

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

PROOF OF CLAIM



Internal ID: s13704

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.

CLAIM FILED

JACKSONVILLE, FLORIDA

HOPE COMMUNITY CREDIT UNION
4 OLD RIVER PLACE STE A
JACKSON, MS 39202

21836930010862

APR 27 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 (601) 949-2805 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):

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: _____

Payment Telephone Number ()

1. AMOUNT OF CLAIM AS OF DATE CASE FILED \$ 7,324.00

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:

Recovery of Borrower Payments

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

3. LAST FOUR DIGITS OF ANY NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR:

3a. Debtor may have scheduled account as: 3170212

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

Secured Claim Amount: \$ _____

DO NOT include the priority portion of your claim here.

Nature of property or right of setoff:

Unsecured Claim Amount: \$ _____

Describe:

Amount of arrearage and other charges as of time case filed included in secured claim, _____

Real Estate Motor Vehicle Other _____

Value of Property: \$ _____

Annual Interest Rate: _____ % if any: \$ _____

Basis for Perfection: _____

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).

THIS SPACE FOR COURT USE ONLY

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

T, B & W Mortgage Corp.



01485

DATE
4/23/2010

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.
Clara Scheid

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

ITEMS TO BE COMPLETED IN PROOF OF CLAIM FORM (IF NOT ALREADY PROPERLY FILLED IN)

<p>Court, Name of Debtor, and Case Number: Use this proof of claim form only if you are asserting a claim against the Debtor, Taylor, Bean & Whitaker Mortgage Corp. If you received a notice of the case from the Claims Agent, BMC Group, some or all of this information may have been already completed.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="text-align: left; padding: 2px;">DEBTOR</th> <th style="text-align: left; padding: 2px;">CASE NO</th> <th style="text-align: left; padding: 2px;">PETITION DATE</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Taylor, Bean & Whitaker Mortgage Corp.</td> <td style="padding: 2px;">3:09-bk-07047-JAF</td> <td style="padding: 2px;">8/24/2009</td> </tr> </tbody> </table> <p>Creditor's Name and Address: Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).</p> <p>1. Amount of Claim as of Date Case Filed: State the total amount (in lawful US currency) owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete item 4. Check the box if interest or other charges are included in the claim.</p> <p>2. Basis for Claim: State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card.</p> <p>3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.</p> <p>3a. Debtor May Have Scheduled Account As: Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.</p> <p>4. Secured Claim: Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.)</p>	DEBTOR	CASE NO	PETITION DATE	Taylor, Bean & Whitaker Mortgage Corp.	3:09-bk-07047-JAF	8/24/2009	<p>State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.</p> <p>5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a). If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.</p> <p>6. Credits: An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.</p> <p>7. Supporting Documents: Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary if documentation is voluminous or an explanation if documentation is not available. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). Do not send original documents, as attachments may be destroyed after scanning.</p> <p>Date and Signature: The person filing this proof of claim <u>must</u> sign and date it. FRBP 9011. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.</p> <p>Date-Stamped Copy: Return claim form and attachments. If you wish to receive an acknowledgement of your claim, please enclose a self-addressed stamped envelope and a second copy of the proof of claim form with any attachments to the Claims Agent, BMC Group, at the address on the front of this form. <i>Please read – important information: upon completion of this claim form, you are certifying that the statements herein are true.</i> Be sure all items are answered on the claim form. If not applicable, insert "Not Applicable."</p>
DEBTOR	CASE NO	PETITION DATE					
Taylor, Bean & Whitaker Mortgage Corp.	3:09-bk-07047-JAF	8/24/2009					

DEFINITIONS

<p>DEBTOR A debtor is the person, corporation, or other entity that has filed a bankruptcy case.</p> <p>CREDITOR A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.</p> <p>CLAIM A claim is the creditor's right to receive payment on a debt that was owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.</p> <p>PROOF OF CLAIM A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the court-appointed Claims Agent, BMC Group, at the address listed on the reverse side of this page.</p> <p>SECURED CLAIM Under 11 U.S.C. §506(a) A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors.</p>	<p>The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).</p> <p>UNSECURED NONPRIORITY CLAIM If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.</p> <p>UNSECURED PRIORITY CLAIM Under 11 U.S.C. §507(a) Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.</p> <p>Evidence of Perfection Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other</p>	<p>document showing that the lien has been filed or recorded.</p> <p>Redacted A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.</p> <p>Offers to Purchase a Claim Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.), and any applicable orders of the bankruptcy court.</p>
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INFORMATION

ONCE YOUR CLAIM IS FILED YOU CAN OBTAIN OR VERIFY YOUR CLAIM NUMBER BY VISITING www.bmcgroup.com/tbw mortgage



4 Old River Place, Suite A, Jackson, MS 39202-3434
Voice: 601-944-1100 • Fax: 601-944-0808
www.ecd.org • www.hopecu.org

April 23, 2010

RE: Proof of Claim
Taylor, Bean & Whitaker Mortgage Corp.
Watts, Toy TBW # 3170212
Mortgage Payments Cashed by TBW, Not Returned to Mortgage Holder

Hope Community Credit Union delivered a loan to TBW for purchase. The borrower, Toy Watts, made 4 mortgage payments to TBW. TBW returned the loan to Hope Community Credit Union, TBW did not purchase the loan. TBW did not return the borrower payments to Hope Community Credit Union.

Hope Community Credit Union followed TBW instructions to pursue recovery of the mortgage payments but the recovery never occurred. See attached email with documentation.

Proof of Claim is attached for recovery of borrower funds cashed by TBW and not returned to Hope Community Credit Union.

