

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.  
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**OBJECTION TO CLAIM NO. 1503 FILED BY STEPHEN HOLTHAUS**

**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 is objected to and what disposition of your claim is recommended.**

**If you disagree with the objection or the recommended treatment, you must file a written response WITHIN 30 DAYS from June 5, 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 include the following: (i) the approved case caption and the title of the objection to which the response is directed; (ii) the name of the claimant and the official claim number; (iii) a description of the basis for the amount of its underlying proof of claim or scheduled claim; and (iv) a concise statement setting forth the reasons why the Court should not sustain the objection, including, but not limited to, the specific factual and legal bases upon which the claimant will reply in opposing the objection. Any written response 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 33131-3453.**

Neil F. Luria, as Plan Trustee (“Plan Trustee”) for the Taylor, Bean & Whitaker Mortgage Plan Trust<sup>1</sup> (the “Plan Trust”) and on behalf of the Debtor, Taylor, Bean & Whitaker Mortgage Corp. (“Debtor” or “TBW”), 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 objection (the “Objection”) to Claim No. 1503 (the “Claim”) filed by Stephen Holthaus ( “Holthaus” or the “Claimant”) as follows:

<b>Claimant</b>	<b>Claim #</b>	<b>Amount</b>	<b>Basis for Disposition</b>	<b>Recommended Disposition</b>
Stephen Holthaus 195 Lake Vista Drive Carlyle, IL 62231	1503	\$2,842.56	<p>The Plan Trustee objects to the Claim on the basis that the Claim contains a duplicative component because the Claim asserts a total amount (\$1,421.28) that is then reasserted in identical, total amounts both as (a) secured and unsecured and (b) priority. Thus, the total amount of the Claim was doubled on the claims register because the Claimant asserted 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 the Claim have resulted in the proper classification of the Claim, but duplicative amounts with regard to the Claim total remain.</p> <p>Finally, the Plan Trustee objects to the Claim on the basis that since the Claimant’s loan was included within the Net Funded Loan population, as that population is defined in the <i>Order Establishing Protocol to Resolve</i></p>	Disallow Claim No. 1503 in full.

<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”).

			<p><i>Borrower Issues</i> (D.E. 1079) (the “Borrower Protocol Order”), the investors (Ginnie Mae, Freddie Mac and others (the “Investors”)) relating to the loan underlying the Claim opted into the protocols in the Borrower Protocol Order (the “Borrower Protocol”) and moreby agreed to resolve any borrower issues. The Investors were also to ensure that a full accounting was performed on each of the loans and to ensure that only one loan remained outstanding. Upon information and belief, the Investors have resolved each of the issues relating to the Net Funded Loans. Accordingly, the Plan Trustee seeks to disallow the Claim on the basis that it includes duplicative amounts and on the basis that it has been resolved pursuant to the Borrower Protocol as part of the resolution of issues relating to the Net Funded Loans.</p>	
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The Plan Trustee reserves the right to amend this objection, 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 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) dispose of the claim set forth herein, as recommended by the Plan Trustee, on the grounds set forth in this Objection, 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: June 1, 2012

Respectfully submitted,

BERGER SINGERMAN LLP  
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Taylor, Bean & Whitaker Plan Trust*  
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By: /s/ Alisa Paige Mason  
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