

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

Name of Debtor:  Taylor, Bean & Whitaker Mortgage  
 REO Specialists, LLC  Home America Mortgage, Inc. Case Number: 3:09-bk-07047-JAF; 3:09-bk-10022-JAF; 3:09-bk-10023-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):  
**Christopher A. Swarthout**

Name and address where notices should be sent:  
 Jack A. Raisner, Esq.  
 René S. Roupinian, Esq.  
 OUTTEN & GOLDEN LLP  
 3 Park Avenue, 29<sup>th</sup> Floor  
 New York, NY 10016  
 Telephone number:  
 212-245-1000

**CLAIM FILED**  
 JACKSONVILLE, FLORIDA  
 JUN 15 2010

Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number: \_\_\_\_\_  
 (If known)

Filed on: \_\_\_\_\_

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

Telephone number: \_\_\_\_\_

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.

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$18,904.11

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.  
 "Priority Claim, see item 5."

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.

2. Basis for Claim: 60 days' wages and benefits as a result of the Debtor's violation of the WARN Act, 29 USC § 2101 et. seq.  
*\* The claim is being filed in all 3 estates and duplicative claims will be withdrawn after the relevant employer has been determined.*  
*\* By filing this proof of claim, the creditor, a former employee of the Debtor, neither intends to waive his/her right to pursue or benefit from any WARN claim that is certified as a class action or allowed on a class proof of claim basis, nor waive any entitlement to have his/her WARN claim treated as an administrative expense under Section 503(b). (See instruction #2 on reverse side.)*

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).

3. Last four digits of any number by which creditor identifies debtor: \_\_\_\_\_

3a. Debtor may have scheduled account as: \_\_\_\_\_  
 (See instruction #3a on reverse side.)

Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).

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: \$ \_\_\_\_\_

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)( ).

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 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: \_\_\_\_\_

Amount entitled to priority:  
\$10,950.00

*\*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.*

Date:  
 6/15/2010

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the other person authorized to file this claim and state address and telephone number if different from address above. Attach copy of power of attorney, if any.

*Rene S. Roupinian*  
 Rene S. Roupinian, Attorney

FOR COURT USE ONLY

T, B & W Mortgage Corp.

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