

FILED
JACKSONVILLE, FLORIDA

SEP 29 2011

CLERK, U. S. BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

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

)	
In re:)	
TAYLOR BEAN & WHITAKER)	Case No. 3:09-bk-07047-JAF
MORTGAGE COMPANY)	Chapter 11
Debtor)	

MOTION OF CHAPTER 7 TRUSTEE OF LYNN HANSEN FOR ENTRY OF ORDER (1) FURTHER EXTENDING TIME TO FILE RESPONSE TO OBJECTION TO CLAIM OF LYNN HANSEN AND (2) WAIVING THE REQUIREMENT FOR A DESIGNATION AND CONSENT TO ACT PURSUANT TO LOCAL RULE 2090-1

Debora A. Casey (the "Trustee"), the Chapter 7 trustee of Lynn Hansen ("Hansen") requests that the Court extend, to October 20, 2011, the time for the Trustee to file a response to the *Objection to Claim of Lynn Hansen* (the "Objection") filed by on behalf of the estate of Taylor, Bean & Whitaker Mortgage Corp. (the "Debtor"). Neil Luria, Plan Trustee (the "Plan Trustee") to the Taylor Bean & Whitaker Plan, has assented to the extension request. The Trustee further requests that the Court waive the requirement for the filing of a written designation and consent-to-act by a member of the bar in the Middle District of Florida pursuant to Local Rule 2090-1. The Plan Trustee has no objection to the request for a waiver. In support thereof, the Trustee states as follows:

1. Hansen is a former employee of the Debtor who filed a proof of claim in this case on or about June 25, 2010, claim no. 3252 on the claims register (the "Hansen Claim"). The Hansen Claim arises from a lawsuit filed in Massachusetts alleging that Hansen was wrongfully terminated by the Debtor.

2. On October 28, 2010 (the "Petition Date"), the Debtor and her spouse commenced a bankruptcy proceeding by filing a petition for relief under Chapter 13 of the United States

Bankruptcy Code in the United States Bankruptcy Court for the District of Massachusetts *styled In re Paul Walter Hansen and Lynn Ann Hansen*, Case No. 10-21738-FJB.

3. On November 29, 2010, upon the motion of the Debtor, the case was converted to one under Chapter 7 of the United States Bankruptcy Code

4. On December 1, 2010, Warren Agin (“Trustee Agin”) was appointed as Chapter 7 Trustee.

5. Trustee Agin filed an amendment to the Hansen Claim on or about March 16, 2011, claim number 3353 on the claims register (the “Amended Hansen Claim”).

6. On March 28, 2011, Trustee Agin resigned. On March 29, 2011, the Trustee was appointed. The Objection was served upon Trustee Agin, who forwarded it to the Trustee.

7. The Trustee previously sought a three week extension of the response deadline to the objection in order to examine the Debtor at a continued Section 341 meeting with respect to her claims against the Debtor. The Court allowed the requested extension and the current deadline for responses to the Objection is September 29, 2011.

8. Since the time that the Court allowed the extension, the Trustee conducted a continued section 341 meeting in Hansen’s Chapter 7 case and has examined Hansen regarding her claims against the Debtor. The Trustee is in the process of consulting with potential special employment counsel regarding Hansen’s claims against the Debtor.

9. The Trustee seeks a further three week extension of the time to respond to the Objection in order that she may complete her review of Hansen’s claims against the Debtor in order to provide a meaningful response to the Objection.

10. The Plan Trustee has assented to the relief requested herein.

11. The Trustee also requests that the Court waive the requirement that her counsel obtain a designation and consent-to-act from a member of the bar of the Middle District pursuant to

Local Rule 2090-1. The undersigned is a member in good standing in the United States District Court for the District of Massachusetts. There are no funds in Hansen's bankruptcy estate to compensate local counsel. The undersigned seeks to appear in the Middle District of Florida for the sole purpose of defending and resolving the Objection on behalf of the Trustee. The Plan Trustee has no objection to the requested waiver.

WHEREFORE, the Trustee requests that the Court (a) extend, to October 20, 2011, the time for the Trustee to file her response to the Objection, (b) waive the requirement for the filing of a written designation and consent to act and (c) provide such other and further relief as may be just.

Dated: September 28, 2011

DEBORA A. CASEY, CHAPTER 7
TRUSTEE OF LYNN ANN
HANSEN,

By her attorney,

/s/ Kathleen R. Cruickshank
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By: /s/ Alisa Paige Mason
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UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

TAYLOR BEAN & WHITAKER
MORTGAGE COMPANY

Debtor

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

Chapter 11

CERTIFICATE OF SERVICE

I, Kathleen R. Cruickshank, hereby certify that on September 28, 2011, I caused a copy of the following document:

1. *Motion of Chapter 7 Trustee of Lynn Hansen for Entry of Order (1) Further Extending Time to File Response to Objection to Claim of Lynn Hansen and (2) Waiving the Requirement for a Designation and Consent to Act Pursuant to Local Rule 2090-1*

to be served by first class mail, postage prepaid to the parties on the attached service list.

HAROLD B. MURPHY,
CHAPTER 7 TRUSTEE

By his counsel,

/s/ Kathleen R. Cruickshank
Kathleen R. Cruickshank (BBO #550675)
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Professional Corporation
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DATED: September 28, 2011
607441

**TAYLOR BEAN & WHITAKER MORTGAGE
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September 28 2011

VIA FEDERAL EXPRESS

Jacksonville Division
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300 North Hogan Street, Suite 3-350
Jacksonville, Florida 32202

Re: _____

any

Dear Sir or

no envelope,

Encl

no copy

e following document:

1. *A*
- E*
- V*
- R...*

*for Entry of Order (1) Further
to Claim of Lynn Hansen and (2)
and Consent to Act Pursuant to Local*

Kindly file the originals accordingly. Thereafter, please date-stamp the copies and return same to the undersigned in the enclosed, self addressed, postage prepaid envelope.

Thank you for your cooperation in this matter.

Very truly yours,

Kathleen R. Cruickshank

Enclosures
607437

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