

F I L E D
JACKSONVILLE, FLORIDA

MAY 17 2012

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

Case 3:09-bk-07047-JAF

James W. Gaines
2648 Little Creek Road
Burnsville, North Carolina 28714

In re:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,
REO SPECIALISTS, LLC and
HOME AMERICA MORTGAGE, INC

OBJECTION TO CLAIM

I disagree with the objection to disallow my claim per your document dated May 4, 2012. I made a mortgage payment in good faith to TB&W on August 6, 2009 in the amount of \$1738.59. My check cleared their account on August 10, 2009 but I never received credit to my loan account. I am enclosing copies that I sent previously on December 15, 2009.

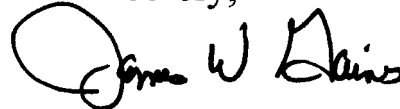
My loan was sold, transferred or assigned from TB&W (loan # 0000831339) to CENLAR (loan # 0029908704) effective August 12, 2009. I contacted CENLAR numerous times to only learn that the payment made to TB&W in the amount of \$1738.59 had not been credited to my account.

On March 19, 2010 I paid off my loan with CENLAR and received an acknowledgment letter dated March 22, 2010 from CENLAR that my loan was paid in full(See Enclosure). On April 17, 2010 I received a check from CENLAR reimbursing me for my ESCROW ACCOUNT in the amount of \$1736.17(See Enclosure).

On August 17, 2011 I received a letter from CENLAR that my loan did not receive proper credit for all loan payments made in 2009 and that the court-required reconciliations were complete. Since my loan had been paid in full CENLAR sent me a check for \$1738.59 representing the amount received by TB&W but not applied to my loan balance (See Enclosure).

My claim was never credited to my account by either TB&W or CENLAR. I have not been paid twice as suggested possible by the Plan Trustee. If the Plan Trustee continues to think I have been double paid please have him send me the paper work proving such.

Sincerely,

A handwritten signature in black ink that reads "James W. Gaines". The signature is written in a cursive style with a large initial "J" and "G".

James W. Gaines

cc. Alisa Paige Mason, Esq., Berger Singerman LLP

ENCLOSURES

Mail original claim and copies of supporting documentation to:

If by regular mail

TB&W Mortgage
c/o BMC Group, Claims Processing
P.O. Box 3020
Chanhassen, MN 55317-3020

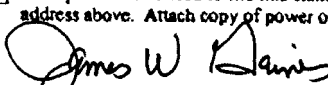
If by messenger or overnight courier

TB&W Mortgage
c/o BMC Group, Claims Processing
18750 Lake Drive East
Chanhassen, MN 55317

Once filed, a "Filed" stamped copy of the claim will be returned to the claimant within three (3) business days of docketing **if** the claimant encloses a stamped, self-addressed envelope with a copy of the proof of claim.

Is your RETURN ADDRESS completed on the reverse side?	SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.	I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
	Article Addressed to: 7005 1160 0000 6756 2864 TB&W Mortgage c/o BMC Group, Claims Processing PO Box 3020 Chanhassen, MN. 55317-3020	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD
5. Received By: (Print Name)	7. Date of Delivery DEC 18 2009	Thank you for using Return Receipt Service.
6. Signature: (Addressee or Agent) X	8. Addressee's Address (Only if requested and fee is paid) Analytics, Inc 18750 Lake Drive East Chanhassen, MN 55317	

B 10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURT Middle District of Florida, Jacksonville Div.		PROOF OF CLAIM
Name of Debtor: TAYLOR, BEAN & WHITAKER MORTGAGE CORP.		Case Number: 3:09-bk-07047-JAF
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): JAMES W GAINES		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: JAMES W GAINES 2648 LITTLE CREEK RD. BURNSVILLE, NC 28714 Telephone number: 828-682-9935		Court Claim Number: (If known) _____ Filed on: _____
Name and address where payment should be sent (if different from above): Telephone number: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: <u>\$ 1738.59</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		Specify the priority of the claim.
2. Basis for Claim: <u>SEE ENCLOSED MATERIAL</u> (See instruction #2 on reverse side.)		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
3. Last four digits of any number by which creditor identifies debtor: <u>1339</u> 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim. if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5) <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		<input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8)
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: _____		<input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)() _____ Amount entitled to priority: \$ _____
Date: _____	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. 	FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

