

**district courts of the UNITED STATES
BANKRUPTCY COURT MIDDLE DISTRICT
OF FLORIDA JACKSONVILLE DIVISION**

FILED
JACKSONVILLE, FLORIDA
MAR 9 2012
CLERK, U. S. BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

In re:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP., *et al.*,

Debtors

TAYLOR BEAN & WHITAKER
MORTGAGE CORP.,

Applicable Debtor

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

) Case No. 3:09-bk-10022-JAF

) Case No. 3:09-bk-10023-JAF

) (Jointly Administered Under

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

)

) Chapter 11

)

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

)

Vs.

Cassandra Danette Boyd

Donor-Grantor-Beneficiary-Claimant

) CLAIMANT OBJECTION TO PLAN
) TRUSTEE'S EX PARTE MOTION FOR
) CONDITIONAL ENLARGEMENT OF
) DISCOVERY

**CLAIMANT OBJECTION TO PLAN TRUSTEE'S EX PARTE
MOTION FOR TRUSTEE'S EX PARTE MOTION FOR
CONDITIONAL ENLARGEMENT OF DISCOVERY**

Cassandra-Danette: Family of Boyd Beneficiary is before this court by Special Appearance and Special Deposit without waving any Equitable or Legal Rights, Remedies or Defenses Statutory or Procedural as the Donor-Grantor-Beneficiary of the Deed of Trust, doing business as CASSANDRA DANETTE BOYD and alleges that there is no Plain, Speedy or Adequate Remedy at law and that these proceedings are counter to equity and that this proceeding could irreparably damage rights to title, land,

property and interest on a Private Trust now established by Special Deposit before this court. Because Courts of Special Equity have exclusive jurisdiction over Private Trusts and Special Deposits.

Claimant Cassandra Danette Boyd Objection to Neil F. Luria as Plan Trustee to the Taylor, Bean & Whitaker Plan Trust request for PLAN TRUSTEE'S EX PARTE MOTION FOR CONDITIONAL ENLARGEMENT OF DISCOVERY. On September 23, 2011 Judge JERRY FUNK UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA JACKSONVILLE DIVISION signed ORDER SETTING EVIDENTIARY HEARING AND PRETRIAL SCHEDULE. The Debtor's have been replaced by Taylor, Bean Whitaker Plan Trust, and its trustee, Neil F. Luria, is substituted in as the objecting party in this contested matter. On December 9, 2010, the Debtor's filed Debtor's Omnibus Objection #8: Claims For Which Debtor's Are Not Liable For which objected to Claim 1569 filed by Cassandra Boyd Bey. The issues having been joined, this contested matter is set for an evidentiary hearing for one hour on March 21, 2012, commencing at 11:00 a.m. United States Courthouse in Jacksonville, Florida.

On or before December 16, 2011, Claimant shall serve on Objector, to the attention of Arthur J. Spector attorney, a list of names and addresses of all witness and exhibits Claimants intends to offer into evidence. **Discovery may commence on the day following the delivery of these lists.** The information was FedEx 876924283066 ship date December 14, 2011 delivery date December 16, 2011 at 1:37 p.m. signed by Jody.

See Exhibit "A"

All discovery must be completed by February 24, 2012. Pretrial briefs may be filed up to

March 7, 2012. Dated this 23 day of September 2011, in Jacksonville, Florida sign by UNITED STATES BANKRUPTCY JUDGE JERRY FUNK.

On December 17, 2011 according to the ORDER SETTING EVIDENTIARY HEARING AND PRETRIAL SCHEDULE Neil F. Luria as Plan Trustee to the Taylor, Bean & Whitaker Plan Trust and counsel Arthur J. Spector could have requested **DISCOVERY** information which left (13) thirteen days in December 2011, (31) thirty days in January 2012, (24) twenty-four days in February equals a total of (70) seventy days all together (2) two months and (15) fifteen days to schedule disposition, depose, and receive **Discovery** from Claimant Cassandra Danette Boyd. Objector Neil F. Luria as Plan Trustee to the Taylor, Bean & Whitaker Plan Trust and counsel Arthur J. Spector waited to the very last date to schedule a disposition admitted using the wrong day for the date Wednesday, February 24, 2012, which this day does not exit on the calendar for February 2012. The Plan Trustee acknowledges, after re-reviewing the Notice, that there is a typographical mistake and expects the Claimant Cassandra Danette Boyd to be held liable for their mistakes. However, The Plan Trustee continues to make typographical mistakes on February 23, 2012, Neil F. Luria as Plan Trustee to the Taylor, Bean & Whitaker Plan Trust and counsel Arthur J. Spector entered into the court PLAN TRUSTEE'S NOTICE OF CANCELLATION OF DEPOSITION OF CASSANDRA BOYD BEY made a statement "**The Plan Trustee received Boyd's objection to the Plan Trustee's document request via Federal Express on Monday, February 24, 2012, this day do not exit in the calender for February 2012. See Exhibit "B" page 2 line 16 and 17**

The day is Monday, February 20, 2012 and Friday, February 24, 2012. Federal Express information shows the documents ship date February 16, 2012 because Monday,

February 20, 2012 was a holiday and Federal Express did not deliver the package until Tuesday, February 21, 2012 sign by Joly. **See Exhibit " C "**

CONCLUSION

It is obvious that Neil F. Luria as Plan Trustee to the Taylor, Bean & Whitaker Plan Trust and counsel Arthur J.Spector thinks that a small typographical mistake is no big deal and continue to make the same mistake however, to someone receiving a life sentence, the death penalty, or incorrect day for the month of a disposition is a major error. Claimant Cassandra Danette Boyd objects to PLAN TRUSTEE'S EX PARTE MOTION FOR CONDITIONAL ENLARGEMENT OF DISCOVERY Plan Trustee received ample amount of time (70) seventy days to request Discovery.

