

IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

IN RE:

Taylor, Bean & Whitaker Mortgage, Corp.,

CASE NO: 3:09-bk-07047-JAF  
CHAPTER: 11

Debtor.

AFFIDAVIT IN SUPPORT OF MOTION TO LIFT, MODIFY OR ANNUL AUTOMATIC STAY  
OR FOR ADEQUATE PROTECTION

STATE OF: Florida }

COUNTY OF: Duval }

BEFORE ME, the undersigned authority, personally appeared Demetrius Foster

who, being by me first duly sworn, deposes and says:

1. I am Assistant Secretary, employed by AMERICAN HOME MORTGAGE SERVICING, INC., servicing agent for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST SERIES 2007-2, TBW MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2, herein referred to as "Creditor." I am personally familiar with the facts herein set forth and I am authorized to make this affidavit.
2. I have read the Motion to Lift, Modify or Annul Automatic Stay or for Adequate Protection in this case and the allegations in such Motion are true and correct. The exhibits attached to the Motion are true and correct copies of the Note and the Mortgage.
3. During the period ending with the defaults in payment of principal and interest, all payments under the foregoing instruments were made to Creditor, or its predecessor or predecessors in ownership of the Note and the Mortgage. The record of payments and charges to the account are personally known to me from the books and record for the account in Creditor's possession.

Jona M. McElroy  
Sean T. McElroy  
Loan #: xxxxxx4961  
3703 Norton Ave, Everett, WA 98201

OUR FILE: CA11-05854 / SH

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR**

4. The sums now due to creditor are itemized below and incorporated herein by reference.

  
Demetrius Foster

Executed on August 22, 2011.

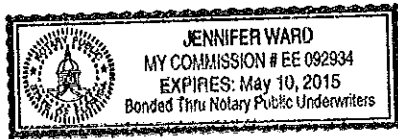
FURTHER AFFIANT SAYETH NAUGHT

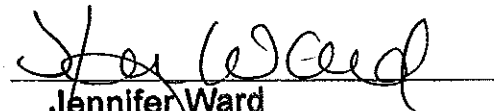
STATE OF: Florida }

COUNTY OF: Duval }

SWORN TO AND SUBSCRIBED BEFORE ME this 22nd day of August, 2011, by

Demetrius Foster, who is personally known to me.



  
Jennifer Ward  
NOTARY PUBLIC

Commission Number: EE 092 934

My Commission expires: May 10, 2015

Jona M. McElroy  
Sean T. McElroy  
Loan #: xxxxxx4961  
3703 Norton Ave, Everett, WA 98201

OUR FILE: CA11-05854 / SH

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR**

**AMERICAN HOME MORTGAGE SERVICING, INC., as servicer for, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST SERIES 2007-2, TBW MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2**

**CLAIM AND ARREARAGE WORKSHEET**

|                   |   |
|-------------------|---|
| FFA File Number:  | CA11-05854  |
| Client:           | AMERICAN HOME MORTGAGE SERVICING, INC.  |
| Movant:           | U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST SERIES 2007-2, TBW MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2 |
| Debtor            | Taylor, Bean & Whitaker Mortgage, Corp.   |
| USBC Case Number: | 3:09-bk-07047-JAF   |
| Division:         | Jacksonville Division   |
| District:         | Middle District of Florida  |
| Date Filed:       | 08/24/2009  |
| Chapter:          | 11  |

**APPROXIMATE PAYOFF FIGURES:**

|                                  |                     |
|----------------------------------|---------------------|
| Principal Balance                | \$254,601.88        |
| Interest Due                     | \$4,396.86          |
| Escrow Advance                   | \$1,005.50          |
| Late Charges                     | \$434.70            |
| Property Inspection Fees         | \$57.60             |
| BPO/Appraisal Fees               | \$300.00            |
| Foreclosure Legal Fees and Costs | \$1,538.28          |
| Bankruptcy Legal Fees and Costs  | \$800.00            |
| <b>TOTAL</b>                     | <b>\$263,134.82</b> |

**APPROXIMATE ARREARAGES:**

**Number of Payments Due: 10**

|            |         |            |   |            |      |  |
|------------|---------|------------|---|------------|------|--|
| 11/01/2010 | Through | 08/01/2011 | @ | \$1,295.06 | Each |  |
|------------|---------|------------|---|------------|------|--|

