

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

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In re:

TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP.,

Case No. 3:09-bk-07047-JAF

Applicable Debtor.  
\_\_\_\_\_

**FIFTY SECOND OMNIBUS OBJECTION TO CLAIMS**  
**(TBW Borrower Claims—Fully Paid and Duplicative)**

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

**This objection seeks to disallow your claim. 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 May 22, 2012, 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 are Duplicative and have been Paid in Full.** The Plan Trustee objects to the Claims on the basis that the Claims each contain duplicative components because each of the Claims assert a total amount of claim that is then reasserted in identical, total amounts both as secured and/or priority. Thus, the total amount of the Claims were doubled or tripled on the claims register because the Claimant asserted either a secured or unsecured claim in the total amount of the Claim, and also asserted a priority claim in the total amount of the Claim, which multiplied the true total amount of the Claim. Prior orders resolving objections to each of the Claims have resulted in the proper classification of each of the Claims, but duplicative amounts with regard to the Claim total remain.

The Plan Trustee further objects to the Claims listed on Exhibit A on the basis that the Claims should have been paid in full 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 to be paid directly by the new servicer or a credit was to be issued to the borrower’s account for the amounts reflected in each Claim.

The Plan Trustee has made multiple attempts to obtain evidence from Freddie Mac, Ginnie Mae and other investors (collectively, the “Investors”) that the amounts reflected in each of the Claims has been satisfied in full and has only received verbal confirmation that borrower issues have been dealt with in accordance with the *Order Establishing Protocol to Resolve Borrower Issues* (D.E. 1079) (the “Borrower Protocol Order”) and paragraph 93 of the *Final Reconciliation Report* (D.E. 1644) (the “Final Reconciliation”). The Plan Trustee has sought written confirmation and supporting evidence from the Investors that each of the Claims have been satisfied in full; however such written confirmation has not been received.

The Plan Trustee submits that the failure to reduce the Claims means that certain borrowers would be paid twice—once through the protocols in place

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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”).

pursuant to the Borrower Protocol Order and Final Reconciliation, 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 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 18, 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

**In re: Taylor, Bean & Whitaker Mortgage Corp., et al.**  
**Jointly Administered Under Case No. 3:09-bk-07047-JAF**  
**OMNIBUS 52: EXHIBIT A - FULLY PAID WITH DUPLICATE AMOUNTS**

Creditor Name / Address	Case Number	Claim Number	Total Claim Dollars	Claim Type**	Modified Claim Amount*	Claim Type**
1 ANDERSON, JAMES R & AGNES 5202 NS 372 ALLEN, OK 74825-9608	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	684	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$6,803.24	(U)	\$0.00	(U)
2 ANDREWS, JEREMY 10601 JOES RD JACKSONVILLE, FL 32221	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1650	\$0.00	(P)	\$0.00	(P)
			\$4,134.98	(U)	\$0.00	(U)
3 CADE, WILLIAM TODD 1311 DRAYTON AVE WEBSTER GROVES, MO 63119	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	781	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$4,972.52	(U)	\$0.00	(U)
4 CAIN, JOSEPH M 54 BLUFF RD NORTH WEYMOUTH, MA 02191	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	359	\$0.00	(P)	\$0.00	(P)
			\$2,347.06	(U)	\$0.00	(U)
5 CARISSE, CARISSA 1089 TIGER TRACE BLVD GULF BREEZE, FL 32563	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	141	\$0.00	(P)	\$0.00	(P)
			\$4,356.90	(U)	\$0.00	(U)
6 CONSIGLI, JOHN & SYLVIA 21 W SHORE RD MERRIMAC, MA 01860	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	729	\$0.00	(P)	\$0.00	(P)
			\$2,447.78	(U)	\$0.00	(U)
7 FINNEY, BARBARA J 207 E WILLIAMS ST DWIGHT, IL 60420	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1586	\$0.00	(P)	\$0.00	(P)
			\$8,271.98	(U)	\$0.00	(U)
8 FORD, CHARLES R & JENNIFER D 2717 E 127TH ST CHICAGO, IL 60633	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1006	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$651.08	(U)	\$0.00	(U)
9 GREEN, HEATHER 4427 CONDOR CT #302 FAIRBANK, AK 99709	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	2554	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$3,109.36	(U)	\$0.00	(U)
10 GRIFFIN, STEPHEN E & KATHY 2611 NORTH RHODES CIR OZARK, MO 65721	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1027	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$5,456.70	(U)	\$0.00	(U)
11 HARRINGTON-EVANS, MARSHA K 302 EAST JACKSON STREET MEBANE, NC 27302	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	648	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$2,054.14	(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 52: EXHIBIT A - FULLY PAID WITH DUPLICATE AMOUNTS**

