


<b>United States Bankruptcy Court - Middle District of Florida</b>		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>Taylor, Bean &amp; Whitaker Mortgage Corp.</b>		Case Number: <b>3:09-bk-07047-JAF</b>
<i>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.</i>		
Name of Creditor (The person or other entity to whom the debtor owes money or property): <b>Joseph S. Chaplauske</b>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: <b>Joseph S Chaplauske 858 Cashen Drive Fernandina Beach, FL 32034</b>		<b>CLAIM FILED</b> JACKSONVILLE, FLORIDA  <b>JUL 26 2010</b>
Telephone number: <b>(904) 583-3335</b>		Court Claim Number: _____ (If known)  Filed on: _____
Name and address where payment should be sent (if different from above):  <b>CLERK, U. S. BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA</b>		<input type="checkbox"/> 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.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Telephone number:		
1. Amount of Claim as of Date Case Filed: <b>\$4,550.00</b>		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.  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)  <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) 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).  <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).  <input checked="" type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).  <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____).  Amount entitled to priority: \$ _____  <small>* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
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.  <input type="checkbox"/> 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: <b>HUD PMI Premium and Admin. Fee Held in Escrow</b> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <b>5452</b>  3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
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: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> 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: \$ _____		
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 or 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: <b>7-24-10</b>	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. <b>JOSEPH S. CHAPLAUSKE</b>  <i>Joseph S. Chaplauske</i>	<b>FOR COURT USE ONLY</b>  T, B & W Mortgage Corp.  03271

## 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><b>Court, Name of Debtor, and Case Number:</b> Use this proof of claim form only if you are asserting a claim against the Debtor, Taylor, Bean &amp; 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: 5px;"> <thead> <tr> <th style="text-align: left;">DEBTOR</th> <th style="text-align: left;">CASE NO</th> <th style="text-align: left;">PETITION DATE</th> </tr> </thead> <tbody> <tr> <td>Taylor, Bean &amp; Whitaker Mortgage Corp.</td> <td>3:09-bk-07047-JAF</td> <td>8/24/2009</td> </tr> </tbody> </table> <p><b>Creditor's Name and Address:</b> 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><b>1. Amount of Claim as of Date Case Filed:</b> 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><b>2. Basis for Claim:</b> 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><b>3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:</b> State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.</p> <p><b>3a. Debtor May Have Scheduled Account As:</b> 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><b>4. Secured Claim:</b> 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><b>5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).</b> 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><b>6. Credits:</b> 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><b>7. Supporting Documents:</b> 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><b>Date and Signature:</b> 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><b>Date-Stamped Copy:</b> 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.</p> <p><i>Please read – important information: upon completion of this claim form, you are certifying that the statements herein are true.</i></p> <p>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><b>DEBTOR</b> A debtor is the person, corporation, or other entity that has filed a bankruptcy case.</p> <p><b>CREDITOR</b> 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><b>CLAIM</b> 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><b>PROOF OF CLAIM</b> 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><b>SECURED CLAIM Under 11 U.S.C. §506(a)</b> 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.</p> <p>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><b>UNSECURED NONPRIORITY CLAIM</b> 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><b>UNSECURED PRIORITY CLAIM Under 11 U.S.C. §507(a)</b> 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><b>Evidence of Perfection</b> 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><b>Redacted</b> 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><b>Offers to Purchase a Claim</b> 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](http://www.bmcgroup.com/tbw/mortgage)

**A Settlement Statement**

U.S. Department of Housing and Urban Development

*st closing*

OMB No. 2502-0265

**B. TYPE OF LOAN**

1. <input checked="" type="checkbox"/> FHA	2. <input type="checkbox"/> FmHA	3. <input type="checkbox"/> CONV. UNINS.	6. FILE NUMBER	7. LOAN NUMBER	8. MORTGAGE INSURANCE CASE NUMBER
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> CONV. INS.		5452	1523	9-703

