

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,
REO SPECIALISTS, LLC, and
HOME AMERICA MORTGAGE, INC.,

Debtors and Debtors in
Possession.

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

DEBTORS' OMNIBUS OBJECTION #1:
CLAIMS IMPROPERLY FILED AS SECURED

IMPORTANT NOTICE: THIS IS AN OBJECTION TO YOUR CLAIM
LOCATE YOUR NAME AND CLAIM INFORMATION BELOW

PURSUANT TO LOCAL RULE 2002-4, THE COURT WILL CONSIDER THIS MOTION, OBJECTION, OR OTHER MATTER WITHOUT FURTHER NOTICE OR HEARING UNLESS A PARTY IN INTEREST FILES AN OBJECTION WITHIN THIRTY (30) DAYS FROM THE DATE THIS PAPER IS ENTERED ON THE DOCKET. IF YOU OBJECT TO THE RELIEF REQUESTED IN THIS PAPER, YOU MUST FILE YOUR OBJECTION WITH THE CLERK OF THE COURT AT BRYAN SIMPSON UNITED STATES COURTHOUSE, 300 NORTH HOGAN STREET, SUITE 3-350, JACKSONVILLE, FLORIDA 32202, AND SERVE A COPY ON THE MOVANT'S ATTORNEY, EDWARD J. PETERSON, ESQUIRE, STICHTER, RIEDEL, BLAIN & PROSSER, P.A., 110 E. MADISON STREET, SUITE 200, TAMPA, FLORIDA 33602.

IF YOU FILE AND SERVE AN OBJECTION WITHIN THE TIME PERMITTED, THE COURT MAY SCHEDULE A HEARING AND YOU WILL BE NOTIFIED. IF YOU DO NOT FILE AN OBJECTION WITHIN THE TIME PERMITTED, THE COURT WILL CONSIDER THAT YOU DO NOT OPPOSE THE GRANTING OF THE RELIEF REQUESTED IN THIS PAPER, WILL PROCEED TO CONSIDER THE PAPER WITHOUT FURTHER NOTICE OR HEARING, AND MAY GRANT THE RELIEF REQUESTED.

REGARDLESS OF WHETHER YOU FILE AN OBJECTION, FOR PURPOSES OF VOTING ON THE DEBTORS' CHAPTER 11 PLAN, YOUR CLAIM WILL BE TREATED AS STATED HEREIN. IF YOU WISH TO CHALLENGE SUCH TREATMENT OF YOUR CLAIM FOR THE LIMITED PURPOSE OF VOTING ON THE DEBTORS' CHAPTER 11 PLAN, YOU MUST COMPLY WITH THE ORDER OF

THE COURT DATED NOVEMBER 10, 2010 (THE “SOLICITATION ORDER”)¹ AND FILE WITH THE COURT A MOTION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 3018 TO TEMPORARILY ALLOW YOUR CLAIM FOR VOTING PURPOSES AND SERVE SUCH MOTION ON THE PARTIES DESIGNATED IN THE SOLICITATION ORDER NO LATER THAN THE LATER OF (a) TEN (10) DAYS AFTER DECEMBER 7, 2010, OR (b) 5:00 P.M. ON THE SEVENTH (7TH) DAY AFTER THE DATE OF SERVICE OF THIS OBJECTION.

Taylor, Bean & Whitaker Mortgage Corp. (“TBW”), REO Specialists, LLC (“REO Specialists”), and Home America Mortgage, Inc. (“HAM,” and with TBW and REO Specialists, collectively, the “Debtors”), by and through its undersigned attorneys, hereby file Debtors’ Omnibus Objection #1: Claims Improperly Filed as Secured (the “Objection”) and object to the claims (“Claims”) set forth on the attached Exhibits A and B on the ground that the Claims have been improperly filed as secured.

The Claims listed on Exhibit A have been improperly filed as secured claims rather than unsecured claims. Therefore, such Claims should be disallowed as secured claims and treated as unsecured claims as indicated on Exhibit A. The creditors holding such Claims should receive ballots prepared for holders of unsecured claims.

The Claims listed on Exhibit B have been improperly filed as secured claims rather than priority claims. Therefore, such Claims should be disallowed as secured claims and treated as priority claims. The creditors holding such Claims, therefore, will not receive any ballots.

This Objection is filed for purposes of objecting to the classification of the Claims. Nothing in this Objection shall be construed as a waiver of Debtors’ rights regarding the amounts of the Claims. Debtors reserve all rights to object to the amounts of the Claims at a later date.

¹ Order Approving: (I) Procedures for the Solicitation and Tabulation of Votes to Accept or Reject the Plan and Limited Waiver of Local Rule 3018-1; (II) Related Notice and Objection Procedures; (III) Procedures to Determine Holders of Claims in TBW Class 9; and (IV) Waiver of Local Rule 3071-1(b) [Docket No. 2137]. A copy of the Solicitation Order has been mailed to all creditors either 1) in hard-copy to all creditors not entitled to vote on the Debtors’ chapter 11 plan together with a notice of confirmation hearing, or 2) on compact-disk included in solicitation packages sent to creditors entitled to vote on the Debtors’ chapter 11 plan.

WHEREFORE, the Debtors respectfully request this Court enter an order sustaining the Objection, disallowing the Claims as secured in their entirety, and for such other and further relief as is just.

This 9th day of December 2010.

/s/ Jeffrey W. Kelley

TROUTMAN SANDERS LLP

Jeffrey W. Kelley (GA Bar No. 412296)

jeff.kelley@troutmansanders.com

J. David Dantzler, Jr. (GA Bar No. 205125)

david.dantzler@troutmansanders.com

600 Peachtree Street, Suite 5200

Atlanta, Georgia 30308

Telephone No.: 404-885-3358

Facsimile No.: 404-885-3995

**SPECIAL COUNSEL FOR THE DEBTOR AND DEBTOR
IN POSSESSION TAYLOR, BEAN & WHITAKER
MORTGAGE CORP**

STICHTER, RIEDEL, BLAIN & PROSSER, P.A.

Russell M. Blain (FBN 236314)

rblain@srpb.com

Edward J. Peterson, III (FBN 014612)

epeterson@srpb.com

110 East Madison Street, Suite 200

Tampa, Florida 33602

Telephone No.: 813-229-0144

Facsimile No.: 813-229-1811

**COUNSEL FOR THE DEBTORS AND DEBTORS IN
POSSESSION**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Debtors' Omnibus Objection #1: Claims Improperly Filed as Secured will be furnished on the 10th day of December 2010, by either the Court's CM/ECF electronic mail system or by U.S. Mail to:

Office of the U.S. Trustee

Claimants at the addresses listed on attached Exhibits

/s/ Stephen S. Roach _____

Stephen S. Roach