

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 SIXTH OMNIBUS OBJECTION TO CLAIMS**  
**(TBW Borrower Claims—Duplicative and Improperly Classified)**

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

This objection seeks to reduce and reclassify 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 reduce the Claims for the following reasons:

**Exhibits “A”—Duplicative Improperly Classified.** The Plan Trustee objects to the Claims on the basis that the Claims each contain a duplicative component because the Claims assert a total amount that is then reasserted in identical, total amounts both as (a) secured and/or unsecured and (b) priority. Thus, the total amount of the Claims was doubled on the claims register because the Claimants 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 totals remain.

The Plan Trustee further submits that the reduced Claims should be allowed as TBW Class 9 general unsecured claims, as that class is defined in the Plan. In sum, the Plan Trustee seeks to allow the Claims in a reduced amount, as denoted on Exhibit A, and to reclassify the Claims as TBW Class 9 general unsecured claims.

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

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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) (the “Plan”), 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”).

**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 56: EXHIBIT A**

Creditor Name / Address	Case Number	Claim Number	Total Claim Dollars*	Claim Type**	Modified Claim Amount*	Claim Type**
1 DIPISA, RALPH 4 STEEPLECHASE DR MEDFIELD, MA 02052	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	519	\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$152.00	(U)	\$76.00	(U)
2 KUKASKY, SAMUEL 20002 E CONESTOGA DR MAYER, AZ 86333	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1577	\$0.00	(P)	\$0.00	(P)
			\$3,990.00	(U)	\$1,995.00	(U)
<b>Totals:</b>			\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$4,142.00	(U)	\$2,071.00	(U)

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

\*\* (A) - Administrative  
 (P) - Priority

(S) - Secured  
 (U) - Unsecured