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

<b>D. NAME AND ADDRESS OF BORROWER</b> JOSEPH STEVEN CHAPLAUSKE  Post Office Box 15715 Fernandina Beach, FL 32035 SSN:		<b>E. NAME AND ADDRESS OF SELLER</b>   SSN:	
<b>F. NAME AND ADDRESS OF LENDER</b> SOUTHEASTERN BANK  Post Office Box 1438 Yulee, FL 32041		<b>H. SETTLEMENT AGENT</b> Poole & Poole, P.A. 303 Centre Street, Suite 200 Fernandina Beach, FL 32034	
<b>G. PROPERTY LOCATION:</b>  858 Cashen Drive Fernandina Beach, FL 32034		<b>I. SETTLEMENT DATE:</b> 06/23/09 <b>DISBURSEMENT DATE:</b> 06/23/09 <b>PLACE OF SETTLEMENT:</b>  303 Centre Street, Suite 200 Fernandina Beach, FL 32034	

J. SUMMARY OF BORROWER'S TRANSACTION	
<b>100. GROSS AMOUNT DUE FROM BORROWER:</b>	
101. Contract sales price	
102. Personal property	
103. Settlement charges to borrower (line 1400)	11,813.21
104. LIP with Southeastern Bank	180,300.00
105. Payoff to Wachovia Bank	49,703.70
Adjustments for items paid by seller in advance	
106. City/town taxes	to
107. County taxes	to
108. Assessments	to
109.	
110.	
111.	
112.	
120. GROSS AMOUNT DUE FROM BORROWER	241,816.91
<b>200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:</b>	
201. Deposit or earnest money	
202. Principal amount of new loan(s)	234,025.00
203. Existing loan(s) taken subject to	
204.	
205.	
206.	
207.	
208.	
209.	
Adjustments for items unpaid by seller	
210. City/town taxes	to
211. County taxes	to
212. Assessments	to
213.	
214.	
215.	
216.	
217.	
218.	
219.	
220. TOTAL PAID BY/FOR BORROWER	234,025.00
<b>300. CASH AT SETTLEMENT FROM/TO BORROWER</b>	
301. Gross amount due from borrower (line 120)	241,816.91
302. Less amounts paid by/for borrower (line 220)	( 234,025.00)
303. CASH ( <input checked="" type="checkbox"/> FROM ) ( <input type="checkbox"/> TO) BORROWER	7,791.91

K. SUMMARY OF SELLER'S TRANSACTION	
<b>400. GROSS AMOUNT DUE TO SELLER:</b>	
401. Contract sales price	
402. Personal property	
403.	
404.	
405.	
Adjustments for items paid by seller in advance	
406. City/town taxes	to
407. County taxes	to
408. Assessments	to
409.	
410.	
411.	
412.	
420. GROSS AMOUNT DUE TO SELLER	
<b>500. REDUCTIONS IN AMOUNT DUE TO SELLER</b>	
501. Excess deposit (see instructions)	
502. Settlement charges to seller (line 1400)	
503. Existing loan(s) taken subject to	
504. Payoff of first mortgage loan	
505. Payoff of second mortgage loan	
506.	
507.	
508.	
509.	
Adjustment for items unpaid by seller	
510. City/town taxes	to
511. County taxes	to
512. Assessments	to
513.	
514.	
515.	
516.	
517.	
518.	
519.	
520. TOTAL REDUCTION AMOUNT DUE SELLER	
<b>600. CASH AT SETTLEMENT TO/FROM SELLER</b>	
601. Gross amount due to seller (line 420)	
602. Less reductions in amount due seller (line 520)	( )
603. CASH ( <input type="checkbox"/> TO ) ( <input type="checkbox"/> FROM) SELLER	

