UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

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 RESOLVING ISSUES RAISED IN REQUEST FOR CLARIFICATION FILED BY GENE PELLETIER

This matter came before the Court without a hearing upon the *Response to Request for Clarification filed by Gene Pelletier* (the "Response") (D.E. 5079) filed by Neil F. Luria as Plan Trustee for the Taylor, Bean & Whitaker Plan Trust[1] (the "Plan Trust") in response to a *Request for Clarification* filed by Gene Pelletier (the "Request") (D.E. 4990) and the *Order Directing Response to Request for Clarification* (the "Order") (D.E. 5046). The Court having considered the Response and the Request, does hereby find

1. Gene Pelletier filed his Request on February 24, 2012 and sought clarification as to whether certain borrower protocols for net-funded loans applied to the refinancing of Mr. Pelletier's Countrywide Home Loan mortgage with TBW.

1 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) (the "Third Amended Plan"), August 10, 2011, the Debtors and the Official Committee of Unsecured Creditors ("Committee") have been replaced by the Plan Trust.

2. On March 12, 2012, the Court entered the Order directing the Plan Trustee to file a Response to Mr. Pelletier's Request.

3. The Plan Trustee filed his Response on March 22, 2012 and asserted that the borrower protocols for net-funded loans, as described in the *Motion of Debtor, Taylor, Bean & Whitaker Mortgage Corp., for Approval of Protocol to Resolve Borrower Issues* (D.E. 927) (the "Borrower Protocol Motion"), were inapplicable to Mr. Pelletier's loan because the original loan was with a thirty party, Countrywide Home Loans. The borrower protocols for net-funded loans described in the Borrower Protocol Motion contemplated a scenario where a borrower refinanced with TBW for a loan that was also originally with TBW.

The Court, having considered the Request and the Response, hereby

ORDERS as follows:

1. The Plan Trustee has sufficiently and fully responded to Gene Pelletier's *Request for Clarification* (D.E. 5079).

2. Gene Pelletier's refinancing of his Countrywide Home Loans mortgage with TBW does not constitute a net-funded loan as that term is described in the Borrower Protocol Motion.

Dated: ~~March~~ April 2, 2012 in Jacksonville, Florida.

Jerry A. Funk
United States Bankruptcy Judge