

B 10 (Official Form 10) (12/08)

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. § 303.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

JAMES W GAINES

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

Name and address where notices should be sent:

JAMES W GAINES
2648 LITTLE CREEK RD.
BURNSVILLE, NC 28714

CLAIM FILED
JACKSONVILLE, FLORIDA

Court Claim Number: (if known)

Telephone number:

828-682-9935

DEC 18 2009

Filed on:

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

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.

Telephone number:

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

1. Amount of Claim as of Date Case Filed:

\$ 1738.59

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.

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.

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: SEE ENCLOSED MATERIAL

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: 1339

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:

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

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).

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

Amount entitled to priority: \$

\*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.

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. (See instruction 7 and definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date:

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.

James W Gaines

FOR COURT USE ONLY

T, B & W Mortgage Corp.



00443

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

James W. Gaines  
2648 Little Creek Road  
Burnsville, NC 28714

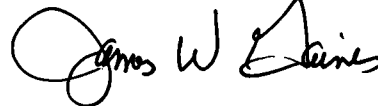
November 15, 2009

RE. Loan Number 831339

On August 6, 2009 I made a mortgage payment to Taylor Bean and Whitaker in the amount of \$1,738.59. My check cleared their account on August 10, 2009 but was never posted against my mortgage balance. I am enclosing a certified copy of the check, a copy of the mortgage balance prior to the check being written and a copy of the mortgage balance sent to CENLAR after the check cleared.

Please excuse the scribbling on the copies.

James W. Gaines

A handwritten signature in black ink that reads "James W. Gaines". The signature is written in a cursive style with a large initial "J" and "G".



# Taylor, Bean & Whitaker

Perfecting the Art of Mortgage Lending

1417 North Magnolia Avenue  
Ocala, Florida 34475  
888 225-2164

## MONTHLY BILLING STATEMENT

### General Billing Info:

Statement Date:	08/01/2009
Loan Number:	831339
Interest Rate:	5.375%
Payment Due Date:	10/01/2009
Regular Monthly Payment:	\$1,038.59
Total Payment(s) Due:	\$1,038.59
Unpaid Late Charges:	\$0.00
Unpaid NSF Fees:	\$0.00
Other Unpaid Fees/Charges:	\$0.00
<b>Total Due:</b>	<b>\$1,038.59</b>

### Account Balances:

Principal Bal. on 08/01/2009	\$83,956.29
Escrow Bal. on 08/01/2009	\$1,460.70
Interest Paid Year to Date	\$2,814.53
Taxes Paid Year to Date	\$0.00
Insurance Paid Year to Date	\$858.00
Late Charges Paid Year to Date	\$0.00

### Customer Service Info:

Customer Service Inquiries:  
(888) 225-2164  
(352) 671-0250

View Account Information online:  
[www.TaylorBean.com](http://www.TaylorBean.com)

Customer Service Hours:  
9:00 am - 8:00 pm EST  
Monday through Friday

E-mail us:  
[Loaninfo@taylorbean.com](mailto:Loaninfo@taylorbean.com)

### Insurance Information:

Ins Co Name: Carolina Farmers Mutual Insurance C  
Ins Policy No.: NCFO2K51236



Return Service Requested 8859 43

James W Gaines & Pat W Gaines  
2648 Little Creek Rd  
Burnsville, NC 28714-6213

### Recent Activity:

Date	Description	Principal Amount	Interest Amount	Escrow Amount	Other Funds	Late Charge	Total
07/13/2009	Escrow Disbursement Carolina Farmers Mutual Insurance Co.	\$0.00	\$0.00	\$-858.00	\$0.00	\$0.00	\$-858.00
07/13/2009	Regular Payment	\$370.85	\$385.11	\$282.63	\$0.00	\$0.00	\$1,038.59
07/13/2009	Curtailement	\$1,650.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,650.00

*Pd 1738.59  
CR# 1280 8-6-09  
out bal \$ ~~82,581~~ ~~81,921~~  
82,881*

Thank you for your prompt payment!

