

May 29, 2012

F I L E D
JACKSONVILLE, FLORIDA

JUN - 1 2012

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

6216 Christy Ave. N.E.
Albuquerque, NM 87109

Clerk of the United States Bankruptcy Court,
Bryan Simpson United States Courthouse
300 North Hogan Street, Suite 3-350
Jacksonville, FL 32202

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

Chapter 11 Case
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
Claim Number 1272

Applicable Debtor

OBJECTION TO THE FORTY THIRD OMNIBUS OBJECTION TO CLAIMS (TBW borrower Claims- Partially Paid)

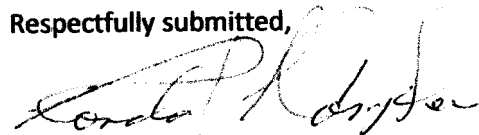
I object to the motion filed May 5, 2012 to modify my claim for damages and cost associated with attempts to collect my escrow funds preceding the official filing of bankruptcy by Taylor, Bean, & Whitaker for the following reasons.

1. The management of Taylor, Bean, and Whitaker failed to comply with my escrow agreement with them that states, "the (escrow) funds shall be held in an institution whose deposits are insured by a federal agency Lender shall apply the Funds to pay the Escrow Items no later than the time specified under RESPA." In my case I forwarded a cash to Taylor, Bean, and Whitaker in the amount of \$186,955.34 dated July 22, 2009 paying off my loan and thus should have freed my funds held in escrow within thirty days. Instead,
2. The management of Taylor, Bean, and Whitaker intentionally mislead me concerning their solvency status by instructing their Customer Service employees to mislead customers who inquired concerning their accounts. They did this by not informing customers of the bankruptcy and informing the customers to follow up with additional calls. This approach to intentionally mislead me caused me financial distress and harm by,

3. Forcing me to pay my property taxes and home owners insurance from my limited personal savings at a time when I was receiving medical care for physical joint problems and emotional problems associated to my Post Traumatic Stress Disorder that resurfaced as a result of the stress created by the deceptive actions of Taylor, Bean, and Whitaker Mortgage.
4. My claim is not for my escrow funds, but represents damages and out of pocket costs associated with my efforts to collect my escrow funds. The damage amount represents the funds I had to use to prevent a tax lien on my property and cancellation of property insurance. The amount I received from a third party financial institution was not payment for damages, but only represented a refund of my funds I gave in good faith to Taylor, Bean, and Whitaker Mortgage in accordance with my contract with them.
5. My escrow funds should have been classified as an obligation of Taylor, Bean, and Whitaker Mortgage as the highest form of secured obligation supported by a contractual arrangement protected by Federal lending statutes. Taylor, Bean, and Whitaker Mortgage failed to reserve the escrow funds as required by my contract with them. They merely did an accounting entry on their books, but did not follow through by isolated the cash require comply with the accounting.
6. Furthermore, no accounting of my escrow funds as required by RESPA was provided by Taylor, Bean, and Whitaker as further evidence of their intent to hide the insolvency of their organization. If Taylor, Bean, and Whitaker had provided full disclosure, I would not have released funds for \$186,955.34 until such time as my escrow funds were transferred to an escrow agent of my choice.

Taylor, Bean, and Whitaker Mortgage Corp. intentionally deceived me and other customers to assure their management of continued financial rewards while they (the management) committed mortgage fraud under the Federal Criminal statutes article 18 U.S.C sections 1010. Taylor, Bean, and Whitaker Mortgage Corp. and its' management is liable for the losses I incurred that resulted from their deceptive practices. My loss under claim number 1272 should remain at \$1200.08 and classified as "(P) claim type". The court should consider additional awards to me and the other customers as a result for the criminal actions of Taylor, Bean, and Whitaker Mortgage Corp. management.

Respectfully submitted,



Ronald L. Compher

Cc:

Alisa Paige Mason, Esq.,
Berger Singerman LLP,
1450 Brickell Avenue, Suite 1900
Miami, FL 33131

Attachment:

UNITED STATES BANKRUPTCY COURT, MIDDLE DISTRICT OF FLORIDA, JACKSVILLE DIVISION
Case 3:09-bk-07047-JAF Doc 5241 Filed 05/14/2012 9 pages

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
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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.

FORTY THIRD OMNIBUS OBJECTION TO CLAIMS
(TBW Borrower Claims—Partially Paid)

**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 the date of service stated in the certificate of service accompanying this objection, 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.