L. SETTLEMENT CHARGES			
700. TOTAL SALES/BROKER'S COMMISSION based on price \$ @ =		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
Division of Commission (line 700) as follows:			
701. \$	to		
702. \$	to		
703. Commission paid at Settlement			
704.			
800. ITEMS PAYABLE IN CONNECTION WITH LOAN			
801. Loan Origination fee 1.0000	to Southeastern Bank	2,340.25	
802. Loan Discount			
803. Appraisal Fee	to Michael P. Wilson, Inc.	475.00	
804. Credit Report	to Land America	19.21	
805. Lender's Inspection			
806. Mortgage Insurance Application Fee to			
807. Assumption Fee			
808.			
809.			
810.			
811. Processing Fee to Southeastern Bank		500.00	
812. Employment Verification Fee to The Work Source		16.30	
813.			
814. Tax Service Fee to Taylor, Bean & Whitaker (POC \$73 O)			
815. Administration Fee to Taylor, Bean & Whitaker		525.00	
816.			
817.			
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE			
901. Interest from	to @ \$ per day		
902. Mortgage Insurance Premium for	months to Department of H.U.D.	4,025.00	
903. Hazard Insurance Premium for 1.0000 years to	Florida Peninsular. (\$584.96 POC B)		
904. Flood Search Fee	to American Flood Research	16.00	
905.			
1000. RESERVES DEPOSITED WITH LENDER			
1001. Hazard Insurance	months @ \$ per month		
1002. Mortgage Insurance	months @ \$ per month		
1003. City Property Taxes	months @ \$ per month		
1004. County Property Taxes	months @ \$ per month		
1005. Annual Assessments	months @ \$ per month		
1006.	months @ \$ per month		
1007.	months @ \$ per month		
1008.	months @ \$ per month		
1009. Aggregate Accounting Adjustment			
1100. TITLE CHARGES			
1101. Settlement or closing fee to			
1102. Abstract or title search to	First American Title Insurance Co.	89.00	
1103. Title examination to			
1104. Title insurance binder to			
1105. Document preparation to			
1106. Notary fees to			
1107. Attorney's fees to	Poole & Poole, P.A.	275.00	
(includes above items numbers: 1101, 1103, 1105, 1107)			
1108. Title insurance to	First American Title Ins./Poole & Poole, P.A.	1,250.50	
(includes above items numbers: 1102, 1103, 1104, 1108, 1109)			
1109. Lender's coverage	\$ 234,025.00		
1110. Owner's coverage	\$		
1111. Endorsements: #8.1 - \$25; #9 - 125.05 to	First American Title Ins Co.	150.05	
1112. Handling & Administration Fees to	Poole & Poole, P.A.	70.00	
1113.			
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES			
1201. Recording fees -Deed \$	Mortgage \$ 112.00	Releases \$	112.00
1202. City/County tax/stamps: Deed \$	Mortgage \$ 819.35		819.35
1203. State tax/stamps: Deed \$	Mortgage \$ 468.05		468.05
1204. Recording Affidavit			10.00
1205. Recording & Cert. copy of Notice of Commencement			25.00
1300. ADDITIONAL SETTLEMENT CHARGES			
1301. Survey to	Lee Surveying & Mapping Co.		350.00
1302. Pest inspection to			
1303. Wire/MERS Fee to Taylor, Bean & Whitaker			22.50
1304. Telephone, postage, photocopies & fax charges to	Poole & Poole, P.A.		
1305. Sat of Mtg, Recording & Serv. Fee payable to	Poole & Poole, P.A.		10.00
1306. 2008 R.E. Taxes (POC \$399.48 B)			
1307. 2000, 2004 & 2006 Delinquent Landfill Assessments			245.00
1308.			
1309.			
1310.			
1400. TOTAL SETTLEMENT CHARGES (enter on lines 103, Section J and 502, Section K)			11,813.21

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of this HUD-1 Settlement Statement.

Borrower: Joseph Steven Chaplausk Date: 06/23/09 Seller: \_\_\_\_\_ Date: 06/23/09  
 Borrower: JOSEPH STEVEN CHAPLAUSKE Date: \_\_\_\_\_ Seller: \_\_\_\_\_ Date: \_\_\_\_\_

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent: Poole & Poole, P.A. Date: 06/23/09

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include fine or imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.

TO: TAYLOR, BEAN & WHITAKER  
1417 North Magnolia Avenue  
Ocala, Florida 34475

MAIL STOP: C

FROM: POOLE & POOLE, P.A.