WHEREFORE Claimant Cassandra Danette Boyd respectfully request an Order to **Denied** PLAN TRUSTEE'S EX PARTE MOTION FOR CONDITIONAL ENLARGEMENT OF DISCOVERY in connection with Claimant Cassandra Danette Boyd's Claim No. 1569.

ALL RIGHTS RESERVED TO AMEND WITHOUT LEAVE OF COURT

Submitted this 19th day of March, 2012

Cassandra-Danette: Family of Boyd
Cassandra-Danette: Family of Boyd
Donor-Grantor-Beneficiary-Claimant
All Rights Reserved, Without Prejudice
P.O. BOX 362074
DECATUR, GEORGIA 30036



Detailed Results

Tracking no.: 876924283066

Select time format: 12H

Delivered

Delivered

Shipment Dates
Ship date
Delivery date

Destination
Signature Proof of Delivery

Shipment Options

Hold at FedEx Location

Hold at FedEx Location service is not available for this shipment.

Shipment Facts

Service type	FedEx 2Day Envelope	Delivered to	Shipping/Receiving
Weight	0.5 lbs/.2 kg		

Shipment Travel History

Select time zone: Local Scan Time

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Dec 16, 2011 1:37 PM	Delivered		
Dec 16, 2011 8:26 AM	On FedEx vehicle for delivery	BOCA RATON, FL	
Dec 16, 2011 8:11 AM	At local FedEx facility	BOCA RATON, FL	
Dec 16, 2011 6:08 AM	At destination sort facility	FORT LAUDERDALE, FL	
Dec 16, 2011 3:15 AM	Departed FedEx location	MEMPHIS, TN	
Dec 15, 2011 5:46 AM	Arrived at FedEx location	MEMPHIS, TN	
Dec 14, 2011 9:40 PM	Left FedEx origin facility	DECATUR, GA	
Dec 14, 2011 6:17 PM	Picked up	DECATUR, GA	

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UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

Chapter 11

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

Debtor.

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

CASSANDRA BOYD-BEY,

Claimant,

vs.

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,

Contested Matter
Claim Objection

Applicable Debtor.

**PLAN TRUSTEE'S NOTICE OF CANCELLATION OF DEPOSITION OF
CASSANDRA BOYD-BEY**

For the reasons that follow, the Plan Trustee for the Taylor, Bean & Whitaker Plan Trust hereby cancels the deposition of Cassandra Boyd-Bey (the "Deponent" or "Boyd") set for February 24, 2012 and provides notice to the Court and the Deponent thereof:

On January 24, 2012, the Plan Trustee mailed the Notice of Deposition *Duces Tecum* ("Notice") to Boyd, claimant of Claim No. 1569. Claim No. 1569 was filed in an amount appearing to exceed \$244,235,000.00 and the Debtor, Taylor, Bean & Whitaker Mortgage Corp. ("TBW" or the "Debtor") objected to Claim No. 1569 on December 9, 2010 (D.E. 2242). The Notice required Boyd to appear at a deposition in Jacksonville, Florida on February 24, 2012 at 1

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p.m. The Notice also required the Deponent to deliver to the Plan Trustee's counsel certain requested documents by February 17, 2012.

In addition to mailing the Notice to Boyd via U.S. Mail, the Plan Trustee also attempted to serve Boyd personally in light of her pro se status with the Notice and a Subpoena after conducting extensive research to try and obtain an accurate home address for Boyd. Boyd has consistently failed to provide the Plan Trustee, his counsel, or even the Court with proper contact information, such as a home address, a telephone number, an email address, etc., and continues to file pleadings with the Court and to mail pleadings to the Plan Trustee's counsel with only a P.O. Box address in Decatur, Georgia. As a result, communication with Boyd has been virtually impossible.

Notwithstanding the aforementioned difficulties, the Plan Trustee's efforts to serve Boyd with the Notice have obviously been successful. In Boyd's Objections and Responses to Debtor's Requests for Documents (D.E. 4965), Boyd objected to what appears to be almost every single document request included within the Notice on grounds that are wholly incomprehensible, including objecting to the Plan Trustee's definition of Ms. Boyd as "Boyd" as being "over broad and unduly burdensome." The Plan Trustee received Boyd's objections to the Plan Trustee's document requests via Federal Express on Monday, February 24, 2012.

