

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

IN RE:)

Case No. 3:09-bk-07047-JAF

TAYLOR BEAN & WHITAKER,)
MORTGAGE CORP.)

Chapter 11

Debtor.
_____)

**GREG STEINMETZ CONSTRUCTION, INC.'S RESPONSE TO DEBTORS
OMNIBUS OBJECTION #1: CLAIMS IMPROPERLY FILED AS SECURED**

Creditor, Greg Steinmetz Construction, Inc. ("GSCI"), responds to *Debtors' Omnibus Objection #1: Claims Improperly Filed as Secured* (the "Omnibus Objection") filed by debtor, Taylor Bean & Whitaker, Mortgage Corp. ("TBW") as follows:

1. GSCI is Florida Corporation. At all times material to this action, GSCI was general contractor engaged in the construction of residential homes in this State, including but not limited to Marion County, Florida.

2. Prior to the Petition Date, GSCI entered into 53 separate agreements with individual property owners in Marion County for the construction of certain improvements on their respective parcels. TBW served as the source of funding for the construction of those improvements (the "Loans"). A listing of those individuals is attached hereto as **Exhibit A.**

3. TBW agreed to fund the construction of the improvements pursuant to draw schedules, copies of which are attached to each of GSCI's proofs of claim. GSCI completed

all construction as required; however, payments due under the draw schedule were not made by TBW.

4. On certain of the parcels, GSCI filed Claims of Lien in accordance with Chapter 713, Florida Statutes with respect to the amounts owed for completion of the improvements on each respective parcel (the "Liens"). Any Liens filed by GSCI have been attached to their respective proof of claim filed in this matter.

5. Prior to the Petition Date, GSCI was involved in Florida State Court litigation with TBW concerning the priority of the Liens and TBW's failure to make draw payments thereunder. In the litigation, GSCI asserted claims to foreclose the Liens and for imposition of equitable liens on the undisbursed proceeds of each respective Loan.

6. Prior to the claims deadline in this matter, GSCI filed 53 proofs of claim with respect to each of the Loans which remained unpaid by TBW as of the Petition Date (the "Claims").

7. Based on the foregoing, GSCI asserts that it has properly classified The Claims with respect to the Loans as secured.

8. Debtors' Omnibus Objection to certain of the Claims is based on the bare allegation that the claims "have been improperly filed as secured claims rather than unsecured claims."

9. To the contrary, the Claims provide documentation to support their status as secured claims.

10. The Debtors' objection is without merit.

11. In the event the Court determines that the Claims are unsecured, they should be allowed as general unsecured Class 9 trade claims.

WHEREFORE, GSCI requests that this Court (i) deny the Omnibus Objection with respect to GSCI's claims on the Loans, (ii) in the alternative, if the Court is not inclined to deny the Omnibus Objection with respect to GSCI's claims, allow same as Class 9 general unsecured trade claims, and (iii) grant any other relief this Court may deem appropriate.

STUTSMAN THAMES & MARKEY, P.A.

/s/ Robert A. Heekin, Jr.

By _____

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Certificate of Service

I hereby certify on January 10, 2011 the foregoing pleading was transmitted to the Clerk of the Court for uploading to the Case Management/Electronic Case Filing System which will send a notice of electronic filing to all parties that have consented to electronic notice, and by U.S. Mail to the entities and persons listed on the attached service list.

/s/ Robert A. Heekin, Jr.

Attorney

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re:

TAYLOR BEAN & WHITAKER
MORTGAGE CORP.,

Debtor.

