

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
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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.

ORDER SUSTAINING THIRTY EIGHTH OMNIBUS OBJECTION TO CLAIMS

THIS MATTER came before the Court without a hearing, upon the *Thirty Eighth Omnibus Objection to Claims* [D.E. 5212] (the “Thirty Eighth Omnibus Objection”) dated April 25, 2012, filed by Neil F. Luria as Plan Trustee (“Plan Trustee”) for the Taylor, Bean & Whitaker Plan Trust¹ (the “Plan Trust”) on behalf of the Debtor, Taylor, Bean & Whitaker Mortgage Corp., under negative notice in accordance with Local Rules 2002-4 and 3007-1. The Plan Trustee represents that:

¹ 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of the Debtors and the Official Committee of Unsecured Creditors* [D.E. 3240], August 10, 2011, the Debtors have been replaced by the Taylor, Bean & Whitaker Plan Trust.

1. The Thirty Eighth Omnibus Objection was served on April 25, 2012, upon all interested parties identified in the Thirty Eighth Omnibus Objection [Certificate of Service, D.E. 5217].

2. The Thirty Eighth Omnibus Objection provided all claimants the right and opportunity to file a response to the objection no later than 30 days from the date of service of the objection. Accordingly, the deadline to respond was May 25, 2012.

3. On June 6, 2012, a check of the electronic entries docketed in this case confirms that no responses have been filed to date.

The Court, having considered the Thirty Eighth Omnibus Objection, noting that no responses were filed, and being otherwise fully advised in the premises, thereupon

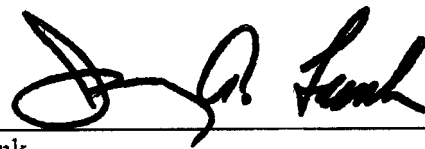
ORDERS as follows:

1. The Thirty Eighth Omnibus Objection is hereby SUSTAINED with respect to the claims listed on Exhibit A and B to this Order for the claimants' failure to file a response.

2. The claims listed on Exhibit A and B to this Order are disallowed, reduced, and/or reclassified in accordance with the Recommended Disposition column in each Exhibit.

3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

DATED this 7 day of JUNE, 2012, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

EXHIBIT "A" - RECLASSIFICATION

	CLAIMANT	CLAIM NUMBER	CLAIM AMOUNT	BASIS FOR DISPOSITION	RECOMMENDED DISPOSITION
1	BENEFIT EXPRESS LLC C/O MARIA BRADLEY 220 W CAMPUS DR STE 203 ARLINGTON HEIGHTS, IL 60004	53	\$ 40,205.00	The Plan Trustee objects to this Claim on the basis that a portion of the Claim asserts a claim for a termination penalty, e.g a rejection damages claim, and should be reclassified as a TBW Class 8 general unsecured claim in accordance with the terms of the Plan.	The Plan Trustee recommends reclassifying \$15,400.00 of this Claim to a TBW Class 8 general unsecured claim in accordance with the Plan. The balance of this Claim should be allowed as a TBW Class 9 general unsecured claim in the amount of \$24,805.00
2	BILLMATRIX CORPORATION 8750 N Central Expressway, 20th Floor Dallas, TX 75231	1505	\$ 39,479.00	The Plan Trustee objects to this Claim on the basis that a portion of the Claim asserts a claim for rejection damages and accordingly should be reclassified as a TBW Class 8 general unsecured claim in accordance with the terms of the Plan.	The Plan Trustee recommends reclassifying \$35,750.00 of this Claim to a TBW Class 8 general unsecured claim in accordance with the Plan. The balance of the Claim should be allowed as TBW Class 9 general unsecured claim in the amount of \$3,729.00
3	CANON FINANCIAL SERVICES INC SCOTT H MARCUS ESQ (SCOTT H MARCUS & ASSOCIATES) 121 JOHNSON RD TURNERSVILLE, NJ 08012	3461	\$ 53,763.82	The Plan Trustee objects to this Claim for leased equipment rejection damages on the basis that the Claim should be classified as a TBW Class 8 general unsecured claim according to the terms of the Plan.	The Plan Trustee recommends that this Claim be reclassified to a TBW Class 8 general unsecured claim in accordance with the Plan.
4	CIT TECHNOLOGY FINANCING SERVICES INC WELTMAN WEINBERG & REIS CO 175 S THIRD ST STE 900 COLUMBUS, OH 43215	184	\$ 9,700.62	The Plan Trustee objects to this Claim for leased equipment rejection damages. In accordance with the Plan, this Claim should be classified as a TBW Class 8 general unsecured claim.	The Plan Trustee recommends that this Claim be reclassified to a TBW Class 8 general unsecured claim in accordance with the Plan.
5	ELLISON REALTY INC C/O ROBERT D. BARRON 2228 E. SILVER SPRINGS BLVD OCALA, FL 34470	51	\$ 25,068.96	The Plan Trustee objects to this Claim for leased equipment rejection damages. In accordance with the Plan, this Claim should be classified as a TBW Class 8 general unsecured claim.	The Plan Trustee recommends that this Claim be reclassified to a TBW Class 8 general unsecured claim in accordance with the Plan.
6	KONICA MINOLTA IMAGING 4388 COLLECTIONS CENTER DRIVE CHICAGO, IL 60693	S6002	\$ 9,714.68	The Plan Trustee objects to this Claim for leased equipment rejection damages on the basis that the Claim should be classified as a TBW Class 8 general unsecured claim in accordance with the Plan.	The Plan Trustee recommends that this Claim be reclassified to a TBW Class 8 general unsecured claim in accordance with the Plan.