The Plan Trustee has not received any communications from Ms. Boyd since the Notice was first served on January 24, 2012 as to whether Boyd would attend her deposition in Jacksonville on February 24, 2012, despite the fact that the Plan Trustee's counsel has provided her with counsel's telephone number, email address, fax number and mailing address numerous times through various pleadings. The Plan Trustee overnighted a letter (the "Letter") to Boyd on February 17, 2012 (the letter arrived on February 18, 2012) in which the Plan Trustee's counsel



notified Boyd that she would cancel Boyd's deposition scheduled for February 24, 2012 if Boyd did not contact the Plan Trustee's counsel by Wednesday, February 22, 2012 at noon as to whether Boyd intended to attend the deposition. The Plan Trustee's counsel sent the Letter to Boyd in an attempt to try and save the Debtor's estate unnecessary costs in light of the difficulties in communication with Boyd, and as a direct result of Boyd's pro se status as a claimant. Boyd did not email, call or otherwise notify the Plan Trustee's counsel as requested by the Letter.

On Thursday, February 23, 2012, the Plan Trustee's counsel received a packet of documents from Boyd via U.S. mail (D.E. 4967). In that packet of documents, Boyd responds to the Notice and asserts that "the date of deposition request does not exist which is Wednesday, February 24, 2012." The Plan Trustee acknowledges, after re-reviewing the Notice, that there is a typographical mistake. The Notice should have said "Friday, February 24, 2012." Notwithstanding this small error, Boyd had almost **four weeks** to correspond with counsel for the Plan Trustee to clarify any confusion Boyd had over the date of the deposition or to otherwise indicate her intent to attend. In the Letter, counsel for the Plan Trustee reiterated the proper deposition date, February 24, 2012. A true and correct copy of the Letter is attached hereto as **Exhibit "A."**

The document received by the Plan Trustee's counsel from Boyd in which she objected to the Notice suggests that Boyd will not be attending the deposition presently set for February 24, 2012. As a result, the Plan Trustee hereby cancels the February 24, 2012 deposition of Cassandra Boyd-Bey and reserves his right to further reschedule it.



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).

Dated: February 23, 2012

Respectfully submitted,

BERGER SINGERMAN LLP
*Counsel to Neil F. Luria, Plan Trustee for the
Taylor, Bean & Whitaker Plan Trust*
1450 Brickell Avenue, Suite 1900
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: /s/ Alisa Paige Mason
Alisa Paige Mason
Florida Bar No. 084461
pmason@bergeringerman.com



Detailed Results

Tracking no.: 899391459643

Select time format: 12H

Delivered

Delivered
Signed for by: A.JOLY

Shipment Dates
Ship date Feb 16, 2012
Delivery date Feb 21, 2012 10:39 AM

Destination
Signature Required

Shipment Options

Hold at FedEx Location

Hold at FedEx Location service is not available for this shipment.

Shipment Facts

Service type Express Saver Pak
Weight 2.0 lbs/0.9 kg
Delivered to Receptionist/Front Desk

Shipment Travel History

Select time zone: Local Scan Time

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Feb 21, 2012 8:51 AM	On FedEx vehicle for delivery	BOCA RATON, FL	
Feb 20, 2012 7:00 PM	At local FedEx facility	BOCA RATON, FL	
Feb 20, 2012 7:54 AM	At local FedEx facility	BOCA RATON, FL	Package not due for delivery
Feb 18, 2012 10:43 AM	At local FedEx facility	BOCA RATON, FL	
Feb 18, 2012 6:27 AM	At destination sort facility	FORT LAUDERDALE, FL	
Feb 18, 2012 3:44 AM	Departed FedEx location	MEMPHIS, TN	
Feb 17, 2012 8:02 AM	Arrived at FedEx location	MEMPHIS, TN	
Feb 16, 2012 9:20 PM	Left FedEx origin facility	DECATUR, GA	
Feb 16, 2012 7:01 PM	Picked up	DECATUR, GA	Tendered at FedEx Office

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EXHIBIT 104

CERTIFICATE OF SERVICE

Documents served:

**CLAIMANT OBJECTION TO PLAN TRUSTEE'S EX PARTE
MOTION FOR TRUSTEE'S EX PARTE MOTION FOR
CONDITIONAL ENLARGEMENT OF DISCOVERY**

On 03 / 06 / 12 / , I served the above mentioned documents with as noted by placing a true and correct copy thereof enclosed in a sealed envelope with postage fully prepaid for delivery by U.S. Postal Service Certified Mail, addressed to the following recipients as follows:

**BRYAN SIMPSON -CLERK OF THE COURT
UNITED STATES COURTHOUSE
300 North Hogan Street
Suite 3-350
Jacksonville, Florida 32202
Certified Mail No. 70110110000189571934**

**ARTHUR J. SPECTOR, ESQUIRE
BERGER SINGERMANN, P.A.
2650 North Military Trail
Suite 240
Boca Raton, Florida 33431
Certified Mail No# 70110110000189571927**

Cassandra Danette: Family of Boyd
Cassandra-Danette: Family of Boyd
Donor-Grantor-Beneficiary-Claimant
All Rights Reserved, Without Prejudice
P.O. BOX 362074
DECATUR, GEORGIA 30036