


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): <u>Alan J. Bryant</u>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: <u>Alan J. Bryant</u> <u>1480 Teagle Road</u> <u>Forsyth, Georgia 31029</u>		Court Claim Number: _____ (If known)
Telephone number: <u>404 - 964 - 7132</u>		Filed on: _____
Name and address where payment should be sent (if different from above): <u>S/A</u>		<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.
Telephone number:		<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>400.00</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)(____).
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 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>Escrow for Homeowners Insurance was not received</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>4894</u>  3a. Debtor may have scheduled account as: <u>1944015</u> (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>1-11-10</u>		FOR COURT USE ONLY
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.  <u>Alan J Bryant</u>		T, B & W Mortgage Corp.  00691



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Seciss

FAERN

Taylor, Bean & Whitaker

Perfecting the Art of Mortgage Lending

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

check 391074

# MONTHLY BILLING STATEMENT

### General Billing Info:

Statement Date:	08/01/2009
Loan Number:	1944015
Interest Rate:	6.625%
Payment Due Date:	09/01/2009
Regular Monthly Payment:	\$438.07
Total Payment(s) Due:	\$438.07
Unpaid Late Charges:	\$0.00
Unpaid NSF Fees:	\$0.00
Other Unpaid Fees/Charges:	\$0.00
<b>Total Due:</b>	<b>\$438.07</b>

Attachment "A" www.taylorbean.com



Return Service Requested 6207 28  
Alan J Bryant  
1480 Teagle Rd  
Forsyth, GA 31029-3959

Address TISW  
866.430.9689  
866.305.6943

This paper was produced using 100% recycled paper with soy-based inks. Printing methods including sustainable forest stock, chemical free processes, plates and vegetable based inks.

### Recent Activity:

Date	Description	Principal Amount	Interest Amount	Escrow Amount	Other Funds	Late Charge	Total
07/23/2009	Escrow Disbursement	\$0.00	\$0.00	\$-37.20	\$0.00	\$0.00	\$-37.20
	PMI Mortgage Insurance				98526986		
07/27/2009	Regular Payment	\$55.57	\$301.72	\$80.78	\$0.00	\$0.00	\$438.07

### Account Balances:

Principal Bal. on 08/01/2009	\$54,596.27
Escrow Bal. on 08/01/2009	\$645.66
Interest Paid Year to Date	\$2,118.40
Taxes Paid Year to Date	\$0.00
Insurance Paid Year to Date	\$0.00
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  
Customer Service Hours:  
9:00 am - 8:00 pm EST  
Monday through Friday  
E-mail us:  
Loaninfo@taylorbean.com

### Insurance Information:

Ins Co Name: State Farm Insurance  
Ins Policy No.: 11-Q3-0253-9

Web Add Fed Pan  
Jacksonville  
www.bmcgrove.com  
770 460 7575  
Tax  
Judge Jerry A. Funk  
(407) 648-6301 x 127  
309/BK 07047-JAF

Thank you for your prompt payment!

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

Loan #: 1944015

#### Property Address:

1480 Teagle Road  
Forsyth, GA 31029

#### Customer:

Alan J Bryant  
1480 Teagle Rd  
Forsyth, GA 31029-3959

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

<b>PAYMENT DUE DATE:</b>	<b>09/01/2009</b>
Regular Monthly Payment:	\$438.07
Total Amount Due:	\$438.07
Amount Due if Received	\$455.93
After 09/16/2009:	

## 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: \_\_\_\_\_

1866 4/30 9689

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



0001944015000004380700000455936

Central Loan Admin & Reporting  
PO Box 211091  
Eagan, MN 55121

11/2/09

Sent 400.00 Stefan  
- 109.70 crnty 11/17/09  
Pml 37.20 11/9



1 609 718 4567

10/22/09

Tera  
Tera

#BWNDXCT  
#3000030491450103#

ALAN BRYANT  
1480 TEAGLE RD  
FORSYTH GA 31029

15164/FG/B/G9

LOAN NO: 0030491450  
www.loanadministration.com  
TOLL FREE 1-877-680-5583

522.96  
400.00  
107.10

967.36  
446.40

Attachment "B"

Please see the enclosed insert "Understanding Your Escrow Account Disclosure Statement". This handy guide is intended to help you understand your statement and answer some commonly asked questions about your escrow analysis.

**ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT**

As you know, we are required to maintain an escrow account which is used to pay your real estate taxes and/or insurance premiums. This account must be analyzed annually to determine whether enough funds are being collected monthly, and whether the account has a shortage or surplus based on the anticipated activity.

**PRESENT LOAN PAYMENT**

Your present payment consists of:	Principal & Interest (P&I)	\$357.29
	Escrow Deposit	\$80.78
	Optional Insurance	\$0.00
	Other	\$0.00
Less:	Buydown/Assistance Payment	\$0.00
<b>Total Loan Payment</b>		<b>\$438.07</b>

**ANTICIPATED ANNUAL DISBURSEMENTS**

These are the escrow items we anticipate we will collect for or pay on your behalf in the upcoming 12 month period. The dollar amount shown may be the last amount actually paid for that item, or may project the next amount due as defined by Federal law. Based on these anticipated disbursements, the amount of your escrow deposit is calculated and displayed here.

Bills due in the upcoming year:	MORTGAGE INS	\$446.40	
	COUNTY TAX	\$1.65	
	HAZARD INS	\$400.00	
<b>Total Anticipated Annual Disbursements:</b>		<b>\$848.05</b>	<b>One-Twelfth/Monthly Amount: \$70.67</b>

**ANNUAL PMI DISCLOSURE**

**Private Mortgage Insurance:** Your mortgage loan requires private mortgage insurance ("PMI"). PMI protects lenders and others against financial loss when borrowers default. Charges for the insurance are added to your loan payments. Under certain circumstances, federal law gives you the right to cancel PMI or requires that PMI automatically terminate. Cancellation or termination of PMI does not affect any obligation you may have to maintain other types of insurance.

**Borrower Requested Cancellation of PMI:** Under the Homeowners Protection Act of 1998, if your loan closed on or after July 29, 1999 as a single-family primary residence, you have the right to request that PMI be cancelled on or after either of these dates: (1) the date the principal balance of your loan is first scheduled to reach 80% of the original value of the property or (2) the date the principal balance actually reaches 80% of the original value of the property. PMI will only be cancelled on these dates if (1) you submit a written request for cancellation; (2) you have a good payment history; and (3) we receive, if requested and at your expense, evidence that the value of the property has not declined below its original value and certification that there are no subordinate liens on the property. A "good payment history" means no payments 60 or more days past due within two years and no payments 30 or more days past due within one year of the cancellation date. "Original value" means the lesser of the contract sales price of the property or the appraised value of the property at the time the loan was closed.

**Automatic Termination of PMI:** Under the Homeowners Protection Act of 1998, if your loan closed on or after July 29, 1999 as a single-family primary residence and if you are current on your loan payments, PMI will automatically terminate on the date the principal balance of your loan is first scheduled to reach 78% of the original value of the property. If you are not current on your loan payments as of that date, PMI will automatically terminate when you thereafter become current on your payments. In any event, PMI will not be required on your mortgage loan beyond the date that is the midpoint of the amortization period for the loan if you are current on your payments on that date.

**If your loan closed before July 29, 1999 or if it is not a single-family primary residence or second home:**

\*\*\* CONTINUED ON REVERSE SIDE \*\*\*

**S H O R T A G E**

Name: ALAN BRYANT      Loan Number: 0030491450      Shortage Amount: \$190.96

If you choose to pay your escrow shortage of \$190.96 in full, your new loan payment amount will be \$427.96. Please include your loan number on your check and make it payable to Central Loan Admin & Reporting and send to:

1124 TBW S ESCROW  
Robbie Uvason  
F13 229-0144

Central Loan Admin & Reporting  
P.O. Box 11733  
Newark NJ 07101-4733



**\*\* CONTINUATION \*\***

The conditions for cancelling mortgage insurance for mortgages closed before July 29, 1999 are not statutory under federal law, they may be changed at any time (unless otherwise required by state law). To determine if you can cancel the PMI on your loan or for further information about PMI Cancellation, contact us at PO Box 77404, Ewing, NJ 08628 or call 1-877-680-5583.

