

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.  
\_\_\_\_\_

**SECOND ORDER RESOLVING IN PART THE CORRECTED  
THIRTY FOURTH OMNIBUS OBJECTION TO CLAIMS**

THIS MATTER came before the Court without a hearing in connection with the *Corrected Thirty Fourth Omnibus Objection to Claims* (D.E. 4605) (the “Thirty Fourth Omnibus Objection”) dated December 15, 2011 and filed by Neil F. Luria as Plan Trustee (“Plan Trustee”) for the Taylor, Bean & Whitaker Mortgage Plan Trust<sup>1</sup> (the “Plan Trust”) on behalf of the Debtor, Taylor, Bean & Whitaker Mortgage Corp., 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

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of the Debtors and the Official Committee of Unsecured Creditors* (D.E. 3240), August 10, 2011, the Debtors have been replaced by the Plan Trust.

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Debtor's 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 Thirty Fourth 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 Defendant 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 Thirty Fourth Omnibus Objection and the Avoidance Adversaries hereby

ORDERS as follows:

1. The Thirty Fourth 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 15 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 Second Order Resolving Thirty-Fourth Omnibus Objection to Claims

CLAIMS WAIVED AS PART OF THE RESOLUTION OF CERTAIN AVOIDANCE ADVERSARIES

Defendant	Claim No.	Claim Amount	Adv. Proc. Case No.	Claim Amounts Waived			Claim Amounts Remaining		
				TBW Class 8 Claims Waived	TBW Class 9 Claims Waived	TBW Admin. Claims Waived	TBW Class 8 Claims Remaining	TBW Class 9 Claims Remaining	TBW Admin. Claims Remaining
AEROTEK INC C/O LAWRENCE M KOSTO ESQ PO BOX 113 ORLANDO, FL 32802	237	\$ 12,957.41	11-504	\$0.00	\$6,478.44	\$0.00	\$0.00	\$6,478.97	\$0.00
GEORGIA DEPARTMENT OF BANKING & FINANCE REG. DEPUTY COMMISSIONER FOR LEGAL & CONSUMER AFFAIRS 2990 BRANDYWINE ROAD, SUITE 200 ATLANTA, GA 30341	1373	Undetermined	11-695	-	-	-	\$0.00	\$0.00	\$0.00
GEORGIA DEPARTMENT OF BANKING & FINANCE REG. JUDY NEWBERRY DEPUTY COMMISSIONER FOR LEGAL & CONSUMER AFFAIRS 2990 BRANDYWINE ROAD, SUITE 200 ATLANTA, GA 30341	1372	\$ 5,000.00	11-695	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
NATIONAL FIELD REPRESENTATIVES INC PO BOX 1440 CLAREMONT, NH 03743	3326	\$ 221,755.36	11-506	\$0.00	\$221,755.36	\$0.00	\$0.00	\$0.00	\$0.00

<u>Defendant</u>	<u>Claim No.</u>	<u>Claim Amount</u>	<u>Adv. Proc. Case No.</u>	<u>IBW Class 3 Claims Waived</u>	<u>IBW Class 9 Claims Waived</u>	<u>IBW Admin. Claims Waived</u>	<u>IBW Class 8 Claims Remaining</u>	<u>IBW Class 9 Claims Remaining</u>	<u>IBW Admin. Claims Remaining</u>
ROTH /ULTIMATE STAFFING CO. LEDGENT; ADAMS & MARTIN GROUP 333 CITY BLVD WEST SUITE 100 ORANGE, CA 92668	5846	\$24,584.72	11-548	\$0.00	\$14,584.72	\$0.00	\$0.00	\$10,000.00	\$0.00
SUNGARD AVAILABILITY SERVICES LP MAUREEN A MCGREEVEY ESQ 680 E SWEDES FORD RD WAYNE, PA 19087	3253	\$ 34,141.94 *	11-570	\$0.00	\$6,232.26	\$7,500.00	\$0.00	\$0.00	\$20,409.68
WRIGHT EXPRESS FINANCIAL SERVICES PO BOX 639 PORTLAND, ME 04103	163	\$ 214,270.92	11-991	\$0.00	\$214,270.92	\$0.00	\$0.00	\$0.00	\$0.00

\*The amount of \$6,232.26 is the prepetition amount, which was the amount objected to in the Thirty Fourth Omnibus Objection. The total amount of the Claim is \$34,141.94.