

Taylor, Bean & Whitaker
Mortgage Corp.

Pro Specialist, LLC +

Home America Mortgage Inc

FILED
JACKSONVILLE, FLORIDA

JUN 15 2012

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

Claim #

1186

Case #

09-07047

To Whom It May Concern:

Jeff + Trish Christian a claimant of the dispute of the Taylor, Bean + Whitaker Claim disputes this letter stating funds have been dispersed + paid. ONLY partial payment has been received. We did receive our escrow balance eventually! But we had to pay out of our pocket our home insurance and also our 2009 taxes. I have included documentation for the insurance and also included the tax bill we received in 2010. Also I had made 2 payments to TB+W and during this time Bank of America had taken over our loan therefore freezing the money I had paid to TB+W. There's been so much going on and I've tried to keep records and keep up with everything but unfortunately I had a tragic family loss in 2010 and sort of lost track of everything. I lost my 15 year old daughter in a tragic accident and my organization skills haven't been the best since.

Please accept my dispare with the enclosed letter and lets come to an agreement to what you owe to

me which is more than the
\$ 2,500 you show but I would
be willing to settle the claim
for this amount just to get
this resolved.

Please let me know if you have
any questions

Jeff + Patricia Christian

918-521-7089

918-693-0505

HCchristian245@yahoo.com

Home Address:

5958 S. 176th W. Ave.

Sand Springs, Ok. 74063

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 FOURTH OMNIBUS OBJECTION TO CLAIMS
(TBW Borrower Claims—Miscellaneous)

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

This objection seeks to disallow 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 Trust¹ (the “Plan Trust”), 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 Exhibits “A”, “B”, “C”, “D”, and “E” (collectively, the “Claims”). The Plan Trustee seeks to disallow the Claims for the following reasons:

Exhibits “A”, “B”, “C”, “D”, and “E”—The Claims should have been Paid in Part by the Respective Investors. The Plan Trustee objects to the Claims listed on Exhibit A, B, C, D and E on the basis that the Claims should have been paid in part or otherwise resolved after the servicing of each of the loans relating to each of the Claims was transferred from TBW to a third party entity.

The Plan Trustee has made multiple attempts to obtain evidence from Freddie Mac, Ginnie Mae and other investors (collectively, the “Investors”) that the amounts reflected in each of the Claims has been satisfied in part by the Investors and has received verbal confirmation that borrower issues have been dealt with in accordance with the *Order Establishing Protocol to Resolve Borrower Issues* (D.E. 1079) (the “Borrower Protocol Order”) and paragraph 93 of the *Final Reconciliation Report* (D.E. 1644) (the “Final Reconciliation”). The Plan Trustee has sought written confirmation and supporting evidence from the Investors that each of the Claims have been satisfied in part; however such written confirmation has not been received.

The Plan Trustee submits that the failure to reduce the Claims means that certain borrowers would be paid twice—once through the protocols in place pursuant to the Borrower Protocol Order and Final Reconciliation, and once through the normal claims process.

Exhibit A—Unpaid Taxes should be dealt with by New Servicer of the Loans. The Plan Trustee objects to the Claims listed on Exhibit A, in addition to the grounds described above, on the basis that a portion of the Claims relate to taxes that are the responsibility of the new servicer of the respective loan underlying each of the Claims. The servicing of each of the loans relating to each of the Claims was released in August of 2009.

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 and the Official Committee of Unsecured Creditors have been replaced by the Taylor, Bean & Whitaker Plan Trust (the “Plan Trust”).

Accordingly, the Plan Trustee proposes disallowing the Claims listed on Exhibit "A" in full.

Exhibit B—Duplicative Amounts. The Plan Trustee objects to each of the Claims listed on Exhibit B on the basis that the Claims include duplicates of the amounts already being resolved pursuant to the Borrower Protocol and Final Reconciliation. Accordingly, the Plan Trustee recommends disallowing the Claims listed on Exhibit B in full.

Exhibit C—Escrow Balances were Released to the New Servicers. The Plan Trustee objects to each of the Claims, in addition to the grounds relating to the payment of the Claims in part by the respective Investors, on the basis that a portion of each of the Claims consists of the claimant's escrow balance, which was transferred to the new servicer of the loan relating to the Claim when the servicing of the loans was transferred by the Debtor in August of 2009. Accordingly, the Plan Trustee recommends disallowing the Claims listed on Exhibit C in full.

