

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BANK OF AMERICA N.A., as )  
Trustee under the Indenture Agreement, ) No. 350, 2010  
)  
Defendant Below, ) Court Below: Court of Chancery  
Appellant, ) of the State of Delaware  
)  
v. ) C.A. No. 5219  
)  
CONCORD REAL ESTATE CDO )  
2006-1, LTD and CONCORD REAL )  
ESTATE CDO 2006-1, LLC, )  
)  
Plaintiffs Below, )  
Appellees. )

Submitted: March 2, 2011

Decided: March 3, 2011

BEFORE **STEELE**, Chief Justice, **HOLLAND**, **BERGER**, **JACOBS** and **RIDGELY**, Justices, constituting the court *en banc*.

***ORDER***

This 3<sup>rd</sup> day of March 2011, upon consideration of the briefs of the parties, and their contentions in oral argument, it appears to the Court that the judgment of the Court of Chancery should be affirmed on the basis of and for the reasons set forth in its decision dated May 14, 2010.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice