

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

F I L E D
JACKSONVILLE, FLORIDA
OCT 29 2010

SandySmith

Creditor

VS.

In re:

Chapter 11

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP:

CASE NO. 3:09-BK-7047-JAF

HOME AMERICA MORTGAGE,
INC.

CASE NO. 3:09-BK-10023-JAF

REO SPECIALTIES, LLC

CASE NO. 3:09-BK-10022-JAF

Debtors

**MOTION FOR IN CAMERA INSPECTION AND TO COMPEL PRODUCTION OF
DOCUMENTS PERTAINING TO TAYLOR BEAN AND WHATAKER LOAN NUMBER
7008818, FHA NUMBER 10500371 AND MERS AND BANK OF AMERICA.**

I, Creditor, Sandy Smith move this Court for a motion for in camera inspection and to compel production of documents pertaining to Taylor Bean and Whitaker loan number 708818. All records have been requested over 60 days ago, by the appointed Servicing Company. The loan documents should begin in 2007, specifically when the home was financed by Taylor Bean and Whitaker by a local broker. The loan was FHA secured, FHA number 1050037, I ask this court to compel documents. The said Taylor Bean and Whitaker loan was sold and Taylor Bean and Whitaker became a MERS, or Servicer for the said loan, with MERS, I ask this court to compel documents. I ask of this court to compel all documentation from any successor, with all transferal information included. As per Servicing Agreement between FDIC and RoundPoint Servicing, Motion Granted and signed on October 13, in this court by Judge Funk, all Servicing agencies are to keep available documents found in Court Docket No. 2002, Exhibit C, points 7-27, page 59 and 60, respectfully. The "records" deem all records which are in accordance with the United States law.

As mentioned in the prior paragraph, all documentation from 2007 to current have been requested on two separate occasions to Taylor, Bean & Whitaker and/or the BOA. I will assume

“alleged” documentation to be lost or destroyed. This clearly demonstrated the inability of the said court to provide such documents thus will not “enforce” the request which is in defiance of the Freedom of Information Act. Please note the following points of the FIA:

(iii) An agency shall process as soon as practicable any request for records to which the agency has granted expedited processing under this subparagraph. Agency action to deny or affirm denial of a request for expedited processing pursuant to this subparagraph, and failure by an agency to respond in a timely manner to such a request shall be subject to judicial review under paragraph (4), except that the judicial review shall be based on the record before the agency at the time of the determination.

(iv) A district court of the United States shall not have jurisdiction to review an agency denial of expedited processing of a request for records after the agency has provided a complete response to the request.

(v) For purposes of this subparagraph, the term "compelling need" means--

(I) that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or


(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

(vi) A demonstration of a compelling need by a person making a request for expedited processing shall be made by a statement certified by such person to be true and correct to the best of such person's knowledge and belief.

In light of the Freedom of Information Act, I do believe there is a sense of urgency for release of my documentation which again, is listed in Servicing Agreement 2002, signed on October 13, 2010 by the Honorable Judge Funk. I have made an “alleged claim” that certain fraudulent behaviors have occurred over the time of sale of said property to current date. Documents, including payment history beginning in 2007 and ending in 2010 with all charges associated with late fees, forced insurance et al are invaluable to providing proof of the “alleged” fraud and misappropriation on behalf of said Owners/Servicers/MERS of said loan. I request this information to be delivered to my current address listed on this certification within ten (10) days. I have provided court with said letters requesting information from TB&W and BOA Servicing in the Motion of Redemption filed June 15, 2010, Court Docket, . They were requested over sixty (60) days ago.

CERTIFICATE OF SERVICE

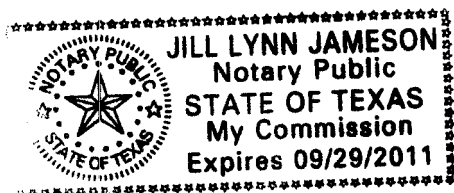
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via mail to: Elena Escamilla, Trial Attorney, Office of the United States Trustee. U.S. Department of Justice Florida Bar No: 898414, 135 W. Central Blvd., Suite 620 Orlando FL. 32801 and served to via mail to: Edward J. Peterson, III (FBN 014612) **STRICHTER, RIEDEL, BLAIN & PROSSER, P.A. (Attorneys for the Debtor/Plaintiff)** 110 East Madison Street, Suite 200 Tampa, FL 33602.



Sandy Smith
Creditor/Defendant
1427 Wild Horse Ln
Stephenville, TX. 76401
254-977-4731

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF ERATH §

This instrument was acknowledged before me on the 28 day of October, 2010, by Joni Cox-Tanner in the capacity stated therein.




Notary Public, State of Texas