

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
www.flmb.uscourts.gov

In re:

TAYLOR BEAN & WHITAKER
MORTGAGE CORP.,

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

Debtor.

OBJECTION TO SCHEDULED CLAIM OF PAULETTE IRWIN

**IMPORTANT NOTICE TO CREDITOR:
THIS IS AN OBJECTION TO YOUR CLAIM**

This objection seeks to disallow your scheduled claim. Please read this objection carefully to identify which scheduled claim is objected to and what disposition of your claim is recommended.

If you disagree with the objection or the recommended treatment, you must file a written response WITHIN 30 DAYS from the date of service stated in this objection, explaining why your claim should be allowed as presently filed, and you must mail a copy to the undersigned attorneys OR YOUR CLAIM MAY BE DISPOSED OF IN ACCORDANCE WITH THE RECOMMENDATION IN THIS OBJECTION.

If your entire claim is objected to and this is a chapter 11 case, you will not have the right to vote to accept or reject any proposed plan of reorganization until the objection is resolved, unless you request an order pursuant to Bankruptcy Rule 3018(a) temporarily allowing your claim for voting purposes.

Any written response must contain the case name, case number, and must be filed with the Clerk of the United States Bankruptcy Court, Bryan Simpson United States Courthouse, 300 North Hogan Street, Suite 3-350, Jacksonville, FL 32202 with a copy to Debi Evans Galler, Esq., Berger Singerman, P.A., 200 South Biscayne Blvd., Suite 1000, Miami, FL 33131.

The Official Committee of Unsecured Creditors (the “Committee”), for and on behalf of the estate of Taylor, Bean & Whitaker Mortgage Corp. (the “Debtor” or “TBW”)¹ (the Committee,

¹ Prior to the filing of TBW’s Chapter 11 petition, for various reasons, the directors and officers of TBW resigned and Navigant Capital Advisors, LLC and Neil Luria as CRO, assumed responsibility for the operations of the Debtor and in conjunction with a newly constituted independent board of directors, commenced this bankruptcy case. As a result of the nature of the transition, as more fully detailed in the *Final Reconciliation Report of Debtor Taylor, Bean & Mortgage Corp.* [D.E. # 164] (the “Report”) filed on July 1, 2010, the Debtor’s schedules were filed based on the available data.

together with the Debtor or TBW, will be referred to as the “Movant”), pursuant to the *Order Granting Motion for the Official Committee of Unsecured Creditors for Derivative Standing to Prosecute Litigation in the Name of the Debtor* [D.E. # 1020] and the *Notice of Sixth Amendment to the Colorable Actions List filed Pursuant to the Order Granting Motion of the Official Committee of Unsecured Creditors for Derivative Standing to Prosecute Certain Actions in the Name of the Debtor, Adding Claims Against Certain Entities and Individuals* [D.E. # 3272]², along with and pursuant to Federal Rule of Bankruptcy Procedure 3007 and Local Rule 3007-1, hereby files this objection (the “Objection”) to the scheduled claim of Paulette Irwin as follows:

Claimant	Scheduled Claim #	Amount	Basis for Disposition	Recommended Disposition
Paulette Irwin 9 Plymouth Avenue New Bedford, MA 02719	S26215	\$1,529.60	Claimant submitted check to TBW that was returned by the bank due to insufficient funds. Therefore, there is no outstanding liability relating to this claim.	Claim should be stricken and disallowed in its entirety.

The Movant reserves the right to amend the objection to the claim set forth herein, to object on additional grounds not set forth herein and/or to object to any further claims not presently set forth herein. By filing this Objection, the Movant does not waive the right to file further objections or to pursue avoidance actions or other causes of action.

WHEREFORE, the Movant respectfully requests that the Court (1) dispose of the claim set forth herein, as recommended by the Movant, on the grounds set forth in this Objection, without prejudice to the rights of the Movant or other interested parties to file further objections or to pursue

Following the completion of the Report, further bases were uncovered to dispute certain scheduled claims necessitating this objection.

² On the Effective Date of the *Third Amended and Restated Joint Plan of Liquidation of the Debtors and the Official Committee of Unsecured Creditors* (the “Plan”), as that term is defined in the Plan, the post-confirmation plan trust (“Plan Trust”) defined by and provided for in the Plan shall be deemed substituted as the moving party in this Objection

avoidance actions or other causes of action, and (2) grant such other and further relief as is just and appropriate.

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Middle District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(a).

I HEREBY CERTIFY that a true and correct copy of this objection was served to those listed on the attached service list per the method denoted on the service list and via U.S. Mail to the Paulette Irwin at the address contained in this objection.

Dated: July 12, 2011

Respectfully submitted,

BERGER SINGERMAN, P.A.
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Unsecured Creditors*
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By: /s/ Debi Evans Galler
Debi Evans Galler
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SERVICE LIST

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