


<b>UNITED STATES BANKRUPTCY COURT Middle District of Florida, Jacksonville Div.</b>		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>Taylor, Bean, &amp; Whitaker Mortgage Corporation</b>		Case Number: <b>3:09-bk-07047-JAF</b>
NOTE: <i>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): <b>Richard Wimberly</b>		<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: <b>7 Shetland CT Savannah, GA 31419</b>		
Telephone number: <b>(912) 925-9637</b>		
Name and address where payment should be sent (if different from above):		<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:		
1. Amount of Claim as of Date Case Filed: \$ <u>1,680.47</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 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)(____).  <b>Amount entitled to priority:</b> \$ _____  *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>Escrow Funds Due</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>4959</u>  3a. Debtor may have scheduled account as: <u>Loan # 1924959</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>04/08/2010</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.  <u>Richard Wimberly</u> Richard Wimberly		FOR COURT USE ONLY  T, B & W Mortgage Corp.  01411

CLAIM FILED

JACKSONVILLE, FLORIDA  
JACKSONVILLE, FLORIDA

APR 12 2010

CLERK, U.S. BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
MIDDLE DISTRICT OF FLORIDA

4/8/2010

Taylor, Bean - Service Released  
 1417 N. Magnolia Avenue  
 Ocala, FL 34475-9078  
 (888)225-2164

Property Address:  
 7 Shetland Court  
 Savannah GA 31419

RICHARD WIMBERLY  
 7 SHETLAND COURT  
 SAVANNAH GA 31419

Starting Balances	
Principal:	154,065.03
Tax & Insurance:	523.07
Unapplied:	.00

Current Balances	
Principal:	.00
Tax & Insurance:	.00
Unapplied:	.00
Subsidy:	.00
Late Charge:	.00
Returned Check Charge:	.00
Miscellaneous Fees:	.00
Loss Draft:	.00

Page 1

Loan Activity Report

August 31, 2009

Loan # 1924959

Tran Code	Due Date /Date Paid	Amount Paid	Interest Paid	Principal/ Curtailment	T&I Paid	Misc Ins	Late Chrg/ Ret Chk Chrg	Subsidy Amount	Unapplied Amount	Misc Fee /Loss Draft	Principal Bal /Tax&Ins Bal
REG	01/01/09	1,411.03	802.42	171.83	246.25	.00	.00	.00	190.53	.00	153,893.20
	01/07/09			.00			.00			.00	769.32
CUR	02/01/09	.00	.00	.00	.00	.00	.00	.00	-190.53	.00	153,702.67
	01/07/09			190.53			.00			.00	769.32
REG	02/01/09	1,411.03	800.53	173.72	246.25	.00	.00	.00	190.53	.00	153,528.95
	02/12/09			.00			.00			.00	1,015.57
CUR	03/01/09	.00	.00	.00	.00	.00	.00	.00	-190.53	.00	153,338.42
	02/12/09			190.53			.00			.00	1,015.57
REG	03/01/09	1,411.03	798.64	175.61	246.25	.00	.00	.00	190.53	.00	153,162.81
	03/11/09			.00			.00			.00	1,261.82
CUR	04/01/09	.00	.00	.00	.00	.00	.00	.00	-190.53	.00	152,972.28
	03/11/09			190.53			.00			.00	1,261.82
REG	04/01/09	1,221.00	796.73	177.52	246.25	.00	.00	.00	.50	.00	152,794.76
	04/14/09			.00			.00			.00	1,508.07
ADJ	05/01/09	.00	.00	.00	.50	.00	.00	.00	-.50	.00	152,794.76
	04/14/09			.00			.00			.00	1,508.57
DIS	05/01/09	-814.60	.00	.00	-814.60	.00	.00	.00	.00	.00	152,794.76
	04/30/09			.00			.00			.00	693.97
REG	05/01/09	1,221.00	795.81	178.44	246.25	.00	.00	.00	.50	.00	152,616.32
	05/12/09			.00			.00			.00	940.22
ADJ	06/01/09	.00	.00	.00	.50	.00	.00	.00	-.50	.00	152,616.32
	05/12/09			.00			.00			.00	940.72
REG	06/01/09	1,221.00	794.88	179.37	246.25	.00	.00	.00	.50	.00	152,436.95
	06/10/09			.00			.00			.00	1,186.97
ADJ	07/01/09	.00	.00	.00	.50	.00	.00	.00	-.50	.00	152,436.95
	06/10/09			.00			.00			.00	1,187.47
REG	07/01/09	1,221.00	793.94	180.31	246.25	.00	.00	.00	.50	.00	152,256.64
	07/09/09			.00			.00			.00	1,433.72

