

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): JAMES MARKSON & JAN HERZOG
Name and address where notices should be sent: JAMES MARKSON 96 WINTER ST, ASHLAND, MA 01721-1114
Telephone number: (617) 285-7500
Court Claim Number: (If known)
Filed on:

Name and address where payment should be sent (if different from above):
Telephone number:
APR 13 2010
CLERK, U.S. BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA

1. Amount of Claim as of Date Case Filed: \$ 2,693.74
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: unaccounted payment
(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor: 5768
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 setoff and provide the requested information.
Nature of property or right of setoff: Real Estate Motor Vehicle 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: \$

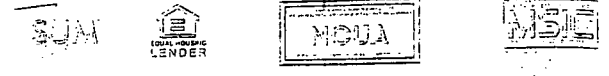
5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.
Specify the priority of the claim.
Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
Wages, salaries, or commissions (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)().
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.

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: 04/09/2010
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.
FOR COURT USE ONLY
T, B & W Mortgage Corp.
01420



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PAGE: 1
ACCOUNT: 19596801 08/20/2009

>04198 5951746 001 092047

JAN HERZOG
JAMES J MARKSON
96 WINTER ST
ASHLAND MA 01721-1114

Ref: CENLAR Loan # 0029876562
Taylor, Bean & Whitaker Loan # 785768

Going on vacation? Don't carry cash or checks that could get lost or stolen, carry a St. Mary's CU Debit Card!
Visit any branch today!

PERSONAL CHECKING ACCOUNT 19596801

DESCRIPTION	DEBITS	CREDITS	DATE	BALANCE
BALANCE LAST STATEMENT			07/20/09	4,106.84
Virtual Branch Transfer - Confirmation No. 400011776		2,000.00	07/22/09	6,106.84
441000 ATM Withdrawal @OIA BRANCH #1 @OIA BRANCH #1 ORLANDO FL	202.50		07/22/09	5,904.34
6044 POS PURCHASE Best Buy Chantilly VA	43.25		07/23/09	5,861.09
CHECK # 459	366.00		07/23/09	5,495.09
CHECK # 460	968.60		07/24/09	4,526.49
CHECK # 461	1,000.00		07/27/09	3,526.49
CHECK # 457	1,760.00		07/27/09	1,766.49
Virtual Branch Transfer - Confirmation No. 400006922		1,000.00	07/28/09	2,766.49
0107 POS PURCHASE Verizon Chantilly VA	120.59		07/29/09	2,645.90
5561 POS PURCHASE NStar Elec Chantilly VA	108.96		07/30/09	2,536.94
DIVIDEND AT .1500 %		.46	07/31/09	2,537.40
Transfer to Checking ****6801		2,500.00	08/03/09	5,037.40
35011 POS PURCHASE Middlesex Chantilly VA	446.07		08/03/09	4,591.33
CHECK # 462	130.00		08/05/09	4,461.33
* 14569 POS PURCHASE TB&W Chantilly VA	2,693.74		08/07/09	1,767.59
Virtual Branch Transfer - Confirmation No. 400300503		1,795.00	08/12/09	3,562.59
7733 ATM Withdrawal FRAMINGHAM CO-OPFRAMINGHAM CO-OP BFRAMINGHAM MA	260.00		08/12/09	3,302.59
DEPOSIT		200.00	08/13/09	3,502.59

*** CONTINUED ***

04198 5951746 007118 011315 00001/00003

Return Address

[Print](#) [Close](#)

Online Resources Corporation
4795 Meadow Wood Lane, Suite 300
Chantilly, VA 20151

Merchant Payee

TAYLOR BEAN AND WHITAKER MORTGAGE
PAYMENT PROCESSING
PO Box 628204
Orlando, FL 32862-8204

MNUM

30016766

Check Number **97049892**

Dated **08/07/2009**

Merch Account

785768

Pymt Name on Acct

James Markson

End User

Jan Herzog

Amount

2,693.74

Payment Method

ORCC Check

**Jan Herzog
James J. Markson**

Thursday, November 12, 2009

Certified Mail # 7008 3230 0003 0464 0200

Attn: Customer Service
Taylor, Bean & Whitaker (TB&W)
1417 North Magnolia Ave
Ocala, FL 34475

Attn: Customer Service:

**Subject: TB& W Loan # 785768
CENLAR LOAN # 0029876562
Borrowers: James Markson & Jan Herzog
96 Winter Street
Ashland, MA 01721**

This is a "qualified written request" under Section 6 of the Real Estate Settlement Procedures Act (RESPA).

I am writing because we have not been credited for our August 2009 mortgage payment in the amount of \$2,693.74. Attached you will find a copy of our bank statement indicating that the funds were withdrawn from our account along with a "Payment IQ Check Voucher" from our bank indicating the check number, date and amount of the check.

Also enclosed are earlier missives about this matter that have been ignored.

On November 3, 2009 the loan was paid in full including an additional payment for our August 2009 payment that was never credited to our account.

At this time I would like to demand that our August 2009 payment be returned to us immediately.

I have spoken to customer service agents multiple times and am simply told it is in the hands of the FDIC and out of your control.

I may be reached via telephone at 617-285-7500 in case a customer service representative wishes to contact me.

I understand that under Section 6 of RESPA you are required to acknowledge my request within 20 business days and must try to resolve the issue within 60 business days.

Sincerely,



James J. Markson

Enclosures