

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.

**FORTY SECOND OMNIBUS OBJECTION TO CLAIMS**  
**(TBW Borrower Claims—Fully Paid)**

**IMPORTANT NOTICE TO CREDITOR:  
THIS IS AN OBJECTION TO YOUR CLAIM**

**This objection seeks to disallow your claim in full. Please read this objection carefully to identify which claim/scheduled claim is objected to and what disposition is recommended for your claim.**

**If you disagree with the objection or the recommended treatment, you must file a written response WITHIN 30 DAYS from the date of service stated in the certificate of service accompanying this objection, explaining why your claim should be allowed as presently filed, and you must mail a copy to the undersigned attorneys OR YOUR CLAIM MAY BE DISPOSED OF IN ACCORDANCE WITH THE RECOMMENDATION IN THIS OBJECTION.**

**Any written response must contain the case name, case number, and must be filed with the Clerk of the United States Bankruptcy Court, Bryan Simpson United States Courthouse, 300 North Hogan Street, Suite 3-350, Jacksonville, FL 32202 with a copy to Alisa Paige Mason, Esq., Berger Singerman LLP, 1450 Brickell Avenue, Suite 1900, Miami, FL 33131.**

Neil F. Luria, as Plan Trustee (“Plan Trustee”) for the Taylor, Bean & Whitaker Mortgage Plan Trust<sup>1</sup> (the “Plan Trust”), by and through undersigned counsel, and pursuant to Federal Rule of Bankruptcy Procedure 3007 and Local Rules 3007-1 and 2002-4, hereby files this omnibus objection (the “Omnibus Objection”) to the claims listed on **Exhibit “A”** (collectively, the “Claims”). The Plan Trustee seeks to disallow the Claims for the following reasons:

**Exhibit A: The Claims Have Already Been Paid.** The Plan Trustee objects to the Claims listed on Exhibit A on the basis that the Claims have been paid after the servicing of each of the loans relating to each of the Claims was transferred from TBW to a third party entity. The Claims were paid directly by the new servicer/investor or a credit was issued to the borrower’s account for the amounts reflected in each Claim. The Plan Trustee received evidence from Freddie Mac, Ginnie Mae, and other investors (collectively, the “Investors”) that the amounts reflected in each of the Claims have been satisfied in full and in accordance with the *Order Establishing Protocol to Resolve Borrower Issues* (D.E. 1079) (the “Borrower Protocol Order”).

The Plan Trustee submits that the failure to disallow the Claims means that certain borrowers would be paid twice—once through the protocols put in place by the Borrower Protocol Order and once through the normal claims process. Accordingly, the Plan Trustee now seeks to disallow each of the Claims in full and Exhibit A recommends a modified claim amount of \$0.00.

The Plan Trustee requests that the Claims be treated as noted above, and believes that these Claims should be disallowed accordance with the Bankruptcy Code.

**All Claimants that have received this Omnibus Objection should locate their name(s) and Claim(s) on the attached Exhibit “A” which list the Claimants alphabetically.**

The Plan Trustee reserves the right to amend his objection to any claims set forth herein, to object on additional grounds not set forth herein and/or to object to any further claims not presently

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<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 Official Committee of Unsecured Creditors have been replaced by the Taylor, Bean & Whitaker Plan Trust (the “Plan Trust”).

set forth herein. By filing this Omnibus Objection, the Plan Trustee does not waive the right to file further objections or to pursue avoidance actions or other causes of action.

**WHEREFORE**, the Plan Trustee respectfully requests that the Court (1) treat the Claims set forth herein, as recommended by the Plan Trustee, without prejudice to the rights of the Plan Trustee or other interested parties to file further objections or to pursue avoidance actions or other causes of action, and (2) grant such other and further relief as is just and appropriate.

**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: May 4, 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@bergersingerman.com](mailto:pmason@bergersingerman.com)

**In re: Taylor, Bean & Whitaker Mortgage Corp., et al.**  
**Jointly Administered Under Case No. 3:09-bk-07047-JAF**  
**OMNIBUS 42: EXHIBIT A - PAID BORROWER CLAIMS**