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 4, 2012

Respectfully submitted,

BERGER SINGERMANN 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 43: EXHIBIT A - PARTIALLY PAID BORROWER CLAIMS**

Creditor Name / Address	Case Number	Claim Number	Total Claim Dollars*	Claim Type**	Modified Claim Amount*	Claim Type**
13 CONCANNON JR, WILLIAM A & CAROL M 74 HANCOCK ROAD NEEDHAM, MA 02492	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	570	\$253.46	(U)	\$76.00	(U)
14 CONFORTI, NICHOLAS E 3612 N SHERWOOD CIR COCOA, FL 32926	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	880	\$2,667.90	(U)	\$40.28	(U)
15 CORNELL MD, KELLEY M 88 HIGH ST UNIT #1 CHARLESTOWN, MA 02129	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	427	\$0.00 \$861.19	(P) (U)	\$0.00 \$10.00	(P) (U)
16 CYNTHIA GOUGH 4453 S LOWELL BLVD DENVER, CO 80236	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1488	\$0.00 \$354.26	(S) (U)	\$0.00 \$10.00	(S) (U)
17 DAVENPORT, TINA 4324 JOHN SILVER RD VIRGINIA BEACH, VA 23455	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1034	\$1,313.99	(U)	\$5.00	(U)
18 DURHAM, CHRISTOPHER B C/O SHEPARD HELTON, ESQ PO BOX 2943 CARTERSVILLE, GA 30120	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1269	\$4,283.71	(U)	\$10.00	(U)
19 ELLIS, TRUDY L 14865 E ALABAMA PL AURORA, CO 80012-4744	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1210	\$382.65	(U)	\$7.00	(U)
20 GISH, JESSE 10117 JILL AVE HIGHLANDS RANCH, CO 80130	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	801	\$756.13	(U)	\$7.00	(U)
21 GRIDDALUR, SASANKA S 39 STURTEVANT AVE NORWOOD, MA 02062	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	655	\$995.88	(U)	\$5.00	(U)
22 HARTLEY, BENJAMIN L 1224 E 6TH ST TYLER, TX 75701	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	670	\$1,413.50	(U)	\$25.00	(U)
23 HERNANDEZ, DIANE GARCIA & BRIAN 26252 S LOCUST PL MONEE, IL 60449	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	156	\$1,112.02	(U)	\$115.00	(U)
24 HESSEL, DANIEL R 2415 E CR 651 N PITTSBORO, IN 46167	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	672	\$2,134.99	(U)	\$10.00	(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 43: EXHIBIT A - PARTIALLY PAID BORROWER CLAIMS

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38 MILLER, DANA R 7177 W 350 N GREENFIELD, IN 46140	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1629	\$0.00 \$1,862.48	(P) (U)	\$0.00 \$30.00	(P) (U)
39 MORGAN, MARIE C 16037 LEDGE ROCK DR PARKER, CO 80134	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	467	\$0.00 \$891.91	(P) (U)	\$0.00 \$10.00	(P) (U)
40 MORPHEW, GARY R & SHARON C 2222 S MESA ST #4 SAN PEDRO, CA 90731	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1388	\$3,037.40	(U)	\$7.00	(U)
41 NELSON JR, BARRY L & DENISE B 136 MOKU MANU DR BASTROP, TX 78602	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	173	\$3,315.48	(U)	\$313.31	(U)
42 OSCARSSON, THOMAS & BLAIR 2406 S ONG ST AMARILLO, TX 79109	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1133	\$0.00 \$1,235.00	(P) (U)	\$0.00 \$10.09	(P) (U)
43 OTHMAN, MOHAMED R & WAF A F 506 S LINCOLN ST ADDISON, IL 60101	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	489	\$0.00 \$767.32	(P) (U)	\$0.00 \$7.50	(P) (U)
44 PASCHAL, JAMIE & REBECCA 1 TANNER AVE KENNEBUNK, ME 04043	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1703	\$636.08	(U)	\$5.00	(U)
45 PEREZ, JESUS 1745 ARANSAS PASS DR LAREDO, TX 78045	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	578	\$0.00 \$1,178.76	(P) (U)	\$0.00 \$5.00	(P) (U)
46 POST, MYRON & NANCY B 1231 NEW HARVEST CT FENTON, MO 63026	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1226	\$0.00 \$2,884.49	(P) (U)	\$0.00 \$19.00	(P) (U)
47 ROTHMAN, STUART & HARRIET 7814 N BOYD WAY FOX POINT, WI 53217	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	182	\$4,913.47	(U)	\$15.00	(U)
48 SAM CHOW & CONNIE WONG 1007 NOLAN BLVD MADISON, AL 35758	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	755	\$1,728.81	(U)	\$5.00	(U)
49 SANDLIN, JASON L 275 JAMES HOWE RD DALLAS, OR 97338	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1533	\$1,792.22	(U)	\$306.00	(U)
50 SCHNURR, MARYBETH & GEORGE 61 VICTORY POINT DR BLUFFTON, SC 29910	09-07047 TAYLOR, BEAN & WHITAKER MORTGAGE CORP.	1292	\$0.00 \$2,061.77	(S) (U)	\$0.00 \$10.00	(S) (U)

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

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64 WHITE, CAMERON H P 8352 LAKE CROWELL CIR ORLANDO, FL 32836	09-07047	978	\$2,313.76	(U)	\$13.14	(U)
	TAYLOR, BEAN & WHITAKER MORTGAGE CORP.					
65 WOOD, MICHAEL W & MARILYN J 2250 NORTH KNOX AVE CHICAGO, IL 60639	09-07047	1291	\$3,461.55	(U)	\$98.00	(U)
	TAYLOR, BEAN & WHITAKER MORTGAGE CORP.					
66 YANG SONG & SEE MING ELSA FUNG 580 MULBERRY WAY S WESTERVILLE, OH 43082	09-07047	1235	\$879.65	(U)	\$15.00	(U)
	TAYLOR, BEAN & WHITAKER MORTGAGE CORP.					
Totals:			\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$118,008.46	(U)	\$4,064.19	(U)

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

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