

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:
TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,
REO SPECIALISTS, LLC , and
HOME AMERICA MORTGAGE, INC.

Debtor(s)
_____/

CHAPTER 11 Case

Case No. 3:09-bk-07047-JAF
Case No. 3:09-bk-10022-JAF
Case No. 3:09-bk-10023-JAF

Jointly Administered Under
Case No. 3:09-bk-07047-JAF

In re:
TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,
Applicable Debtor
_____/

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

**SHAPIRO & KIRSCH LLP'S RESPONSE TO PLAN TRUSTEE'S
SIXTY THIRD OMNIBUS OBJECTION TO CLAIMS (RE: Claim 1717)**

Shapiro & Kirsch LLP files this Response to Debtor's Sixty Third Omnibus Objections to Claims (DE 5880), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code on August 24, 2009.
2. Shapiro & Kirsch LLP filed a Proof of Claim in this case on June 9, 2010 (Claim 1717) in the amount of \$52,699.35 for legal services and fees for foreclosure and bankruptcy related legal services in the State of Tennessee advanced and provided to Taylor, Bean & Whitaker ("TBW") prepetition.
3. On August 10, 2012, the Plan Trustee filed its Sixty-Third Omnibus Objection to Claims (DE 5880) wherein the trustee objected to said claims "(O)n the basis that the Claimants have been paid in full or in part by the new servicer of the respective mortgage loan after TBW transferred its servicing interest to another servicer following the shutdown of TBW on August 5, 2009. Further, and upon information and belief, some or all of the

Claimants may have filed charging liens in order to receive payment for their professional services and should also not be paid those amounts from the Debtor's estate".

4. The proof of claim as filed was accurate as of the date of its filing. Attached hereto are the invoices that constitute the amount of Shapiro & Kirsch LLP's claim in the amount of \$52,699.35. Since the date of filing its Proof of Claim, Shapiro & Kirsch LLP has received sums totaling \$589.00 from either Debtor or Third Parties., and accordingly, its claim should and deserves to be reduced by that amount, to wit: the sum of \$52,110.35. See attached Exhibit "A" invoices supporting the claim.
5. Shapiro & Kirsch LLP has not filed any charging liens with regard to any of the subject invoices.

Wherefore, Shapiro & Kirsch LLP prays that this court sustain in part and overrule in part the Plan Trustee's Objection and allow an unsecured reduced claim for Shapiro & Kirsch LLP's of \$52,110.35.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Appearance has been sent by CM/ECF transmission or standard first class mail on this 6th day of September, 2012 to the following:

Taylor, Bean & Whitaker Mortgage Corp, 4901 Vineland Road, Suite 120, Orlando, FL 32811;

Edward J. Peterson, III, Stichter, Riedel, Blain & Prosser, PA, 110 East Madison Street, Suite 200, Tampa, FL 33602;

Amy Denton Harris, Stichter, Riedel, Blain & Prosser, P.A., 110 East Madison Street, Suite 200, Tampa, FL 33602;

Russell M. Blain, Stichter, Riedel, Blain & Prosser, 110 East Madison Street, Suite 200, Tampa, FL 33602;

Richard C. Prosser, Stichter, Riedel, Blain & Prosser PA, 110 East Madison Street, Suite 200,
Tampa, FL 33602;

Jeffrey W. Kelley, 600 Peachtree Street, Suite 5200, Atlanta, GA 30308-2216;

James D. Dantzler, Jr., 600 Peachtree Street Northeast, Suite 5200, Atlanta, GA 30308;

Kristopher E Aungst, 200 South Biscayne Boulevard, Miami, FL 33131

Alisa Paige Mason, Berger Singerman PA, 1450 Brickell Avenue, Suite 1900, Miami, FL 33131

United States Trustee, 135 West Central Blvd., Suite 620, Orlando, FL 32801;

Elena L. Escamilla TB, 135 West Central Boulevard, Suite 620, Orlando, FL 32801

All parties on the attached section 1007(d) mailing matrix.

/s/Steven G. Powrozek
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