Loan Activity Report

August 31, 2009

Loan # 1924959

Tran Code	Due Date /Date Paid	Amount Paid	Interest Paid	Principal/ Curtailment	T&I Paid	Misc Ins	Late Chrg/ Ret Chk Chrg	Subsidy Amount	Unapplied Amount	Misc Fee /Loss Draft	Principal Bal /Tax&Ins Bal
ADJ	08/01/09	.00	.00	.00	.50	.00	.00	.00	-.50	.00	152,256.64
	07/09/09			.00			.00			.00	1,434.22
DIS	08/01/09	-1,295.00	.00	.00	-1,295.00	.00	.00	.00	.00	.00	152,256.64
	08/03/09			.00			.00			.00	139.22
DIS	08/01/09	-890.00	.00	.00	-890.00	.00	.00	.00	.00	.00	152,256.64
	08/03/09			.00			.00			.00	-750.78
REG	08/01/09	1,221.00	793.00	181.25	246.25	.00	.00	.00	.50	.00	152,075.39
	08/05/09			.00			.00			.00	-504.53
ADJ	09/01/09	.00	.00	.00	.50	.00	.00	.00	-.50	.00	152,075.39
	08/05/09			.00			.00			.00	-504.03
EXP	09/01/09	152,579.42	.00	152,075.39	504.03	.00	.00	.00	.00	.00	.00
	08/08/09			.00			.00			.00	.00
<b>Totals:</b>		<u>159,917.91</u>	<u>6,375.95</u>	<u>153,493.44</u>	<u>-523.07</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	
				<u>571.59</u>			<u>0.00</u>			<u>0.00</u>	

AT1

300

P-27- 1518-F838

H

F

DATE DUE

PLEASE PAY THIS AMOUNT

AUG 10 2009

\$890.00

WIMBERLY, RICHARD D  
7 SHETLAND CT  
SAVANNAH GA 31419-9606

000365

Payer - Mortgagee

Mortgagee:  
TAYLOR BEAN & WHITAKER  
MORTGAGE CORP  
ITS SUCC AND/OR ASSIGNS ATIMA  
1417 N MAGNOLIA AVE  
OCALA FL 34475-9078

Location: Same as Mailing Address

Payer - Mortgagee  
Loan No: 1924959

Important Message(s)

As of the "Date Prepared" shown below, we have not received the premium required to keep this policy in force. Therefore, this policy is canceled effective 12:01 a.m. (or NOON if required by state law) on the "Date Canceled" shown above. If the full premium has been paid and accepted before or on the date of cancellation, you will receive a Notice of Reinstatement, verifying that your coverage continues under this policy. Otherwise, coverage will end. Please contact your State Farm agent with any questions.

Agent **BOB WARD**  
Telephone (912) 925-3943

92 4080 1933

See reverse side for important information.  
Please keep this part for your record.  
Prepared: AUG 24 2009

IF YOU HAVE MOVED, PLEASE CONTACT YOUR AGENT. P. 1518-F838



INSURED	WIMBERLY, RICHARD D	
POLICY NUMBER	81-Q3-5603-8	HO - HOMEOWNERS

Loan No: 1924959

PLEASE RETURN THIS PART WITH YOUR CHECK MADE PAYABLE TO STATE FARM.

DATE DUE	PLEASE PAY THIS AMOUNT
AUG 10 2009	\$890.00

Please contact your State Farm Agent if you have any questions about your policy.

