

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

**F I L E D**  
JACKSONVILLE, FLORIDA

APR 05 2012

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

Sandy S. Smith, Pro Se )  
Michael R. Elliot and Dianna L. Elliot, 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 )  
Katina Duran, 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**

**OBJECTION TO MOTION FOR RELIEF FROM STAY FOR BANK OF AMERICA  
NATIONAL ASSOCIATION (DOCKET 4918)**

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, Katina Duran, Pro Se, with an Objection to the Motion for Relief of Stay from Bank of American National Association, Court Docket 4918.

This action comes before the court due to Creditors having a vested interest in this Motion for Relief from Stay for Bank of America National Association..

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

2097316, Katina Duran

Creditors/Defendants/Victims request the following information:

Is said trust or loans involved in any other bankruptcy proceeding or legal issues in the United States or outside the United States?

If any of these loans are not in this said trust please identify where they are and provide cusip numbers and transfer documents along with all original loan documents with wet signatures.

If Bank of America holds this trust or any other trusts and any of Bank of America subsidiary or servicer of Bank of America or any said affiliate are holding any of represented loans, It would make the said transfers to **“have the appearance of alleged FRAUD” and then there would be a possibility of “alleged fraud” upon this court. The stated loans listed in this objection document contain proven fraud that has been presented in said court, which now said court could be possibly “part of the alleged fraud”.**

Sandy Smith, Michael R. Elliott and Dianna L. Elliott, Larry W. Stout and Tammy Stout, Linda Bacon, Djuana Reed, Darlene and Jeff Gorrell, John Crain, Joni Cox-Tanner and Charles Tanner, Jay D. Oyler, Katina Duran, all Victims of Fraud, reserve the right to amend this objection to object on additional grounds not set forth here in and/or to object to any further claims not presently set forth herein. By filing this objection, Sandy Smith, Michael R. Elliott and Dianna L. Elliott, Larry W. Stout and Tammy Stout, Linda Bacon, Djuana Reed, Darlene and Jeff Gorrell, John Crain, Joni Cox-Tanner and Charles Tanner, Jay D. Oyler, and Katina Duran do not waive the right to file further objections or to pursue avoidance actions or other causes of actions. (Refer to Court Docket 5007).

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 Judge(s), Claimants/Victims reserve the right to appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via mail to:  
**The United States Bankruptcy Court, Bryan Simpson United States Courthouse, 300 North Hogan Street, Jacksonville Florida, 32202:** 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

Larry W. Stout  
Larry W. Stout  
145 Stout Farm Road  
Taylorsville, NC 28681

Tammy Stout  
Tammy Stout  
145 Stout Farm Road  
Taylorsville, NC 28681

AFFIDAVIT

STATE OF NORTH CAROLINA §

COUNTY OF ALEXANDER §

This instrument was acknowledged before me on the 2 day of April, 2012 by Larry W. Stout and Tammy Stout in the capacity stated therein.

Kimberly Ritchie Keller  
Notary Public, State of North Carolina

