

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED
JACKSONVILLE, FLORIDA

FEB 15 2011

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

Joni Cox-Tanner

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

**REQUEST FOR AMENDMENT AND MODIFICATION OF CLAIM NUMBER 2621 TO
BE REPRESENTATIVE OF CLAIM NUMBER 2729, LOSS MITIGATION EMPLOYEE
FOR TAYLOR BEAN AND WHITAKER, HOME AMERICAN MORTGAGE, INC.
AND REO SPECIALTIES, LLC, RICO D. ELIJAH.**

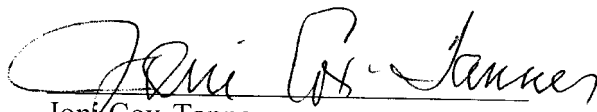
Comes now Joni Cox-Tanner, Homeowner and Defendant seeking a request by said court on behalf of Defendant to modify and amend said claim number 2621 to be representative of claim number 2729, loss mitigation employee for above referenced case numbers. Due to future evidence to be provided to court on behalf of defendant, claim needs to be changed to reflect the three Debtors, Taylor Bean and Whitaker. REO Specialties, LLC and Home American Mortgage, Inc. and to dismiss other listed name(s) on claim.

Joni Cox-Tanner and Charles Tanner request that the amount listed on said claim should be amended and open-ended to reflect the hearing on evidence provided by and on behalf of Homeowners Joni Cox-Tanner and Charles Tanner, respectfully. As well, an additional cause of claim other than the Truth In Lending Act shall be requested to represent "Unfair and Deceptive

Mortgage Loan Servicing” FDCPA, 15 U.S.C. §§ 1601- 1692, and RESPA 12 U.S.C. § 2605(e).
See *United States v. Fairbanks Capital Corp.*, No. SACV 04-549.

CERTIFICATE OF SERVICE

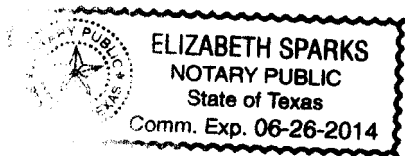
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via mail to: Elena Escamilla, Trial Attorney, Office of the United States Trustee. U.S. Department of Justice Florida Bar No: 898414, 135 W. Central Blvd., Suite 620 Orlando FL. 32801 and served to via mail to: Edward J. Peterson, III (FBN 014612) **STRICHTER, RIEDEL, BLAIN & PROSSER, P.A. (Attorneys for the Debtor/Plaintiff)** 110 East Madison Street, Suite 200 Tampa, FL 33602.

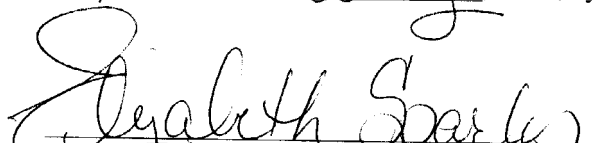

Joni Cox-Tanner
2403 Terrace Ave.
Midland, TX 79705
(432) 349-3006

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF MIDLAND §

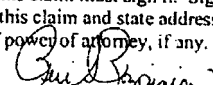

This instrument was acknowledged before me on the 14th day of February, 2011, by Joni Cox-Tanner in the capacity stated therein.




Notary Public, State of Texas

FILE COPY

B10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION		PROOF OF CLAIM
Name of Debtor: <input checked="" type="checkbox"/> Taylor, Bean & Whitaker Mortgage <input checked="" type="checkbox"/> REO Specialists, LLC <input checked="" type="checkbox"/> Home America Mortgage, Inc.		Case Number: 3:09-bk-07047-JAF; 3:09-bk-10022-JAF; 3:09-bk-10023-JAF
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 501.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Rico D. Elijah JACKSONVILLE, FLORIDA		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: Jack A. Ruisner, Esq. René S. Roupinian, Esq. OUTTEN & GOLDEN LLP 3 Park Avenue, 29 th Floor New York, NY 10016 Telephone number: 212-245-1000		
Name and address where payment should be sent (if different from above): Telephone number: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$11,550.00 If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges. "Priority Claim, see item 5."		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input checked="" type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4). <input checked="" type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____). Amount entitled to priority: <p style="text-align: center;">\$10,950.00</p> <p><small>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small></p>
2. Basis for Claim: 60 days' wages and benefits as a result of the Debtor's violation of the WARN Act, 29 USC § 2101 et. seq. * The claim is being filed in all 3 estates and duplicative claims will be withdrawn after the relevant employer has been determined. * By filing this proof of claim, the creditor, a former employee of the Debtor, neither intends to waive his/her right to pursue or benefit from any WARN claim that is certified as a class action or allowed on a class proof of claim basis, nor waive any entitlement to have his/her WARN claim treated as an administrative expense under Section 503(b). (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: _____ 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
Date: 6/11/2010	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number, if different from the address above. Attach copy of power of attorney, if any. Rene S. Roupinian, Attorney 	
FOR COURT USE ONLY Scanned: 6/14/2010 3:13:53 PM Mortgage Corp.  02729		