

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

Debtors.

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

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In re:

TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP.,

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

Applicable Debtor.  
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**ORDER SUSTAINING PLAN TRUSTEE'S OBJECTION  
TO CLAIM NO. 2613 FILED BY SOUTHWEST FUNDING**

THIS MATTER came before the Court without a hearing, upon the *Objection to Claim No. 2613 filed by Southwest Funding* [D.E. 5678] (the "Objection") dated July 16, 2012, filed by Neil F. Luria as Plan Trustee (the "Plan Trustee") for the Taylor, Bean & Whitaker Plan Trust<sup>1</sup> (the "Plan Trust") on behalf of the Debtor, Taylor, Bean & Whitaker Mortgage Corp., under negative notice in accordance with Local Rules 2002-4 and 3007. The Plan Trustee represents as follows:

<sup>1</sup> 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of the Debtors and the Official Committee of Unsecured Creditors* [D.E. 3240], August 10, 2011, the Debtors have been replaced by the Taylor, Bean & Whitaker Plan Trust.

1. The Objection was served upon Southwest Funding (the "Claimant") on July 16, 2012 [Certificate of Mailing, D.E. 5726].

2. The Objection provided the Claimant the right and opportunity to file a response to the Objection no later than 30 days from July 18, 2012. Accordingly, the deadline for responses to the Objection was August 17, 2012.

3. As of September 21, 2012, a check of the electronic entries docketed in this case confirms that no responses to the Objection have been filed with the Court. The Court, having considered the Objection, noting that no responses were entered on the docket from the Claimant, and being otherwise fully advised in the premises, thereupon

**ORDERS** as follows:

1. The Objection is hereby SUSTAINED.
2. Claim No. 2613 in the amount of \$841.91 is disallowed in its entirety.
3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

**DATED** this 25 day of September, 2012, in Jacksonville, Florida.



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Jerry A. Funk  
United States Bankruptcy Judge