2709909112  
Insurance Support Center  
P.O. Box 588002  
North Metro, GA 30029-8002  
|||

537-162.19 Rev. 02-05-2007 (01/3012h)

FOR OFFICE USE ONLY 0367

Prepared: AUG 24 2009  
E 03 I

FIRE CANCEL	\$890.00	0911
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900925400089000 081473809603801527>

AT1

Z-27- 1518-F838

D F

DATE DUE

PLEASE PAY THIS AMOUNT

000346  
WIMBERLY, RICHARD D  
7 SHETLAND CT  
SAVANNAH GA 31419-9606

AUG 10 2009

\$1,295.00

Mortgagee:  
TAYLOR BEAN & WHITAKER  
MORTGAGE CORP  
ITS SUCC AND/OR ASSIGNS ATIMA  
1417 N MAGNOLIA AVE  
OCALA FL 34475-9078

Location: Same as Mailing Address

Loan No: 1924959


Important Message(s)

**Due to federal law, your mortgage company may require you to keep Flood coverage in force.**

If full premium payment is received within 30 days of the expiration date, continuous coverage will be provided. If payment is received after 30 days following the expiration date but within 90 days, this policy will be reinstated effective 12:01 A.M. 30 days following the receipt of the payment.

This policy expired at 12:01 A.M. on AUG 10 2009. If payment is NOT received within 90 days following the expiration date, you must apply for a new policy.

Agent **BOB WARD**  
Telephone (912) 925-3943

 92 4079 6425

See reverse side for important information.  
Please keep this part for your record.

Prepared: AUG 17 2009

IF YOU HAVE MOVED, PLEASE CONTACT YOUR AGENT. Z- 1518-F838 F

PLEASE RETURN THIS PART WITH YOUR CHECK MADE PAYABLE TO STATE FARM.



INSURED	WIMBERLY, RICHARD D	
POLICY NUMBER	81-RE-8420-8	FLOOD-DWELLING

DATE DUE	PLEASE PAY THIS AMOUNT
AUG 10 2009	\$1,295.00

Loan No: 1924959

Please contact your State Farm Agent if you have any questions about your policy.

2709909095  
Insurance Support Center  
P.O. Box 588002  
North Metro, GA 30029-8002



538-115.5 Rev. 02-15-2007 (01130136)

OR OFFICE USE ONLY 0352

Prepared: AUG 17 2009

E 03 I

FIRE FL EXP	\$1,295.00	0909
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300925200129500 181475504420801527>

**ESCROW ACCOUNT REVIEW**

**ESCROW EXPLAINED**

Part of your monthly loan payment goes into an account to pay for your property taxes and insurance premiums. During the year, payments are made out of this account when bills come due. This notice describes any changes needed in your monthly payment to maintain enough money in your escrow account to pay these bills. In our step-by-step analysis, we determine the data shown below to calculate your new escrow payment.

See below for:

- an in-depth explanation of each step of your escrow analysis

**SUMMARY**

Base amount needed (see Step 1)	The expected monthly amount needed to pay your property taxes and insurance premiums	\$314.93
Shortage payment (see Step 2)	The monthly amount you must pay into your escrow account to keep the balance from falling below zero during the year	\$128.33
Reserve requirement (see Step 3)	The monthly amount allowed by federal law for unexpected tax and insurance increases and other costs	\$0.00
<b>New monthly escrow payment (see Step 4)</b>		<b>\$443.26</b>
<b>New monthly home loan payment effective 12/2009 (see Step 4)</b>		<b>\$1,417.51</b>

**HOW WE CALCULATE YOUR ESCROW PAYMENT**

**STEP 1**

**Determine base amount needed for the year**

Escrow items	Amount needed	Frequency in months	Monthly amount needed
Homeowners insurance	\$890.00	12	\$74.17
Flood insurance	1,260.00	12	105.00
County taxes	814.60	12	67.88
County taxes	814.60	12	67.88
<b>Total monthly base payment amount</b>			<b>\$314.93</b>

**STEP 2**

**Determine lowest projected balance**

In the chart located below, we project the amounts you will pay into your escrow account next year and the amounts we will pay out for your insurance and tax bills. Remember, these figures are only projections and may not reflect the actual payments made at the time they are due.

