

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): KURTIS M. EBBING

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

Name and address where notices should be sent: KURTIS M. EBBING, 26002 Campeon Laguna Niguel, CA 92677

Court Claim Number: (if known)

Telephone number: 714-245-8888

Filed on:

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

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: \$ 8,059.24

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.

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.

2. Basis for Claim: Below impound account refund on refinancing loan.

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: 0025

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:

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.

CLAIM FILED JACKSONVILLE, FLORIDA

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

JACKSONVILLE, FLORIDA

DEC 28 2009

Value of Property: Annual Interest Rate %

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

CLERK OF BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA

If any: Basis for perfection:

Amount of Secured Claim: Amount Unsecured:

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

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.

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:

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

Amount entitled to priority:

\$ 8,059.24

*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.

Date: 12-19-09

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.

[Handwritten signature]

FOR COURT USE ONLY

T, B & W Mortgage Corp.



00500

Kurtis M. Ebbing
26002 Campeon
Laguna Niguel, CA 92677

To whom it my concern:

My case is rather simple. I completed a refinance in July of 2009. My original loan with Taylor, Bean & Whitaker had a escrow impound account. When the refinance was completed Taylor, Bean & Whitaker was to refund the amounts unused in the escrow impound account.

I received this amount totaling \$8,059.24 dated August 13, 2009 from TB&W drafted from Platinum Community Bank.

I cashed the check later to find out it bounced. I incurred fees for the check bouncing and fees associated with other checks I wrote in reliance of having \$8,059.24 in my checking account.

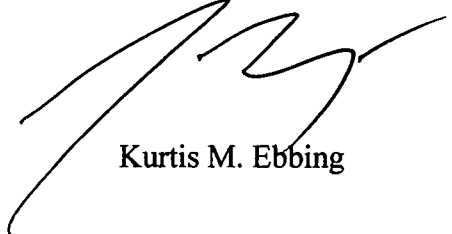
A copy of the front and back of the check are enclosed.

My new loan is serviced by Round Point Mortgage, I am now behind on my mortgage payments and property taxes due to the \$8,059.24 check bouncing.

I called TB&W and the FDIC weekly and never get any answers. The only answer I get is the money is being held up by Judge Funk in Bankruptcy Court.

Given the delays, time consumed and penalties incurred, I believe penalties and interest should be accessed on the \$8,059.24.

Thank you,

A handwritten signature in black ink, appearing to read 'Kurtis M. Ebbing', written in a cursive style.

Kurtis M. Ebbing

111000038
08/31/2009
6615268268

This is a LEGAL COPY of
your check. You can use it
the same way you would
use the original check.

RETURN REASON-X
REFER TO IMAGE

08/25/2009
00075218854
[311079474]

TAYLOR, BEAN & WHITAKER Mortgage Corporation 315 NE 14th Street Ocala, Florida 34470 Escrow Disbursement Clearing Account		Platinum Community Bank 70-7443-719	NO. 398875 CHECK NO. 398875
Eight Thousand Fifty Nine and 24/100		Returned	DATE
PAY TO THE ORDER OF: KURTIS EBBING 26002 CAMPEON LAGUNA NIGUEL CA 92677		NSF	August 13, 2009
320085896 08-26-09 101 5266 01		Presented	Dollars AMOUNT \$8,059.24
398875 @071974453: 0000904015*		<i>Laura Niguel</i>	

⑈398875⑈

4:071974453:

⑈0000904015⑈

⑈0000805924⑈

Do not endorse or write below this line.

311990511 08/25/2009
 00075216654
 111000036 08/26/2009
 6114450636
 0710000301 08/26/2009
 6610099051

071000301 08/26/2009
 6211136894
 111000036 08/26/2009
 6115668480
 111000036 08/31/2009
 6615268268

ENDORSE HERE

2220498
 MS

FOR DEPOSIT ONLY

FIRST AMERICAN FC - FNC CREDIT UNION

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

09-01-09P04:05 RCVD

8/26/2009 1704 0080
 70217120321
 TRD-CHI 88282802

5E001719800
 00581719333
 <311079474< 08/26/2009
 00075216654
 >311079474> 08/25/2009

TRC=7164
 3200890950
 08-26-09.101 5256.D1

Security Features

Bank ID Card Numbers

Void if Photocopy

Number 8 and

Security Features

- * MICR reading and processing
- * Water mark
- * Void security in back
- * When photocopying
- * Embed warning of

70217120321
 00075216654
 08/26/2009

PRIME 08/31/2009 IS 16 087823083 5708
 08/31/2009 6 7 0079223383 5737 200POSITION



September 2, 2009

**KURT EBBING
26002 CAMPEON
LAGUNA NIGUEL, CA 92677**

Dear Member,

Enclosed find a check previously deposited to your account, or paid on your loan. This item has been returned to us unpaid by the issuing bank for the following reason: NSF Closed Account Other.

- The check was redeposited (no adjustment to account needed at this time)
- Your account has been debited
- Your loan payment has been reversed

\$	<u>8,059.24</u>	Amount of check
	25.00	NSF Fee
\$	<u>8,084.24</u>	Total

Please adjust your records accordingly.
Thank you,

**Sherri Aghapour
Member Service Representative**