	ABFC 2006- OPT3 Trust	ABFC 06- OPT3	M4	Bank of America, National Association	Banc of America Securities LLC	Asset Backed Funding Corporation	\$3,000,000
11/03/2006	11/14/2006	00075VAK7	ABFC 2006- OPT3 Trust	ABFC 06- OPT3	M5	Bank of America, National Association	Banc of America Securities LLC	Asset Backed Funding Corporation	\$5,000,000
09/23/2005	09/30/2005	12489WNQ3	C-BASS 2005-CB6 Trust	CBASS 05- CB6	M1	Credit-Based Asset Servicing and Securitization LLC	Merrill Lynch & Co.	Merrill Lynch Mortgage Investors, Inc.	\$6,500,000
09/23/2005	09/30/2005	12489WNU4	C-BASS 2005-CB6 Trust	CBASS 05- CB6	M5	Credit-Based Asset Servicing and Securitization LLC	Merrill Lynch & Co.	Merrill Lynch Mortgage Investors, Inc.	\$2,750,000
07/26/2006	07/31/2006	14986PAJ2	C-BASS 2006-CB6 Trust	CBASS 06- CB6	M4	Credit-Based Asset Servicing and Securitization LLC	Banc of America Securities LLC	Asset Backed Funding Corporation	\$6,000,000
07/26/2006	07/31/2006	14986PAK9	C-BASS 2006-CB6 Trust	CBASS 06- CB6	M5	Credit-Based Asset Servicing and Securitization LLC	Banc of America Securities LLC	Asset Backed Funding Corporation	\$3,000,000
10/18/2006	10/30/2006	1248P1AJ3	C-BASS 2006-CB8 Trust	CBASS 06- CB8	M4	Credit-Based Asset Servicing and Securitization LLC	Merrill Lynch & Co.	Merrill Lynch Mortgage Investors, Inc.	\$2,600,000

Trade Date	Start Date	CUSIP	Issuing Entity	Short Name	Tranche	Sponsor	Underwriter/ Counterparty	Depositor	Original Position
10/18/2006	10/30/2006	1248P1AK0	C-BASS 2006-CB8 Trust	CBASS 06-CB8	M5	Credit-Based Asset Servicing and Securitization LLC	Merrill Lynch & Co.	Merrill Lynch Mortgage Investors, Inc.	\$2,200,000
10/18/2006	10/30/2006	1248P1AM6	C-BASS 2006-CB8 Trust	CBASS 06-CB8	M7	Credit-Based Asset Servicing and Securitization LLC	Merrill Lynch & Co.	Merrill Lynch Mortgage Investors, Inc.	\$5,328,000
11/01/2005	11/10/2005	59020UK46	Merrill Lynch Mortgage Investors Trust, Series 2005-SL3	MLMI 05-SL3	M1	Merrill Lynch Mortgage Capital Inc.	Merrill Lynch & Co.	Merrill Lynch Mortgage Investors, Inc.	\$8,000,000
08/24/2005	09/15/2005	84751PGH6	Specialty Underwriting and Residential Finance Trust, Series 2005-AB2	SURF 05-AB2	A1C	Merrill Lynch Mortgage Lending, Inc.	Merrill Lynch & Co.	Merrill Lynch Mortgage Investors, Inc.	\$8,060,000
									<b>\$56,188,000</b>