Month	Escrow deposit(s)	Tax payment(s)	Insurance payment(s)	MIP/PMI payment(s)	Balance
<b>Beginning balance</b>					<b>-\$1,950.28</b>
October 2009		814.60			-2,764.88
December 2009	314.93				-2,449.95
January 2010	314.93				-2,135.02
February 2010	314.93				-1,820.09
March 2010	314.93				-1,505.16
April 2010	314.93				-1,190.23
May 2010	314.93	814.60			-1,689.90
June 2010	314.93				-1,374.97
July 2010	314.93				-1,060.04
August 2010	314.93		2,150.00		-2,895.11
September 2010	314.93				-2,580.18
October 2010	314.93	814.60			-3,079.85*
November 2010	314.93				-2,764.92
<b>Ending balance</b>					<b>-\$2,764.92</b>
<b>Lowest projected balance</b>					<b>-\$3,079.85</b>
<b>Shortage payment amount</b>					<b>\$128.33</b>

\* Lowest projected balance (LPB)

**PAYMENT INSTRUCTIONS**

- Please
  - don't send cash
  - don't staple the check to the payment coupon
  - don't include correspondence
  - include coupon with payment
- Write your account number on the check or money order.
- Write in any additional amounts you are including.
- Make your check payable to BAC Home Loans Servicing, LP  
Attn: Remittance Processing  
PO Box 650070  
Dallas, TX 75265-0070

Account number **022525888**  
Richard Wimberly  
7 Shetland Court  
Savannah, GA 31419

(8)

Escrow shortage due **Dec 1, 2009** **\$3,079.85**

BAC Home Loans Servicing, LP  
PO Box 650070  
Dallas, TX 75265-0070

N/A

N/A

Check total



02252588805000307985000307985

⑆58699 100 2⑆0 2 25 25888⑈

Richard Wimberly  
7 Shetland CT  
Savannah, GA 31419  
[rickywimberly@hotmail.com](mailto:rickywimberly@hotmail.com)  
Home Phone: 912-925-9637  
Cell Phone: 229-291-1547

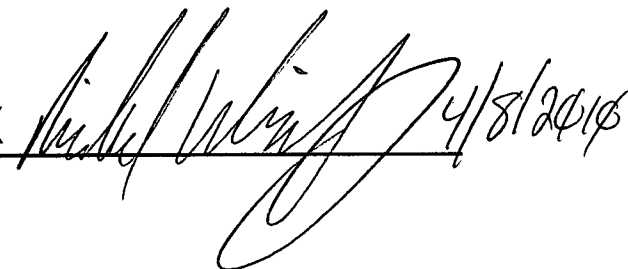
### **BASIS FOR CLAIM**

#### **Fact**

- Taylor, Bean, Whitaker Corp. owes me **\$1,680.47** according to my records/statements (**Account # 1924959**) from the funds that were in my escrow account. I have attached official statements to prove that fact. I would also like to be paid interest as well.
- Taylor, Bean, Whitaker Corp. has caused me extreme emotional distress concerning this matter. Due to the fact they left my home owners insurance unpaid and my flood insurance unpaid during the peak of hurricane season. This was done with no notice from Taylor, Bean, and Whitaker stipulating that there was a problem with their finances. They wrote a check on August 1<sup>st</sup>, 2009 knowing that these accounts would be frozen by the U.S. government and then transferred to Bank of America a negative balance for my mortgage account on the takeover (which I knew nothing about until later). Bank of America has taken the position that my escrow account is underfunded and has charged me extra escrow payments because of this. Increasing my monthly mortgage payments greatly and causing my family hardships as a result (especially during the Christmas season and hard economical times). For example, in Dec. 2009 my payment jumped to \$1417.51 from \$1221.00 (see attachment). On Dec. 1, 2009 my escrow was stated to be in arrears by \$3079.85 by BOA and I have had to make payments to appease these shortages (see attachment). I have been lied to by both BOA and TB&W about my escrow funds. None of them would give me anything in writing to prove my claim or to acknowledge there is a problem. In addition to the funds that belong to me **\$1,640.47** I am requesting compensation for my emotional distress, time, efforts, man-hours, and interest regarding this claim for the negligence of TB&W in this case. Please grant me a sum of **\$10,000.00** for my emotional distress, time, man-hours, efforts, and interest regarding this negligent claim disproportionately effecting me and family.
- **TB&W Check # 391074** wrote to insurance copy State Farm. I was told that it check was frozen by the government and that I had to pay for my insurance as a result or lose it. Again this was my home owners insurance and flood insurance during hurricane season that was not paid when I had funds in my escrow.

#### **Attachments**

- (2) State Farm Insurance statements of cancelations, because Insurances not paid in August (Home & Flood).
- (2) Taylor, Bean, & Whitaker Account Statements from August.
- (1) Bank of America Escrow Account Review.

X  4/8/2010