

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA **CLAIM FILED**
JACKSONVILLE, FLORIDA

In re:

TAYLOR, BEAN & WHITAKER MORTGAGE
CORP.,

Debtor.

No. 3-09-bk-07047-JAF

MAY 20 2010

Chapter 11 Proceedings

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

PROOF OF CLAIM
(Administrative and Pre-Petition)

1. Claimant is an agent.

The undersigned, Brian W. Morgan, who resides at 2500 S. Power Road, Suite 103, Mesa, Arizona 85209 is the agent of Mesa Terrace Condominium Association, c/o Maxwell & Morgan, P.C., 2500 S. Power Road, Suite 103, Mesa, Arizona 85209.

2. The debtor was, at the time of the filing of the petition initiating this case, and still is indebted or liable to this claimant in the sum of \$167.00, including attorney fees and costs prepetition, plus post-petition assessments, late charges and fines of \$2,138.00, plus attorney fees and costs of \$1,149.95, minus one post-petition payment of \$746.00, plus accruing assessments of not less than \$220.00, including a \$40.00 late charge, each month commencing June 1, 2010, as an administrative expense, plus such other amounts as the Association may lawfully assess in the future, including fines.

3a. If the claim is a personal injury tort or wrongful death claim attach a copy of the complaint which was in a federal or state court before the filing of the petition in this case or prepare a complaint in accord with the Federal Rules of Civil Procedure and attach that complaint.

b. The consideration for this debt or ground of liability is as follows: Homeowners fees due and owing pursuant to the representations of the debtor, A.R.S. §§ 33-1807, and the CC&R's both pre and post-petition.

If filed in Chapter 7 or 13 cases:

Principal amount \$1,559.00+
Additional charges \$1,149.95+

Itemize all charges in addition to principal amount; state basis for inclusion and computation; set forth any other consideration relevant to the legality of the charge. For principal amount see 2 and 3(b) above. Attorney fees mandatory, pursuant to A.R.S. § 33-1807(H).

4. If the claim is founded on a writing.

The writing or a duplicate is attached. (CC&R's and A.R.S. §§ 33-1807.)

The writing is not attached for the reason set forth in the attached statement.

5. This claim is founded on an open account.

The account fell due on the 1st of each month.

The account will fall due on 1st of each month.

T, B & W Mortgage Corp.

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- No note or negotiable instrument was received in full or partial payment of the account.
- The original or copy of the note or negotiable instrument received in full or partial payment of the account is attached.
- The note or other negotiable instrument received in full or partial payment of the account is not attached for the reason set forth in the attached statement.

- 6. No judgment has been rendered on the claim.
- 7. The amount of all payments on this claim has been deducted for the purpose of making this proof of claim.
- 8. The claim is not subject to any setoff or counterclaim.
- 9. A security interest is held for this claim via a lien pursuant to Arizona statute.

Evidence of perfection of such security interest is attached. (Pursuant to A.R.S. §33-1807.)

- The undersigned claims a security interest under the writing referred to in paragraph four and nine above.
- Under a separate writing the original or duplicate of which is attached.
- Under a separate writing which cannot be attached for the reasons set forth in the attached statement.
- 10. This is a general unsecured claim except to the extent that the security interest, if any, described in paragraph nine, is sufficient to satisfy the claim for the pre-petition amount.
- If a priority is claimed state the amount and basis thereof. Administrative claim for all amounts after August 24, 2009, pursuant to 11 U.S.C. §503 and 11 U.S.C. §523(a).

Date 5-17-10



Brian W. Morgan, Esq.

cc: Clerk, Trustee, Debtor and Debtor's Attorney

T:\TMFILES\Mesa Terrace Condominium\Taylor Bean and Whitaker Mortgage Corporation (212) adv. Mesa Terrace\BANK\POC100305.WPD