Exhibit D—Claimant is not Entitled to Postpetition Interest. The Plan Trustee objects to the Claim listed on Exhibit D, in addition to the objection relating to the payment of the Claim in part by the respective Investors, on the basis that a portion of the Claim relates to the claimant's request for 12% in postpetition interest on his fully paid escrow check. The Plan Trustee submits that the Claimant is not entitled to interest on this general unsecured claim. Accordingly, the Plan Trustee recommends disallowing the Claims listed on Exhibit D in full.

Exhibit E—Inconsistent with the Debtor's Books and Records. The Plan Trustee objects to the Claims listed on Exhibit E, in addition to objecting to each of the Claims on the basis that a portion of the Claims should have been paid in part by the respective Investors, on the basis that a portion of the Claims are wholly inconsistent with the Debtor's books and records. Accordingly, the Plan Trustee recommends disallowing the Claims listed on Exhibit E in full.

The Plan Trustee requests that the Claims be treated as noted above, and believes that these Claims should be disallowed in accordance with the Bankruptcy Code.

All Claimants that have received this Omnibus Objection should locate their name(s) and Claim(s) on the attached Exhibits "A", "B", "C", "D", and "E" which list the Claimants alphabetically. To the extent that Claimants have any questions regarding any of the information provided in this 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 54: EXHIBIT C - PAID CLAIMS

Creditor Name / Address	Case Number	Claim Number	Total Claim Dollars	Claim Type**	Modified Claim Amount*	Claim Type**
1 CHRISTIAN, JEFF DOUGLAS & PATRICIA LANEA 5958 S 178TH W AVE SAND SPRINGS, OK 74063	09-07047	1186	\$0.00	(P)	\$0.00	(P)
			\$2,500.00	(U)	\$0.00	(U)
UNLIQUIDATED						
2 JACOBS, DEAN L & MARCIELLE S 305 ROLLING HILLS PL PARKER, CO 80138	09-07047	1484	\$3,442.68	(U)	\$0.00	(U)
3 OCHOA, GEORGE & ANGELA 1138 DUNLAP LOOP NEW BRAUNFELS, TX 78130	09-07047	353	\$0.00	(S)	\$0.00	(S)
			\$96,411.17	(U)	\$0.00	(U)
Totals:			\$0.00	(S)	\$0.00	(S)
			\$0.00	(P)	\$0.00	(P)
			\$102,353.86	(U)	\$0.00	(U)

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

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

(S) - Secured
 (U) - Unsecured



AUGUST 19, 2009

Fire Policy Status

CHRISTIAN, JEFFERY & PATRICIA H Ph. (918)245-3458
 5958 S 176TH WEST AVE FIRE Policy: 36-EE-9911-7 F Yr issd: 1989
 SAND SPRINGS OK 74063-5201 Xref: 36-ES-4856-8 P YRS with SF: 9+

Type: HO - HOMEOWNERS Term: CONT Renew date: AUG-05-10
 Coverage information Premium: 1,207.00 Written date: JUL-21-05
 A-DWELLING 233800
 DWELL EXT 23380
 B-PERS PROP 175350
 C-LOSS USE ACT LOSS

L-PERS LIAB 300000 Amount due: 1207.00
 DMG TO PROP 500 Date due: AUG-05-09
 M-MED/PERS 5000 Bill to: MTG
 Prev prem: 962

Prev risk: 222,400
 Deductibles applied: 500 OTH PER 1% WIND 2338

Messages: TOOF FROM 08/09/2006 TO 08/23/2006 - 22%NH \$ 298/- HA
 Source: E - 20%CFD\$ 339
 Year built: 2005 Constr: VENEER
 Zone: 10 Home alert: SA DB FE
 Sub zone: 07
 Families: 01

Roof
 Roof type: COMPOSTN SHNGL

Rating claims: 00
 Clean slate: 03-31-99

Prior Carrier Losses: N CRI: 5552
 Move-in: I Entry: JUL-29-05 FMP seg: 99