

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA JACKSONVILLE DIVISION	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.

21836931900399
ROYSTON, RAYZOR, VICKERY & WILLIAMS, L L P
RALPH F MEYER
802 NORTH CARANCAHUA
SUITE 1300
CORPUS CHRISTI, TX 78470

CLAIM FILED

MAY 25 2010

JACKSONVILLE, FLORIDA

Creditor Telephone Number (361) 884-8808 Check box if address is where Notice is to be sent.

Name and address where payment should be sent (if different from above):
Same as above

Payment Telephone Number (361) 884-8808

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 \$ 8,167.42

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: *Attorney fees & expenses*

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

3. LAST FOUR DIGITS OF ANY NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: 4566

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.

01608

DATE 5/19/10

SIGNATURE: The person filing this claim must sign it. Sign and print name and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

Ralph Meyer **RALPH MEYER, PARTNER**

Stamped: 5/25/2010 10:29 AM

Matter Bi

Filters

Client 4566	Taylor Bean Whitaker Mortgage Corp.		
Matter 55541	Steven E. Villarreal		
Bill Num	Total Billed	Fees A/R	nv Status
Bill Date	Total A/R	Hard A/R	

Bill Details

Billed	\$21,908.17	Hard	\$712.90	OADisb	\$0.00	Tax
Total AR	\$9,815.26	Soft	\$50.86	Retainer	\$0.00	Interest
Fees	\$9,051.50	OAFee	\$0.00	PremDisc	\$0.00	Progress

Matter	Bill #	Bill Type	Date	* Status	Matter Total	Total Billed	Total A/R	Fees Billed	Fees A/R	Hard Billed
55541	80527	M	11/24/2008	S	\$1,324.66	\$1,324.66	\$0.00	\$1,227.00	\$0.00	\$94.
55541	80848	M	12/10/2008	S	\$1,317.90	\$1,317.90	\$0.00	\$1,221.50	\$0.00	\$0.
55541	81350	M	1/29/2009	S	\$353.20	\$353.20	\$0.00	\$352.50	\$0.00	\$0.
55541	81581	M	2/9/2009	S	\$897.00	\$897.00	\$0.00	\$869.00	\$0.00	\$0.
55541	82611	M	4/8/2009	S	\$4,178.65	\$4,178.65	\$0.00	\$3,559.75	\$0.00	\$609.
55541	83695	M	6/4/2009	S	\$1,208.70	\$1,208.70	\$0.00	\$1,166.00	\$0.00	\$0.
55541	84324	M	7/13/2009	S	\$2,812.80	\$2,812.80	\$0.00	\$2,812.00	\$0.00	\$0.
55541	84749	M	8/6/2009	O	\$8,167.42	\$8,167.42	\$8,167.42	\$7,622.00	\$7,622.00	\$538.
55541	85829	M	9/30/2009	O	\$1,647.84	\$1,647.84	\$1,647.84	\$1,429.50	\$1,429.50	\$174.

Taylor Bean & Whitaker Mortgage Corp.
5150 Stilesboro Road
Building 500, Suite 500
Kennesaw, GA 30152

08/06/09

Invoice Number: 84749

In Account With

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

ATTORNEYS AT LAW
FROST BANK PLAZA
802 N. CARANCAHUA, SUITE 1300
CORPUS CHRISTI, TEXAS 78470

(TAX I.D. # 74-1196579)

RE: Steven E. Villarreal
Our File: 4566.55541

Fee for legal services rendered in the captioned matter.

<u>Date</u>	<u>Attorney</u>	<u>Hours</u>	<u>Description</u>
07/01/09	RFM	1.40	exchange e-mail with you (J. Lippincott) regarding mediation; conference with Plaintiff's attorney regarding mediator; letter to Plaintiff's attorney regarding depositions of experts; e-mail report to you (J. Lippincott) regarding plan for handling;
07/01/09	NCB	0.70	review file to determine the best direction to take to shift liability focus from client to Schwarz;
07/01/09	STJ	2.10	commence investigation to locate witnesses, Schwarz and Perez;
07/01/09	RER	0.30	telephone conferences with R. Hill regarding mediation;
07/02/09	RFM	1.50	receipt and consideration of Plaintiff's attorney's letter of 7/1/09; prepare for and thereafter attending status conference with Court; receipt and consideration of Mediator's letter of 7/2/09; e-mail to you (J. Lippincott) regarding expert witness;