**Total of Payments Due: \$12,950.60**

|                                  |            |
|----------------------------------|------------|
| Total of Late Charges Due:       | 434.70     |
| Property Inspection Fees         | \$57.60    |
| BPO/Appraisal Fees               | \$300.00   |
| Foreclosure Legal Fees and Costs | \$1,538.28 |
| Bankruptcy Legal Fees and Costs  | \$800.00   |

**TOTAL \$16,081.18**

Jona M. McElroy  
 Sean T. McElroy  
 Loan #: xxxxxx4961  
 3703 Norton Ave, Everett, WA 98201

OUR FILE: CA11-05854 / SH

***THIS COMMUNICATION IS FROM A DEBT COLLECTOR***

PAY4 ██████████4961 AS-OF 08/11/11 PAYOFF CALCULATION TOTALS 08/10/11 10:23:44  
 NAME JM MCELROY CONTACT NAME JONA M MCELROY

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-----
PRINCIPAL BALANCE          254,601.88          ----- RATE CHANGES -----
INTEREST 08/11/11          4,396.86  CALC INT FROM    RATE    AMOUNT
PRO RATA MIP/PMI              .00          10/01/10    2.00000    4,396.86
ESCROW ADVANCE              1,005.50          08/12/11
ESCROW BALANCE              .00
SUSPENSE BALANCE           .00
HUD BALANCE                 .00
REPLACEMENT RESERVE        .00
RESTRICTED ESCROW          .00
TOTAL-FEES                  60.00
ACCUM LATE CHARGES         434.70
ACCLM NSF CHARGES          .00
OTHER FEES DUE             .00
PENALTY INTEREST           .00
FLAT/OTHER PENALTY FEE     .00          TOTAL INTEREST          4,396.86
CR LIFE/ORIG FEE RBATE     .00          TOTAL TO PAYOFF        261,895.82
RECOVERABLE BALANCE        1,396.88  NUMBER OF COPIES: 1    PRESS PF1 TO PRINT
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PAY3 ██████████4961 AS-OF 08/11/11 PAYOFF FEES AND PERDIEM 08/10/11 10:23:34

| ----- 1ST MORT PERDIEM INTEREST - ASSESS WAIVE ----- |           |        | ----- ADDITIONAL FEES ----- |     |                           |
|--|-----------|--------|-----------------------------|-----|---------------------------|
| FROM   | RATE      | AMOUNT | N                           | N   |                           |
|  |           |        | N                           | N 1 | .00 PROP INSPECTION FEE   |
| 08/12/11   | 02.000000 | 13.95  | N                           | N 2 | .00 PROP INSPECTION FEE   |
| 03/01/47   | 00.000000 |        | N                           | Y 3 | .00 OVERAGE TO ESCROW     |
|  |           |        | N                           | N 4 | .00 INTEREST ON ESCROW    |
|  |           |        | N                           | N 5 | 30.00 STATEMENT/QUOTE FEE |
|  |           |        | N                           | N 6 | 30.00 LIEN RELEASE FEE    |
|  |           |        | N                           | N 7 | .00 RECORDING FEES        |
|  |           |        | N                           | N 8 | .00 FAX FEE(S)            |
|  |           |        | N                           |     | 434.70 ACCUM LATE CHARGES |
|  |           |        | N                           |     | .00 ACCUM NSF CHARGES     |
|  |           |        | N                           |     | .00 OTHER FEES DUE        |

----- MEMO ITEMS -----

PAYMENT L/C 51.73 TYP 13 ST 46 CNTY 061 INV P82 300

----- PF4: FEE COMMENTS -----

|   |   |
|---|---|
| <u>PRESS PF14 FOR MEMOS</u>                 | <u>ACTIVE FORECLOSURE</u>                 |
| <u>LOSS MIT IND = K LOAN MODIFICATION</u>   | <u>COMPLETED LOSS MITIGATION</u>          |
| <u>LOAN IS IN FORECLOSURE, F/C STOP = 1</u> | <u>PROC STOP = A FORECLOSURE DEPT</u>     |
| <u>LOAN PAST DUE 10 MONTHS</u>              | <u>163 DAYS PAST PROJECTED LEGAL DATE</u> |
| <u>ACTIVE STEP RATE LOAN</u>                |   |



