

**MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

FILED
JACKSONVILLE, FLORIDA
MAR 22 2012
CLERK, U. S. BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

**Sandy S. Smith, Pro Se)
Michael R. Elliott and Dianna L. Elliott, Pro Se)
Larry W. Stout and Tammy Stout, Pro Se)
Linda Bacon, Pro Se)
Jeff and Darlene Gorrell, Pro Se)
Djuana Reed, Pro Se)
John Crain, Pro Se)
Joni Cox-Tanner and Charles Tanner, Pro Se)
Jay D. Oyler, Pro Se)**

Creditors/Defendants

In re:

**TAYLOR, BEAN & WHITAKER
MORTGAGE CORP
REO SPECIALTIES, LLC
HOME AMERICAN MORTGAGES, INC.**

JOINTLY ADMINISTERED UNDER

Chapter 11

CASE NO. 3:09-BK-7047-JAF

CASE NO. 3:09-BK-10022-JAF

CASE NO. 3:09-BK-10023-JAF

CASE NO. 3:09-BK-07047-JAF

**Debtors and
Debtors in Possession**

**MOTION IN DISAGREEMENT TO SIGNED ORDER 5042 APPROVING THE
SETTLEMENT AGREEMENT BY AND AMONG TAYLOR, BEAN AND WHITAKER
MORTGAGE CORP. PLAN TRUST AND SOVEREIGN BANK**

Comes now, Sandy S. Smith, Pro Se, Michael R. Elliott and Dianna L. Elliott, Pro Se, Larry W. Stout and Tammy Stout, Pro Se, Linda Bacon Pro Se, Jeff and Darlene Gorrell, Pro Se, Djuana Reed, Pro Se, John Crain, Pro Se, Joni Cox-Tanner and Charles Tanner Pro Se, and Jay D. Oyler, Pro Se, Pleading in Disagreement with signed order docket number 5042.

settlement agreement with Sovereign Bank..

In the interest of loan numbers for Defendants are as follows:

7008818, Sandy S. Smith,

1381042, Michael R. Elliott and Dianna L. Elliott,

2293476, Larry W. Stout and Tammy Stout,

Number is not available, Linda Bacon is currently deployed to Afghanistan,

2338141, Djuana Reed,

2793662, Darlene and Jeff Gorrell,

2630455, John Crain,

1915674, Joni Cox-Tanner and Charles Tanner,

1332044, Jay D. Oyler

Creditors/Defendants plead that if said loan numbers are in the Settlement Agreement by and between Taylor, Bean and Whitaker Mortgage Corp. and It's Trust and Sovereign Bank, if these loan numbers were involved in this transaction there is fraud within the said Trust and if said loan numbers were not in this transfer please identify where the are by revealing and providing proof of loan cusip numbers, Trusts and the exact dates when said loans were transferred.

As per 1641(f)(2) of the Truth in Lending Act, which requires a Servicer to identify the holder of the debt.

1. A copy of any mortgage Pooling and Servicing Agreement and all Disclosure statements provided to any investors with respect to any mortgage-backed security trust or other special purpose vehicle related to the said Agreement and any and all Amendments and Supplements thereto.

2. If a copy of the Pooling and Servicing Agreement has been filed with the SEC, provide a copy of SEC Form 8K and the Prospectus Supplement, SEC Form 424b5.
3. If a copy of the Pooling and Servicing Agreement has been filed with the SEC, provide a copy of SEC Form 8K and the Prospectus Supplement, SEC Form 4 24b5.

Whoever knowingly executes, or attempts to execute, a scheme or artifice- to:

1. defraud any person in connection with any commodity for future delivery, or any option on a commodity for future delivery, or any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o (d)); or
2. to obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property in connection with the purchase or sale of any commodity for future delivery, or any option on a commodity for future delivery, or any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934.

A Claimant has the right to have final orders in a non core matter entered only after a *de novo* review by a District Judge:

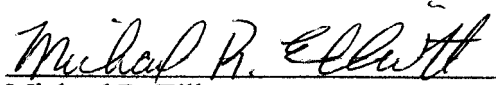
Bankruptcy Judges do not exercise "the Judicial Power of the United States" but only perform duties delegated to them by The United States Federal Judge, including US Circuit Judge and the US Supreme Court Justices. Claimant's right to trial by jury in any proceeding so triable in this case. Claimant's right to have a District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal or any other rights, claims, actions, defenses, set offs or recoupments to which claimant is or may be entitled under agreements in law, in equity, or otherwise all of which claims or


actions defenses set offs and recoupments claimant expressly reserves.

It is believed and alleged that there have been many unforeseen variables which have been overlooked by said Bankruptcy Judges, Claimant reserves the right to appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via e- mail to: Elena Escamilla, Trial Attorney, Office of the United States Trustee. U.S. Department of Justice Florida Bar No: 898414, 135 W. Central Blvd., Suite 620 Orlando FL. 32801 and served to via mail to: Edward J. Peterson, III (FBN 014612) **STRICHTER, RIEDEL, BLAIN & PROSSER, P.A., (Attorneys for the Debtor)** 110 East Madison Street, Suite 200 Tampa, FL 33602, and to Jeffrey W. Kelley (GABN 412296) **TROUTMAN AND SANDERS LLP, (Special Counsel to Defendants)** 600 Peachtree Street, Suite 5200, Atlanta, Georgia 30308


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AFFIDAVIT

STATE OF KENTUCKY §

COUNTY OF LEWIS §

This instrument was acknowledged before me on the 20 day of March, 2012 by Michael R. Elliott and Diana L. Elliott in the capacity stated therein.


Notary Public, State of Kentucky