	CLAIMANT	CLAIM NUMBER	CLAIM AMOUNT	BASIS FOR DISPOSITION	RECOMMENDED DISPOSITION
7	LAKEHILLS CENTER AT LAGUNA, LLC C/O GRANT & MORASSE APC 4921 BIRCH ST SUITE 120 NEWPORT BEACH, CA 92660 LAKEHILLS CENTER AT LAGUNA, LLC. 23422 MILL CREEK DRIVE SUITE 100 LAGUNA HILLS, CA 92653	1576	\$ 57,406.20	The Plan Trustee objects to this Claim on the basis that the Claim should be classified as a TBW Class 8 general unsecured claim in accordance with the Plan.	The Plan Trustee recommends that this Claim be reclassified to a TBW Class 8 general unsecured claim in accordance with the Plan.
8	QUIETWATER LTD PARTNERSHIP KATHY WHITEHEAD PRESIDENT 1500 COLONIAL BLVD STE 200 FORT MYERS, FL 33907	101	\$ 13,804.00	The Plan Trustee objects to this Claim for leased equipment rejection damages on the basis that the Claim should be classified as a TBW Class 8 general unsecured claim in accordance with the Plan.	The Plan Trustee recommends that this Claim reclassified to a TBW Class 8 general unsecured claim in accordance with the Plan.
9	RG COLLING APARTMENTS, INC. 11601 Pelican Drive #C16 El Paso, TX 79936	1728	\$ 45,242.00	The Plan Trustee objects to this Claim for leased equipment rejection damages on the basis that the Claim should be classified as a TBW Class 8 general unsecured claim in accordance with the Plan. In addition, the Plan Trustee objects to this Claim under Section 502(c) because the Claimant has received and has failed to disgorge an avoidable transfer.	The Plan Trustee recommends that this Claim be disallowed in its entirety or, in the alternative, reclassified to a TBW Class 8 general unsecured claim in accordance with the Plan. If the Claimant responds to this objection, the Plan Trustee recommends that the Plan Trustee's objection be consolidated with Adversary Proceeding No. 3: 11-ap-00673.
10	SUCCESS FACTORS 1500 Fashion Island Blvd Suite 300 SAN MATEO, CA 94404	1053	\$ 92,000.00	The Plan Trustee objects to this Claim for leased equipment rejection damages on the basis that this Claim should be reclassified as a TBW Class 8 general unsecured claim in accordance with the terms of the Plan.	The Plan Trustee recommends that this Claim be reclassified as a TBW Class 8 General Unsecured Claim in accordance with the Plan.
11	The Pines Corp Center 6759 W CHARLESTON BLVD STE 110 LAS VEGAS, NV 89146-2000	1077	\$ 15,000.60	The Plan Trustee objects to this Claim for leased equipment rejection damages on the basis that the Claim should be classified as a TBW Class 8 general unsecured claim in accordance with the Plan.	The Plan Trustee recommends that this Claim reclassified to a TBW Class 8 general unsecured claim in accordance with the Plan.
12	WELLS FARGO FINANCIAL LEASING INC 800 WALNUT ST MAC F4031-050 DES MOINES, IA 50309	1	\$ 2,477.22	The Plan Trustee objects to this Claim for leased equipment rejection damages on the basis that this Claim should be reclassified as a TBW Class 8 general unsecured claim in accordance with the terms of the Plan.	The Plan Trustee recommends that this Claim be reclassified to a TBW Class 8 general unsecured claim in accordance with the Plan.

