

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
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In re:

Chapter 11 Case

TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP.  
REO SPECIALISTS, LLC, and  
HOME AMERICA MORTGAGE, INC.,

Case No. 3:09-bk-07047-JAF  
Case No. 3:09-bk-1022-JAF  
Case No. 3:09-bk-10023-JAF

Debtors.

Jointly Administered Under  
Case No. 3:09-bk-07047-JAF

\_\_\_\_\_  
In re:

TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP.,

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

Applicable Debtor.  
\_\_\_\_\_

**ORDER SUSTAINING OBJECTION TO  
CLAIM NO. 3075 FILED BY RICHARD J. BOND**

THIS MATTER came before the Court on the 2nd day of December, 2011 at 10:00 a.m., upon the objection to Claim No. 3075 filed by Richard J. Bond (the "Claimant") contained within the *Twentieth Omnibus Objection to Claims* (D.E. 3536) (the "Objection") dated August 9, 2011 and filed by the Official Committee of Unsecured Creditors (the "Committee") under negative notice in accordance with Local Rules 2002-4 and 3007-1 on behalf of the Debtor, Taylor, Bean & Whitaker Mortgage Corp., now the Taylor, Bean & Whitaker Plan Trust (the Committee, together with the Debtor and the Plan Trust, will be referred to as the "Objector"<sup>1</sup>). The Objector represents that:

<sup>[1]</sup> As of the effective date of the *Third Amended and Restated Joint Plan of Liquidation of the Debtors and the Official Committee of Unsecured Creditors* (D.E. 3240), August 10, 2011, the Debtors and the Committee have been replaced by the Taylor, Bean & Whitaker Plan Trust. The Plan Trust and its Trustee, Neil F. Luria, are substituted in as the objecting party in this matter for the Objector.

1. The Objector objected to Claim No. 3075 on the basis that Claim No. 3075 was exclusively for WARN Act damages, the Claimant is a member for the WARN Act class, and Claim No. 3075 would be settled pursuant to a WARN Act Settlement, e.g. outside of the normal bankruptcy class distributions.

2. Mr. Bond filed his Response (D.E. 4014) to the Objection and asserted that he did not receive notice of the opt-out or opt-in options with regard to the WARN Act class certification and that Claim No. 3075 should be allowed in full.

3. The Court approved the WARN Act Settlement Agreement and the Motion to approve such Settlement Agreement (D.E. 4143) orally at the December 2, 2011 hearing.

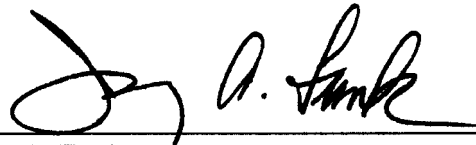
4. Mr. Bond, who is a member of the WARN Act Class and who was a noticed party to the Motion to Approve the WARN Act Settlement (D.E. 4144), did not appear at the December 2, 2011 Scheduling Conference on the Objection and his Response, nor did Mr. Bond file any objection to the Motion to Approve the WARN Act Settlement.

The Court, having considered the Objection, the Response, and the representations made by counsel for the Plan Trustee, hereby

ORDERS as follows:

1. The Objection to Claim No. 3075 is sustained.
2. Claim No. 3075 is stricken and disallowed in its entirety.

DATED this 13<sup>th</sup> day of January, 2012, in Jacksonville, Florida.



Jerry A. Funk  
United States Bankruptcy Judge

Copies furnished to:  
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