DATE: 06-24-09

RE: BORROWER(S) CHAPLAUSKE, Joseph Steven

TBW LOAN # 1523

OUR FILE # 5452

PROPERTY ADDRESS: 858 Cashen Drive, Fernandina Beach, FL 32034

**DOCUMENT TRANSMITTAL LIST**

All closing documents must be in the following order. Please send **ONE** complete copy package along with ORIGINAL and a certified copy of the Mortgage plus any other documents sent for recording.

- |                                     |   |                                     |   |
|-------------------------------------|---|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Check for \$4,025 to Dept of H.U.D.   | <input checked="" type="checkbox"/> | Uniform Residential Loan Application                              |
| <input checked="" type="checkbox"/> | Check for \$ 620.50 to TB&W   | <input checked="" type="checkbox"/> | HUD/VA Addendum to U.R.L.A.                                       |
| <input checked="" type="checkbox"/> | Copy of Closing Instructions (1)  | <input type="checkbox"/>            | Certified Copy of NOT of NOC and Contractor's Affidavit           |
| <input type="checkbox"/>            | Requirements of Closing Conditions #10-16                                   | <input type="checkbox"/>            | Certified Copy of Loan Modification Agreement                     |
| <input type="checkbox"/>            | Termite/Compliance Inspectors   | <input type="checkbox"/>            | Certified Copy of Assignment of Mortgage                          |
| <input checked="" type="checkbox"/> | <del>XXXXX</del> Certified Copy of Note                                     | <input type="checkbox"/>            | Escrow Waiver Agreement   |
| <input checked="" type="checkbox"/> | <del>XXXXX</del> Certified Copy of Mortgage                                 | <input type="checkbox"/>            | Escrow Option   |
| <input type="checkbox"/>            | Power of Attorney   | <input checked="" type="checkbox"/> | Certified Notice of Commencement (Copy)                           |
| <input checked="" type="checkbox"/> | <del>XXXXX</del> Copy - Title Commitment                                    | <input checked="" type="checkbox"/> | Payoff <del>XXXXX</del> transmittal to Wachovia                   |
| <input checked="" type="checkbox"/> | Original <del>XXXXX</del> - Survey  | <input type="checkbox"/>            | Satisfactory Completion Certificate                               |
| <input type="checkbox"/>            | Original / Copy -Hazard - Flood Insurance Policies with evidence of payment | <input checked="" type="checkbox"/> | Affidavit of Title - <del>XXXXX</del> Mortgagor's                 |
| <input checked="" type="checkbox"/> | Settlement Statement  | <input checked="" type="checkbox"/> | Hold Harmless Statement   |
| <input checked="" type="checkbox"/> | Same Name Affidavits  | <input type="checkbox"/>            | Private Mortgage Insurance Disclosure                             |
| <input checked="" type="checkbox"/> | Truth-In-Lending Statement  | <input type="checkbox"/>            | Appraisal of Real Property  |
| <input type="checkbox"/>            | Rescission Documents  | <input type="checkbox"/>            | Certificate of Occupancy  |
| <input type="checkbox"/>            | Mortgage Program Disclosure   | <input type="checkbox"/>            | Tax Affidavit   |
| <input type="checkbox"/>            | Tax Information Authorization (8821)  | <input type="checkbox"/>            | Termite Soil Treatment Guarantee                                  |
| <input checked="" type="checkbox"/> | Initial Escrow Account  | <input type="checkbox"/>            | Document Correction and Fees Due Agreement                        |
| <input checked="" type="checkbox"/> | Mortgage Info Sheet / Payment Breakdown                                     | <input type="checkbox"/>            | Borrower Acknowledgment (if PMI)                                  |
| <input type="checkbox"/>            | Notice of Assignment  | <input type="checkbox"/>            | Quality Control Release   |
| <input checked="" type="checkbox"/> | Disclosure Notice   | <input checked="" type="checkbox"/> | Servicing Disclosure Statement                                    |
| <input checked="" type="checkbox"/> | W-9 Forms   | <input checked="" type="checkbox"/> | Miscellaneous <u>Form 4506-T</u>                                  |
| <input type="checkbox"/>            | Borrower Notification of Interest Rate                                      | <input checked="" type="checkbox"/> | <u>Credit Score Notice</u>  |
| <input checked="" type="checkbox"/> | Tax Certification   | <input checked="" type="checkbox"/> | <u>Notice To Homeowner Assumption of HUD/FA Insured Mortgages</u> |
| <input type="checkbox"/>            | Warranty Deed (if refinance)  | <input checked="" type="checkbox"/> | <u>Tangible Net Benefit Worksheet</u>                             |
| <input checked="" type="checkbox"/> | Errors And Omission/ Compliance Agreement                                   | <input checked="" type="checkbox"/> | <u>Copy of Plans</u>  |
| <input type="checkbox"/>            | First Lien Letter   | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | Escrow Disbursement Agreement   | <input type="checkbox"/>            | _____   |
| <input type="checkbox"/>            | Anti-Coercion   | <input type="checkbox"/>            | _____   |
| <input checked="" type="checkbox"/> | Affidavit of Occupancy  | <input type="checkbox"/>            | _____   |
| <input checked="" type="checkbox"/> | Re-certification of Employment & Income                                     | <input type="checkbox"/>            | _____   |