Creditor Name / Address	Case Number	Claim Number	Total Claim Dollars	Claim Type**	Modified Claim Amount*	Claim Type**
12 HATZFELD, MICHAEL & CHRISTINA 7-253 68 WHITE ST STE 7 RED BANK, NJ 07701-1649	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	634	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$11,446.94	(U)	\$0.00	(U)
13 HAWKINS, KENNY & BECKY 1331 LOCUST DR NE ARAB, AL 35016	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1445	\$0.00	(P)	\$0.00	(P)
			\$2,515.40	(U)	\$0.00	(U)
14 ISSA, MAHMOUD A 9284 SO STERLING DR SANDY, UT 84093	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	164	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$2,913.62	(U)	\$0.00	(U)
15 KEITH LEPINE & AMY MELTZER 137 BARRETT ST NORTH HAMPTON, MA 01060	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	567	\$0.00	(P)	\$0.00	(P)
			\$1,576.40	(U)	\$0.00	(U)
16 KIVELA, KEVIN L 6865 PINEHURST ST CENTRAL POINT, OR 97502	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1003	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$1,845.70	(U)	\$0.00	(U)
17 KUZMICKAS, JENNIFER 942 N FARMS RD WALLINGFORD, CT 06492	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	741	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$5,509.14	(U)	\$0.00	(U)
18 MCKENNA, MELINDA & RANDALL 215 HIGH ST OAKLAND, ME 04963	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	728	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$3,112.38	(U)	\$0.00	(U)
19 MILOSLAVICH, MARTIN & DEBORAH 3756 S WALLACE ST CHICAGO, IL 60609	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	974	\$0.00	(P)	\$0.00	(P)
			\$2,501.68	(U)	\$0.00	(U)
20 MULLINAX, RICKY & PATRICIA 272 MARABLE LN DALLAS, GA 30132	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	779	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$1,086.00	(U)	\$0.00	(U)
21 PERRY, JASON 26 PRAIRIE KNOLL DR SANTA FE, TX 77510	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	847	\$0.00	(P)	\$0.00	(P)
			\$3,724.70	(U)	\$0.00	(U)
22 PIERCY, ROBERT A & LANA J 5753 MARCO POINT CARMEL, IN 46033	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	695	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$2,090.74	(U)	\$0.00	(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.**  
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**OMNIBUS 52: EXHIBIT A - FULLY PAID WITH DUPLICATE AMOUNTS**

Creditor Name / Address	Case Number	Claim Number	Total Claim Dollars	Claim Type**	Modified Claim Amount*	Claim Type**
23 REYNOLDS, DAVID T & CAROL 12150 CANTERBURY PARK DR GEISMAR, LA 70734	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1106	\$0.00	(P)	\$0.00	(P)
			\$5,754.96	(U)	\$0.00	(U)
24 RICHARD CRESS & MEGAN SCHWENKE 5437 N BUFFALO CIR WILLIS, TX 77378	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	248	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$3,711.16	(U)	\$0.00	(U)
25 ROOK, RONALD & ANOLA G 625 CRIPPIN RD HUNTINGTON, TX 75949	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1598	\$0.00	(P)	\$0.00	(P)
			\$2,982.00	(U)	\$0.00	(U)
26 ROULSTON, GARY W & DIANA E 62 MACE RD HAMPTON, NH 03842	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	653	\$0.00	(P)	\$0.00	(P)
			\$3,275.10	(U)	\$0.00	(U)
27 SOLEDAD R DE HANSEN (MARVYN & LINDA REISETH) PO BOX 5 FRESNO, CA 93707-0005	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	428	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$1,430.06	(U)	\$0.00	(U)
28 SORDILLO, SUZANNE 13619 HARPENDON LN CHARLOTTE, NC 28273	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	95	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$2,984.24	(U)	\$0.00	(U)
29 STANFORD, MARVIN H & KELLY M 7717 JESSE TRL OKLAHOMA CITY, OK 73150	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	581	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$10,616.18	(U)	\$0.00	(U)
30 THERIOT, MICHELLE L & RUSTY J 1404 COTTAGE DR HOUMA, LA 70360	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	364	\$0.00	(P)	\$0.00	(P)
			\$4,895.18	(U)	\$0.00	(U)
31 WIMSATT, STEPHEN D 5410 RIDGEVIEW TRACE OWENSBORO, KY 42301	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	583	\$0.00	(P)	\$0.00	(P)
			\$1,914.32	(U)	\$0.00	(U)
<b>Totals:</b>			\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$120,491.64	(U)	\$0.00	(U)

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

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(U) - Unsecured