<u>Date</u>	<u>Attorney</u>	<u>Hours</u>	<u>Description</u>
07/02/09	RER	0.50	several telephone conferences with Court regarding mediation and settlement conference in order to resolve without having to incur trial Court fees;
07/06/09	RFM	0.50	exchange e-mail with you (J. Lippincott) regarding expert designation;
07/08/09	RFM	0.60	exchange e-mails with you (J. Lippincott) regarding designation of expert; consider alternative sources for expert;
07/08/09	RER	0.20	telephone conference with R. Hill regarding our inspection of the pool project prior to trial;
07/09/09	RFM	1.00	conference with you (J. Lippincott) regarding experts; conference with C. Webb regarding expert on attorneys fees; finalize designation of experts;
07/09/09	NCB	0.60	draft 1st Amended Answer to include defenses for punitive damages and to include other defenses to Tort and Contract claims;
07/09/09	RER	2.20	review and analyze discovery responses to Request for Disclosures to continue work to draft our client's Persons with Knowledge List - Exhibit "A" for Supplemental Responses to Request for Disclosures and Designation of Experts; continue work on our Persons with Knowledge List - Exhibit "A" to respond to Supplemental Responses to Request for Disclosures and Designation of Experts; draft Exhibit "B" pertaining to our client's retained and non-retained experts to respond to Supplemental Responses to Request for Disclosures and Designation of Experts; draft our Designation of Experts and Supplemental Responses to Request for Disclosures to provide our expert's opinions via reports, qualifications and billing as required by the Tex. R. Civ. P.; plan and prepare our Designation of Experts for filing with the Court and service on counsel pursuant to TRCP; telephone conference with R. Hill regarding pool inspection prior to trial;
07/15/09	NCB	1.90	attend inspection of pool to determine level of completeness and need for further work;

<u>Date</u>	<u>Attorney</u>	<u>Hours</u>	<u>Description</u>
07/16/09	NCB	0.70	draft report concerning inspection of pool;
07/16/09	NCB	2.50	research availability and need of designating Nanette Schwarz as a Responsible Third Party and draft motion to do so;
07/17/09	NCB	3.10	draft Motion for Summary Judgment on Plaintiff's claims;
07/19/09	NCB	4.80	continue to draft Motion for Summary Judgment to address both no evidence and Judgment as a matter of law claims;
07/20/09	NCB	2.30	finalize Motion for Summary Judgment and attached exhibits so that it may be filed; draft Fiat for Motion for Summary Judgment and contact court to receive date for same;
07/20/09	STJ	0.50	locate via further investigation potential witness Schwarz at her correct place of employment;
07/21/09	RFM	1.00	prepare for mediation;
07/21/09	NCB	3.80	draft letter updating discovery production to Plaintiff to include photos recently taken of pool; prepare file for mediation and organize discovery in anticipation of trial; draft summary of case for mediation as required by mediator;
07/22/09	RFM	5.00	report to you regarding results of mediation; conferences with you (J. Lippincott); prepare for and thereafter attending mediation;
07/24/09	NCB	2.80	draft General Release and Settlement Agreement and contact Mr. Lippincott;

Fees:

<u>Name</u>	<u>Classification</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Ralph F. Meyer	Partner	11.00 at	\$250.00 per hour =	\$2,750.00
Nathan C. Barrow	Associate	23.20 at	\$185.00 per hour =	\$4,292.00
Stuyvesant T. Jackson	Investigator	2.60 at	\$100.00 per hour =	\$260.00
Raquel E. Ramirez	Paralegal	3.20 at	\$100.00 per hour =	\$320.00
TOTAL ATTORNEYS FEES				\$7,622.00

Expenses:

<u>Description</u>	<u>Amount</u>
Copies at \$.10 per page (68 units)	\$6.80
Westlaw - Legal Research	\$38.62
Mediation/Arbitration Expense Anderson, Lehrman, Baraist & Maraist, L.L.P.;	\$500.00
Check Request No: 71143; 7/22/2009 - mediation fee	
TOTAL EXPENSES	<u>\$545.42</u>

Current Fees:	\$7,622.00
Current Expenses:	\$545.42
Current Total:	\$8,167.42

TOTAL AMOUNT DUE \$8,167.42

TO INSURE PROPER CREDIT TO YOUR ACCOUNT,
PLEASE REFERENCE OUR INVOICE NUMBER.

ROYSTON RAYZOR

EST. 1892

Ralph F. Meyer
ralph.meyer@roystonlaw.com

Royston, Rayzor, Vickery & Williams, LLP
Attorneys at Law

1300 Frost Bank Building
802 N. Carancahua
Corpus Christi, TX 78401-0021
Main: 361.884.8808
Fax: 361.884.7261

Internet: www.roystonlaw.com

May 19, 2010

BMC Group, Inc.
Attn: Taylor, Bean &
Whitaker Mortgage, Claim Processing
P.O. Box 3020
Chanhausen, MN 55317-3020

Re: Case No. 3:09-bk-07047-JAF; *In re: Taylor,
Bean & Whitaker Mortgage Corp., In the
U.S. Bankruptcy Court Middle District of
Florida Jacksonville Division*
Our File No.: 55,541

Dear Sirs:

Enclosed for filing, please find an original and one (1) copy of Royston, Rayzor, Vickery & Williams, LLP's Proof of Claim, in connection with the above referenced litigation. Please file the original document and return the file-stamped copy to us in the enclosed, self-addressed, stamped envelope provided.

Thank you for your attention to this matter.

Yours truly,

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.



Ralph F. Meyer
Robert E. Spangler

RFM/RES:nr
Enclosure(s)

*