James W. Gaines
2648 Little Creek Road
Burnsville, NC 28714

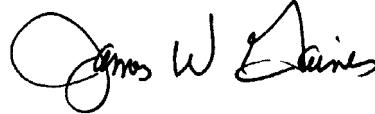
November 15, 2009

RE. Loan Number 831339

On August 6, 2009 I made a mortgage payment to Taylor Bean and Whitaker in the amount of \$1,738.59. My check cleared their account on August 10, 2009 but was never posted against my mortgage balance. I am enclosing a certified copy of the check, a copy of the mortgage balance prior to the check being written and a copy of the mortgage balance sent to CENLAR after the check cleared.

Please excuse the scribbling on the copies.

James W. Gaines

A handwritten signature in black ink that reads "James W. Gaines". The signature is written in a cursive style with a large initial "J" and "G".



Taylor, Bean & Whitaker

Perfecting the Art of Mortgage Lending

1417 North Magnolia Avenue
 Ocala, Florida 34475
 888 225-2164

MONTHLY BILLING STATEMENT

General Billing Info:

Statement Date:	08/01/2009
Loan Number:	831339
Interest Rate:	5.375%
Payment Due Date:	10/01/2009
Regular Monthly Payment:	\$1,038.59
Total Payment(s) Due:	\$1,038.59
Unpaid Late Charges:	\$0.00
Unpaid NSF Fees:	\$0.00
Other Unpaid Fees/Charges:	\$0.00
Total Due:	\$1,038.59

Account Balances:

Principal Bal. on 08/01/2009	\$83,956.29
Escrow Bal. on 08/01/2009	\$1,460.70
Interest Paid Year to Date	\$2,814.53
Taxes Paid Year to Date	\$0.00
Insurance Paid Year to Date	\$858.00
Late Charges Paid Year to Date	\$0.00

Customer Service Info:

Customer Service Inquiries:
 (888) 225-2164
 (352) 671-0250
 View Account Information online:
www.TaylorBean.com
 Customer Service Hours:
 9:00 am - 8:00 pm EST
 Monday through Friday
 E-mail us:
Loaninfo@taylorbean.com

Insurance Information:

Ins Co Name: Carolina Farmers Mutual Insurance Co.
 Ins Policy No.: NCFO2K51236



Return Service Requested 8859 43
 James W Gaines & Pat W Gaines
 2648 Little Creek Rd
 Burnsville, NC 28714-6213

Recent Activity:

Date	Description	Principal Amount	Interest Amount	Escrow Amount	Other Funds	Late Charge	Total
07/13/2009	Escrow Disbursement Carolina Farmers Mutual Insurance Co.	\$0.00	\$0.00	\$-858.00	\$0.00	\$0.00	\$-858.00
07/13/2009	Regular Payment	\$370.85	\$385.11	\$282.63	\$0.00	\$0.00	\$1,038.59
07/13/2009	Curtailement	\$1,650.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,650.00

*Pd 1738.59
 CR# 1280 8-6-09
 cur bal \$62,587 ~~\$62,587~~
 82,881*

Thank you for your prompt payment!

In observance of Labor Day, TB&W offices will be closed on September 7th, 2009.

in return - 270-5760

Detach Here

WWW. BMC Group.com

Left side of Funda Care

TB&W check on

*bring up disclaimer
 when to send claim*

10th to the day

*Pray of claim for
 send it to them out of net result*

This paper was produced using Eco-Friendly Printing Methods including sustainable forest sources.

Recycled, free processless plates and vegetable based inks.

