

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

F I L E D
JACKSONVILLE, FLORIDA

JUL 31 2012

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

John Crain, Pro Se

Creditors/Defendants

In re:

**TAYLOR, BEAN & WHITAKER
MORTGAGE CORP
REO SPECIALTIES, LLC
HOME AMERICAN MORTGAGES, INC.**

JOINTLY ADMINISTERED UNDER

Chapter 11

CASE NO. 3:09-BK-7047-JAF

CASE NO. 3:09-BK-10022-JAF

CASE NO. 3:09-BK-10023-JAF

CASE NO. 3:09-BK-07047-JAF

**Debtors and
Debtors in Possession**

**OBJECTION TO JUDGES ORDER STRIKING RESOLUTION OF FRAUD
DOCKET#5641JUDGES ORDER(DOCKET 5704)**

Comes now, I John Crain, Pro Se, Objection to Judges order 5704.

This action comes before the court due to Creditors having a vested interest in this transaction agreement. This objection comes before court requesting a **De Nova review** . I disagreement with with the judges order ,due to the clear and unmistakably error by Jerry A. Funk. There has been misunderstanding on documents and motions filed in this court. Therefore the facts are proven as to the fraud that was perpetrated by the very owners and managers in positions to control the entire corporation. Therefore by **requesting a De Nova review** the following questions could be clarified:

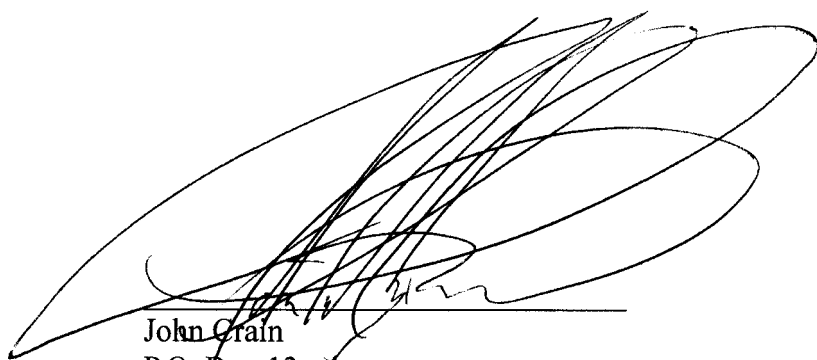
1. How is it that Taylor Bean & Whitaker are allowed to continue in a chapter 11 bankruptcy as opposed to a chapter 7?
2. Why have relationships, arms length transactions as per Federal rules, not been reviewed or revealed to this court and creditors (victims).
3. Why has creditors (victims) right to DUE PROCESS OF LAW been denied?
4. Why has no outside review of financial and original documents been performed?
5. Why has documents submitted in this court not been reviewed for factual fraud content as per Federal rules when factual documents been presented?

I are requesting a **De Nova review** as to the serving of Judge Funk's order #5704, entered July 17, 2012, however notice were not mailed until July 23, 2012 as per document #5759. Therefore as per Federal Rule 8013 I requesting a De Nova requesting a review of the facts in the Taylor, Bean and Whitaker bankruptcy court. Rule 52a findings of fact, clear error, and documentary evidence, concludes that they are so malleable as to give appellate judges wide discretion in deciding whether clear error, de nova review or other standard of review is to be applied. The review can serve as a prism through which to view a judges ideological predisposition, especially when these choices are made in an undisciplined, unprincipaled manner. Creditors hold the right to amend this objection on additional grounds not set forth herein and to object to any further claims not presently set forth herein .

Prayer for this court to allow the De Nova of facts in Taylor, Bean & Whitaker's bankruptcy court persided over the Honorable Jerry A. Funk due to clear and unmistakable error.

CERTIFICATE OF SERVICE

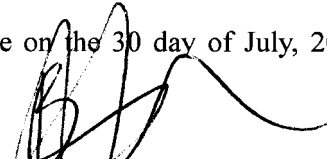
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via mail to: **The United States Bankruptcy Court, Lee Ann Bennett Clerk of Court , United States Courthouse, 300 North Hogan Street Suite 3-350, Jacksonville Florida, 32202:** To: Elena Escamilla, Trial Attorney, Office of the United States Trustee. U.S. Department of Justice Florida Bar No: 898414, 135 W. Central Blvd., Suite 620 Orlando FL. 32801 and served to via mail to: Edward J. Peterson, III (FBN 014612) **STRICHTER, RIEDEL, BLAIN & PROSSER, P.A., (Attorneys for the Debtor)** 110 East Madison Street, Suite 200 Tampa, FL 33602, and to Jeffrey W. Kelley (GABN 412296) **TROUTMAN AND SANDERS LLP, (Special Counsel to Defendants)** 600 Peachtree Street, Suite 5200, Atlanta, Georgia 30308


John Crain
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AFFIDAVIT

STATE OF FLORIDA §
 §
COUNTY OF BREVARD §

This instrument was acknowledged before me on the 30 day of July, 2012, by John Crain in the capacity stated therein.



Notary Public, State of Florida