


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
<i>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.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): RICHARD PERALTA, JENNA JAQUEZ		Check this box to indicate that this claim amends a previously filed claim. <input type="checkbox"/>
Name and address where notices should be sent: PO BOX 2484 ESPANOLA, NM 87532-2484		Court Claim Number: _____ <i>(If known)</i>
Telephone number: (505) 747-7359		Filed on: _____
CLAIM FILED JACKSONVILLE, FLORIDA NOV 23 2009		<input type="checkbox"/> 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.
Name and address where payment should be sent (if different from above): CLERK, U. S. BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Telephone number:		
1. Amount of Claim as of Date Case Filed: \$ <u>1,885.35</u>		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. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> 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). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> 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). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____). Amount entitled to priority: \$ _____ <i>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>
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. <input checked="" type="checkbox"/> 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.		
2. Basis for Claim: <u>MORTGAGE NOTE</u> <i>(See instruction #2 on reverse side.)</i>		
3. Last four digits of any number by which creditor identifies debtor: _____ 3a. Debtor may have scheduled account as: _____ <i>(See instruction #3a on reverse side.)</i>		
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: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> 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: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
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. <i>(See instruction 7 and definition of "redacted" on reverse side.)</i> DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
Date: 11-20-09	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. Richard Peralta	
		FOR COURT USE ONLY I, B & W Mortgage Corp.  00308

GMAC Mortgage Account Statement

CUSTOMER INFORMATION

Name: Richard Peralta
 Jenna Jaquez
 Account Number: 0602148286
 Home Phone #: (505)747-7359

PROPERTY ADDRESS

15 HUMMINGBIRD LANE
 ESPANOLA NM 87532

GMAC Mortgage

Visit us at www.gmacmortgage.com for account information or to apply on-line.

03/23/07 08 25 0007872 20001112 K126202 GMREG 1 02 DOM K12680000 146316 GM

#BWNHJPY
 #KW07255D25072#



RICHARD PERALTA
 JENNA JAQUEZ
 PO BOX 2484
 ESPANOLA NM 87532-2484



For information about your existing account, please call: 1-800-766-4622.

For information about refinancing or obtaining a new loan, please call: 1-866-690-8322

Please verify your mailing address, borrower and co-borrower information. Make necessary corrections on this portion of the statement, detach and mail to address listed for Inquiries on the reverse side.

Account Information

Account Number: 0602148286
 Current Statement Date: November 11, 2009
 Maturity Date: September 01, 2038
 Interest Rate: 6.50000
 Current Principal Balance*: \$195,244.71
 Current Escrow Balance: \$346.02-
 Interest Paid Year-to-Date: \$11,736.39
 Taxes Paid Year-to-Date: \$361.06

For Customer Care inquiries call: 1-800-766-4622
 For Insurance inquiries call: 1-800-256-9962
 For Payment Arrangements call: 1-888-714-4622

Details of this Statement

Principal and Interest: \$1,255.51
 Subsidy/Buydown: \$0.00
 Escrow: \$415.51
 Amount Past Due: \$1,671.02
 Outstanding Late Charges: \$133.68
 Other: \$14.02
 Total Amount Due: \$3,489.74
 Account Due Date: November 01, 2009

Account Activity Since Last Statement

Description	Due Date	Tran. Date	Tran. Total	Principal	Interest	Escrow	Add'l Products	Late Charge	Other
Receipt	10/01/09	11/11/09	\$0.98						\$0.98
Payment	10/01/09	11/11/09	\$1,671.02	\$196.87	\$1,058.64	\$415.51			
Mortgage Ins Paid	09/01/09	11/04/09	\$80.19			\$80.19			
FAX PAYOFF STATEMENT	09/01/09	10/20/09	\$5.00						\$5.00
FAX PAYOFF STATEMENT	09/01/09	10/13/09	\$5.00						\$5.00

*This is your Principal Balance only, not the amount required to pay the loan in full. For payoff figures and mailing instructions, call the Customer Care number above or you may obtain necessary payoff figures through our automated system (24 hours a day, 7 days a week).

See back for automatic payment sign-up information and other payment options.

Important News

If you are considering a new home purchase or refinancing your existing mortgage, we are here to help. Simply call the number above or visit our website for fast, convenient service.

Ally. A Better Way to Bank. Check out our Online Savings Account. It has no monthly fee, no minimum balance, and you can access your money through electronic fund transfers. Learn more at www.ally.com

See Reverse Side For Important Information

Mail This Portion With Your Payment

November 5, 2009

GMAC Mortgage LLC.
Attn: Payment Processing
PO Box 780
Waterloo, IA 50704

To Whom It May Concern:

Please see attached e-mail in which I sent to not only through your 'contact us' link on your website, but also to our Equity Accelerator program and Taylor, Bean and Whitaker regarding the frozen funds which held our September 2009 payment from being made to you.

