

**PROOF OF CLAIM**

In re: **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.

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Name of Creditor and Address: the person or other entity to whom the debtor owes money or property. If necessary, please cross out pre-printed address and write in change of address.  
**Gary R. and Sharon C. Morphew**  
**2222 S. Mesa Street, #4**  
**San Pedro, California 90731**

**COURT FILED**  
**JACKSONVILLE, FLORIDA**  
**APR 08 2010**

CLERK, U. S. BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

Creditor Telephone Number (310) 940-0029

Check box if address is where Notice is to be sent.

**THIS SPACE IS FOR COURT USE ONLY**

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

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

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

Claim Number (if known):

Filed on: \_\_\_\_\_

1. AMOUNT OF CLAIM AS OF DATE CASE FILED \$ **3,037.40**

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.

2. BASIS FOR CLAIM:  
Escrow return check from re-finance  
bounced.

(See instructions #2 and #3a on reverse side.)

3. LAST FOUR DIGITS OF ANY NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: **3063**  
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 set off and provide the requested information  
Nature of property or right of setoff:  
Describe:  
 Real Estate  Motor Vehicle  Other \_\_\_\_\_  
Value of Property: \$ \_\_\_\_\_ Annual Interest Rate: \_\_\_\_\_ % if any: \$ \_\_\_\_\_ Basis for Perfection: \_\_\_\_\_  
Secured Claim Amount: \$ \_\_\_\_\_ **DO NOT** include the priority portion of your claim here.  
Unsecured Claim Amount: \$ \_\_\_\_\_  
Amount of arrearage and other charges as of time case filed included in secured claim, \_\_\_\_\_

5. PRIORITY CLAIM  
 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.  
Unsecured Priority Claim Amount: \$ \_\_\_\_\_ Include **ONLY** the priority portion of your unsecured claim here.  
**You MUST specify the priority of the claim:**  
 Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  
 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).  
 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).  
 Other - Specify applicable paragraph of 11 U.S.C. § 507(a) ( \_\_\_\_\_ ).  
\* 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.

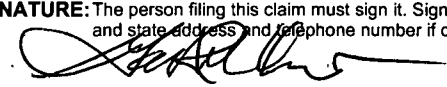
6. CREDITS: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. SUPPORTING DOCUMENTS: Attach redacted copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of evidence of perfection of a security interest. (See definition of "redacted" on reverse side.)  
If the documents are not available, please explain.

DATE-STAMPED COPY To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim. **DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.**

The original of this completed proof of claim form must be sent by mail, hand, courier or overnight delivery (facsimile, telecopy or other electronic means NOT accepted), so that it is actually received on or before 5:00 p.m. prevailing Eastern Time on June 15, 2010, the Bar Date (as defined in the Bar Date Notice).  
**By Regular Mail to:**  
BMC Group, Inc.  
Attn: Taylor, Bean & Whitaker Mortgage Corp. Claim Processing  
PO Box 3020  
Chanhassen, MN 55317-3020  
**By Hand, Courier, Or Overnight Delivery to:**  
BMC Group, Inc.  
Attn: Taylor, Bean & Whitaker Mortgage Corp. Claim Processing  
18750 Lake Drive East  
Chanhassen, MN 55317

**THIS SPACE FOR COURT USE ONLY**  
T, B & W Mortgage Corp.  
  
01388

DATE: **April 3, 2010**  
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.  
  
**Gary R. Morphew, Creditor**

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571.



**Taylor, Bean  
& Whitaker**

*Mortgage Corp.*  
1417 North Magnolia Ave  
Ocala, Florida 34475  
Bus. 888-225-2164  
Fax 888-329-9270  
Web: [www.taylorbean.com](http://www.taylorbean.com)

**Escrow Refund Check**

Enclosed please find a check issued in connection with your Taylor, Bean & Whitaker Mortgage Corp. loan. You should have recently received documentation from us notifying you of a forthcoming check from your escrow account and the reason. You may also view the documentation online. Simply log on to your account, select the "See More" option and access the "Statement/Documents" tab.