*Check to Dept  
of HUD returned  
6/29/09. no  
explanation*



Taylor, Bean  
& Whitaker  
Mortgage Corporation  
1417 North Magnolia Ave  
Ocala, Florida 34475-9078

**Frances Burgess**

From: "Alice Murray" <amurray@southeasternbank.com>  
To: <fgburgess@bellsouth.net>  
Sent: Monday, June 29, 2009 4:41 PM  
Subject: Chaplauske

Erin Howarth, the closer, said the check should have been made out the Taylor, Bean & Whitaker Mortgage Corp.

*Per 6/30.09*

MAIL STOP C  
TAYLOR, BEAN & WHITAKER  
1417 North Magnolia Avenue  
Ocala, FL 34475

POOLE & POOLE, P.A.  
ATTORNEYS AT LAW  
POST OFFICE BOX 1280  
FERNANDINA BEACH, FL 32035

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES

EXPLANATION	AMOUNT
[REDACTED]	5452

63-1485/831

3526

POOLE & POOLE, P.A.  
ATTORNEYS AT LAW - IOTA TRUST ACCOUNT  
P.O. BOX 1280 - PH. (904) 261-0742  
FERNANDINA BEACH, FL 32035-1280

PAY *Four Thousand Twenty-five & 00/100* DOLLARS

DATE *6/30/09* TO THE ORDER OF *Taylor, Bean & Whitaker*

6/24/09 *down 1523, up 7MI* CHECK AMOUNT *4025.00* *SEBI Chaplauske*

FIRST NATIONAL BANK OF NASSAU COUNTY  
FERNANDINA BEACH, FLORIDA

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK - TOUCH ON PRESS HERE - INFO IMAGE DISAPPEARS WITH HEAT

003526 8568 889001

1/21/09

I talked to Margaret Wilson @ HUD today.

Under your case ~~the~~ the \$4025 has never been received. That leads us to believe the money was still in Taylor, Bean + Whitaker's possession. I'm working this afternoon on

obtaining a source of contact that used to work for Taylor, Bean and see how this money was applied and retained until the loan would have modified. Hopefully I will have that update by tomorrow.

I can't give a letter of guarantee until we know where the money is. per my supervisor.

TO: Marvin Pipkin  
Sent: February 1, 2010  
From: Alice Murray  
RE: Joseph S Chaplauske

This is to outline the events that transpired during the closing and refinancing of the construction loan that we held with Mr. Chaplauske.

We made Mr. Chaplauske a construction/perm 1 x closing loan on June 23, 2009. (HUD attached) This loan was an FHA approved loan made with the assumption that at completion of construction TBW would have taken the loan with a modification and assignment of mortgage from Southeastern Bank to Taylor, Bean & Whitaker Mortgage Corp.

