

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:) Case No. 3:09-bk-07047-JAF
)
Taylor Bean & Whitaker Mortgage) Chapter 11 Case
Corp.,)
)
Debtor.)

**RESPONSE OF INTEGRITY FIELD SERVICES, INC. TO FOURTEENTH OMNIBUS
OBJECTION TO CLAIMS (DUPLICATE CLAIMS)**

Now comes Integrity Field Services, Inc. (“Integrity”), by and through the undersigned counsel, and hereby files its response to the *Fourteenth Omnibus Objection to Claims (Duplicate Claims)* [Dkt. No. 3521] filed by the Official Committee of Unsecured Creditors, for and on behalf of the estate of Taylor, Bean & Whitaker Mortgage Corp. (the “Objection”). The Objection asserts that Integrity has filed duplicate claims in the amount of \$458,904.47 in these jointly administered bankruptcy cases, and that therefore Integrity’s Claim No. 1593 against Taylor, Bean & Whitaker Mortgage Corp. (“TBW”) should be stricken and disallowed, while Integrity’s Claim No. 811 against REO Specialists, LLC (“REO”) should survive. As more fully explained below, Integrity objects on the basis that TBW routinely solicited Integrity to perform services on its behalf as well as responded to various invoice and payment inquiries.

In response to the Objection, Integrity states:

1. In 2008, TBW agents contacted Integrity to retain its services to work on various properties owned by TBW throughout the country.
2. Soon after this initial meeting, Integrity began providing services to TBW, which included, among other things, the servicing of TBW’s default properties as well as activating and

maintaining utilities on these properties in TBW's name.

3. Throughout the relationship, TBW agents, among other things, solicited estimates from Integrity, approved various bids submitted by Integrity to TBW, and handled invoice and payment inquiries. Attached as Exhibit A are examples of such communications by TBW agents.

4. On August 24, 2009, TBW filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code.

5. Although Integrity provided services to TBW, TBW failed to include Integrity as a creditor in its bankruptcy case or provide Integrity with a proof of claim form.

6. On November 25, 2009, REO and Home America Mortgage Corp. ("HAM"), affiliated entities of TBW, filed Chapter 11 bankruptcy cases.

7. On December 4, 2009, REO filed *Debtor's Emergency Motion for Order Directing Joint Administration of Chapter 11 Cases Pursuant to Bankruptcy Rule 1015(b)*. In support of this motion for the Court to jointly administer the Chapter 11 cases of TBW, REO, and HAM, REO asserted among other things that "[t]he Debtors' respective creditors will not be adversely affected by the joint administration of these cases . . ." and that "each creditor may still file its claim against a particular estate." [Dkt. No. 730 at ¶ 15].

8. Soon after the filing of REO's bankruptcy case, Integrity received a proof of claim form identifying REO as the entity against which Integrity had a claim even though TBW was the only entity Integrity provided services to before the bankruptcy case.

9. In an abundance of caution, Integrity, by and through counsel, timely filed Claim No. 811 against REO and timely filed Claim No. 1593 against TBW, each in the amount of \$458,904.47.

10. Integrity asserts that its claim is not against REO, but against TBW.

11. Therefore, to the extent the Objection seeks to strike Claim No. 1593 against TBW and allow Claim No. 811 against REO, Integrity objects.

WHEREFORE, Integrity respectfully requests the Court overrule the Objection as it relates to Integrity, issue an Order allowing Integrity's claim against TBW in the amount of \$458,904.47, and grant Integrity such other and further relief as may be just and proper.

Respectfully submitted,

/s/ Daniel C. Wolters

Douglas A. DiPalma (OH Bar #0029871)

ddipalma@cavitch.com

Daniel C. Wolters (OH Bar #0076521)

dwolters@cavitch.com

Cavitch, Familo & Durkin Co., LPA

1300 East 9th Street, 20th Floor

Cleveland, OH 44114

(216) 621-7860

(216) 621-3415 (fax)

And

/s/ John S. Sarrett

John S. Sarrett (FL Bar # 0812811)

800 Laurel Oak Drive, Suite 600

Naples, FL 34108

(239) 254-2955

(239) 254-2948 (fax)

jsarrett@hahnlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **RESPONSE OF INTEGRITY FIELD SERVICES TO FOURTEENTH OMNIBUS OBJECTION TO CLAIMS (DUPLICATE CLAIMS)** was served electronically via the Court's CM/ECF system this 8th day of September, 2011 upon the following:

Jeffrey W. Kelley, Esq.
J. David Dantzler, Jr., Esq.
Troutman Sanders LLP
(electronic service)

*Special Counsel for the Debtor
And Debtor in Possession Taylor,
Bean & Whitaker Mortgage Corp.*

Russell M. Blain, Esq.
Edward J. Peterson, III, Esq.
Stichter, Riedel, Blain & Prosser, P.A.
(electronic service)

*Counsel for the Debtors and Debtors
in Possession*

Debi Evans Galler, Esq.
Berger Singerman, P.A.
200 South Biscayne Blvd., Suite 1000
Miami, FL 33131

*Counsel for the Official Committee of
Unsecured Creditors*

Paul Steven Singerman, Esq.
Arthur J. Spector, Esq.
Berger Singerman PA
(electronic service)

*Counsel for the Official Committee
of Unsecured Creditors of Taylor,
Bean & Whitaker Mortgage Corp.*

/s/ John S. Sarrett

One of the attorneys for Integrity