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**ACCOUNT HISTORY**

The following statement of activity in your escrow account from 08/09 through 11/09 displays actual activity as it occurred in your escrow account during that period. If you received Account Projections with a prior analysis, they are included again here for comparison.

Month	Payments		Disbursements		Description	Projected Escrow Account Balance	Actual Escrow Account Balance
	Projected	Actual	Projected	Actual			
<b>Beginning Balance</b>						<b>\$ .00</b>	<b>\$245.66</b>
August		80.78 *				.00	326.44
September		80.78 *		37.20 * PMI		.00	370.02
September				400.00 * HAZARD INS		.00	29.98-
October				37.20 * PMI		.00	67.18-
November		80.78 E		37.20 E PMI		.00	23.60-

An asterisk (\*) beside an amount indicates a difference from projected activity either in the amount or the date. The letter E beside an amount indicates that the payment or disbursement has not yet occurred, but is estimated to occur as shown.

**ACCOUNT PROJECTIONS**

The following estimate of activity in your escrow account from 12/09 through 11/10 is provided for your information. All payments we anticipate receiving as well as disbursements we anticipate making on your behalf are included, along with the Projected Escrow Account Balance, derived by carrying forward your current actual escrow balance. The Required Escrow Account Balance displays the amount actually required to be on hand as specified by Federal law, State law and your loan documents, and may include a cushion of up to 1/6th of your Annual Disbursements. Please retain this statement for comparison with the actual activity in your account at the end of the next escrow account computation year.

Month	Anticipated Amount		Description	Projected Escrow Account Balance	Required Escrow Account Balance
	To Escrow	From Escrow			
<b>Beginning Balance</b>				<b>\$23.60-</b>	<b>\$167.36</b>
December	70.67	37.20	PMI	9.87	200.83
December		1.65	R.E. TAX	8.22	199.18
January	70.67	37.20	PMI	41.69	232.65
February	70.67	37.20	PMI	75.16	266.12
March	70.67	37.20	PMI	108.63	299.59
April	70.67	37.20	PMI	142.10	333.06
May	70.67	37.20	PMI	175.57	366.53
June	70.67	37.20	PMI	209.04	400.00
July	70.67	37.20	PMI	242.51	433.47
August	70.67	37.20	PMI	275.98	466.94
August		400.00	HAZARD INS	124.02-	66.94
September	70.67	37.20	PMI	90.55-	100.41
October	70.67	37.20	PMI	57.08-	133.88
November	70.67	37.20	PMI	23.61-	167.35

Your Projected Escrow Account Balance as of 11/30/09 is **\$23.60-**. Your Required Beginning Escrow Balance according to this analysis should be **\$167.36**.

This means your escrow account is under-funded by a total of **\$190.96**. You have a Deficiency of **\$23.60**, and a Shortage of **\$167.36**. Per Federal law, the Deficiency may be collected from you over 2 months or more unless it is less than 1 month's deposit. If so, we may require payment within 30 days. The Shortage may be collected from you over 12 months or more unless it is less than 1 month's deposit. If so we may require payment within 30 days. We will collect the Deficiency and the Shortage over 12 months.

Once during this period, your Required Escrow Account Balance should be reduced to **\$66.94**, as shown in August. This amount represents the cushion selected by us as allowed by your loan contract, Federal and State law.

**NEW LOAN PAYMENT**

Your new payment consists of:	Principal & Interest (P&I)	\$357.29
	Escrow Deposit	\$70.67
	Deficiency/Shortage/Surplus	\$15.91
	Optional Insurance	\$0.00
	Other	\$0.00
	Less: Buydown/Assistance Payment	\$0.00

**New Loan Payment                      Beginning                      12/01/09                      \$443.87**

Important note to our Automatic Draft Customers: Any additional principal deductions you have previously authorized are not included in the above listed new payment amount. However, until we are otherwise advised, the authorized additional principal amount will continue to be withdrawn from your account.