With this type arrangement all fees that could possibly be collected were done so upfront. ✓  
An FHA loan has a funding fee that has to be collected and sent to HUD for the FHA guarantee. In this case the fee was \$4025. It along with \$620.50 for other fees charged by TBW was sent from Poole & Poole along with the closing package on 6/24/09. (See copies of documentation from attorney) The original \$4025 check was made out to the Department of HUD. TBW returned the check to the attorney and said it needed to be made out to TBW. Attorney re-sent the check to TBW on 6/30/09 (see copy) This check was deposited into TBW's account at Colonial Bank and processed on 7/6/09. (See copy)

I began corresponding with HUD by email and phone in September. Finally on December 21, 2009, Margaret Wilson, department manager for HUD refunds, researched while I was on the phone and determined that the money had never been credited to Mr Chaplauske's case # and that money was still in TBW's possession.

On December 22, 2009 I sent email to Earla Shaw at TBW. Earla was in post closing and HUD retained her to work thru some of issues with the remaining loans at time of closure. On January 21, she responded by saying TBW is under bankruptcy protection and that she could not determine when the money could be refunded.

I had a call from Mr. Chaplauske Monday. He asked that we pursue getting the \$4025 as well as the additional \$620.50 fees that had been paid to TBW. Out of the \$620.50, SEB had paid \$73 for the tax service fee. When we closed his permanent loan with Sidus Financial, we used YSP to cover duplicated closing costs with the exception of \$87.50 that we charged to mortgage department losses.



GENERAL COUNSEL  
MARVIN L. PIPKIN



P. O. Box 455  
DARIEN, GEORGIA 31305

TELEPHONE:  
912-437-4141

TELECOPIER:  
912-437-2294

February 17, 2010

Edward J. Peterson, III  
Stichter, Riedel, Blain & Prosser, P.A.  
110 E. Madison Street  
Suite 200  
Tampa, FL 33602

RE: Taylor Bean & Whitaker  
Chapter 11 Case No. 3-09-bk-07047

Dear Mr. Peterson:

I understand you are the attorney for Taylor Bean in the referenced bankruptcy case.

On June 24, 2009 Southeastern Bank closed a construction loan to Joseph Steven Chaplauske with a permanent take out with Taylor Bean. The closing attorney at Poole and Poole, P.A. initially wrote a check for \$4,025.00 to the Department of HUD as shown on the closing statement. Taylor Bean returned the check with instructions to make it payable to them. A check in that amount was sent to them, as instructed, and deposited in Taylor Bean's account at Colonial Bank.

On August 5<sup>th</sup>, Taylor Bean sent out a press release stating the termination of origination operations. In December the Bank found another permanent lender for Mr. Chaplauske and has been in contact with representatives at Taylor Bean in an attempt to get a refund of the \$4,025.00 HUD fund and the \$525.00 administrative fee paid to Taylor Bean.

Had the permanent loan closed, as intended, the \$4,025.00 mortgage insurance premium fund would have been sent to the Department of HUD. I assume that these funds are held in an escrow or trust account and, as such, are not property of the bankruptcy estate. The Department of HUD has confirmed that they have not received the funds.

For some time, the Bank has been in contact with Lou Walls, Account Representative, and Erla Carter-Shaw, Executive Vice President, Post Closing and Loan Administration, at Taylor Bean to get this issue resolved. Their response is this is a bankruptcy matter.

Edward J. Peterson, III  
February 17, 2010  
Page Two

For your reference, I am enclosing the following:

- 1) Closing statement;
- 2) Taylor Bean document transmittal list;
- 3) Copy of check to Taylor Bean; and
- 4) Chronology of events from Alice Murray.

I would appreciate it if you would review this matter with your client and determine if these funds can be refunded to Mr. Chaplauske without further delay or additional costs. If you need further information, please let me know.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Pipkin', with a long horizontal flourish extending to the right.

