

UNITED STATES BANKRUPTCY COURT Middle District of Florida, Jacksonville Div.

PROOF OF CLAIM

Name of Debtor: TAYLOR, BEAN & WHITAKER MORTGAGE CORP.

Case Number: 3:09-bk-07047-JAF

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property): Quietwater Ltd. Partnership, Kathy Whitehead, President

Check this box to indicate that this claim amends a previously filed claim.

Name and address where notices should be sent:

Quietwater Ltd. Partnership
1500 Colonial Boulevard, Suite 200
Fort Myers, FL 33907
Telephone number: 239-275-5909

Court Claim Number: (If known)

Filed on: 8/24/09

CLAIM FILED JACKSONVILLE, FLORIDA

Name and address where payment should be sent (if different from above):

SEP 29 2009

CLERK, U. S. BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA

Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check this box if you are the debtor or trustee in this case.

Telephone number:

1. Amount of Claim as of Date Case Filed: \$ 13,804.00

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

Specify the priority of the claim.

2. Basis for Claim: Monies owed for remainder of lease agreement (See instruction #2 on reverse side.)

Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

3. Last four digits of any number by which creditor identifies debtor: 9391

Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).

3a. Debtor may have scheduled account as: (See instruction #3a on reverse side.)

Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: Real Estate Motor Vehicle Other Describe:

Value of Property: \$ Annual Interest Rate %

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ Basis for perfection:

Amount of Secured Claim: \$ Amount Unsecured: \$

Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).

Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)

Attaching copy of lease and itemized summary. DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

Amount entitled to priority:

\$

If the documents are not available, please explain:

Date: 9/24/09

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

Diane F. Coffman, Property Manager Diane F. Coffman

FOR COURT USE ONLY

T, B & W Mortgage Corp.



00101



ITEMIZED SUMMARY OF MONIES OWED BY TAYLOR, BEAN & WHITAKER

TO

QUIETWATER LTD. PARTNERSHIP

MONTHLY RENT = \$1700.00 X 7 MONTHS REMAINING ON LEASE	= \$11,900.00
STATE OF FLORIDA 6% SALES TAX RENT OF \$1700.00 X 6% X 7 MONTHS	= \$ 714.00
LATE FEES PER LEASE AGREEMENT ON RENT OF \$1700.00 X 10% X 7 MONTHS	= <u>\$ 1,190.00</u>
TOTAL	= <u>\$13,804.00</u>

Q

September 5, 2009

POSTED ON SUITE DOOR

Mr. Jack Langmaack, V.P. Manager
Taylor, Bean & Whitaker Mortgage Corporation
1500 Colonial Boulevard, Suites 221 and 222
Fort Myers, Florida 33907

MAILED U.S. POSTAGE

315 N. E. 14th Avenue
Ocala, FL 34470

Dear Mr. Langmaack:

This is notice of default in the payment of rent due to Quietwater Limited Partnership. Rent is past due for September 1, 2009, plus late fees. Total amount of **past due rent is \$1,972.00.**

As specified in lease paragraph 8.2, Default in Payment of Rent, demand for past due rent must be received within three (3) days of receipt of this notice to prevent termination of lease. If the Lessor under paragraph 8.1 or 8.2 terminates the lease, the Lessee shall remain liable for the rent until the end of the term of lease or until released by the Lessor (8.3.1.1). Please refer to paragraphs 8.1 through 8.4 in your lease document regarding this notice.

Please remit the past due amount of **\$1,972.00** within three (3) days, payable to Quietwater Limited Partnership. Please call me at 239-275-5909 at the main office if you have questions.

Sincerely,



Diane Coffman
Property Manager

Cc: Kathy Whitehead, President – Quietwater Limited Partnership

Quietwater Ltd. Partnership
1500 Colonial Boulevard, Suite 200
Fort Myers, FL 33907
239-275-5909 / 239-275-7437 fax



September 14, 2009

Sent Regular US Postal and Certified
Posted on Office Suites #221 & #222

Mr. Jack Langmaack, V.P. Manager
Taylor, Bean & Whitaker Mortgage Corporation
315 N.E. 14th Avenue
Ocala, FL 34470

RE: Non-payment of Rent/Termination of Lease by Lessor

Mr. Langmaack:

This letter shall serve as official Notice of Termination of Lease (Section 8.2 – Default in the Payment of Rent) for the premises occupied at 1500 Colonial Boulevard, Suites 221 and 222, Fort Myers, Florida 33907, as of October 1, 2009, by the Lessor, Quietwater Ltd. Partnership.

Please be advised that under the terms stipulated under Section 8.3 (Termination of the Lease) of the Lease Agreement, you shall be liable for the rent owing through the end of the term of this Lease Agreement which is April 31st, 2010. Notice to not renew was given in September of 2009. The balance for the remainder of the Lease Agreement is \$11,900.00 plus \$714.00 (Florida 6% Sales Tax) plus \$1,190.00 in late fees. The total amount due is \$13,804.00.

Monies owed should be sent to Quietwater's main office at 1500 Colonial Boulevard, Suite 200, Fort Myers, Florida, 33907 no later than September 22nd to avoid further legal actions against you.

Respectfully,

Diane Coffman
Property Manager

Cc: Kathy Whitehead, President

SENDER - COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Tracy Lee Walker
215 N. E. Ave
Ocala FL 34470

1. Article/Addressed to:

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
- B. Received by / Printed Name Addressee
- C. Date of Delivery
- D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

- 3. Service Type Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.
- 4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

PS Form 3811 February 2004 Domestic Return Receipt

102595-02-M-1540