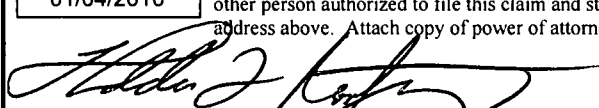



UNITED STATES BANKRUPTCY COURT Middle District of Florida, Jacksonville Div.		PROOF OF CLAIM
Name of Debtor: TAYLOR, BEAN & WHITAKER MORTGAGE CORP.		Case Number: 3:09-bk-07047-JAF
<i>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the 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): Thaddus F. Montgomery		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ <i>(If known)</i> Filed on: _____
Name and address where notices should be sent: Thaddus F. Montgomery 39 N Belmont St Colorado Springs, Colorado 80911-2004		
Telephone number: (719) 390-4747		
Name and address where payment should be sent (if different from above): Thaddus F. Montgomery 3640 Tailwind Dr Colorado Springs, Colorado 80911		<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.
Telephone number: (719) 390-4747		
1. Amount of Claim as of Date Case Filed: \$ <u>2,565.00</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>Insurance Disbursement</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>9500</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>01/04/2010</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.		FOR COURT USE ONLY T, B & W Mortgage Corp.  00606

Statement of Charges:

Original Amount: \$1,431.00

Interest Charges \$6.00 a Day X 189 = \$1,134.00

Total \$2,565.00

January 4, 2010

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

From: Thaddus F. Montgomery
39 N Belmont St
Colorado Springs, Colorado 80911-2004

I am filing a damage claim against Taylor Bean & Whitaker (TBW) for failure to pay Insurance Disbursement for my Mortgage Loan Account #1609500 in the amount of \$1,431.00 on 27 July 2009 to USAA Property & Casualty Insurance (USAA).

On 1 Sep 2009 I was contacted by my insurance company USAA telling me that my insurance for calendar year 2009 was due. I contacted TBW and was told that the insurance payment was made on 27 Jul 2009. I explained that my insurance company had not received the funds as reflected on my mortgage statement and they informed me that they informed me a few days later they were in Bankruptcy and that the funds would be released in phases. I informed them that they were obligated to pay my insurance disbursement as the bill had come due and again was told that there was nothing they could do.

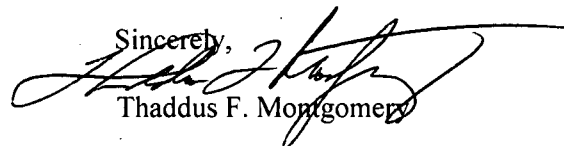
I have continued to try and contact the customer service line of (TBW) numerous times in the past 60 days with no answer and on hold for 40 minutes at a time to get information on my insurance disbursement which has been due since 27 Jul 2009. This has caused an undue hardship for my family as my mortgage payment with my new mortgage company American Home Mortgage (AMI) has gone up to cover the financial irresponsibility of TBW effective 1 Feb 2010. If I was late on a mortgage payment TBW would have not hesitated to charge a late fee for everyday the mortgage was not paid.

Therefore I have no other choice but to claim damages for lack of payment and breach of contract by TBW. I believe I am entitled to the following:

My \$1,431.00 plus \$6.00 a day for everyday TBW has not released my Insurance Disbursement since 27 July 2009 up to the due date. I have to pay back Escrow to cover my calendar year 2010 taxes effective 1 Feb 2010. I am claiming 189 days X \$6.00 for a total of \$1,134.00. If you add the original amount of \$1,431.00 the total amount claimed is \$2,565.00

Attached:
This Letter
Proof of Claim Form
TBW Mortgage Statement

Sincerely,



Thaddus F. Montgomery



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:	1609500
Interest Rate:	6.875%
Payment Due Date:	09/01/2009
Regular Monthly Payment:	\$928.88
Total Payment(s) Due:	\$829.71
Unpaid Late Charges:	\$0.00
Unpaid NSF Fees:	\$0.00
Other Unpaid Fees/Charges:	\$0.00
Total Due:	\$829.71

Account Balances:

Principal Bal. on 08/01/2009	\$131,691.92
Escrow Bal. on 08/01/2009	\$70.63
Interest Paid Year to Date	\$4,607.58
Taxes Paid Year to Date	\$762.54
Insurance Paid Year to Date	\$1,431.62
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

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

E-mail us:
Loaninfo@taylorbean.com

Insurance Information:

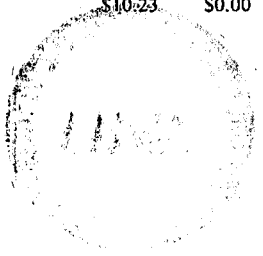
Ins Co Name: USAA Property & Casualty Insurance
Ins Policy No.: 01649366890A



Return Service Requested 22935 99
Thaddus F Montgomery & Tammy L Montgomer
39 N Belmont St
Colorado Springs, CO 80911-2004

Recent Activity:

Date	Description	Principal Amount	Interest Amount	Escrow Amount	Other Funds	Late Charge	Total
07/27/2009	Escrow Disbursement	\$0.00	\$0.00	\$-1,431.62	\$0.00	\$0.00	\$-1,431.62
	USAA Property & Casualty Insurance				01649366890A		
07/31/2009	Regular Payment	\$0.00	\$853.71	\$174.40	\$10.23	\$0.00	\$939.17
07/31/2009	Curtailment	\$10.23	\$0.00	\$0.00	\$-10.23	\$0.00	\$0.00



Thank you for your prompt payment!

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

**Your payment is scheduled for change on 09/30/2009 based on your subsidy schedule. Please visit us on the web or contact our Customer Support Team if you have any questions here

Loan #: 1609500

Property Address:

39 BELMONT STREET
COLORADO SPRINGS, CO 80911

Customer:

Thaddus F Montgomery & Tammy L Montgomer
39 N Belmont St
Colorado Springs, CO 80911-2004

Undesignated additional funds will be applied first to advances or fees due and then to principal.

PAYMENT DUE DATE: 09/01/2009
Regular Monthly Payment: \$928.88
Total Amount Due: \$829.71
Amount Due if Received After 09/16/2009: \$829.71

MORTGAGE PAYMENT COUPON

Please allow 7-14 days for delivery via mail.

Extra Principal Paid: () _____

Extra Escrow Paid: () _____

Late Charge Paid: () _____

Enter Total Amount Paid: () _____

Taylor, Bean & Whitaker Mortgage Corp
P.O. Box 628204
Orlando, FL 32862-8204



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