If you have any questions or if we may be of any other service, please visit us on the web at [www.taylorbean.com](http://www.taylorbean.com) or contact our Customer Relations Department at 1-888-225-2164, Monday-Friday 9:00am – 8:00pm or Saturday 8:00am – 5:00pm EST.

We appreciate your business,

Customer Relations  
Taylor, Bean & Whitaker Mortgage Corp.

Enc. (1)

TAYLOR, BEAN & WHITAKER MORTGAGE CORP  
 1417 N. Magnolia Avenue  
 Ocala, FL 34475-9078  
 (888)225-2164

Loan Number 2883063  
 Due Date 08/01/09

Property Address:  
 2222 SOUTH MESA STREET #4  
 SAN PEDRO CA 90731

GARY ROLAND MORPHEW & SHARON CLARISSE  
 2222 SOUTH MESA STREET #4  
 SAN PEDRO CA 90731

Account History for 09/08 Through 08/09

Month	Projected T&I Pmt	Actual T&I Pmt	Projected T&I Disb	Actual T&I Disb	Disb Desc	Projected T&I Balance	Actual T&I Balance
Starting T&I Balance.....						0.00	4,379.99
September	0.00	6.48 *	0.00	0.00		0.00	4,386.47
October	0.00	0.00	0.00	0.00		0.00	4,386.47
November	0.00	619.22 *	0.00	0.00		0.00	5,005.69
	0.00	0.00	0.00	132.55 *	MI Insurance	0.00	4,873.14
	0.00	0.00	0.00	3,021.56 *	County Taxes	0.00	1,851.58
December	0.00	635.44 *	0.00	0.00		0.00	2,487.02
	0.00	0.00	0.00	132.55 *	MI Insurance	0.00	2,354.47
January	0.00	619.22 *	0.00	0.00		0.00	2,973.69
	0.00	0.00	0.00	132.55 *	MI Insurance	0.00	2,841.14
February	0.00	619.22 *	0.00	0.00		0.00	3,460.36
	0.00	0.00	0.00	132.56 *	MI Insurance	0.00	3,327.80
March	0.00	632.96 *	0.00	0.00		0.00	3,960.76
	0.00	0.00	0.00	132.56 *	MI Insurance	0.00	3,828.20
	0.00	0.00	0.00	3,021.54 *	County Taxes	0.00	806.66
April	0.00	619.22 *	0.00	0.00		0.00	1,425.88
	0.00	0.00	0.00	132.56 *	MI Insurance	0.00	1,293.32
May	0.00	619.22 *	0.00	0.00		0.00	1,912.54
	0.00	0.00	0.00	132.56 *	MI Insurance	0.00	1,779.98
June	0.00	627.72 *	0.00	0.00		0.00	2,407.70
	0.00	0.00	0.00	132.56 *	MI Insurance	0.00	2,275.14
July	0.00	887.82 *	0.00	0.00		0.00	3,162.96
	0.00	0.00	0.00	132.56 *	MI Insurance	0.00	3,030.40
August	0.00	0.00	0.00	3,030.40 *		0.00	0.00 **

Tax and Insurance Account Disclosure Payoff Statement

August 13, 2009

TAYLOR, BEAN & WHITAKER MORTGAGE CORP  
 1417 N. Magnolia Avenue  
 Ocala, FL 34475-9078  
 (888)225-2164

Loan Number 2883063  
 Due Date 08/01/09

Property Address:  
 2222 SOUTH MESA STREET #4  
 SAN PEDRO CA 90731

GARY ROLAND MORPHEW & SHARON CLARISSE  
 2222 SOUTH MESA STREET #4  
 SAN PEDRO CA 90731

Account History for 09/08 Through 08/09

Month	Projected T&I Pmt	Actual T&I Pmt	Projected T&I Disb	Actual T&I Disb	Disb Desc	Projected T&I Balance	Actual T&I Balance
Totals.....	0.00	5,886.52	0.00	10,266.51			

An asterisk (\*) indicates a difference from a previous estimate either in the date or the amount. An "E" indicates estimates for future payments or disbursements.

Your mortgage payment, as of the last T&I Account Disclosure Statement, was 0.00. The breakdown was as follows: 0.00 Principal and Interest, 0.00 T&I, 0.00 Miscellaneous Insurance, 0.00 Subsidy.