Creditor Name / Address	Case Number	Claim Number	Total Claim Dollars*	Claim Type**	Modified Claim Amount*	Claim Type**
1 SEMPLE, DANIEL & LINDA 49 NORTHSIDE RD NORTH HAVEN, CT 06473	09-07047	520	\$1,077.90	(U)	\$0.00	(U)
2 SENEAL, TOM & CARLA 300 LAWDALE DR SPRING CREEK, NV 89815	09-07047	471	\$3,041.70	(U)	\$0.00	(U)
3 SFERA, TRAIAN & NAOMI 473 LUNA BELLA LN NEW SMYRNA BEACH, FL 32168	09-07047	190	\$0.00 \$2,322.23	(P) (U)	\$0.00 \$0.00	(P) (U)
4 SHIRLEY, VAL 4136 BAGDAD RD BAGDAD, KY 40003	09-07047	588	\$661.40	(U)	\$0.00	(U)
5 SIDNEY L KNIZEK & MELODY D KRAUSE AKA KNIZEK 109 GOINGS RIDGE ROAD HARDY, AR 72542-8810	09-07047	1506	\$0.00 \$1,143.35	(P) (U)	\$0.00 \$0.00	(P) (U)
6 SIEFFERMAN, SARAH 1830 ASBURY WAY HEBRON, KY 41048	09-07047	560	\$0.00 \$1,179.55	(S) (U)	\$0.00 \$0.00	(S) (U)
7 SIMMONS, CHARLES R & ANN M 30 PERSIMMON CT WAYNESVILLE, NC 28786	09-07047	1280	\$617.74	(U)	\$0.00	(U)
8 SLIGER JR, JOE W PO BOX 126 4724 MAIN BUCK CREEK, IN 47924	09-07047	404	\$0.00 \$2,090.44	(S) (U)	\$0.00 \$0.00	(S) (U)
9 SMEDLEY, MICHAEL 35 SIENNA CIR IVYLAND, PA 18974	09-07047	925	\$0.00 \$2,406.14	(S) (U)	\$0.00 \$0.00	(S) (U)
10 SMILEY, ONDREA G & BARBARA A 1279 MACK ENGLISH ROAD ELLABELL, GA 31308	09-07047	1416	\$0.00 \$2,269.04	(P) (U)	\$0.00 \$0.00	(P) (U)
11 SMITH, SHELLY, RICKY & JORITA 223 INDIANA AVE APT 4207 LUBBOCK, TX 79415-5360	09-07047	430	\$962.38	(U)	\$0.00	(U)
12 SMITH, STEVE D & TINA R PO BOX 1506 CENTRALIA, WA 98531-0743	09-07047	1438	\$872.74	(U)	\$0.00	(U)

\*Plus, in certain instances, additional contingencies, unliquidated amounts, interest, penalties and/or fees.

\*\*(A) - Administrative  
(P) - Priority(S) - Secured  
(U) - Unsecured

**In re: Taylor, Bean & Whitaker Mortgage Corp., et al.**  
**Jointly Administered Under Case No. 3:09-bk-07047-JAF**  
**OMNIBUS 42: EXHIBIT A - PAID BORROWER CLAIMS**

Creditor Name / Address	Case Number	Claim Number	Total Claim Dollars*	Claim Type**	Modified Claim Amount*	Claim Type**
13 SONTI, SRINIVAS V & MANJULA 23 COBBLER RD MANSFIELD, MA 02048	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	545	\$179.02	(U)	\$0.00	(U)
14 SORENSEN, LEE & LANETTE 13785 NE GARLAND RD GARLAND, UT 84312	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1008	\$0.00 \$853.16	(P) (U)	\$0.00 \$0.00	(P) (U)
15 SPINDLER, MICHELLE T 10815 FIRST ST CIR BREEZY POINT, MN 56472	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	441	\$1,056.34	(U)	\$0.00	(U)
16 SPRINGER, MATTHEW OWEN 2920 HOWEGATE TERRACE CUMMING, GA 30040	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1578	\$0.00 \$2,763.57	(P) (U)	\$0.00 \$0.00	(P) (U)
17 STEIN, MIKE W & BRENDA K 2433 DUG GAP RD SW DALTON, GA 30720	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1004	\$0.00 \$1,328.93	(P) (U)	\$0.00 \$0.00	(P) (U)
18 STEVE RUBENFAER & ANDREA WILDT 2949 HARRISON SAN FRANCISCO, CA 94110	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	168	\$504.97	(U)	\$0.00	(U)
19 STEVENS, DAMON W PO BOX 196 STONEVILLE, MS 38776	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	574	\$8,684.34	(U)	\$0.00	(U)
20 STEVENS, ERIC & HALEY 245 MT VERNON DR DECATUR, GA 30030	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1203	\$0.00 \$4,783.30	(S) (U)	\$0.00 \$0.00	(S) (U)
21 STEVENSON, JOEL G 7 CIDER MILL CT GARNET VALLEY, PA 19060	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	204	\$2,191.27	(U)	\$0.00	(U)
22 STRAUSS, JEFF 18 DEER PARK CT ST CHARLES, MO 63304	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	434	\$0.00 \$1,037.47	(S) (U)	\$0.00 \$0.00	(S) (U)
23 STULL, MARK ALAN & SUSAN IRENE 8302 LINVILLE OAKS DR OAK RIDGE, NC 27310	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	596	\$6,300.75	(U)	\$0.00	(U)
24 SULLIVAN, JOHN & HEATHER 21 ROBINSON CT FREMONT, NH 03044	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	491	\$0.00 \$4,641.06	(P) (U)	\$0.00 \$0.00	(P) (U)
25 SUTTERFIELD, DAVID & JESSICA 9210 ORRY AMARILLO, TX 79119	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	756	\$0.00 \$1,872.99	(P) (U)	\$0.00 \$0.00	(P) (U)

