

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

In re:

REO SPECIALISTS, LLC,

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

Applicable Debtor.

**THIRD ORDER SUSTAINING OBJECTION TO CLAIMS AS
SET FORTH IN THE PLAN TRUSTEE'S AMENDED FIRST
OMNIBUS OBJECTION TO CLAIMS OF REO SPECIALISTS, LLC**

THIS CASE is before the Court for consideration of the *Amended First Omnibus Objection to Claims of REO Specialists, LLC* [D.E. 4727] (the "Objection"), dated January 17, 2012. The Objection was filed by Neil F. Luria, as Plan Trustee (the "Plan Trustee") for the Taylor, Bean & Whitaker Plan Trust (the "Plan Trust"), under negative notice in accordance with Local Rules 2002-4 and 3007-1. Pursuant to Sections 547, 548 and/or 550 of the Bankruptcy Code, the Plan Trustee sued a number of defendants (the "Defendants") in various adversary proceedings (the "Avoidance Adversaries") who also held claims against the Debtor's estate, including scheduled claims, filed claims, and scheduled or filed claims subsequently transferred to a third party (collectively, the "Claims"). The Plan Trustee represents as follows:

1. The Claims listed on **Exhibit "A"** attached hereto were objected to in the Objection on the basis that such claims must be disallowed pursuant to 11 U.S. C. § 502(d) of the

Bankruptcy Code because the Defendants received avoidable transfers under Sections 547 and/or 548 of the Bankruptcy Code and failed to disgorge such transfers.

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

3. As of December 5, 2012, a check of the electronic entries docketed in this case confirms that no responses to the Objection have been filed with the Court.

4. Furthermore, default judgments were entered against the Defendants in the respective Avoidance Adversaries.

The Court, having considered the Objection, noting that no responses were entered on the docket from the Claimants, and being otherwise fully advised in the premises, thereupon

ORDERS as follows:

1. The Objection is hereby SUSTAINED as to the Claims listed on Exhibit A to this Order.

2. The Claims listed on Exhibit A to this Order are therefore DISALLOWED is disallowed in their 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 1 day of January, 2013, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

EXHIBIT A to Third Order Sustaining REO Claim Objection

Defendant	Claim No.	Claim Amount	Adv. Proc. Case No.	Claim Amounts Disallowed	Claim Amounts Remaining
Bill Duncan Refrigeration & AC 4025 SE 45 th Court Ocala, FL 34480-9206	808	\$4,580.44	11-917	\$4,580.44	\$0.00
David Tucker 3700 SE 36 th Avenue Ocala, FL 34471	s25826	\$9,531.92	11-887	\$9,531.92	\$0.00
Hansarkel Enterprises 7965 Quail Mountain Lane Las Vegas, NV 89131	s25819	\$52,040.00	11-886	\$52,040.00	\$0.00
Judy Egizio 4000 SE 23 rd Terrace Ocala, FL 34480	s25813	\$8,535.00	11-929	\$8,535.00	\$0.00