


UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION		PROOF OF CLAIM
Name of Debtor <b>TAYLOR BEAN &amp; WHITAKER MORTGAGE CORP.</b>		Case Number: <b>09-07047</b>
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): Zurich American Insurance Co., its subsidiaries and affiliates including but not limited to Fidelity and Deposit Company of Maryland, Colonial American Casualty and Surety Company and American Guarantee and Liability Company		<input checked="" type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: <u>3501</u> (If known)  Filed on: <u>January 6, 2012</u>
Name and address where notices should be sent: Zurich American Insurance Company c/o Karen Lee Turner Eckert Seamans Cherin & Mellott, LLC Two Liberty Place 50 South 16 <sup>th</sup> Street, 22 <sup>nd</sup> Floor Philadelphia, Pa 19102  Telephone number: (215) 851-8400		
Name and address where payment should be sent (if different from above):  Telephone number:		<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.
1. Amount of Claim as of Date Case Filed: <u>\$799,154.65+ Unknown (See Addendum)</u>  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.		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 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 checked="" 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:  <u>\$240,000.00(See Addendum)</u>  *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.
2. Basis for Claim: <u>Indemnity Obligations (See Addendum)</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>(See Addendum)</u>  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 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 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:		
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.  Date: <u>3/22/12</u>		FOR COURT USE ONLY
BY: <u>Karen Lee Turner, Esquire</u> TITLE: <u>Counsel for the Creditor</u>		T, B & W Mortgage Corp.  03507

## ADDENDUM

### In re Taylor Bean & Whitaker Mortgage Corporation Bankruptcy No. 09-07047

Zurich American Insurance Company, its subsidiaries and affiliates including but not limited to Fidelity and Deposit of Maryland, Colonial American Casualty and Surety Company and American Guarantee and Liability Insurance Company (together, hereinafter, "Zurich") files this amended proof of claim for any and all amounts due or arising under any and all surety bonds that were issued on behalf of Taylor Bean & Whitaker Mortgage Corporation (the "Debtor"), or its subsidiaries and affiliates, by Zurich (the "Surety Bonds"). This claim amends claim #3501 which was filed on January 6, 2012.

Pursuant to an indemnity agreement, the Debtor is obligated to indemnify Zurich with respect to any liability and loss on the Surety Bonds issued then or thereafter by Zurich on behalf of the Debtor or its subsidiaries or affiliates. Furthermore, pursuant to common law principles of indemnity, the Debtor is obligated to indemnify Zurich with respect to any liability and loss on the Surety Bonds issued where the Debtor is listed as principal.

Because some of these obligees are governmental entities, payments made on the Surety Bonds may be entitled to priority under Section 507(a)(8). A list of the Surety Bonds where claims have been made and on which Zurich has issued payment is attached hereto. Pursuant to this list, Zurich has satisfied bond claims in the amount of at least \$767,622.03. Of this, at least \$240,000.00 constitutes taxes and penalties under Section 507(a)(8). Zurich has also incurred \$31,532.62 in attorney's fees and costs.

Zurich is continuing to investigate if any additional Surety Bonds were issued by Zurich on behalf of the Debtor and reserves its right to amend this claim to include additional Surety Bonds or remove Surety Bonds from this claim. Zurich also reserves all rights of setoff and recoupment as applicable all of which rights are expressly reserved. Zurich also reserves its rights to amend this claim as to amount and/or priority, including for any amount that is entitled to priority under Section 507(a)(8) of the Bankruptcy Code. Zurich further reserves its right to file an administrative claim for any amounts due that are allocable to post-petition period.

All notices and/or inquiries relating to this claim should be served on:

Karen Lee Turner, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 S. 16<sup>th</sup> Street, 22<sup>nd</sup> Floor  
Philadelphia, PA 19102  
(215) 851-8400  
kturner@eckertseamans.com