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26 SZALACINSKI, MICHAEL E & REBECCA C 2424 CAGES BEND RD GALLATIN, TN 37066	09-07047	603	\$0.00 \$2,825.62	(P) (U)	\$0.00 \$0.00	(P) (U)
27 TAKACS, SHIRLEY A 2826 CLAXTON DAIRY RD DUBLIN, GA 31021	09-07047	733	\$0.00 \$665.82	(P) (U)	\$0.00 \$0.00	(P) (U)
28 TANEJA, KRISHAN & SHELLEY 24 CLAFLIN FARM LN NORTHBORO, MA 01532	09-07047	784	\$0.00 \$1,229.26	(P) (U)	\$0.00 \$0.00	(P) (U)
29 TASSONE, CRAIG & SHANNON 631 MARENGO AVE FOREST PARK, IL 60130	09-07047	246	\$0.00 \$2,149.07	(S) (U)	\$0.00 \$0.00	(S) (U)
30 TAVANA, SADREDIN & ROSANNA 15 BELCHER DR SUDBURY, MA 01776	09-07047	195	\$4,381.64	(U)	\$0.00	(U)
31 TAYLOR, BRIAN D & SUSAN L 817 CARDIFF CT O'FALLON, IL 62269	09-07047	838	\$3,845.02	(U)	\$0.00	(U)
32 TAYLOR, THERESE & FRANK 760 OLD COLONY RD DEFIANCE, MO 63341	09-07047	1029	\$1,540.52	(U)	\$0.00	(U)
33 TEMKIN, ALAN L & FRANCINE 1 ROBIN RD BEVERLY, MA 01915	09-07047	700	\$5,475.31	(U)	\$0.00	(U)
34 THOMAS, MATTHEW & LINDA 245 E RIDGE RD MARS HILL, ME 04758	09-07047	767	\$1,002.80	(U)	\$0.00	(U)
35 TIPTON, RAY RT 2 BOX 1844 HERMITAGE, MO 65668	09-07047	971	\$625.51	(U)	\$0.00	(U)
36 TOMICO JR, MICHAEL J 1404 SWAN LN MULLICA HILL, NJ 08062	09-07047	637	\$0.00 \$2,573.38	(P) (U)	\$0.00 \$0.00	(P) (U)
37 TRUE, DONALD A & TERI L 5745 LARRY DEAN ST CORONA, CA 92880	09-07047	571	\$983.16	(U)	\$0.00	(U)
38 TRUEBLOOD, DIANNE 496 LAKESHORE DR CORDELE, GA 31015	09-07047	942	\$0.00 \$2,107.76	(P) (U)	\$0.00 \$0.00	(P) (U)

\*Plus, in certain instances, additional contingencies, unliquidated amounts, interest, penalties and/or fees.

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39 TRUSTY, JIMMY D & LISA K 489 COURTNEY RD CRITTENDEN, KY 41030	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	420	\$1,608.80	(U)	\$0.00	(U)
40 TURNER, WILLIAM A 10 WILLIAM HALL DRIVE NEWBURYPORT, MA 01950	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1363	\$3,766.06	(U)	\$0.00	(U)
41 VADEN, PAMELA R 2407 WINDSOR RD BALTIMORE, MD 21234	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	402	\$1,828.27	(U)	\$0.00	(U)
42 VAN DORP, MICHAEL & ELIZABETH 1355 IROQUOIS TRL HASTINGS, MI 49058	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	793	\$891.34	(U)	\$0.00	(U)
43 VANDERLEI, GREGORY B & JANET K PO BOX 9 PORUM, OK 74455	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	479	\$490.13	(U)	\$0.00	(U)
44 VERA KREMIC & GORAN RADULOVIC 1005 CULZEAN CT LEXINGTON, KY 40509	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	835	\$2,233.62	(U)	\$0.00	(U)
45 VILLHAUER, BRIAN 4801 GLEN LEVEL DRIVE SUGAR HILL, GA 30518	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	242	\$2,585.34	(U)	\$0.00	(U)
46 VINCENT, SIMON 8 ROSEDALE RD EAST GREENWICH, RI 02818	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	569	\$1,105.54	(U)	\$0.00	(U)
47 VOGLER, DAVID & KATHLEEN 1465 WARNEZ WAY FORISTELL, MO 63348	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	559	\$0.00 \$3,780.77	(P) (U)	\$0.00 \$0.00	(P) (U)
48 WAGNER, MICHAEL DAVID & DEBORAH YVETTE 2351 HAMILTOWNE CIRCLE BALTIMORE, MD 21237	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1568	\$1,921.46	(U)	\$0.00	(U)
49 WAKEFIELD, DONALD M & JENNIFER C 333 W VINE ST STE 1700 LEXINGTON, KY 40507	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	445	\$0.00 \$1,763.79 UNLIQUIDATED	(S) (U)	\$0.00 \$0.00	(S) (U)
50 WALLIN, KRISTY & MICHAEL L 6004 EAGLEWOOD TRAIL MCHENRY, IL 60050	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	911	\$1,592.34	(U)	\$0.00	(U)