Marvin L. Pipkin

MLP:gh

Enclosures

cc: Alice Murray  
Joseph S. Chaplauske  
Poole & Poole, P.A.

DATE: December 27, 2009

TO: JOSEPH S. CHAPLAUSKE

RE: \$4025 HUD FUNDING FEE COLLECTED 6/23/09

Please accept this letter as confirmation that I am doing everything possible to locate the whereabouts of the funding fee that was sent to Taylor, Bean & Whitaker from your construction closing on June 23, 2009. Also, if and when the money is recovered, you will receive it in its entirety.

On my initial call to TBW in August, I was told the money should have already been forwarded to the HUD department. I contacted HUD and was told what I had to do to submit a claim for a refund of the fee. I sent them an email attaching proof that Southeastern was the owner of your mortgage in order for them to research and see if they actually had the money. On December 21, I spoke with Margaret Wilson of HUD and she confirmed that the money has not been credited to your FHA case number. I have since been in contact with Earla Shaw a former employee of TBW who is trying to see if she can find out what the status of the money is. I have not heard back from her as of today.

We know it was deposited in TBW's account at Colonial Bank. Since the Fed's shut down Colonial Bank and TBW all assets were frozen. Then they filed bankruptcy. I'm not sure what can be done at this point but will pursue until we get some satisfactory answers.

I will immediately convey any updates. If you have any questions, please do not hesitate to call.

Sincerely,

Alice Murray  
Mortgage Loan Officer

\* 3222\*  
07/06/2009  
31003506

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

905E007E  
6002/90/70 [222E11E90]

POOLE & POOLE, P.A.  
ATTORNEYS AT LAW - FUTA TRUST ACCOUNT  
P.O. BOX 1280 - Ft. Lauderdale, FL 33301-1280

DATE	DESCRIPTION	AMOUNT
		3526

3526

Pay to the order of First National Bank of Marshall County 4160  
DATE 7/10/09 TO THE ORDER OF First National Bank of Marshall County 4160  
6040 Payee: Beachside ETB 1523 1/4/11 9-103 CHECK AMOUNT 4025.00 3581 3581  
DOLLARS

FIRST NATIONAL BANK OF MARSHALL COUNTY  
MARSHALL, FLORIDA

⑆003526⑆ ⑆1658⑆ ⑆1009385⑆

*[Signature]*

⑆003526⑆

⑆1658⑆

⑆1009385⑆

⑆0000402500⑆

\* 3222 \* 20090706  
31003506

↓ Do not endorse or write below this line. ↓

DEPOSIT TO THE CREDIT OF  
THE WITHIN NAMED PAYEE  
COLONIAL BANK  
8030 4



COLONIAL BANK ORLANDO FL

876697

3222

20090706

**FedEx**® US Airbill  
Express

FedEx Tracking Number **8639 1502 3976**

1 From *Please print and press hard*  
Date **6/24/09** Sender's FedEx Account Number **1962-6513-9**

Sender's Name **H. Price Poole, Jr** Phone **(904) 261-0742**

Company **POOLE & POOLE, PA**  
Address **303 CENTRE ST STE 200**

City **FERNANDINA BEACH** State **FL** ZIP **32034-4200**

2 Your Internal Billing Reference **CHAPLAUSKE | SERB**

3 To Recipient's Name **MAIL STOP C** Phone ( )

Company **TAYLOR, BEAN & WHITAKER**

Recipient's Address **1417 NORTH MAGNOLIA AVE**  
Dept./Floor/Suite/Room

Address **Ocala** State **FL** ZIP **34475**

To request a package be held at a specific FedEx location, print FedEx address here.

City **Ocala** State **FL** ZIP **34475**

Total Packages **0374204844**



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4a Express Package Service  
 FedEx Priority Overnight  
Next business morning, Friday  
earliest next business morning  
Saturday Delivery NOT available  
unless SATURDAY Delivery is selected.  
 FedEx Standard Overnight  
Saturday Delivery NOT available.  
 FedEx Express Saver  
Second business day, Thursday  
earliest next business day  
Saturday Delivery NOT available.  
unless SATURDAY Delivery is selected.  
FedEx Envelope rate not available. Minimum charge One-pound rate.

