

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
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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

In re:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,

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

Applicable Debtor.

ORDER SUSTAINING FIFTY NINTH OMNIBUS OBJECTION TO CLAIMS

THIS MATTER came before the Court without a hearing, upon the *Fifty Ninth Omnibus Objection to Claims* [D.E. 5691] (the "Fifty Ninth Omnibus Objection") dated July 16, 2012, filed by Neil F. Luria as Plan Trustee ("Plan Trustee") for the Taylor, Bean & Whitaker Plan Trust¹ (the "Plan Trust") on behalf of the Debtor, Taylor, Bean & Whitaker Mortgage Corp., under negative notice in accordance with Local Rules 2002-4 and 3007-1. The Plan Trustee represents that:

1. The Fifty Ninth Omnibus Objection was served on July 16, 2012, upon all interested parties identified in the Fifty Ninth Omnibus Objection [Certificate of Service, D.E. 5714].

¹ 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of the Debtors and the Official Committee of Unsecured Creditors* [D.E. 3240], August 10, 2011, the Debtors have been replaced by the Plan Trust. The Plan Trust and its Trustee, Neil F. Luria, are the objecting party in this matter.

2. The Fifty Ninth Omnibus Objection provided all claimants the right and opportunity to file a response to the objection no later than 30 days from July 18, 2012. Accordingly, the deadline to respond was August 17, 2012.

3. On September 21, 2012, a check of the electronic entries docketed in this case confirms that no responses have been submitted in connection with the Fifty Ninth Omnibus Objection.

The Court, having considered the Fifty Ninth Omnibus Objection, noting that no responses were submitted, and being otherwise fully advised in the premises, thereupon

ORDERS as follows:

1. The Fifty Ninth Omnibus Objection is hereby **SUSTAINED** with respect to the claims listed on Exhibits A and B to this Order for the claimants' failure to respond.

2. The claims listed on Exhibits A and B to this Order are disallowed.

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.



Jerry A. Funk
United States Bankruptcy Judge

**In re: Taylor, Bean & Whitaker Mortgage Corp., et al.
Jointly Administered Under Case No. 3:09-bk-07047-JAF
OMNIBUS 59: EXHIBIT A - AMENDED CLAIMS**

<u>Claim To Be Expunged</u>		<u>Surviving Claim</u>							
Creditor Name and Address	Case No	Claim Number	Total Claim Dollars*	Claim Class**	Creditor Name and Address	Case No	Claim Number	Total Claim Dollars*	Claim Class**
1 BALDWIN COUNTY TAX COMMISSIONER CATHY FREEMAN SETTLE 121 W WILKINSON ST STE 112 MILLEDGEVILLE, GA 31061	09-07047	3348	\$540.46	(S)	BALDWIN COUNTY TAX COMMISSIONER CATHY FREEMAN SETTLE 121 N WILKINSON ST STE 112 MILLEDGEVILLE, GA 31061	09-07047	3466	\$0.00	(S)
2 BOTHWELL BRACKER & VANN C/O JULIE BRACKER 304 MACY DR ROSWELL, GA 30076	09-10023	3303	\$184,785.97	(U)	BOTHWELL BRACKER PC C/O JULIE BRACKER 304 MACY DR ROSWELL, GA 30076	09-10023	3492	\$313,000.00	(U)
3 BOTHWELL BRACKER & VANN C/O JULIE BRACKER 304 MACY DR ROSWELL, GA 30076	09-07047	3312	\$184,785.97	(U)	BOTHWELL BRACKER PC C/O JULIE BRACKER 304 MACY DR ROSWELL, GA 30076	09-07047	3481	\$313,000.00	(U)
4 CANON FINANCIAL SERVICES INC SCOTT H MARCUS ESQ SCOTT H MARCUS & ASSOCIATES 121 JOHNSON RD TURNERSVILLE, NJ 08012	09-07047	153	\$0.00	(S)	CANON FINANCIAL SERVICES INC SCOTT H MARCUS ESQ (SCOTT H MARCUS & ASSOCIATES) 121 JOHNSON RD TURNERSVILLE, NJ 08012	09-07047	3461	\$53,763.82	(U)
5 GENE C JORGENSEN & ASSOC 10249 S ALDER GROVE WAY SOUTH JORDAN, UT 84095	09-07047	1175	\$1,625.00	(P)	CHAPTER 7 BANKRUPTCY ESTATE OF GENE JORGENSEN STEPHEN W RUPP, TRUSTEE QUINN A SPERRY MCKAY BURTON & THURMAN 170 S MAIN ST, STE 800 SALT LAKE CITY, UT 84101	09-07047	3503	\$350.00	(U)
6 LANCE, MARK & MICHELLE 3394 S 6225 W WEST VALLEY CITY, UT 84128	09-07047	699	\$1,012.99	(U)	LANCE, MARK & MICHELLE 3394 S 6225 W WEST VALLEY CITY, UT 84128	09-07047	3505	\$62.19	(U)
7 VREELAND, LEWIS E & JUDITH E 6497 COMBE RD UINTAH, UT 84403	09-07047	1275	\$790.18	(U)	VREELAND, LEWIS E & JUDITH E 6497 COMBE RD UINTAH, UT 84403	09-07047	3504	\$17.40	(U)