Claim No.	Bond No.	Principal	State	Bond Amt.	Claimant	Amount Claimed	Amount F&D Paid	Claims Handler	Attorney Fees Incurred
6380049026	8916164	Taylor Bean Key File	MA	\$500,000.00	Commonwealth of MA	no claims	no claims	K. Alves	\$18,054.65
6380049155	8655542	Taylor Bean	NM	\$25,000.00	Leo Luna Stiles Valuation Services	\$4,600.00	No claim \$3,700.00	K. Alves	
6380049286	8606876	Taylor Bean	AZ	\$25,000.00	Fouts Appraisal	\$700.00	\$700.00	K. Alves	
6380049286	8606876	Taylor Bean	AZ		George Peet	\$2,000.00	\$2,000.00		
6380049315	8513386	Taylor Bean	OR	\$50,000.00	Chris Wilson	\$5,479.80	\$5,479.80	K. Alves	
6380049315	8513386	Taylor Bean	OR		Mary McCarron escrow pt	\$4,410.68	\$4,410.68		
6380049315	8513386	Taylor Bean	OR		Central OR Appraisers	\$75.00	denied		
6380049315	8513336	Taylor Bean	OR		Blair Bonnes LAWSUIT	\$10,000.00	\$10,000.00		\$5,303.00
6380049501	7600918	Taylor Bean	WA	\$400,000.00	Real Est. Appr Srv	\$450.00	\$450.00	K. Alves	
					Weich Appraisals	\$950.00	\$950.00		
					Sharp Appraisals	\$475.00	\$475.00		
					State of Washington	\$398,125.00	\$398,125.00		
6380049776	8696360	Taylor Bean	GA	\$10,405.00	GA Power	\$10,405.00	\$10,405.00	K. Alves	
6380049784	8631377	Taylor Bean	IL	\$60,000.00	Ill Dept of Financial	\$20,000.00	\$20,000.00	K. Alves	
6380049784	8631377	First Mortgage Options	IL		Ill Dept of Financial	\$20,000.00	\$20,000.00		
6380050258	7588195	Taylor Bean	KY	\$250,000.00	KY Dept of Financial Srv	\$221,434.72	\$221,434.72	Rhonda Davis	
6380050333	8644617	Taylor Bean	WI	\$300,000.00	Jennifer Essak escrow	\$8,401.61	no claim	K. Alves	
6380050333	8644617	Taylor Bean	WI		William Cater escrow	\$4,083.79	no claim		
6380050333	8644617	Taylor Bean	WI		Bruce Payne	\$3,901.01	no claim		
					Bruce Payne	\$1,037.68	no claim		
6380050356	8607463	Taylor Bean	DE	\$100,000.00	DE Office of Banking Comm	\$530.00	no claim	Susan Markland	
6380050244	8824784	Taylor Bean	NJ	\$300,000.00	NJ Dept of Banking	\$35,504.33	\$35,504.33	K. Alves	
					NJ Dept of Banking	\$1,487.50	\$1,487.50		
6380050475	8670341	Taylor Bean	CT	\$40,000.00	Rosanne Vacca mort pymt	\$1,700.00	no claim	Terri McDaniels	
6380052314	8606879	Taylor Bean	WV	\$250,000.00	Vicki Stalaker LAWSUIT	\$32,500.00	\$32,500.00	K. Alves	\$8,174.97
Totals						\$788,251.12	\$767,622.03		\$31,532.62

**ECKERT  
SEAMANS**  
ATTORNEYS AT LAW

Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 South 16<sup>th</sup> Street, 22<sup>nd</sup> Floor  
Philadelphia, PA 19102

TEL 215 851 8400  
FAX 215 851 8383  
www.eckertseamans.com

Mollie Canby  
215.851.8482  
mcanby@eckertseamans.com

March 22, 2012

**VIA FEDERAL EXPRESS**

BMC Group, Inc.  
Attn: Taylor Bean & Whitaker Mortgage Corp.  
Claims Processing  
18750 Lake Drive East  
Chanhassen, MN 55317

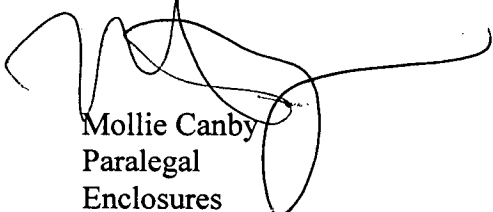
**Re: Taylor Bean & Whitaker Mortgage Corp.  
Case No. 09-07047**

Dear Sir or Madam:

Enclosed for filing, please find an amended proof of claim of Zurich American Insurance Company for filing in the above-referenced case. We have enclosed an extra copy of each claim that we ask that you time stamp and return in the enclosed self-addressed stamped envelope.

Please do not hesitate to call should the need arise.

Sincerely yours,



Mollie Canby  
Paralegal  
Enclosures

From: (215) 851-8381      Origin ID: MUVA  
OFFICE SERVICES CENTER  
ECKERT SEAMANS CHERIN & MELLOTT  
50 South 16th Street  
Two Liberty Place 22nd FLOOR  
PHILADELPHIA, PA 19102



J1210112190225

Ship Date: 22MAR12  
ActWgt: 1.0 LB  
CAD: 101956809/NET3250

Delivery Address Bar Code



SHIP TO: (215) 851-8380      **BILL SENDER**  
**TAYLOR BEAN & WHITAKER MORTGAGE CO**  
**BMC GROUP, INC.**  
**18750 LAKE DR E**  
**CLAIMS PROCESSING**  
**CHANHASSEN, MN 55317**

Ref #      299005-19 - MNC  
Invoice #  
PO #  
Dept #

**RECEIVED**

**MAR 23 2012**

**BMC GROUP**

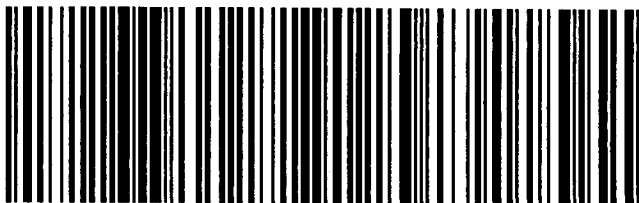
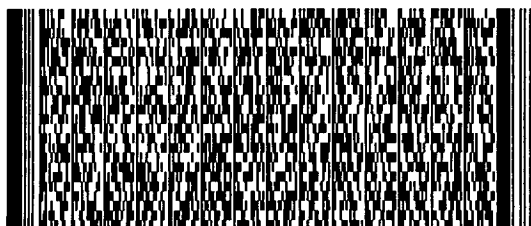
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**PRIORITY OVERNIGHT**

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