EXHIBIT "B" - BOOKS & RECORDS AND RECLASSIFICATION

	CLAIMANT	CLAIM NUMBER	CLAIM AMOUNTS	BASES FOR DISPOSITION	RECOMMENDED DISPOSITION
1	CORPORATE OFFICE CENTERS 2000 E LAMAR BLVD., #600 ARLINGTON, TX 76006	1658	\$ 5,442.52	The Plan Trustee objects to this Claim because it is inconsistent with the Debtors' books and records. In addition and in accordance with the Plan, a portion of this Claim should be reclassified as a TBW Class 8 general unsecured claim.	The Plan Trustee recommends that this Claim be reduced to \$4,960.10 with \$4,180.32 of this Claim reclassified as a TBW Class 8 general unsecured claim and \$779.78 of this Claim as TBW Class 9 general unsecured claim in accordance with the Plan.
2	JOHN FARESE 735 ARLINGTON AVE N STE 103 ST PETERSBURG, FL 33701	91	\$ 37,081.24	The Plan Trustee objects to this Claim because it is inconsistent with the Debtors' books and records on the basis that the Claimant improperly includes sales tax in its rejection damages calculation. In addition and in accordance with the Plan, this Claim should be reclassified as a TBW Class 8 general unsecured claim.	The Plan Trustee recommends that this Claim be reduced to \$15,891.96 and reclassified as a TBW Class 8 general unsecured claim in accordance with the Plan.
3	LEASE GROUP RESOURCES 110 MARTER AVENUE SUITE 203 MOORSTOWN, NJ 089057	3027	\$ 90,018.24	The Plan Trustee objects to this Claim because it is inconsistent with the Debtors' books and records. In addition and in accordance with the Plan, this Claim should be reclassified as a TBW Class 8 general unsecured claim.	The Plan Trustee recommends that this Claim be reduced to \$84,956.83 and reclassified as a TBW Class 8 general unsecured claim in accordance with the Plan.
4	M2 LEASE FUNDS, LLC 175 N PATRICK BLVD, #140 BROOKFIELD, WI 53045	1047	\$ 78,578.00	The Plan Trustee objects to this Claim because it is inconsistent with the Debtors' books and records in that the Claim asserts a claim for equipment that was returned to the Claimant. In addition and in accordance with the Plan, this Claim should be reclassified as a TBW Class 8 general unsecured claim.	The Plan Trustee recommends that this Claim be reduced to \$63,360.00 and reclassified as a TBW Class 8 general unsecured claim in accordance with the Plan.
5	MSKP RAMBLEWOOD SQUARE LLC MATTHEW SACKEL ESQ SHUTTS & BOWEN LLP 525 ONECHOBBEE BLVD STE 1100 WEST PALM BEACH, FL 33401	1377	\$ 64,084.30	The Plan Trustee objects to this Claim because it is inconsistent with the Debtors' books and records because the Claimant failed to account for a security deposit provided by the Debtor. Additionally and in accordance with the Plan, this Claim should be reclassified as a TBW Class 8 general unsecured claim.	The Plan Trustee recommends that this Claim be reduced to \$54,309.30 and reclassified as a TBW Class 8 general unsecured claim in accordance with the Plan.
6	US BANCORP BUSINESS EQUIPMENT FINANCE GROUP ATTN: BANKRUPTCY DEPARTMENT 1310 MADRID ST STE 100 MARSHALL, MN 56258	291	\$ 20,143.49	The Plan Trustee objects to this Claim because the Claim is inconsistent with the Debtors' books and records. In addition and in accordance with the Plan, this Claim should be reclassified as a TBW Class 8 general unsecured claim.	The Plan Trustee recommends that this Claim be reduced to \$17,347.65 and reclassified as a TBW Class 8 general unsecured claim in accordance with the Plan.