4b Express Freight Service  
 FedEx 1Day Freight\*  
Next business day, Friday  
earliest next business day  
Saturday Delivery is selected,  
unless SATURDAY Delivery is selected.  
\* Call for Confirmation.  
 FedEx 2Day  
Second business day, Thursday  
earliest next business day  
Saturday Delivery NOT available.  
unless SATURDAY Delivery is selected.  
FedEx Envelope rate not available. Minimum charge One-pound rate.

5 Packaging  
 FedEx Envelope\*  
 FedEx Pak\*  
FedEx Large Pak and FedEx Sturdy Pak  
 FedEx Tube  
 FedEx Box  
 Other  
Declared value limit \$200

6 Special Handling  
 SATURDAY Delivery  
FedEx Standard Overnight,  
FedEx First Overnight, FedEx Express  
Saver and FedEx Priority Overnight  
services. One box must be checked.  
 No  
 Yes  
DANGEROUS GOODS (including dry ice) cannot be shipped in FedEx packaging.  
Shipper's Declaration not required.  
 Yes  
DANGEROUS GOODS (including dry ice) cannot be shipped in FedEx packaging.  
Shipper's Declaration not required.  
 No  
DANGEROUS GOODS (including dry ice) cannot be shipped in FedEx packaging.  
Shipper's Declaration not required.  
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Shipper's Declaration not required.  
 No  
DANGEROUS GOODS (including dry ice) cannot be shipped in FedEx packaging.  
Shipper's Declaration not required.

7 Payment Bill to:  
 Sender  
 Recipient  
 Third Party  
 Credit Card  
 Cash/Check  
FedEx Acct. No. \_\_\_\_\_ Exp. Date \_\_\_\_\_  
Credit Card No. \_\_\_\_\_

8 Residential Delivery Signature Options  
 No Signature Required  
Signature required for delivery.  
 Direct Signature  
Signature required for delivery.  
 Indirect Signature  
Signature required for delivery.  
 Signature Required  
Signature required for delivery.

Total Packages **0374204844**  
Total Weight \_\_\_\_\_  
Total Declared Value\* \$ **00**

\*Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and to the current FedEx Service Guide, including terms that may vary by country.

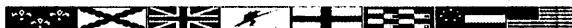
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LAW OFFICE OF

*ROBERT D. BERNARD, P.L.*

5211 S FLETCHER AVE  
SUITE 265  
AMELIA ISLAND, FL 32034



904.261.2600 (VOICE)  
888.370.3202 (FAX)  
BOB@EIGHTFLAGSLAW.COM

July 24, 2010

BMG Group, Inc.  
Taylor, Bean & Whitaker Mortgage Corp Claims Processing  
PO Box 3020  
Chanhassen, MN 55317-3020  
Voice: 888-909-0100

**In the Matter of:**

Joseph S. Chaplauske  
Proof of Claim

Dear Sir or Madam,

This letter is a follow up to the directions received by telephone earlier this week.

The attached documents show that Mr. Chaplauske's loan was in the process for assignment from Southeastern Bank to Taylor, Bean & Whitaker Mortgage Corp. ("TBW"). TBW received the funds (see attached) and has held them in escrow. None of the funds were disbursed to HUD as designated.

According to Mr. Chaplauske, his claim for reimbursement was initially pursued by Southeastern Bank and Poole & Poole (closing agents) and he was under the impression that a claim was filed on his behalf, as is supported by the attached documents. He was only recently told he was "on his own" to pursue his claim. Mr. Chaplauske was never listed as a creditor of TBW and therefore did not receive notice of the Bar Date for Proofs of Claim. Thus, he is asking his claim be excused pursuant to the terms of the Order for failure to file a Proof of Claim by the Bar Date and that this should not be deemed as an untimely filed claim.

Thank you for your consideration. Please contact me if any additional information is required.

Sincerely,

Robert D Bernard

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