DDCH ██████████ 4961 CORPORATE ADVANCE HISTORY SCREEN P82/300 08/10/11 10:27:01  
 JM MCELROY L:C F:A B: R: 11/01/10 TYPE CONV. RES. ARM MAN F  
 3703 NORTON AVE EVERETT WA 98201

\* MORE \*

\_\_\_\_\_ C/A PAYEE    \_\_\_ TRAN    \_\_\_\_\_ RSN    \_\_\_ USR    \_\_\_\_\_ ESC PAYEE  
 \_ SORT            \_ SORT            \_ SORT            \_ SORT            \_ SORT  
 DATE RANGE: \_\_\_\_\_ THRU \_\_\_\_\_

| TRN | USR | DATE     | TRAN AMT | ESC PAYEE | C/A<br>PAYEE RSN | DESCRIPTION           | ORIG DSB |
|-----|-----|----------|----------|-----------|------------------|-----------------------|----------|
| 633 | INV | 05/05/11 | 9.60     | FSFIDEL   | 13R19            | PIPI PROP INSPECTIONS |          |
| 633 | INV | 04/05/11 | 9.60     | FSFIDEL   | 13R19            | PIPI PROP INSPECTIONS |          |
| 633 | SYS | 03/11/11 | 100.00   | POWERVALU | 13R19            | PVBC BPO/FORECLOSURE  |          |
| 633 | INV | 02/07/11 | 9.60     | FSFIDEL   | 13R19            | PIPI PROP INSPECTIONS |          |
| 631 | INV | 12/30/10 | 20.65    | ATMCOD    | 13T21            | DBRE BREACH LETTER    |          |
| 745 | ### | 11/02/10 | 40.00-   |           | 13R19            | CARN C/A TO REIN/PIF  |          |
| 745 | ### | 09/16/10 | 100.00-  |           | 13R19            | RMDD RECVD-CAPITALIZD |          |
| 633 | INV | 08/19/10 | 20.00    | ATMCOD    | 13R19            | DBRE BREACH LETTER    |          |
| 633 | INV | 06/21/10 | 20.00    | ATMCOD    | 13R19            | DBRE BREACH LETTER    |          |
| 633 | KKM | 01/29/10 | 158.53   | 46061     | 13T21            | PTBW PENALTIES TBW    |          |

DDCH ██████████4961 CORPORATE ADVANCE HISTORY SCREEN P82/300 08/10/11 10:26:52  
 JM MCELROY L: C F: A B: R: 11/01/10 TYPE CONV. RES. ARM MAN F  
 3703 NORTON AVE EVERETT WA 98201

\* MORE \*

\_\_\_\_\_ C/A PAYEE    \_\_\_ TRAN    \_\_\_\_\_ RSN    \_\_\_ USR    \_\_\_\_\_ ESC PAYEE  
 \_ SORT            \_ SORT            \_ SORT            \_ SORT            \_ SORT  
 DATE RANGE: \_\_\_\_\_ THRU \_\_\_\_\_

| TRN | USR | DATE     | TRAN AMT | ESC PAYEE | C/A<br>PAYEE RSN | DESCRIPTION           | ORIG DSB |
|-----|-----|----------|----------|-----------|------------------|-----------------------|----------|
| 633 | INV | 08/04/11 | 9.60     | PM-LPSFSI | 13R19            | PIPI PROP INSPECTIONS |          |
| 632 | INV | 08/04/11 | 14.00    | ATDEF     | 13T19            | ATFC FC ATTY COSTS    |          |
| 632 | INV | 08/04/11 | 834.28   | ATDEF     | 13R19            | ATFC FC ATTY COSTS    |          |
| 630 | INV | 08/04/11 | 405.00   | ATDEF     | 13R19            | ATFF FC ATTY FEES     |          |
| 630 | INV | 08/04/11 | 35.00    | ATDEF     | 13T19            | ATFF FC ATTY FEES     |          |
| 633 | 9CV | 07/28/11 | 250.00   | ATDOCWA   | 13T19            | FCIR FC INIT REGISTER |          |
| 633 | 9CV | 07/15/11 | 85.00    | POWERVALU | 13T19            | PVRC RECONCILIATION   |          |
| 633 | INV | 07/06/11 | 9.60     | PM-LPSFSI | 13R19            | PIPI PROP INSPECTIONS |          |
| 633 | SYS | 06/24/11 | 100.00   | POWERVALU | 13T19            | PVBC BPD/FORECLOSURE  |          |
| 633 | INV | 06/07/11 | 9.60     | PM-LPSFSI | 13R19            | PIPI PROP INSPECTIONS |          |



