

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.  
\_\_\_\_\_

**FIFTY THIRD 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. 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 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., 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 been Paid in Full.** The Plan Trustee 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 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 have been satisfied in full and has received verbal confirmation that borrower issues have been addressed 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 disallow the Claims means that certain borrowers would be paid twice—once through the protocols in place pursuant to the Borrower Protocol Order and Final Reconciliation, and once by the Plan Trust through the normal claims process. Accordingly, the Plan Trustee now seeks to disallow each of the Claims in full on Exhibit A, and provide that the Claimants receive no distribution from the Plan Trust.

The Plan Trustee requests that the Claims be treated as noted above, and believes that these

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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

Claims should be disallowed in 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 lists the Claimants alphabetically. To the extent that Claimants have any questions regarding any of the information provided in this Omnibus Objection, a TBW Call Center has been created to address all questions. The TBW Call Center telephone number is 888-909-0100 and email is info@bmcgroup.com.**

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: June 1, 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 53: EXHIBIT A - PAID CLAIMS**

Creditor Name / Address	Case Number	Claim Number	Total Claim Dollars	Claim Type**	Modified Claim Amount*	Claim Type**
1 BOGAN MICHAEL D 694 US HIGHWAY 287 CLAUDE, TX 79019-3634	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1652	\$0.00	(S)	\$0.00	(S)
			\$1,576.81	(U)	\$0.00	(U)
2 HUSSEY, MICHAEL M 112 S 200 W VALPARAISO, IN 46385	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1648	\$755.88	(U)	\$0.00	(U)
			<b>Totals:</b>			
			\$2,332.69	(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