

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, FISHMAN & GACHÉ LLP'S RESPONSE TO PLAN TRUSTEE'S  
SIXTY THIRD OMNIBUS OBJECTION TO CLAIMS (Re: Claim 1935)**

Shapiro, Fishman & Gaché LLP f/k/a Shapiro & Fishman LLP("S&F") 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 & Fishman, LLP filed a Proof of Claim in this case on June 10, 2010 (Claim 1935) in the amount of \$123,935.60 for legal services and fees for foreclosure and bankruptcy related legal services in the State of Florida advanced and provided to Taylor, Bean & Whitaker ("TBW") prepetition.<sup>1</sup>

<sup>1</sup> The Name of the creditor changed to Shapiro, Fishman & Gaché LLP effective March 11, 2011.

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, Fishman & Gaché LLP’s claim in the amount of \$123,935.60 Not one invoice has been paid by Debtor or any other entity. See attached Exhibit “A” for a copy of unpaid invoices.
5. Shapiro, Fishman & Gaché LLP has not filed any charging liens with regard to any of the subject invoices.

Wherefore, Shapiro Fishman & Gaché LLP prays that this court overrule the Plan Trustee’s Objection as it relates to Shapiro, Fishman & Gaché LLP’s claim of \$123,935.60.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing response has been sent by CM/ECF transmission or standard first class mail on this 6<sup>th</sup> 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, Berger Singerman PA, 1450 Brickell Avenue, Suite 1900, 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

Steven G. Powrozek

FL Bar # 0316120

Shapiro, Fishman & Gaché, LLP

Attorney for Creditor

4630 Woodland Corporate Blvd.

Suite 100

Tampa, FL 33614

Telephone: (813) 367-5813

Fax: (813) 880-8800

E-mail: spowrozek@logs.com

12-250586