FEE1 ██████████ 4961

FEE ACTIVITY LEDGER

08/10/11 10:25:55

SELECTED CODES \_\_\_\_\_ FROM MMDDYY

PAGE 1 OF 2

JONA M MCELROY

3703 NORTON AVE

SEAN T MCELROY

EVERETT

WA 98201-

| <u>FEE</u>  |                    | <u>DATE</u>     |               | <u>DATE</u>   |               | <u>DATE</u>   |               |
|-------------|--------------------|-----------------|---------------|---------------|---------------|---------------|---------------|
| <u>CODE</u> | <u>DESCRIPTION</u> | <u>ASSESSED</u> | <u>AMOUNT</u> | <u>PAID</u>   | <u>AMOUNT</u> | <u>WAIVED</u> | <u>AMOUNT</u> |
| 1           | LATE CHARGES       | F 10-23-09      | 843.20        |               |               |               |               |
| 1           | LATE CHARGES       | F               |               |               |               | 11-12-09      | 200.00        |
| 1           | LATE CHARGES       | F               |               |               |               | 01-20-10      | 505.92        |
| 1           | LATE CHARGES       | F 05-17-10      | 84.32         |               |               |               |               |
| 1           | LATE CHARGES       | F 06-16-10      | 84.32         |               |               |               |               |
| 1           | LATE CHARGES       | F               |               | 06-23-10      | 185.92        |               |               |
| 1           | LATE CHARGES       | F               |               | 06-24-10      | 120.00        |               |               |
| 1           | LATE CHARGES       | F 07-16-10      | 84.32         |               |               |               |               |
| 1           | LATE CHARGES       | F 10-18-10      | 51.73         |               |               |               |               |
| 1           | LATE CHARGES       | F               |               | 11-02-10      | 11.73         |               |               |
| 1           | LATE CHARGES       | F 11-16-10      | 51.73         |               |               |               |               |
| 1           | LATE CHARGES       | F 12-16-10      | 51.73         |               |               |               |               |
| 1           | LATE CHARGES       | F 01-17-11      | 51.73         |               |               |               |               |
| <u>NET</u>  |                    |                 | 434.70        | <u>TOTALS</u> | 1458.27       |               | 317.65        |
|             |                    |                 |               |               |               |               | 705.92        |

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DLQ1 [REDACTED] 4961 Q0 DELINQUENCY OWNR ZZZ 08/10/11 10:23:51  
 13-A CONV, RES. ARM PER/CLS/OFF F/SS/00 AGE: 4Y 6M IR: 2.00000 INV: P82  
 DUE( 10) 12,950.60 DUE 11/01/10( ) (11/02) ASSUM: ACQ:10/17/09  
 LATE CHR 434.70 PAYMT 1,295.06 P: 3703 NORTON AVE  
 BAD CK FEES .00 L/C AMT 51.73 EVERETT WA 98201  
 OTHER FEES .00 PAYMT + LC 1,346.79 M:  
TOT DUE 13,385.30\* PRIN BAL 254,601.88  
SUSPENSE .00 P&I 1,034.58 3703 NORTON AVE  
 NET DUE 13,385.30 DLQ 10 TIME,PAY 26 DAY EVERETT WA 98201  
 C/S 327 JONA M MCELROY [REDACTED]  
 C/D 12/09 SEAN T MCELROY

\*PHONE NO\* \*FINANC'L\*

-IMD:N----- \* ADDITIONAL MESSAGES \* -----WU: P -----

SOLICITFLAG = PRESS PF14 FOR MEMOS  
ACTIVE FORECLOSURE LOSS MIT IND = K LOAN MODIFICATION

-COM2-----\* COMMENTS \*-----

| DATE   | USR | CONTACT                   | RESPONSE         | REASON | RECALL | F/B | REMIN  |
|--------|-----|---------------------------|------------------|--------|--------|-----|--------|
| 090210 | 1JH | <u>&lt;NO MULTI FOUND</u> |                  |        |        |     |        |
| 080911 | GRS | CALLED HOME               | LEFT MSG TO CALL |        |        |     | 081011 |
| 080811 | DVX |                           | AMD NO MSG LEFT  |        |        |     |        |
| 080611 | CL3 | CALLED HOME               | NO ANSWER        |        |        |     |        |
| 080511 | DVX |                           | AMD NO MSG LEFT  |        |        |     |        |