Chapter 11

Case No. 3:09-BK-07047-JAF

SERVICE LIST

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GSC #	Name	LOAN SETTLEMENT DATE	LAST DRAW RECEIVED	CO DATE	Super	Loan matured		Total of 5th & 10%
						NOTES	Overages	TBW
1049	Persaud, Sase ***	11/25/2006	4th	4/19/2007	Ken		1,000.00	17,808.50
1053	Abel, Milrose	12/5/2006	4th	3/13/2007	Paul		2,072.00	18,054.00
1059	Shulachenko, Elena	12/9/2006	4th	1/18/2007	Ken		1,487.20	24,210.70
1062	Teloma, Derby	12/28/2006	4th	3/6/2007	Paul		1,180.00	20,830.00
1063	Antoine, Durozier	1/25/2006	4th	1/2/2007	Jeremy		2,478.29	21,594.00
1067	Francis, Fong	2/2/2006	4th	1/18/2007	Greg B		645.05	20,854.00
1070	Roman, Lamotha	1/6/2006	4th	3/1/2007	Paul		1,776.25	21,041.25
1072	Antoine, Marguerite	1/25/2006	5th	2/1/2007	Jeremy		2,111.39	16,980.00
1074	Sylvia, Jean	1/11/2006	4th	1/16/2007	Paul		1,567.50	20,369.50
1076	Pierre St. Pierre	12/19/2005	4th	2/5/2007	Ken		2,764.35	24,440.40
1080	Jean Joseph	1/6/2006	5th	3/16/2007	Ken		1,080.00	19,285.00
1081	Francœur, Marie ***	1/10/2006	4th	6/22/2007	Paul		2,772.03	19,988.00
1084	Celliste, Maimé	1/25/2006	4th	3/21/2007	Greg B		1,715.00	21,594.90
1085	Luis Gonzalez	1/27/2006	4th	1/26/2007	Jeremy		1,735.00	22,066.50
1087	Wilfred Mondastin ***	1/27/2006	3rd	NO	Greg B		1,095.00	22,742.00
1088	Sylvia Joseph	1/25/2006	4th	2/12/2007	Jeremy		1,805.00	25,471.00
1090	Betty Joseph	1/25/2006	4th	1/28/2006	Jeremy		1,904.00	25,561.00
1093	Myriam, Sufrá	2/6/2006	4th	3/8/2007	Ken		1,585.00	23,194.00
1097	Elourdes Bazile	2/28/2006	4th	1/26/2007	Greg B		1,736.45	26,007.00
1098	Jude Carstyle ***	1/8/2006	4th	NO	Jeremy		325.00	23,134.00
1099	Nikette Supreme	2/10/2006	4th	1/26/2007	Greg B		2,262.03	22,625.00
1101	Joseph Charlot	2/10/2006	4th	2/1/2007	Greg B		2,195.05	24,634.50
1104	Crail, Ziad ***	2/10/2006	4th	5/14/2007	Paul		925.00	24,019.50
1109	Marie Beaubrun	3/15/2006	4th	4/6/2007	Jeremy		2,870.00	21,901.50
1111	Louissaint, Paraison	3/10/2006	5th	1/26/2007	Greg B		325.00	18,476.00
1112	Clothaire, Thelemaque	3/24/2006	5th	1/26/2007	Jeremy		925.00	18,380.00
1115	Merphlin Desilien	4/4/2006	5th	2/22/2007	Jeremy		1,812.63	17,155.00
1116	Anne Bellevue ***	3/24/2006	4th	5/29/2007	Jeremy		3,675.78	22,503.50
1117	Louise Forte	3/15/2006	5th	2/19/2007	Greg B		325.00	18,380.00
1118	Peta Gaye Dunn	3/23/2006	3rd	4/11/2007	Paul		1,320.00	23,331.50
1119	Ernestine Smith	3/23/2006	4th	6/7/2007	Greg B		3,943.19	37,131.00
1124	Brutus, Marie Alice	4/7/2006	5th	2/27/2007	Greg B		1,262.15	17,290.00
1133	Louise Azor	6/1/2006	5th	3/21/2007	Jeremy		2,945.05	20,900.00
1139	Forestal, Dupuy	4/6/2006	5th	1/17/2007	Jeremy		3,499.79	17,380.00
1144	Joseph Dorvil	4/19/2006	5th	4/6/2007	Paul		825.00	17,385.00
1148	Pierre Simeus	5/15/2006	5th	4/19/2007	Paul		1,895.00	19,380.00
1149	Jean Julienise	4/28/2006	4th	5/8/2007	Paul		2,865.00	25,841.00
1150	Wilner, Charles	4/24/2006	5th	4/27/2007			1,320.00	17,695.00

EXHIBIT

JAF:GTA

GSC #	Name	LOAN SETTLEMENT		LAST DRAW RECEIVED	CO DATE	Super	NOTES		Total of 5th & 10%	
		DATE	DATE				Loan matured	Overages	1BW	
1153	Ostac Vincent	5/5/2006	4/2/2007	5th		Greg B		3,956.84	16,966.00	
1154	Cellcount, Jean	5/3/2006	2/8/2007	5th		Jeremy		1,740.99	17,145.50	
1158	Nicole St Felix	5/9/2006	5/29/2007	5th				1,680.00	17,695.00	
1159	Jean Gerlin	5/18/2006	3/30/2007	5th		Greg		3,275.00	17,810.00	
1160	Danton Nicolas	5/19/2006	6/15/2007	4th				1,225.00	22,608.00	
1161	Marcelle Forte	6/2/2006	3/28/2007	5th		Jeremy		1,998.19	17,480.00	
1162	Forte Jocelyne	6/5/2006	3/16/2007	5th		Jeremy		2,045.00	17,575.00	
1164	Ramsey Batallie	6/2/2006	2/7/2007	5th		Jeremy		728.99	17,790.00	
1168	Guytho Cesar	8/16/2006	3/21/2007	5th		Jeremy		925.00	17,480.00	
1176	Jack Pierre Louis	7/6/2006	5/29/2007	5th		Jeremy		1,438.70	17,480.00	
1178	Kethely Edouard	7/26/2006	4/9/2007	5th		Jeremy		925.00	17,810.00	
1179	Myriam Nougues	7/26/2006	4/9/2007	5th		Jeremy		925.00	17,810.00	
1180	Marie Fleurime	7/12/2008	5/29/2007	5th				1,828.46	17,800.00	
1181	Eva Bazile	7/13/2006	4/25/2007	5th		Greg		925.00	17,810.00	
1194	Kelly Bernard	10/10/2006	7/25/2007	3rd				2,113.01	40,225.00	
								93,422.26	\$1,111,109.75	