In observance of Labor Day, TB&W offices will be closed on September 7th, 2009.

Detach Here

*to follow - 270-5760*

*WWW. BMC Group. COM*

*left side of Fund a Care*

*TB&W Check on*

*bring up disclaimer  
what to send claim*

*10th section down*

*Group of claim form  
send it to them. Out of state receipt*

JIM GAINES  
TAX ACCT  
P O Box 5107  
Anderson, SC 29623

1280

67-776/532  
BRANCH 77381

8-6-09 Date

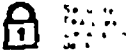
Pay to the  
order of

TB + W

\$ 1738.59

Seventeen hundred thirty eight & 59/100

Dollars



WACHOVIA

Wachovia Bank, N.A.  
wachovia.com

for

*Jim Gaines*

⑆053207766⑆1005015353306⑈ 1280 ⑈0000173859⑈

05102009 062 342 425633 II COLONIAL BANK LEX  
CREDITED TO THE ACCOUNT OF WITHIN 14 DAYS  
COLONIAL BANK ORLANDO FL  
0631132224  
3874895070

Account	Date	Amount	Serial Number	Sequence	Status
000001005015353306	8/10/2009	\$1,738.59	000000000001280	00000000005652910840	Posted Items

Wachovia Bank, N.A. certifies that the above image is a true and exact copy of the original item issued by the named customer, and was produced from original data stored in the archives of Wachovia Bank, N.A. or its predecessors.

**Loan Activity**

**Loan Number:** 0029908704 as of 11/13/2009  
**Property Address:** 2648 LITTLE CREEK RD  
 BURNSVILLE, NC 28714-0000  
**Borrower Name:** JAMES GAINES  
**Co-Borrower Name:** PAT GAINES  
**Home Phone:** (828) 682-9935  
**Other Phone:** (864) 225-4336

[Privacy Policy](#)

[Pay by Phone Information](#)

Payments - There may be a delay in the processing and posting of recent payments. Please be assured there will be no adverse reporting. Your patience appreciated. Please visit our website on or after September 1st to view your updated information.

**Balances:**

**Principal balance:** \$80,644.81  
**Escrow balance:** \$494.52  
**Unpaid late charges:** \$0.00  
**Unapplied funds:** \$0.00

Disclosure: The transactions displayed within the payment history reflect funds that you have paid and do not necessarily represent funds that are due.

Effective Date	Description	Principal	Interest	Escrow	Amount Paid	Escrow Balance	Principal Balance
11/13/2009	Corporate Advance	\$0.00	\$0.00	\$0.00	\$0.00	\$494.52	\$80,644.81
10/23/2009	Payment Applied - Thank You	\$392.98	\$362.98	\$282.63	\$1,038.59	\$494.52	\$80,644.81
10/08/2009	County Tax	\$0.00	\$0.00	\$1,531.44-	\$1,531.44-	\$211.89	\$81,037.71
09/30/2009	Additional Principal	\$1,038.59	\$0.00	\$0.00	\$1,038.59	\$1,743.33	\$81,037.71
09/03/2009	Additional Principal	\$1,500.00	\$0.00	\$0.00	\$1,500.00	\$1,743.33	\$82,076.31
09/03/2009	Payment Applied - Thank You	\$379.91	\$376.05	\$282.63	\$1,038.59	\$1,743.33	\$83,576.31
08/19/2009	Adjustment Transaction	\$8,502.19	\$2,814.53	\$0.00	\$11,316.72	\$1,460.70	\$83,956.21

Encryption security for this loan information website will require Microsoft Internet Explorer version 5.5 or higher, or an equivalent non-Microsoft browser. Please be sure that your browser meets this requirement to ensure adequate security for the transmission of sensitive information and uninterrupted service.

To protect your account information, we've added security questions to your account log in. You are required to create a User ID and Password and answer security questions before you can access your account. After you have created a User ID and password, you will not be required to do it again. To begin, please select the Register User ID/Password Link above.