*Plus, in certain instances, additional contingencies, unliquidated amounts, interest, penalties and/or fees.

** (A) - Administrative (S) - Secured
(P) - Priority (U) - Unsecured

**In re: Taylor, Bean & Whitaker Mortgage Corp., et al.
Jointly Administered Under Case No. 3:09-bk-07047-JAF
OMNIBUS 59: EXHIBIT A - AMENDED CLAIMS**

<u>Claim To Be Expunged</u>		<u>Surviving Claim</u>		
Creditor Name and Address	Case No	Claim Number	Total Claim Dollars*	Claim Class**
8 WELCH, SHANNON JAMES A FISHER FISHER & HOLMES 2800 LINCOLN PLAZA 500 N AKARD ST DALLAS, TX 75201	09-07047	1007	\$1,000,000.00	(U)
	09-07047	3478	\$1,000,000.00	(U)
	Creditor Name and Address			
	WELCH, SHANNON C/O JAMES A FISHER 2800 LINCOLN PLAZA 500 N AKARD ST DALLAS, TX 75201			
9 ZURICH AMERICAN INSURANCE CO ET AL C/O KAREN LEE TURNER ECKERT SEAMANS CHERIN & MELLOTT LLC TWO LIBERTY PLACE 50 S 16TH ST, 22ND FL PHILADELPHIA, PA 19102	09-07047	3501	\$240,000.00 \$531,739.56 UNLIQUIDATED	(P) (U) UNLIQUIDATED
	09-07047	3508	\$240,000.00 \$559,786.11 UNLIQUIDATED	(P) (U) UNLIQUIDATED
	Creditor Name and Address			
	ZURICH AMERICAN INSURANCE COMPANY ET AL C/O KAREN LEE TURNER ECKERT SEAMANS CHERIN & MELLOTT, LLC TWO LIBERTY PLACE 50 SOUTH 16TH STREET, 22ND FLOOR PHILADELPHIA, PA 19102			
10 ZURICH AMERICAN INSURANCE CO ET AL C/O KAREN LEE TURNER ECKERT SEAMANS CHERIN & MELLOTT LLC TWO LIBERTY PLACE 50 S 16TH ST, 22ND FL PHILADELPHIA, PA 19102	09-07047	3507	\$240,000.00 \$559,154.65 UNLIQUIDATED	(P) (U) UNLIQUIDATED
	09-07047	3508	\$240,000.00 \$559,786.11 UNLIQUIDATED	(P) (U) UNLIQUIDATED
	Creditor Name and Address			
	ZURICH AMERICAN INSURANCE COMPANY ET AL C/O KAREN LEE TURNER ECKERT SEAMANS CHERIN & MELLOTT, LLC TWO LIBERTY PLACE 50 SOUTH 16TH STREET, 22ND FLOOR PHILADELPHIA, PA 19102			
11 ZURICH AMERICAN INSURANCE COMPANY ET AL C/O KAREN LEE TURNER ECKERT SEAMANS CHERIN & MELLOTT LLC TWO LIBERTY PLACE 50 S 16TH ST, 22ND FL PHILADELPHIA, PA 19102	09-07047	3475	\$40,000.00 \$478,990.31 UNLIQUIDATED	(P) (U) UNLIQUIDATED
	09-07047	3508	\$240,000.00 \$559,786.11 UNLIQUIDATED	(P) (U) UNLIQUIDATED
	Creditor Name and Address			
	ZURICH AMERICAN INSURANCE COMPANY ET AL C/O KAREN LEE TURNER ECKERT SEAMANS CHERIN & MELLOTT, LLC TWO LIBERTY PLACE 50 SOUTH 16TH STREET, 22ND FLOOR PHILADELPHIA, PA 19102			

Total Claims Expunged: 11 Total Dollars Expunged: \$3,498,465.44

** (A) - Administrative (S) - Secured
(P) - Priority (U) - Unsecured

*Plus, in certain instances, additional contingencies, unliquidated amounts, interest, penalties and/or fees.

