


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): Eric Muzzarelli		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: Eric Muzzarelli 826 Old Hunter Run Byron IL 61010 Telephone number: 815-543-4114		
Name and address where payment should be sent (if different from above): <p style="text-align: center;">CLERK, U. S. BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA</p> Telephone number: _____		<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. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ <u>1644.29</u> 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.		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: \$ _____ *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.
2. Basis for Claim: <u>Unpaid property taxes from escrow</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>5281</u> 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
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. (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: <u>1/4/10</u>	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. <p style="text-align: center;"><i>Eric Muzzarelli</i></p>	
		FOR COURT USE ONLY T, B & W Mortgage Corp.  00587

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

Items to be completed in Proof of Claim form**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

4. Secured Claim:

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity owed a debt by the debtor that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10)

Claim

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. §507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

Messages

EXIT

Stillman BANK

Account Listing

eStatement

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Accounts

Transactions

Transfers

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Current Transactions

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PO Box 150, Stillman Valley, IL 61084

View Check Image

ERIC MUZZARELLI
JONNA MUZZARELLI
 828 OLD HUNTER RUN
 BYRON, IL 61010

701804718 **3617**

Date 10/28/09

Pay to the Order of Cyber Co. Treasurer \$ 1644.09

One thousand sixty four and 29/100 Dollars

STILLMAN BANK

For Parcel A 04-25-406-609

[Signature]

Flip Rotate Return



Messages

EXIT



Account Listing

eStatement

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Transactions

Transfers

Stop Payments

Statements

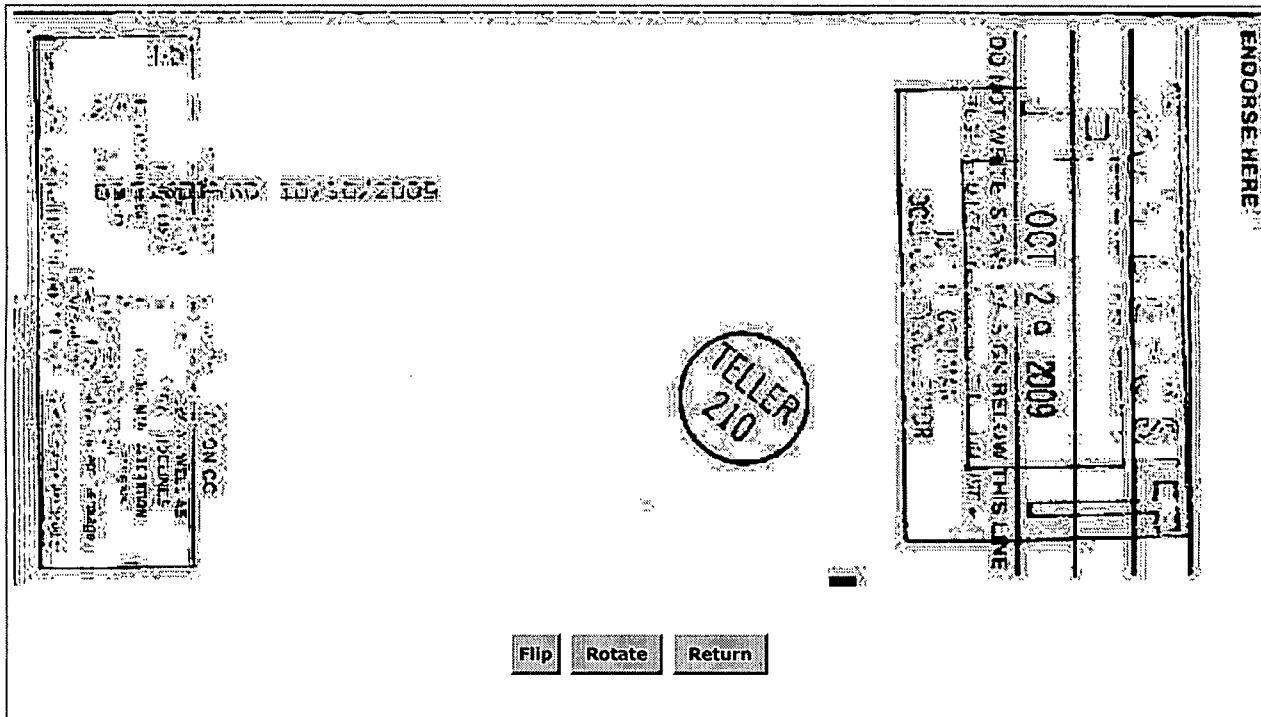
Current Transactions

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PO Box 150, Stillman Valley, IL 61084

View Check Image



John H. Coffman
Ogle County Collector
P.O. Box 40
Oregon, Illinois 61061
(815) 732-1100

COPY

DELINQUENT NOTICE
Delinquent as of September 30, 2009

Certified # 94

04-25-406-004
LANDAMERICA /TAX DISBURSEMANT
1123 S PARKVIEW DR
COVINA, CA 91724

Township: **Byron**

Property Address: **826 N OLD HUNTER RUN
BYRON, IL 61010-0000**

PARCEL NUMBER: 04-25-406-004

Legal Description: RNG/BLK:10 TWP:25
SECT/LOT:25 LOT 99 KING
S PRAIRIE PLACE NO 3
CITY OF BYRON **
00-5895

<u>1st Installment:</u>		<u>2nd Installment</u>	
Tax:	\$0.00	Tax:	\$1,610.14
Penalty:	\$0.00	Penalty:	\$48.30
		Cost:	\$10.00

Total Amount Due:
Back Tax: \$0.00
Total Unpaid Tax: \$1,610.14
Total Unpaid Penalty: \$48.30
Total Unpaid Cost: \$10.00

TOTAL AMOUNT DUE: \$1,668.44 (1st Installment penalty can be reduced if paid by 10/26/09.)

