

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
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In re:  TAYLOR, BEAN & WHITAKER MORTGAGE CORP., REO SPECIALISTS, LLC, and HOME AMERICA MORTGAGE, INC.,  Debtors.	Chapter 11  Case No. 3:09-bk-07047-JAF Case No. 3:09-bk-10022-JAF Case No. 3:09-bk-10023-JAF  Jointly Administered Under Case No. 3:09-bk-07047-JAF
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**NOTICE OF FIRST AMENDMENT TO THE COLORABLE ACTIONS  
LIST FILED PURSUANT TO THE ORDER GRANTING MOTION OF  
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR  
DERIVATIVE STANDING TO PROSECUTE CERTAIN ACTIONS IN  
THE NAME OF THE DEBTOR, ADDING CONTRACT CLAIMS  
AGAINST WELLS FARGO BANK, N.A.**

The Official Committee of Unsecured Creditors (the “Committee”), by and through its undersigned counsel, files this notice of First Amendment to the Colorable Actions List (hereinafter the “First Notice”), seeking authority to prosecute additional actions in the name of Debtor, Taylor, Bean & Whitaker Mortgage Corp., (the “Debtor” or “TBW”), pursuant to the Order Granting Motion of the Official Committee of Unsecured Creditors for Derivative Standing to Prosecute Litigation in the Name of the Debtor (the “Derivative Standing Motion”) [D.E. 1020] and, (the “Derivative Standing Order”) [D.E. 1108], and in support thereof states:

1. On August 24, 2009, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

2. On September 11, 2009, the Office of the United States Trustee appointed the Committee.

3. The administration of this case and the reconciliation process have revealed a number of potential causes of action of the estate against several potential defendants. This Court in the Derivative Standing Order granted the Committee the standing to prosecute certain actions for the reasons stated in the Derivative Standing Motion.

4. Pursuant to the Derivative Standing Order, the Committee was granted standing and authority to proceed with litigation in the name of and on behalf of the Debtor for potential claims which include:

- (a) Claims against the Debtor's former chief executive officer, Lee B. Farkas, Coda Roberson III, and certain of their entities (to wit: 3201 Partnership; Uplead Technology, LLC; South Towne Capital Holdings, LLC; and Dine Design Group, Inc. and other affiliates), for money loaned to them by the Debtor;
- (b) Collection actions against other former officers, directors and employees to collect on loans from the Debtor;
- (c) A claim against Banc of America Securities, LLC, for turnover of money in the Debtor's account at that institution;
- (d) A claim against Bank of America, N.A., for its failure to pay certain amounts held back from the purchase price (the "Holdback Amounts") for beneficial interests in pools of mortgages from the Debtor that have been used as collateral for securities and resold and for which Bank of America, N.A., has been paid in full.

The foregoing were collectively referred to as the “Colorable Actions List.” The Derivative Standing Order further granted the authority to add matters to the Colorable Action list by notice.

5. By this First Notice, the Committee seeks to add the following claims to the Colorable Actions List:

- (e) Claims against Wells Fargo Bank, N.A., as Master Servicer, for the return of servicing advances and breach of contract.

6. Accordingly, the Committee, joined by the Debtor, suggests that the interests of the estate and its unsecured creditors would best be served if the Committee were permitted to pursue the additional claims added by this First Notice of amendment to the Colorable Actions List, on behalf of, derivatively, or in the stead of the Debtor and reserves the right to further supplement the Colorable Actions List in the future. The Debtor consents to the Committee’s request to file this First Notice.

[INTENTIONALLY LEFT BLANK]

WHEREFORE, pursuant to paragraph 3 of the Derivative Standing Order, the aforementioned claims in paragraph 5 shall be added to the Colorable Actions List without further order of the Court and provided that no objection is filed within 14 days after the service of this Notice, or if an objection is filed the amendment may be authorized by the Court after notice and a hearing.

BERGER SINGERMANN, P.A.  
Attorneys for the Official Committee  
of Unsecured Creditors  
200 South Biscayne Boulevard, Suite 1000  
Miami, Florida 33131  
Telephone: (305) 755-9500  
Facsimile: (305) 714-4340

By:                     /s/ James D. Gassenheimer                      
PAUL STEVEN SINGERMANN  
Fla. Bar No. 826316  
JAMES D. GASSENHEIMER  
Fla. Bar No. 959987  
ARTHUR J. SPECTOR  
Fla. Bar No. 620777  
2650 N. Military Trail, Suite 240  
Boca Raton, Florida 33431  
Telephone: (561) 241-9500  
Facsimile: (561) 998-0028

**CONSENT AND JOINDER**

The Debtor consents to the relief requested by the Committee in the foregoing First Notice and joins in the Notice for the purpose of expressing such consent.

/s/ Russell M. Blain

Russell M. Blain (Florida Bar No. 236314)  
[rblain@srbp.com](mailto:rblain@srbp.com)  
Edward J. Peterson, III (Florida Bar No. 014612)  
[epeterson@srbp.com](mailto:epeterson@srbp.com)  
**STICHTER, RIEDEL, BLAIN & PROSSER, P.A.**  
110 East Madison Street, Suite 200  
Tampa, Florida 33602  
Telephone: (813) 229-0144  
Facsimile: (813) 229-1811  
**CHAPTER 11 COUNSEL TO DEBTOR, TAYLOR  
BEAN & WHITAKER MORTGAGE CORP.**

/s/ Jeffrey W. Kelley

Ezra H. Cohen (Georgia Bar No. 173800)  
[ezra.cohen@troutmansanders.com](mailto:ezra.cohen@troutmansanders.com)  
Jeffrey W. Kelley (Georgia Bar No. 412296)  
[jeffrey.kelley@troutmansanders.com](mailto:jeffrey.kelley@troutmansanders.com)  
J. David Dantzler, Jr. (Georgia Bar No. 205125)  
[j.dantzler@troutmansanders.com](mailto:j.dantzler@troutmansanders.com)  
**TROUTMAN SANDERS LLP**  
600 Peachtree Street Northeast, Suite 5200  
Atlanta, Georgia 30308  
Telephone: (404) 885-3000  
Facsimile: (404) 885-3900  
**SPECIAL COUNSEL TO DEBTOR, TAYLOR BEAN &  
WHITAKER MORTGAGE CORP.**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on April 7, 2010, the *Notice of First Amendment to the Colorable Actions List Filed Pursuant to the Order Granting Motion of the Official Committee of Unsecured Creditors for Derivative Standing to Prosecute Certain Actions in the Name of the Debtor, Adding Claims Against Wells Fargo Bank, N.A.* was electronically filed with the Clerk of Court by using the Case Management/Electronic Case Filing (CM/ECF) system which will send a notice of electronic filing, and I will complete service of the foregoing as required by Rule 5, Federal Rules of Civil Procedure, made applicable by Rule 7005, *Federal Rules of Bankruptcy Procedure*, to all parties indicated on the electronic filing receipt.

By:           /s/ James D. Gassenheimer            
James D. Gassenheimer  
Florida Bar No. 959987

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