Sincerely,

Clair Scheid
Mortgage Operations Manager
ECD/Hope Community Credit Union
601-949-2808
cscheid@ECD.org

Clair Scheid

From: Clair Scheid
Sent: Thursday, November 19, 2009 12:08 PM
To: 'bkoller@taylorbean.com'; 'info@taylorbean.com'; 'cashiering@taylorbean.com'
Cc: Terrence Wilson; Shirley Bowen
Subject: Payment recovery for Watts, Toy - Cancelled checks
Attachments: Cancelled check for Toy Watts to TBW for recovery.pdf

Attached are cancelled checks for recovery of funds. The payments were made to TBW by our borrower, Toy Watts:

4-15-09	\$1,774.00	cashd 4/22/09
5-20-09	\$1,850.00	cashd 6/02/09
6-29-09	\$1,850.00	cashd 7/02/09
6.30.09	\$1,850.00	cashd 8/03/09

Total due Hope Community Credit Union is \$7,324.00.

Clair Scheid

Mortgage Operations Manager

ECD/HOPE

Enterprise Corporation of the Delta

Hope Community Credit Union

4 Old River Place, Suite A

Jackson, MS 39202

601-949-2805

CScheid@ECD.org

CROSSROADS

Learning Center

Making Positive Changes

750 Blue Meadow Road
Bay St. Louis, MS 39520
228-467-4536 office
228-467-5575 fax

Fax

To: Terrence Wilson	From: Toy Watts
Fax: 601-352-2177	Date: 10-20-2009
Phone: 601-944-4168	Pages: 5
Re:	CC:

- Urgent
 For Review
 Please Comment
 Please Reply
 Please Recycle

•Comments:

#061000146*
04/24/2009
L23485521A

This is a LEGAL COPY of
your check. You can use it
the same way you would
use the original check.

6082/02/40 0222ETC903
DEE2T470E00000

Pay to the order of Taylor, Bean & Whitaker \$ 1,774.00
2008 Tournament Core
Gulfport, MS 39523
 The Thousand Oaks community of Ballantyne
REGIONS
 # 10000177444
 # 55004740053
 # 0000177444

4:065305436: 0091740053# 70000177444

TAYLOR-BEAN & WHITAKER

04/22/09 OPERATOR: [unclear]

REGIONS BANK
0413831389
04242009
0610-0014-6
ENT-5386 TRC=5386 PK=11

0413831389
04242009
0610-0014-6
ENT-5386 TRC=5386 PK=11

FOR DEPOSIT ONLY

8937152645

77 COLONIAL BANK LEXA

0631132224
3074417340

#061000146* 04/29/2009
L23485521A

Do not endorse or write below this line.

⑆061000146⑆
06/04/2009
6430547465

This is a LEGAL COPY of
your check. You can use it
the same way you would
use the original check.

DLTMMFTL00000000
6002/EO/90 ⑆222RTTE90⑆

REV. CORY M WATTS 06/09
CORY M WATTS
2068 S Tournament Cv
Gallipoli, MS 39503

1711
M-34567

5/20/2009 DATE

PAY TO THE ORDER OF Taylor, Bean & Whitaker \$ 1850.00
One thousand eight hundred fifty and 00/100 DOLLARS

REGIONS

Loan # 3170212

Cory M Watts

⑆065305436⑆ 0091740053⑆ 1711 ⑆0000185000⑆

⑆065305436⑆ 0091740053⑆ 1711 ⑆0000185000⑆

TAYLOR, BEAN & WHITAKER

REGIONS BANK
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FOR DEPOSIT ONLY
8037152645

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⑆065305436⑆ 06/04/2009
DL17504711
⑆065305436⑆ DL/DY/2009
L010547465

Do not endorse or write below this line.

031000011
07/03/2009
000005755410960

This is a LEGAL COPY of your
check. You can use it the same
way you would use the original
check.

64000 *E.C.T.I.E.95

Document Seq #
070400310559399039001
KNMNF018
07/04/09

01697970600000
F002/EO/70 [22EFT]E901

REV. CORY M WATTS 01/09
TOY & WATTS
2006 S Tournament Cv
Gulfport, MS 39503

1729
06-043463

PAY TO THE ORDER OF Taylor, Bean & Whitaker \$ 1850.00
Eight thousand five hundred dollars and no/100ths

REGIONS

Pay to the order of Toy & Watts Cory M. Watts
⑆065305436⑆ 00941740053⑆ 1729 ⑆0000185000⑆

⑆065305436⑆ 00941740053⑆ 1729 ⑆0000185000⑆

TAYLOR, BEAN & WHITAKER
07/02/09 OPERATOR: 18

FOR DEPOSIT ONLY
⑆037152645

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000003078187110
002/009

0653118223
3078185520

40651

REGIONS BANK 07/06/09
E7208 SS 520005771-1
SP124 0620000019

7000499210

6532758971

Do not endorse or write below this line

031000011
08/04/2009
000005754306740
This is a LEGAL COPY of your
check. You can use it the same
way you would use the original
check.

Document Seq #
08050101051167221772
KNRPF032
08/05/09

02501912000000
000000000000
06/04/2009

REV. CORY M WATTS 04/09
TOY L WATTS
20068 S Tournament Cv
Gulfport, MS 39503

1748
1748

7/30/2009 DATE

PAY TO THE ORDER OF Taylor Bean & Whitaker \$ 1850.00
One thousand eight hundred fifty and 00/100

REGIONS

3070212

Cory M Watts

⑆0055305436⑆0091740053⑆1748 ⑆0000185000⑆

⑆0055305436⑆0091740053⑆1748 ⑆0000185000⑆

TAYLOR BEAN & WHITAKER
18/03-09 OPERATOR 12

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Do not endorse or write below this line