The Real Estate Settlement Procedures Act (RESPA) requires that we, the servicer, send you a history of your T&I account within 60 days of receiving the payoff funds for your loan. This statement shows the ending balance in your account as of the payoff date.

For further explanation, please call Servicing Department.

EXHIBIT A - Page 4 of 4

GALAXY • TEL (972) 241-9222 • FAX (972) 243-2615 • DALLAS, TX

(check was here)

Payee Disbursement Voucher

Loan #	Pol/Tax #	Loan Name	Date Paid	Amount	Check Number
2883063		GARY ROLAND MORPHEW	08/13/09	-3,030.40	398864

Payee Disbursement Total: -3,030.40

EXHIBIT B

Primary account number: 2247048172 ■ August 11, 2009 - September 9, 2009 ■ Page 5 of 6



**Direct Deposit Advance**®

Lender - Wells Fargo Bank, N.A.

Outstanding advance balance as of the beginning of this statement period including	Finance Charge(s)	\$0.00
Outstanding advance balance as of the end of this statement period including	Finance Charge(s)	\$0.00
Finance Charge(s) incurred on advances taken during this statement period		\$0.00
<b>Current advance credit limit</b>		<b>\$500.00</b>
<b>Current repayment option</b>		<b>Automatic Deduction</b>

■ Use the Direct Deposit Advance service to receive up to \$500 of your recurring Direct Deposit income. Just use the ATM, Online or call the Phone Bank. See the Direct Deposit Advance Service Agreement and Product Guide and any amendment or addendum for complete details.

**Wells Fargo Money Market Savings** SM

**Activity summary**

Beginning balance on 8/11	\$2,249.06
Deposits/Additions	3,851.59
Withdrawals/Subtractions	- 3,827.40
<b>Ending balance on 9/9</b>	<b>\$2,173.25</b>

Account number: 9525889555

SHARON MORPHEW  
GARY R MORPHEW

California account terms and conditions apply

For Direct Deposit and Automatic Payments use  
Routing Number (RTN): 121042882

**Interest summary**

Interest paid this statement	\$0.37
Average collected balance	\$3,283.32
Annual percentage yield earned	0.15%
Interest earned this statement period	\$0.41
Interest paid this year	\$0.82

**Transaction history**

Date	Description	Deposits/ Additions	Withdrawals/ Subtractions	Ending daily balance
8/17	Online Transfer Ref #1bejwpv9V8 From Complete Advantage(Rm) Xxxxxx8172 on 08/16/09	1,000.00		3,249.06
8/25	Deposit Made IN A Branch/Store	2,851.22		6,100.28
8/31	Return Item Charge - Paper AZ 090831		3,090.40	
8/31	Return Item Fee AZ 090831		7.00	
8/31	Interest Payment	0.37		
8/31	Monthly Service Fee		10.00	3,059.25
9/4	* Online Transfer Ref #1bamm288FD to Complete Advantage(Rm) Dentist/Bbq		880.00	2,173.25
<b>Ending balance on 9/9</b>				<b>2,173.25</b>
<b>Totals</b>		<b>\$3,851.59</b>	<b>\$3,927.40</b>	

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.

\* Indicates transactions that count toward Federal Reserve Board Regulation D limits. Please refer to your Account Agreement for complete details of the federally-mandated transaction limits for savings accounts.

## SUMMARY: PROOF OF CLAIM

This claim for and the attached supporting documents are to show entitlement to certain funds described in section 1 on the Proof of Claim form. All documents exhibit A through exhibit C collectively prove that:

1. TBW as my loan provider disbursed to me the balance of my escrow account (\$3,030.40) upon refinance of loan #2883063 via check #398864. This check was "returned due to insufficient funds"
2. My bank, Wells Fargo Bank N.A. notified me of the "bounced" check via bank statement and charged my account \$7.00 for this return.
3. As this was from an escrow account and, as such, not the property of Taylor, Bean and Whitaker Mortgage Corporation, it belongs to us.

End Summary



Gary R. Morphew  
April 3, 2010