

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

IN RE:)
TAYLOR BEAN & WHITAKER,)
MORTGAGE CORP.)
Debtor.)
_____)

Case No. 3:09-bk-07047-JAF
Chapter 11

**GREG STEINMETZ CONSTRUCTION, INC.'S RESPONSE TO DEBTORS
OMNIBUS OBJECTION #7: CLAIMS FOR WHICH DEBTORS ARE NOT LIABLE**

Creditor, Greg Steinmetz Construction, Inc. ("GSCI"), responds to *Debtors' Omnibus Objection #7: Claims For Which the Debtors Are Not Liable* (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 schedules were not made by TBW.

4. On certain of the parcels in question, 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. In their Omnibus Objection, Debtors contend that they are no longer liable for payment of certain of the Claims based on the fact that the Loans associated with said claims were "sold in REO ordinary course or in an REO bulk sale during Debtors' Chapter 11 proceedings; and/or loans for which servicing has been transferred."

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

9. The Debtors' objection is without merit; the Claims were valid as of the Petition Date, and even if the Bankruptcy Court approved sale of the subject Loans, any

claims arising from TBW's breach of those Loans would be assertable against the proceeds of such sale.

WHEREFORE, GSCI requests that this Court (i) deny the Omnibus Objection with respect to GSCI's claims on the Loans, (ii) 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

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GSC #	Name	LOAN SETTLEMENT		LAST DRAW RECEIVED	CO DATE	Super	Loan matured NOTES	Total of 5th & 10%	
		DATE	DATE					Overages	TBW
1049	Persaud, Sase ***	11/25/2006	4/19/2007	4th	Ken	1,006.00	17,809.50		
1053	Abel, Milmose	12/5/2005	3/13/2007	4th	Paul	2,072.00	18,054.00		
1059	Shulachenko, Elena	12/9/2005	1/18/2007	4th	Ken	1,487.20	24,210.70		
1062	Teloma, Derby	12/28/2005	3/6/2007	4th	Paul	1,180.00	20,830.00		
1063	Antoine, Durozier	1/25/2006	1/2/2007	4th	Jeremy	2,478.29	21,594.00		
1067	Francois Fong	2/2/2006	1/18/2007	4th	Greg B	645.05	20,854.00		
1070	Roman Lamothe	1/6/2006	3/1/2007	4th	Paul	1,776.25	21,041.25		
1072	Antoine, Marguerite	1/25/2006	2/1/2007	5th	Jeremy	2,113.59	16,980.00		
1074	Sylvania Jean	1/11/2006	1/19/2007	4th	Paul	1,557.50	20,369.50		
1076	Pierre St. Pierre	12/19/2005	2/6/2007	4th	Ken	2,764.36	24,440.40		
1080	Jean Joseph	1/8/2006	3/15/2007	5th	Ken	1,080.00	19,285.00		
1081	Francoeur, Marie ***	1/10/2006	6/22/2007	4th	Paul	2,772.03	19,988.00		
1084	Celliste Malmie	1/25/2006	3/2/12007	4th	Greg B	1,715.00	21,594.90		
1085	Luis Gonzalez	1/27/2006	1/26/2007	4th	Jeremy	1,735.00	22,066.50		
1087	Wilfred Mondastin ***	1/27/2006	NO	3rd	Greg B	1,095.00	22,742.00		
1088	Sylvia Joseph	1/25/2006	2/12/2007	4th	Jeremy	1,805.00	25,471.00		
1090	Betty Joseph	1/25/2006	1/12/2006	4th	Jeremy	1,904.00	25,561.00		
1093	Myrlam Sufra	2/8/2006	3/8/2007	4th	Ken	1,685.00	23,194.00		
1097	Elourdes Bazile	2/28/2006	1/26/2007	4th	Greg B	1,736.45	26,007.00		
1098	Jude Carstyle ***	1/8/2006	NO	4th	Jeremy	325.00	23,134.00		
1099	Nikette Supreme	2/10/2006	1/26/2007	4th	Greg B	2,252.03	22,625.00		
1101	Joseph Charlot	2/10/2008	2/1/2007	4th	Greg B	2,195.05	24,634.50		
1104	Craig Ziacle ***	2/10/2006	5/14/2007	4th	Paul	925.00	24,019.50		
1109	Marie Beaudrum	3/15/2006	4/6/2007	4th	Jeremy	2,870.00	21,901.50		
1111	Louissaint Paraison	3/10/2006	1/26/2007	5th	Greg B	325.00	18,476.00		
1112	Clothaire Thelemaque	3/24/2006	1/26/2007	5th	Jeremy	925.00	18,380.00		
1115	Merphlin Desjillen	4/4/2006	2/22/2007	5th	Jeremy	1,812.63	17,156.00		
1136	Anne Bellevue ***	3/24/2006	5/29/2007	4th	Jeremy	3,675.78	22,503.50		
1147	Louise Forte	3/15/2006	2/16/2007	5th	Greg B	325.00	18,380.00		
1148	Peta Gave-Dunn	3/23/2006	4/11/2007	5th	Paul	1,320.00	23,331.50		
1149	Earnsaine Smith	3/23/2006	6/7/2007	4th		3,943.19	37,131.00		
1124	Brutus, Marie Alice	4/7/2006	2/27/2007	5th	Greg B	1,262.15	17,290.00		
1133	Louise Azor	6/1/2006	3/21/2007	5th	Jeremy	2,945.05	20,900.00		
1139	Forestal, Dupuy	4/6/2006	1/17/2007	5th	Jeremy	3,499.79	17,380.00		
1144	Joseph Dorvil	4/19/2006	4/6/2007	5th	Paul	925.00	17,385.00		
1148	Pierre Simeus	5/15/2006	4/18/2007	5th	Paul	1,895.00	19,380.00		
1149	Jean Julienise	4/28/2006	5/8/2007	4th		2,865.00	25,841.00		
1150	Wilmer Charles	4/24/2006	4/27/2007	5th		1,320.00	17,695.00		

