

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED
JACKSONVILLE, FLORIDA
MAR 01 2011
CLERK, U.S. BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

Charles Tanner and Joni Cox-Tanner

Creditors

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

**CREDITOR'S REPSONSE TO DEBTORS OBJECTION TO REQUEST A
CONTINUANCE OF HOME AMERICA MORTGAGE, INC.'S OBJECTION TO CLAIM
OF JONI COX-TANNER AND CHARLES TANNER
(CLAIM NO. 2621) [DOCKET NO. 2599]**

Creditor Joni Cox-Tanner and Charles Tanner respectfully request the Honorable Judge Funk to consider the following request for a continuance from March 4, 2011 to the March 18, 2011 court date which we can attend. For purposes of obliging Debtor's Legal Counsel, we are unable to attend the March 4, 2011 court hearing due to obligations for our employment. We are willing and able to attend in person or via teleconference after March 7th, 2011, whatsoever allows for the schedule of the Honorable Judge Funk and Debtor's Counsel. We would request at least one week's notice. Hearing date was set as of February 1, 2011 and Creditors responded with request for continuance on February 8, 2011 [Docket No. 2654].

Debtor's counsel objected on February 21, 2011 [Docket No. 2723], requesting a change in the status of our claim from HAM to Taylor Bean and Whitaker for voting purposes. On February 15, 2011, Creditor Joni Cox-Tanner filed a Notice for Request for Amendment and Modification of Claim No. 2621 [Docket 2711].

As of Friday, February 28, 2011, the court date was not found on the bmc group web site. After contacting The Honorable Judge Funk's case manager, it was placed on the hearing date on the web site. According to Code of Federal Regulations or 28 CFR 6007-Conduct and accountability Title 28, (a), The Special Counsel and staff shall be subject to disciplinary action for misconduct and breach of ethical duties under the same standards and to the same extent as are other employees of the Department of Justice. Inquiries into such matters shall be handled through the appropriate office of the Department upon the approval of the Attorney General. There are issues with the Public Access to Court Electronic Records. These electronic records include general case information, the docket and claims register. These electronic records allow access to the records via internet.

The Trustee Code and Appointment in Chapter 11, the (code) presumes a debtor will remain in possession of its property and business in a Chapter 11 case. In cases of FRAUD, GROSS MISMANAGEMENT OR WHERE THE APPOINTMENT IS IN THE INTEREST OF CREDITORS, THE COURT MAY APPOINT A TRUSTEE TO TAKE OVER THE BUSINESS OF THE DEBTOR. THE APPOINTMENT OF A TRUSTEE TERMINATES THE DEBTORS EXCLUSIVITY PERIOD. NO SUCH TRUSTEE WAS EVER APPOINTED TO BE IN THE BEST INTEREST OF CREDITORS.

REASONABLE INVESTIGATION: a Debtors Attorney must certify, under penalty of sanctions, the accuracy of the debtor's bankruptcy petition and schedules and conduct a "reasonable investigation" before making such certification. A reasonable investigation would include, but not be limited to, the attorney's inquiring or researching matters stated in the debtor's petition and schedules to determine the correctness of certain representations of the debtor.

LENDER LIABILITY: A body of law which includes liability for breach of contract and other wrongs where banks and other lenders may be made to pay damages to customers. A bank that terminates long standing credit relationship without warning may be held liable for damages.

We, as creditors request the following documents be provided to the Honorable Judge Funk as well as Charles Tanner and Joni Cox-Tanner for review:

1. The Original paper form Uniform Residential Loan Application,
2. The Original paper form of HUD1, and ,
3. The Original paper form of the Promissory note Naming TBW as lender and note Holder, as well as,
4. The said and noted October 2008 Original paper form modification to “Claimant’s” loan with TBW.
5. All amounts of monies paid down for Loan application and all payment history from August 2007 to present.

In future court, claimants would request to provide and “compel” to the Honorable Judge Funk evidence which will prove Debtor’s Attorney’s information mere “misfortunate and mistaken accusations”. If granted, Creditors plea to this court that all information be delivered within ten days of the new court date.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via e-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 e-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
Creditor/Defendant
2403 Terrace Ave
Midland, TX 79705

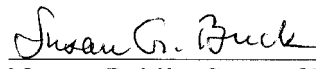


Charles Tanner
Creditor/Defendant
2403 Terrace Ave
Midland, TX 79705

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF MIDLAND §

This instrument was acknowledged before me on the 28th day of February, 2011, by Joni Cox-Tanner and Charles Tanner in the capacity stated therein.

 SUSAN G. BUCK
Notary Public, State of Texas

