

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.

SIXTEENTH OMNIBUS OBJECTION TO CLAIMS
(LOAN SERVICING RELEASED TO BANK OF AMERICA)

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

This objection seeks to disallow certain claims. Please read this objection carefully to identify which 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 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.

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") (the Committee, 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]¹, along with and pursuant to Federal Rule of Bankruptcy Procedure 3007 and Local Rule 3007-1, hereby files this objection (the "Objection") to the claims listed on the attached **Exhibit "A"** as follows:

Exhibit "A" Servicing Released to Bank of America: The Movant objects to each claim set forth on Exhibit "A" as each claim listed relates to servicing of a loan(s) that were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes, insurance or other servicing related costs after servicing was released to Bank of America are not owed by the Debtor. These claims, therefore, should be stricken and disallowed in their entirety.

The Exhibit attached hereto lists the claims being objected to by the Movant, with the specific grounds and reasons for the Movant's objection, and the requested disposition of such claims, as set forth above.

All claimants that have received this Objection should locate their names and claims on the attached Exhibit, which names are listed alphabetically.

The Movant reserves the right to amend any objection to any claim set forth on Exhibits "A", to object on additional grounds not set forth in Exhibit "A", and/or to object to any further claims not presently set forth on this Exhibit. 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 request that the Court (1) dispose of the claims set forth on the Exhibit "A", as recommended by the Movant, on the grounds set forth in this Objection and on the attached Exhibit, without prejudice to the rights of the Movant or other interested parties to file further objections or to pursue avoidance actions or other causes of action, and (2) grant such other and further relief as is just and appropriate.

¹ 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 (as defined herein) pursuant to Article 6(F) of the Plan. The Court entered an Order confirming the Plan on July 21, 2011 (D.E. # 3420).

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 pleading was served electronically to all CM/ECF subscribers and via U.S. Mail, postage prepaid, to those listed on the attached service list on this 9th day of August, 2011.

Respectfully submitted,

BERGER SINGERMAN, P.A.
*Counsel for the Official Committee of
Unsecured Creditors*
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By: /s/ Alisa Paige Mason
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EXHIBIT "A" TO 16TH OMNIBUS OBJECTION TO CLAIMS - SERVICING RELEASED TO BANK OF AMERICA

	Name of Claimant	Claim No.	Claim Amount	Basis for Disposition	Recommended Disposition
1	Brown County Appraisal District (Brown CAD) c/o Elizabeth Weller, Esq. & Laurie Spindler Huffman, Esq. Linebarger Goggan Blair & Sampson, LLP 2323 Bryan Street, Suite 1600 Dallas, TX 75201-2691	3451	\$ 1,077.88	Servicing of the loan(s) associated with Claim No. 3451 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3451 should be stricken and disallowed in its entirety.
2	Cochise County Treasurer Terry Bannon Po Drawer CA Bisbee, AZ 85603	3327	\$ 3,086.05	Servicing of the loan(s) associated with Claim No. 3327 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3327 should be stricken and disallowed in its entirety.
3	Dallas County Elizabeth Weller & Laurie Spindler Huffman Linebarger Goggan Blair & Sampson LLP 2323 Bryan St, Ste 1600 Dallas, TX 75201-2691	3447	\$ 3,927.99	Servicing of the loan(s) associated with Claim No. 3447 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3447 should be stricken and disallowed in its entirety.
4	Ellis County Elizabeth Weller & Laurie Spindler Huffman Linebarger Goggan Blair & Sampson LLP 2323 Bryan St, Ste 1600 Dallas, TX 75201-2691	3445	\$ 5,258.07	Servicing of the loan(s) associated with Claim No. 3445 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3445 should be stricken and disallowed in its entirety.
5	Hood County Appraisal District (Hood CAD) c/o Elizabeth Weller, Esq. & Laurie Spindler Huffman, Esq. Linebarger Goggan Blair & Sampson, LLP 2323 Bryan Street, Suite 1600 Dallas, TX 75201-2691	3458	\$ 6,259.65	Servicing of the loan(s) associated with Claim No. 3458 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3458 should be stricken and disallowed in its entirety.
6	Hunt County Elizabeth Weller & Laurie Spindler Huffman Linebarger Goggan Blair & Sampson LLP 2323 Bryan St, Ste 1600 Dallas, TX 75201-2691	3450	\$ 11,127.93	Servicing of the loan(s) associated with Claim No. 3450 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3450 should be stricken and disallowed in its entirety.

	Name of Claimant	Claim No.	Claim Amount	Basis for Disposition	Recommended Disposition
7	Kaufman County Elizabeth Weller & Laurie Spindler Huffman Linebarger Goggan Blair & Sampson LLP 2323 Bryan St, Ste 1600 Dallas, TX 75201-2691	3452	\$ 9,379.41	Servicing of the loan(s) associated with Claim No. 3452 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3452 should be stricken and disallowed in its entirety.
8	Mesa Terrace Condominium Association Brian W Morgan C/O Maxwell L & Morgan Pc 2500 S Power Rd Ste 103 Mesa, AZ 85209	1580	\$ 167.00	Servicing of the loan(s) associated with Claim No. 1580 were released to Bank of America as of August 10, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 1580 should be stricken and disallowed in its entirety.
9	Parker Cad Elizabeth Weller & Laurie Spindler Huffman Linebarger Goggan Blair & Sampson LLP 2323 Bryan St, Ste 1600 Dallas, TX 75201-2691	3446	\$ 310.10	Servicing of the loan(s) associated with Claim No. 3446 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3446 should be stricken and disallowed in its entirety.
10	Polk County John P Dillman Linebarger Goggan Blair & Sampson LLP Po Box 3064 Houston, TX 77253-3064	3333	\$ 610.85	Servicing of the loan(s) associated with Claim No. 3333 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3333 should be stricken and disallowed in its entirety.
11	Tarrant County Elizabeth Weller & Laurie Spindler Huffman Linebarger Goggan Blair & Sampson LLP 2323 Bryan St, Ste 1600 Dallas, TX 75201-2691	3448	\$ 5,642.33	Servicing of the loan(s) associated with Claim No. 3448 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3448 should be stricken and disallowed in its entirety.
12	Wylie, City of Elizabeth Weller & Laurie Spindler Huffman Linebarger Goggan Blair & Sampson LLP 2323 Bryan St, Ste 1600 Dallas, TX 75201-2691	3449	\$ 1,206.72	Servicing of the loan(s) associated with Claim No. 3449 were released to Bank of America as of August 8, 2009. Accordingly, any amounts accruing in taxes or insurance after servicing was released to Bank of America are not owed by the Debtor.	Claim No. 3449 should be stricken and disallowed in its entirety.

**TBW – Case No. 09-07047-JAF,
Omni 16 Service List**

Brown County Appraisal District (CAD)
Elizabeth Weller, Esq. &
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