

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:

REO Specialists, LLC

Case No. 3:09-bk-07047-JAF

Applicable Debtor.

**ORDER RESOLVING IN PART THE AMENDED FIRST OMNIBUS
OBJECTION TO CLAIMS OF REO SPECIALISTS, LLC**

THIS MATTER came before the Court without a hearing in connection with the *Amended First Omnibus Objection to Claims of REO Specialists, LLC* (D.E. 4727) (the "First Omnibus Objection") dated January 17, 2012 and filed by Neil F. Luria as Plan Trustee ("Plan Trustee") for the Taylor, Bean & Whitaker Mortgage Plan Trust¹ (the "Plan Trust") on behalf of the Debtor, REO Specialists, LLC, pursuant to Local Rules 2002-4 and 3007-1. Pursuant to Sections 547, 548 and/or 550 of the Bankruptcy Code, the Plan Trustee sued a number of defendants (the "Defendants") in various adversary proceedings (the "Avoidance Adversaries") who also held claims against the Debtor's estate, including scheduled claims, filed claims, and scheduled or filed claims subsequently transferred to a third party (collectively, the "Claims"). Certain of the defendants have agreed to waive their respective Claims against the Debtor's

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of the Debtors and the Official Committee of Unsecured Creditors* (D.E. 3240), August 10, 2011, the Debtors have been replaced by the Plan Trust.

estate and have accomplished this waiver in connection with a resolution of the Avoidance Adversaries. The Plan Trustee represents that:

1. Claims listed on Exhibit "A" attached hereto were objected to in the First Omnibus Objection on the basis that such claims must be disallowed pursuant to 11 U.S.C. § 502(d) of the Bankruptcy Code because the Defendants received avoidable transfers under Sections 547 and/or 548 of the Bankruptcy Code and failed to disgorge such transfers.

2. Claims listed on Exhibit A have been waived or partially waived in connection with the resolution of the certain of the Avoidance Adversaries.

The Court, having considered that agreements were reached between the Plan Trustee and the Defendants in connection with certain claims listed in the First Omnibus Objection and the Avoidance Adversaries hereby

ORDERS as follows:

1. The First Omnibus Objection is hereby resolved as to those Claims listed on Exhibit A to this Order.

2. All Claims listed on Exhibit A to this Order are therefore disallowed, reduced, or otherwise modified on the basis that the Claims have been waived or partially waived as part of a resolution of the respective Avoidance Adversaries.

DATED this 11 day of June, 2012, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

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

"EXHIBIT A" to Order Resolving REO Claim Objections**CLAIMS WAIVED AS PART OF THE RESOLUTION OF CERTAIN AVOIDANCE ADVERSARIES**

<u>Defendant</u>	<u>Claim No.</u>	<u>Claim Amount</u>	<u>Adv. Proc. Case No.</u>	<u>Claim Amounts Waived</u>		<u>Claim Amounts Remaining</u>	
				<u>IBW Class 3 Claims Waived</u>	<u>IBW Class 3 Claims Remaining</u>		
DELL MARKETING LP PO BOX 534118 ATLANTA, GA 30353	s25825	\$2,435.04	11-916	\$2,435.04	\$0.00		\$0.00
JONATHAN A MOMENT 221 W KENDALL DRIVE YORKVILLE, IL 60560	s25814	\$1,555.00	11-915	\$1,555.00	\$0.00		\$0.00
MICHAEL PAPE & ASSOC PA 2351 SE 17TH STREET OCALA, FL 34471	s25808	\$7,780.11	11-893	\$7,780.11	\$0.00		\$0.00