We contacted you the end of September to explain that we were in the Equity Accelerator program and that our payment was frozen between Equity Accelerator and TB&W due to the Chapter 11 bankruptcy filing. We also explained the reason why our payment was frozen and it was due to the fact that TB&W was the custodian/sponsor to this program when we first signed and even though we have since refinanced, our account with Equity Accelerator remains coded with 'TB&W'. We were told that the account would be updated every 10 days and if we had any information on the release of funds to contact them and Equity Accelerator immediately. We have also been in contact with Equity Accelerator and as of November 3, 2009, they stated they received notice from the FDIC that the EA accounts were going to be unfrozen in the next few weeks. At that time, as said before, they will send letters to us to let us know that the accounts have been unfrozen and that we need to call to tell them what to do with our money. We then contacted you again that same day to request an extension due to hardship (my spouse is currently unemployed) and we were notified we were behind on payments and that our request for an extension would not be approved. Unfortunately, like most Americans during this economic crisis, we do not have an emergency/reserve fund to fall upon when situations like these arise, which obviously we had no idea would happen. Since we have done everything possible to notify you and show good cause we are not eluding our mortgage payment(s), we are humbly asking for forbearance on those amounts until the Equity Accelerator/TB&W issue can be resolved. As of November 4, 2009, I understand as part of the agreement between the FDIC and TB&W, TB&W had to file a report with the court by October 31st detailing all the money in their accounts, where the money was supposed to go, etc. TB&W filed the report on October 30th. They have not finished that accounting, but the report detailed what they know up to this point. You can find the court document here: <http://www.bmcgroup.com/restructuring/Docket.aspx?ClientID=218>. As we suspect, there are probably more documents pertaining to this case in which involves scheduling of hearings and what not, but this is what we have found thus far.

We would appreciate approval for our request of forbearance until all the issues between Equity Accelerator and TB&W are resolved.

Sincerely,
Richard and Jenna Peralta
Account # 0602148286

3451 Hammond Avenue
PO Box 780
Waterloo IA 50704-0780

GMAC Mortgage

October 13, 2009

RICHARD PERALTA
JENNA JAQUEZ
PO BOX 2484
ESPANOLA NM 87532

Re: The Taylor, Bean and Whitaker Equity Accelerator Program
Account Number 0602148286
Property Address 15 HUMMINGBIRD LANE
ESPANOLA NM 87532

Dear RICHARD PERALTA JENNA JAQUEZ:

You are receiving this letter because you are a participant in the Taylor, Bean and Whitaker Equity Accelerator Program, making payments to **GMAC Mortgage, LLC**. We are not associated with Taylor, Bean and Whitaker and are providing this letter to you solely as a courtesy to alert you to the status of mortgage payments processed through Taylor, Bean and Whitaker.

Taylor, Bean and Whitaker filed for Chapter 11 bankruptcy protection on August 24, 2009. Prior to the bankruptcy filing, certain Taylor, Bean and Whitaker custodial bank accounts were holding funds that were previously debited from your bank account in order to pay your September mortgage payment.

As a result of the bankruptcy filing, funds that were debited from your bank account remain with Taylor, Bean and Whitaker and have not been forwarded to GMAC Mortgage, LLC to apply to your September mortgage payment. All disbursements from the Taylor, Bean and Whitaker custodial bank accounts are subject to the approval of the bankruptcy court. As this matter is pending with the bankruptcy court, we do not know when the status of these funds will be determined. As a precaution, we have temporarily suspended reporting your account status to the credit bureaus.

In light of the situation, you may wish to make your September and October 2009 payments directly to GMAC Mortgage LLC in order to avoid a late payment. Payments should be sent to the following address:

GMAC Mortgage LLC
Attn: Payment Processing
PO Box 780
Waterloo, IA 50704

We regret any inconvenience this unforeseen situation may cause you. If you have questions, please contact Equity Accelerator Customer Service at (800) 209-9700 between 9:00 AM and 9:00 PM Eastern Time, Monday through Friday. If you have questions specific to your GMAC Mortgage, LLC account, please call us at 1-800-766-4622, Monday-Friday 6:00AM to 10:00PM and 8:00AM to 2:00PM, Central Time on Saturdays.

Customer Care
Loan Servicing

Equity Accelerator.

A better way to save on your mortgage

PO Box 6506, Englewood, CO 80155-6506

October 7, 2009

Richard & Jenna Peralta
PO Box 2484
Española, NM 87532

Re: Taylor, Bean & Whitaker Equity Accelerator®
Subscriber #: 127758183

Dear Richard & Jenna Peralta:

We have received your communication dated 9/18/2009 respecting your participation in the Taylor, Bean and Whitaker Equity Accelerator® program. Due to Taylor, Bean & Whitaker's Chapter 11 bankruptcy, we will no longer be debiting your account to make your monthly mortgage payment. Please arrange for all future payments directly with your lender or loan servicer. With respect to the other requests made in your letter, we have forwarded your letter to Taylor, Bean & Whitaker for any further action.

Sincerely,

Paymap, Inc.,
Payment servicer for the Taylor, Bean & Whitaker Equity Accelerator® Program.