JIM GAINES
TAX ACCT
P O Box 5107
Anderson, SC 29623



1280

87-776/532
BRANCH 77381

8-6-09 Date

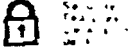
Pay to the order of

TB & W

\$ 1738.59

Seventeen hundred thirty eight & 59/100

Dollars



WACHOVIA
Wachovia Bank, N.A.
wachovia.com

Jim Gaines

for

⑆053207766⑆ ⑆005015353306⑆ 1280 ⑆0000173859⑆

05102009 082 342 405633 II COLONIAL BANK LBYX
CREDITED TO THE ACCOUNT OF WITHIN BANK FREE
COLONIAL BANK ORLANDO FL
081449
⑆0631132224⑆
3074895070

Account	Date	Amount	Serial Number	Sequence	Status
000001005015353306	8/10/2009	\$1,738.59	000000000001280	00000000005652910840	Posted Items

Wachovia Bank, N.A. certifies that the above image is a true and exact copy of the original item issued by the named customer, and was produced from original data stored in the archives of Wachovia Bank, N.A. or its predecessors.

Loan Activity

Loan Number: 0029908704 as of 11/13/2009
Property Address: 2648 LITTLE CREEK RD
 BURNSVILLE, NC 28714-0000
Borrower Name: JAMES GAINES
Co-Borrower Name: PAT GAINES
Home Phone: (828) 682-9935
Other Phone: (864) 225-4336

[Privacy Policy](#)

[Pay by Phone Information](#)

Payments - There may be a delay in the processing and posting of recent payments. Please be assured there will be no adverse reporting. Your patience appreciated. Please visit our website on or after September 1st to view your updated information.

Balances:

Principal balance: \$80,644.81
 Escrow balance: \$494.52
 Unpaid late charges: \$0.00
 Unapplied funds: \$0.00

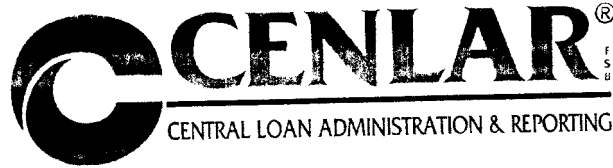
Disclosure: The transactions displayed within the payment history reflect funds that you have paid and do not necessarily represent funds that are due.

Effective Date	Description	Principal	Interest	Escrow	Amount Paid	Escrow Balance	Principal Balance
11/13/2009	Corporate Advance	\$0.00	\$0.00	\$0.00	\$0.00	\$494.52	\$80,644.81
10/23/2009	Payment Applied - Thank You	\$392.98	\$362.98	\$282.63	\$1,038.59	\$494.52	\$80,644.81
10/08/2009	County Tax	\$0.00	\$0.00	\$1,531.44	\$1,531.44	\$211.89	\$81,037.71
09/30/2009	Additional Principal	\$1,038.59	\$0.00	\$0.00	\$1,038.59	\$1,743.33	\$81,037.71
09/03/2009	Additional Principal	\$1,500.00	\$0.00	\$0.00	\$1,500.00	\$1,743.33	\$82,076.31
09/03/2009	Payment Applied - Thank You	\$379.91	\$376.05	\$282.63	\$1,038.59	\$1,743.33	\$83,576.31
08/19/2009	Adjustment Transaction	\$8,502.19	\$2,814.53	\$0.00	\$11,316.72	\$1,460.70	\$83,956.21

Encryption security for this loan information website will require Microsoft Internet Explorer version 5.5 or higher, or an equivalent non-Microsoft browser. Please be sure that your browser meets this requirement to ensure adequate security for the transmission of sensitive information and uninterrupted service.

To protect your account information, we've added security questions to your account log in. You are required to create a User ID and Password and answer security questions before you can access your account. After you have created a User ID and password, you will not be required to do it again. To begin, please select the Register User ID/Password Link above.

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March 22, 2010

#BWNHNTZ
James Gaines
Pat Gaines
2648 Little Creek Rd
Burnsville NC 28714 0000

RE: Loan Number: 0029908704
Property Address: 2648 Little Creek Rd
Burnsville NC 28714

Dear Customer:

This letter will serve as an acknowledgment that your loan has been paid in full. Any funds remaining in your escrow account, or funds received in excess of the payoff amount, will be returned to you under separate cover.

