

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

FILED
JACKSONVILLE, FLORIDA

JAN 7 2011

IN RE:
Scott Allan Schledwitz and
Roxanne Johnson Schledwitz,

CASE NO: 3:09-bk-07047-JAF
CHAPTER: 11

CLERK, U. S. BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

Movant
VS.

Taylor, Bean and Whitaker Mortgage Corporation,
Home America Mortgage,
REO Specialists, LLC,

OBJECTION TO RELIEF REQUESTED
IN DEBTORS' OMNIBUS OBJECTION #8

Debtors

**OBJECTION TO RELIEF REQUESTED IN DEBTORS' OMNIBUS OBJECTION
#8**

On December 9, 2010, Taylor, Bean & Whitaker Mortgage Corp. ("TBW"), REO Specialists, LLC ("REO"), and Home America Mortgage ("HAM", and with TBW and REO, collectively, the "Debtors"), by and through its attorneys, filed Debtors' Omnibus Objection #8 requesting that the claim of claimant/creditor Scott Allan Schledwitz and Roxanne Johnson Schledwitz("Creditors") be disallowed because of "INSUFFICIENT INFORMATION/NOT FOUND IN RECORDS".

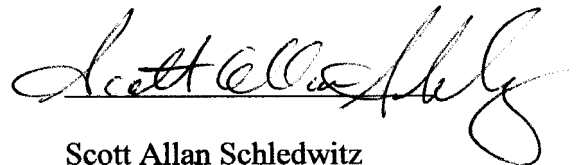
On February 25, 2010, Creditors filed a Proof of Claim (Claim #994) in Case No. 3:09-bk-07047-JAF for the amount of \$210,000 as instructed to Creditors by the Court (attached) during the Creditors' hearing on February 19, 2010 in Middle Florida Bankruptcy Court on the Creditors' Motion for Relief from Automatic Stay (Docket #1002). filed against Taylor, Bean and Whitaker Mortgage Corporation. Debtors' Objection noted Creditors' Motion was filed 30 days after Debtors' Bankruptcy filing(Docket #1044). Debtors filed a Motion for Relief from Automatic Stay in South Carolina Bankruptcy Court against Creditors prior to Debtors' filing for Bankruptcy Chapter 11 in Bankruptcy Court Middle District of Florida. Attached to Creditor's Proof of Claim is supporting documentation including documents showing the aforementioned Debtor Motion for Relief from Automatic Stay and the Objection filed by the Creditors prior to Debtors' Bankruptcy filing on August 24, 2009.

Creditors should not be further victimized because of TBW's illegal practices when servicing Creditors' mortgages. In *Ameriquist Mortgage Corporation vs. Jocelyn S. Nosek*, punitive damages included the purchase price of the property in lieu of the property itself, which had already been sold by Ameriquist. This is the basis for Creditors' secured claim. Creditors' Motion for Relief from Automatic Stay and Creditors' Proof of Claim shows TBW's consistent violation of contractual agreements and violation of Stay in regard to Creditors' own Chapter 13 Bankruptcy. TBW's objection indicates it is not liable for Creditors' claims even though an admission of wrongdoing was stated to the Court (attached). TBW remains liable for these actions. It is inequitable for Creditor's claim to be disallowed. Therefore, Creditor's claim should be allowed as a priority claim to the extent permitted by 11 U.S.C. § 507(b).

WHEREFORE, Creditor respectfully requests that this Court reject the relief requested by Debtors' Omnibus Objection #8 with respect to Claim # 994 and enter an order allowing Creditor's claim in its entirety (\$210,000 as a secured claim), and for such other relief as is deemed appropriate.

Respectfully submitted,
Scott Allan Schledwitz
Roxanne Johnson Schledwitz
Plaintiffs

This 6th Day of January, 2011



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CERTIFICATE OF SERVICE

I hereby certify that on **January 6, 2011**, a copy of the foregoing Creditor's Objection to Relief Requested in Debtors' Omnibus Objection #8 was served electronically or by regular United States mail to:

Jeffrey W Kelley Edward J Peterson, III
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/s/ Scott Schledwitz
Scott Schledwitz, Pro Se

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

Chapter 11

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,

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

Debtor.

**ORDER DENYING MOTION FOR RELIEF FROM STAY FILED
BY SCOTT A. SCHLEDWITZ AND ROXANNE J. SCHLEDWITZ**
(Related to Docket No. 965)

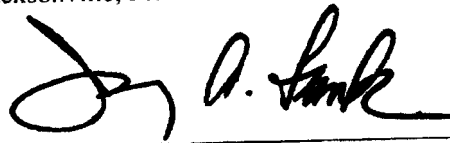
THIS CASE came on for hearing on February 19, 2010, upon the Motion for Relief from Stay filed by Scott A. Schledwitz and Roxanne J. Schledwitz (Doc. No. 965) (the "Motion")¹. For the reasons stated orally and recorded in open Court, the Motion is denied on the terms and conditions herein.

Accordingly, it is hereby

ORDERED,

1. The Motion is denied.
2. The entry of this Order is without prejudice to the rights of the Movants to file proofs of claim in this bankruptcy case, and the Debtor's rights to object to same.

DATED: March 4, 2010 in Jacksonville, Florida.



JERRY A. FUNK
United States Bankruptcy Judge

¹ Unless otherwise defined, capitalized terms shall have the same meaning ascribed to them in the Motion.