

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

FILED
JACKSONVILLE, FLORIDA
AUG 13 2012

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

Michael R. Elliott and Dianna L. Elliott, 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, Michael R. Elliott and Dianna L. Elliott, Pro Se with an 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 . We are in disagreement 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?

We 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 we are 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, unprincipled manner.

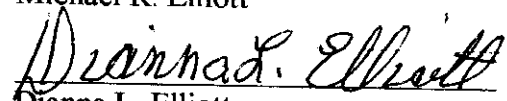
Creditors hold the right to amend this objection on additional grounds not set forth herein and to object to any further claims not presently set forth herein .

Prayer for this court to allow the De Nova of facts in Taylor, Bean & Whitaker's bankruptcy court presided 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: 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/Plaintiff)** 110 East Madison Street, Suite 200 Tampa, FL 33602.


Michael R. Elliott

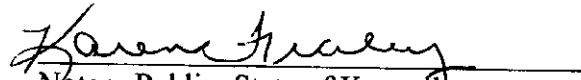

Dianna L. Elliott

AFFIDAVIT

STATE OF KENTUCKY §

COUNTY OF LEWIS §

This instrument was acknowledged before me on the 7 day of August 7, 2012 by Michael R. Elliott and Dianna L. Elliott in the capacity stated therein.


Notary Public, State of Kentucky