For escrowed loans only: Effective with the date of this letter, your escrow account has been closed and you are now responsible for payment of taxes and insurance as they come due. For future billing information, please contact your taxing authority and/or insurance company at the following addresses:

Yancey County
Tax Collector
Room 1-courthouse
Burnsville NC 28714
(828)682-2197

Notified of payoff 3-25-10

Carolina Farmers Mutual
Insurance Co
515 A West Salisbury St
Asheboro NC 27203
(336)625-8323

Notified of payoff 3-25-10

If you have any questions, please contact our Customer Service Department.

Sincerely,

Payoff Department
PO003 061 IXR FI

Central Loan Admin & Reporting
 PO Box 211091
 Eagan, MN 55121



04/12/10

#BWNDXCT
 #3000029908704045#

JAMES GAINES
 PAT GAINES
 2648 LITTLE CREEK RD
 BURNSVILLE NC 28714

76/FI/B

LOAN NO: 0029908704
 www.loanadministration.com
 TOLL FREE 1-866-430-9689

Please see the enclosed insert "Understanding Your Escrow Account Disclosure Statement". This handy guide is intended to help you understand your statement and answer some commonly asked questions about your escrow analysis.

ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT

Our records indicate that your loan has recently been paid in full. As a result, we are required to provide you with this final escrow account disclosure statement.

ACCOUNT HISTORY

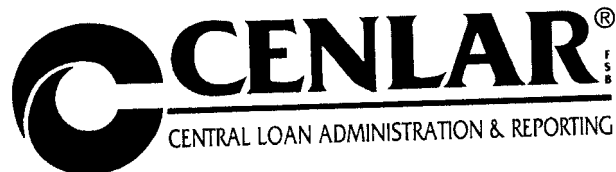
The following statement of activity in your escrow account from 04/10 through 03/11 displays actual activity as it occurred in your escrow account during that period. If you received Account Projections with a prior analysis, they are included again here for comparison.

Month	Payments		Disbursements		Description	Projected Escrow Account Balance	Actual Escrow Account Balance
	Projected	Actual	Projected	Actual			
					Beginning Balance	\$1,792.08	\$1,736.17
April	199.12	*		1,736.17	* ESC REFUND	1,991.20	.00
May	199.12	*				2,190.32	.00
June	199.12	*				2,389.44	.00
July	199.12	*				2,588.56	.00
August	199.12	*	1,531.44		* R.E. TAX	1,256.24	.00
August			858.00		* HAZARD INS	398.24	.00
September	199.12	*				597.36	.00
October	199.12	*				796.48	.00
November	199.12	*				995.60	.00
December	199.12	*				1,194.72	.00
January	199.12	*				1,393.84	.00
February	199.12	*				1,592.96	.00
March	199.12	*				1,792.08	.00

An asterisk (*) beside an amount indicates a difference from projected activity either in the amount or the date.

Should you have any questions about this Escrow Analysis, please call our Customer Service Department toll-free at 1-866-430-9689.

Received Check for \$ 1736.17 4-17-10



August 17, 2011

James Gaines
Pat Gaines
2648 Little Creek Rd
Burnsville NC 28714 0000

RE: Loan Number: 0029908704
Property Address: 2648 Little Creek Rd
Burnsville NC 28714

Dear Customer:

When the servicing of your loan was transferred from Taylor, Bean & Whitaker Mortgage Corp. ("TBW") to Central Loan Administration & Reporting in August 2009, the information provided to us may not have reflected all of the payments received by TBW. Due to TBW's filing bankruptcy in August 2009 and court-required reconciliations, coupled with our limited access to TBW's business records, we were unable to verify all loan payments you may have made in 2009. We have previously written to you requesting confirmation of all payments you made in 2009.

We are writing to inform you the court-required reconciliations are now complete and we have identified that your loan did not receive proper credit for all loan payments made in 2009. Because your loan is now paid in full, we will send you a check representing the amount received by TBW. No action is required on your part.

Thank you for your patience while we worked through this transition. If you have any questions, please contact us.

Sincerely,

Customer Service Department
TB008 011 DNM FI