EXHIBIT

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GSC #	Name	LOAN SETTLEMENT		LAST DRAW RECEIVED	CO DATE	Super	Loan Maturity	NOTES	Overages	Total of 5th & 10% TBW
		DATE	DATE							
1163	Ostac Vincent	5/5/2006		5th	4/2/2007	Greg B			3,955.54	16,955.00
1154	Calicourt, Jean	5/3/2006		5th	2/6/2007	Jeremy			1,740.99	17,145.50
1158	Nicolle St Felix	5/9/2006		5th	5/29/2007				1,680.00	17,810.00
1159	Jean Gerlin	5/9/2006		5th	3/30/2007	Greg			3,275.00	17,695.00
1160	Danton Nicolas	5/19/2006		4th	6/15/2007				1,225.00	17,810.00
1161	Marcelle Forte	6/2/2006		5th	3/28/2007	Jeremy			1,996.19	22,608.00
1162	Forte Jocelyne	6/5/2006		5th	3/15/2007	Jeremy			2,045.00	17,480.00
1164	Ramsey Batalille	6/2/2006		5th	2/7/2007	Jeremy			728.99	17,575.00
1168	Guytho Cesar	8/16/2006		5th	3/2/2007	Jeremy			925.00	17,790.00
1176	Jack Pierre Louis	7/6/2006		5th	5/29/2007	Jeremy			1,438.70	17,480.00
1178	Kathely Edouard	7/26/2006		5th	4/9/2007	Jeremy			925.00	17,810.00
1179	Myriam Nougues	7/26/2006		5th	4/9/2007	Jeremy			925.00	17,810.00
1180	Marie Fleurpme	7/12/2006		5th	5/29/2007				1,828.46	17,800.00
1181	Eva Bazille	7/13/2006		5th	4/25/2007	Greg			925.00	17,810.00
1194	Kelly Bernard	10/10/2006		3rd	7/25/2007				2113.01	40,225.00
									93,422.26	\$1,111,109.75