PCH2 ██████████ 4961 HPMT 11/01/10 PAYMENT CHANGE MAINTENANCE 08/10/11 10:26:25

JM MCELROY 1ST PMT 04/01/07 INV P82/300 TYPE CONV. RES. ARM MAN F  
 ST MCELROY CUR PMT 11/01/10 PB 254,601.88 IR 2.00000 GRP 1TP

-----\* HISTORY OF PAYMENTS \*-----

| <u>PMT DT</u>    | 11/01/10 | 10/01/11            | 10/01/12            | 10/01/13            |
|------------------|----------|---------------------|---------------------|---------------------|
| <u>IR</u>        | 2.00000  | <u>3.00000</u>      | <u>4.00000</u>      | <u>4.54000</u>      |
| <u>P&amp;I</u>   | 1,034.58 | <u>1,159.79</u>     | <u>1,288.63</u>     | <u>1,358.86</u>     |
| <u>COUNTY</u>    | 216.65   | 216.65              | 216.65              | 216.65              |
| <u>CITY</u>      | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>HAZARD</u>    | 43.83    | 43.83               | 43.83               | 43.83               |
| <u>MI</u>        | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>LIEN</u>      | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>OS</u>        | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>MISC</u>      | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>BSC</u>       | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>A&amp;H</u>   | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>LIFE</u>      | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>REPL</u>      | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>HUD</u>       | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>2 P&amp;I</u> | 0.00     | 0.00                | 0.00                | 0.00                |
| <u>NET</u>       | 1,295.06 | 1,420.27            | 1,549.11            | 1,619.34            |
| <u>PAYMNT</u>    |          | <u>MODIFICATION</u> | <u>MODIFICATION</u> | <u>MODIFICATION</u> |
| <u>CHANGE</u>    |          | <u>MODIFICATION</u> | <u>MODIFICATION</u> | <u>MODIFICATION</u> |
| <u>REASON</u>    |          |                     |                     |                     |



PCH2 ██████████ 4961 IARM 11/01/10 PAYMENT CHANGE MAINTENANCE 08/10/11 10:26:12

JM MCELROY 1ST PMT 04/01/07 INV P82/300 TYPE CONV. RES. ARM MAN F  
 ST MCELROY CUR PMT 11/01/10 PB 254,601.88 IR 2.00000 GRP 1TP

-----\* SCHEDULED ARM IR & PI CHANGES \*-----

| PMT DATE  | 11/01/10 | IN EFFECT | 10/01/10 | IN EFFECT |
|-----------|----------|-----------|----------|-----------|
| IR METH   | I        |           | PI METH  | F         |
| IR        | 2.00000  |           | P&I      | 1,034.58  |
| CHG TYPE  | N        |           | CHG TYPE | N         |
| REASN CD  | MD       |           | REASN CD | MD        |
| INDEX     |          |           | PMT RATE |           |
| IR CARRY  |          |           | PRIN BAL |           |
| S/F RATE  | 0.25000  |           | REM TERM |           |
| MARGIN    | 0.00000  |           | OPT P&I  |           |
| CONV IR   |          |           | CONV P&I |           |
| IDX CD-1  | STEP     |           |          |           |
| IDX CD-2  |          |           | COUP     | 0         |
| DIST TYPE | 1        |           |          |           |

IR REASON \_\_\_\_\_ PI REASON \_\_\_\_\_  
 (OLD) MODIFICATION (OLD) MODIFICATION

-----\* PRESS PF2 FOR ADDITIONAL MESSAGES \*-----

PRESS PF14 FOR MEMOS ACTIVE FORECLOSURE  
 LOSS MIT IND = K LOAN MODIFICATION COMPLETED LOSS MITIGATION  
 LOAN IS IN FORECLOSURE, F/C STOP = 1 PROC STOP = A FORECLOSURE DEPT

