

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

**FILED**  
JACKSONVILLE, FLORIDA  
NOV 2 2010  
CLERK, U. S. BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA

John Crain Pro Se

Creditor/Defendant

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/Plaintiffs

**MOTION FOR PRODUCTION OF DOCUMENTS**

COME NOW, Creditor/Defendant who files *Motion for Production of Documents*, and  
Moves this Court for an Order Requiring Defendants:

- I. To produce and to permit Creditor/Defendant to inspect and to copy each of the following

documents:

- 1. Pursuant to 12 U.S.C. 2605(e)(1)(B) and UCC 9-210 any and all documents, records and any other pertinent information which will help with the accounting in

*J.D.D.*  
*28/07/2010*  
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regard to account no.2630455 John Crain And Julie Crain

2. All accounting ledger journal entries and/or bookkeeping entries regarding the crediting of any and all Promissory Notes, money equivalents, or similar instruments, identified as or evidencing assets whether provided by and/or signed by borrowers and consumers relating to this account.

A certified copy of the Trust Agreement between TAYLOR, BEAN & WHITAKER HOME AMERICA MORTGAGE,INC.HOME AMERICA MORTGAGE,INC. REO SPECIALTIES, LLC and any other bank or depository institution and/or mortgage company as it relates specifically to this account and the original promissory note agreement

4. An identification of the source of the funds used to fund the loan since its origination, including account name(s), number(s), and amount(s);

5. An identification of the source of the funds TAYLOR, BEAN & WHITAKER HOME AMERICA MORTGAGE,INC.HOME AMERICA MORTGAGE,INC. REO SPECIALTIES, LLC used to purchase any and all Promissory Notes, money equivalents, or similar instruments, identified as or evidencing assets provided by and/or signed by the original borrowers and consumers, and claims is due and owing, including account name(s), number(s), and amounts(s) and the date the purchase was completed by TAYLOR, BEAN & WHITAKER HOME AMERICA MORTGAGE,INC.HOME AMERICA MORTGAGE,INC. REO SPECIALTIES, LLC

6. Certified copies, front and back, of all checks issued by TAYLOR, BEAN &

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WHITAKER HOME AMERICA MORTGAGE,INC.HOME AMERICA  
MORTGAGE,INC. REO SPECIALTIES, LLC used

to fund and purchase and in payment of said promissory note, security instrument and all copies of checks paid as third party fees.

7. A complete statement of the damages and legal detriment, including each and every loss that TAYLOR, BEAN & WHITAKER HOME AMERICA MORTGAGE,INC.HOME AMERICA MORTGAGE,INC.REO SPECIALTIES, LLC incurred under the original promissory note agreement with a foreclosure proceeding.

8. A certified copy of the Master Pooling Service Agreement that names the servicer and the seller of the structured finance transaction.

9. Pursuant to 17 CFR 240.12g5-1 provide the name of the record holders and/or the names of each person who is identified as the owner of such securities on records of security holders maintained by or on behalf of the issuer

10. A certified copy of the Registration Statement as that term is defined under 15 USC §77b(a)(8), i.e.; Form 8-A(short form) and Form 10 (long form) Registration Statements under the 1934 Act, Form S-1 and S-3 Registration Statement under the 1993 Act;

11. Any request for exemption or No-action letters from SEC with respect to their securities and all ACTS and certified copies of the application filed with the SEC for exempt status and the order issued by the SEC granting exempt relief from the appropriate provisions;

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12. If no registration statement pursuant to the 1933 Act is available or otherwise required, please provide a comprehensive description that meets the “General Statement” of Regulation S and satisfies the conditions applied to the Safe Harbor rule.

13. The Tax Equity and Fiscal Responsibility Act of 1982 (“TERRA”) Pub. L. 97-248, 96 Stat. 324, a bearer debt security generally must be issued under arrangements reasonably designed to ensure that such obligation will be sold only to a person who is not a United States person and must satisfy certain other conditions identified in the Tax Code § 163(f)(2)(B), and as such please provide:

14. The Identity of all parties with ownership interest who have met the criteria as adopted by Treasury Regulation §1.163-5(c)(i)(D) “TEFRA D” and § 1.163-5(c)(i)(C) “TEFRA C”

15. Certified copies of all statements on a U.S. Form W-8 or substitute thereto certifying the owner’s non-US status where the obligation issued is registered form and is not subject to the TEFRA rules and considered “portfolio interest.”

16. All information statements and returns filed with the IRS which identifies the name and address of all recipients of interest and original issue discount that meets the provisions of a U.S. obligor making payments to a foreign person under the Tax Code §§ 871(a)(1), 881(a), 1441(a), 1442(a) and §6049

17. A description whether the pool or securities issued are required to register under the statutory or statistical definition of the 1940 Act i.e. pursuant to 17 CFR 2703a-7 and if exempt, describe the characteristics that define the exception and avoids all

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requirements;

18. The original promissory note at interest and the allonge, front and back, affixed to the original promissory note at interest with endorsements relating to and/or associated with this transaction.

19. Certified copies of the following:

a. FR 2046 balance sheet

b. 1099-OID report

c. 424-B5 prospectus; and

d. RC-S and RC-B call schedules.

e. Indenture Trustee T-1 Form

f. Any FR2900 Forms regarding this account the week the transaction was completed (promissory note signed by borrower) and the week after.

Defendant C.D. has the possession, custody, or control of each of the foregoing documents concerning Plaintiff's Real Estate. Each of the documents constitutes or contains evidence relevant and material to a matter involved in this action. And objects and of the above-mentioned real estate.

Respectfully Submitted, this 28th day of October, 2010

**John Crain ,Pro Se**  
Po Box 13  
Melbourne,FL,32902  
Telephone: (904)718-1418

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been deposited in the United States mail, postage prepaid, and addressed to the following: (1) STRICHTER, RIEDEL, BLAIN & PROSSER, P.A., 110 East Madison Street, Suite 200 Tampa, FL 33602. (2) AG Mortgagee Value Parners Master Fund, 245 Park avenue, 26<sup>th</sup> Floor, New York, NY 10167. (3) The United States Trustee at Elena L. 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 (4) Berger Singerman, counsel to the Committee, 350 East Las Olas Blvd, 10<sup>th</sup> floor, Fort Lauderdale, FL 33301. (5) Edward J. Peterson, III (FBN 014612) 110 East Madison Street, Suite 200 Tampa, FL 33602. (6) Lee Ann Bennett, Clerk of Court 300 North Hogan Street Suite 3-350 Jacksonville FL, 32202 (7) Elena L. Escamilla, 135 West Central Blvd., Suite 620, Orlando, FL 32801,



**John Crain, Pro Se**  
P.O. Box 13  
Melbourne, FL 32902  
904-718-1418

### **AFFIDAVIT**

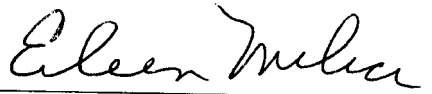
STATE OF FLORIDA

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COUNTY OF BREVARD

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This instrument was acknowledged before me on this 28<sup>nd</sup> day of October, 2010, by John Crain in the capacity stated therein.



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Notary Public, State of Florida

  
**EILEEN MILICI**  
MY COMMISSION # DD 995830  
EXPIRES: September 26, 2014  
Bonded Thru Budget Notary Services

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