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51 WARD, KEVIN L 68 WILMAR AVE DOUGLAS, GA 31533	09-07047	996	\$0.00 \$1,164.25	(S) (U)	\$0.00 \$0.00	(S) (U)
52 WATSON, RENEE RENEE WATSON & RICHARD DITTEL 2200 PENNSYLVANIA AVE N GOLDEN VALLEY, MN 55427-3531	09-07047	586	\$2,474.49	(U)	\$0.00	(U)
53 WELLMAN, GORDON M 321 MONROE BLVD HARSONS ISLAND, MI 48028	09-07047	849	\$0.00 \$2,047.34	(P) (U)	\$0.00 \$0.00	(P) (U)
54 WILCOXSON, JOHN W 17110 114TH ST E BONNEY LAKE, WA 98391	09-07047	523	\$0.00 \$1,058.34	(P) (U)	\$0.00 \$0.00	(P) (U)
55 WILLIAMS, JENNY JORDAN 827 W 38TH ST BALTIMORE, MD 21211-2203	09-07047	414	\$0.00 \$1,406.20	(P) (U)	\$0.00 \$0.00	(P) (U)
56 WILLIAMS, MARK K 733 THOMPSON RIDGE CT MONROE, GA 30655	09-07047	826	\$0.00 \$2,349.47	(P) (U)	\$0.00 \$0.00	(P) (U)
57 WINANT JR, DONALD WAYNE & SUZANNE 18479 SANTA LEONORA CIR FOUNTAIN VALLEY, CA 92708	09-07047	566	\$1,363.13	(U)	\$0.00	(U)
58 WONDERLING, MARK E & SHERRY L 77 CASSANDRA CT MORIARTY, NM 87035-5217	09-07047	1314	\$0.00 \$622.54	(S) (U)	\$0.00 \$0.00	(S) (U)
59 WOODRUFF, KEVIN 1094 E MAIN ST DRESDEN, TN 38225	09-07047	565	\$0.00 \$613.41	(P) (U)	\$0.00 \$0.00	(P) (U)
60 WU, CHUNHO A & OI KWAN 21-18 146TH ST WHITESTONE, NY 11357	09-07047	639	\$6,494.76	(U)	\$0.00	(U)
61 YOUNG, JEFFREY H & LISA L 1111 BROADMOOR DR CHAMPAIGN, IL 61821	09-07047	417	\$1,735.13	(U)	\$0.00	(U)
62 ZALENSKI, CONNIE M PO BOX 255 LANE, OK 74555	09-07047	234	\$0.00 \$648.92	(P) (U)	\$0.00 \$0.00	(P) (U)

\*Plus, in certain instances, additional contingencies, unliquidated amounts, interest, penalties and/or fees.

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**In re: Taylor, Bean & Whitaker Mortgage Corp., et al.  
 Jointly Administered Under Case No. 3:09-bk-07047-JAF  
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63 ZARZUELA, RICARDO 1030 WOODS RD WAYCROSS, GA 31501	09-07047	754	\$0.00	(S)	\$0.00	(S)
			\$3,182.63	(U)	\$0.00	(U)
64 ZIMMERMAN, PAXTON G 3202 THRUSH LN ROLLING MEADOWS, IL 60008	09-07047	742	\$1,759.63	(U)	\$0.00	(U)
65 ZUMBADO, HECTOR E & ELLEN J PO BOX 553 HAMPTON FALLS, NH 03844	09-07047	1376	\$645.39	(U)	\$0.00	(U)
<b>Totals:</b>			\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$135,379.74	(U)	\$0.00	(U)

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