You are hereby notified that application for judgment and order for sale of Delinquent Real Estate taxes and penalty interest, as shown on above tax bill will be made to the Circuit Court of Ogle County on 10/30/09. The sale of taxes entered against the above property for the year 2008, and previous years, will begin at the Sheriff's Office, Oregon, Illinois at 9:30 am on 11/5/09 and will continue until completed.

FAILURE TO PAY THIS BILL WITH PENALTY, INTEREST & COST TO DATE OF PAYMENT BEFORE THE SALE DATE SHOWN ABOVE, AT THE COUNTY COLLECTOR'S OFFICE, WILL RESULT IN ADDITIONAL INTEREST PENALTIES AS HIGH AS 18% FOR ANY PART OF THE NEXT 6 MONTHS FOLLOWING THE DATE OF THE SALE.

PAYMENTS MAILED MUST BE RECEIVED BY THE COUNTY COLLECTOR'S OFFICE BY NOVEMBER 4, 2009.

ENCLOSE THIS LETTER WITH YOUR REMITTANCE. PAYMENTS MADE AFTER OCTOBER 16, 2009 MUST BE CASH, MONEY ORDER, OR CASHIERS CHECK. LAST DAY TO PAY TAXES IS NOVEMBER 4, 2009.

Payable To: Ogle County Collector
P.O. Box 40
Oregon, Illinois 61061

John H. Coffman

Ogle County Treasurer
P.O. Box 40
Oregon, Illinois 61061-0040
Phone 815-732-1100

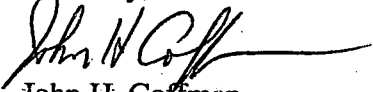
October 22, 2009

Dear Property Owner,

I assume that you are aware of problems with the payment of your second installment of real estate tax and probably your escrow account. Taylor Bean & Whitaker paid your second installment of taxes with an NSF check. Subsequently they declared bankruptcy. To further complicate this situation we learned today that Landamerica has declared bankruptcy. We have been told that everyone is working on this issue and that it will be corrected as quickly as possible. Hopefully, they have been in contact with you about what is going on with their companies and your escrow account.

In reviewing our records we see that Landamerica receives your tax bill and any notices. Because your second installment is still unpaid we wanted to send you a copy of the delinquent notice. As the tax sale approaches I can find no provision in statute to allow me to withhold your parcel from the sale. (If they are sold the tax buyer does not get your property. It is a tax lien certificate that is a first lien against the property. A property owner has a minimum of 2 ½ years to redeem the taxes before a tax buyer can apply for deed. There are additional fees and penalties added in this process.) I am enclosing a copy of statute that shows that any penalties should be the responsibility of your mortgage company. With them being in bankruptcy I am not sure if this will do any good or not. Sorry to be writing you about this but again wanted you to be fully aware of what is going on.

Sincerely,



John H. Coffman
Ogle County Treasurer

October 28, 2008


Ogle County Treasurer
John H. Coffman
PO Box 40
Oregon, IL 61061

RE: 2nd installment of property taxes

Mr. Coffman:

Thank you for taking time out of your schedule to speak with me in regards to our property taxes. I was thankful that your office advised us of the situation and we were able to rectify the situation. Enclosed you will find the 2nd installment of our property taxes. The amount has been adjusted to our agreed upon amount. Also, I did pay the taxes with a personal check, as our bank is local. Again, thank you for taking time to discuss my concerns.

Sincerely,

A handwritten signature in cursive script that reads "Jonna Muzzarelli". The signature is written in black ink and is positioned above the printed name.

Jonna Muzzarelli
Parcel # 04-25-406-004



Welcome	Payment Information	Loan Balances	Payment History	Payment Options	Account Information	Statements Documents
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Payment History

Please give us your feedback

Click on a transaction number to view the details.

Apply for a Refinance

Update My Insurance Information

Delinquent and need help?

REO Properties FOR SALE

Make a payment at any Western Union Location

eStatements

Frequently Asked Questions

Amortization Table

Refinance? New Loan? Call 1-877-754-6847

No.	Due Date	Paid Date	Payment Amount	Description
1	11/01/09	10/19/09	106,296.24	TRF SERV
2	11/01/09	10/16/09	6.61	
3	10/01/09	10/16/09	1,030.70	
4	09/01/09	09/16/09	0.00	Unapplied Funds
5	08/01/09	09/16/09	2,109.98	
6	08/01/09	08/12/09	-1,610.14	T&I Dis
7	07/01/09	07/16/09	1,037.31	ACH
8	06/01/09	06/16/09	1,037.31	ACH
9	06/01/09	05/28/09	-1,610.14	T&I Dis
10	05/01/09	05/18/09	1,037.31	ACH
11	04/01/09	04/15/09	1,037.31	ACH
12	03/01/09	03/12/09	1,037.31	ACH
13	02/01/09	02/13/09	1,037.31	ACH
14	02/01/09	01/28/09	-690.00	T&I Dis
15	01/01/09	01/15/09	1,037.31	ACH
16	12/01/08	12/16/08	1,037.31	ACH
17	11/01/08	11/13/08	1,037.31	ACH
18	10/01/08	10/15/08	1,037.31	ACH
19	09/01/08	09/15/08	1,092.56	ACH
20	08/01/08	08/15/08	1,092.56	ACH
21	08/01/08	08/12/08	-1,613.58	T&I Dis
22	07/01/08	07/16/08	1,092.56	ACH
23	06/01/08	06/18/08	1,127.92	ACH
24	06/01/08	05/22/08	-1,613.58	T&I Dis

- pd w/ NSF ck.