**\*\*\* CONTINUED ON NEXT PAGE \*\*\***

Alan Jerome Bryant  
1480 Teagle Road  
Forsyth, GA 31029-3959

September 18, 2009

Cenlar  
P. O. Box 211091  
Eagan, MN 55121

RE: Loan Cenlar# 0030191450 -formerly Taylor, Bean & Whitaker # 0001944015  
i/n/o Alan Bryant - property 1480 Teagle Rd, Forsyth, GA 31029

Dear Sirs:

My loan payment with Taylor, Bean & Whitaker included escrow to cover the hazard insurance on my property. The premium was due August 10, 2009 in the amount of \$400.00. I talked with them and they stated that they sent a check #391074 to State Farm Insurance on August 3<sup>rd</sup>, 2009. That check has never been received by State Farm. I again talked with TBW and they were to stop payment on that check and reissue; but, that check has also never been received by State Farm. TBW gave me a confirmation #684974 to prove that the original check had been checked and that it had never been cashed.

I need for this insurance premium to be paid ASAP because the coverage is about to expire for lack of payment. My monthly billing statement shows an escrow balance of \$645.66 as of 08/01/09. I am enclosing a copy of that statement. Please forward payment to State Farm, PO Box 37, Fayetteville, GA 30214 referencing policy # 11-Q3-0253-9 F.

There is another issue that needs to be resolved. My monthly mortgage has been \$438.07 but when I called your automated system it states that I should pay \$502.00. This is not correct! Please refer to enclosed attachments and correct immediately.

Thank you for your cooperation and immediate response. Please reply to me my telephone at 404-964-7132.

Sincerely,

Alan J. Bryant  
404-964-7132

Enclosures:



January 11, 2010

TB&W Mortgage  
c/o BMC Group, Claims Processing  
P.O. Box 3020  
Chanhassen, MN 55317-3020

RE: LOAN #1944015 - CASE # 3:09-bk-07047-JAF

To Whom It May Concern:

Attached please find my "Proof of Claim" form along with attachments showing the amount of monies in my Escrow Account on different dates.

In speaking with several parties and numerous telephone calls, I was informed that TB&W filed Bankruptcy. Unfortunately, I feel as though I was not completely told the complete truth regarding my Escrow Account which is held for Property Tax, and Homeowners Insurance.

When my loan was sold to Cenlar, I was informed that my monthly mortgage payment would need to be increased to \$443.87 due to there not being enough funds for monies needed. My monthly payment with TB&W was \$438.07; I understand that this is only a difference of \$5.80. However, why should I, the client be punished for a mistake that was not created by me.

I have attached a statement from TB&W dated 08/01/09 (Attachment "A") which shows the Escrow balance of \$645.66. I have also enclosed a statement from Cenlar dated 10/22/09 (Attachment "B"), which shows the Escrow balance as of August, 2009 of \$245.66. On September 18, 2009 I faxed a letter to Cenlar, (Attachment "C") stating that my Insurance Company, State Farm had not received the Homeowners payment of \$400.00 and that my policy would cancel. In the meantime, Cenlar pays my Homeowners Insurance and my mortgage payment goes up to \$443.87.

I have recently been informed through a great deal of investigation work and numerous telephone calls that TB&W wrote a check, number 391074 to State Farm on August 3, 2009. However, the check was stopped from being mailed out, due to the Bankruptcy being filed. So, I have asked where the amount of \$400.00 is. I have been advised that the money has been "frozen" and that it will not be released until the Bankruptcy is complete. I can honestly say that I do not feel that this is fair that I have to pay the penalty and that my Escrow Account is short due to TB&W filing Bankruptcy, and I am sure that there are other clients that feel this way as well.

At this time, I am requesting the sum of \$400.00 be forwarded to me as soon as possible at:

Alan J. Bryant  
1480 Teagle Road  
Forsyth, Georgia 31029

Should you have any questions regarding the above-noted information or wish to speak to me, I can be reached at 404/964-7132.

Sincerely,

  
Alan J. Bryant

Attachments: Proof of Claim, - Attachments "A", "B", & "C"

AJB:cls