

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:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,

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

Applicable Debtor.

**THIRD ORDER RESOLVING IN PART THE
THIRTY FOURTH OMNIBUS OBJECTION TO CLAIMS**

THIS MATTER came before the Court for consideration of the *Thirty Fourth Omnibus Objection to Claims* [D.E. 4605] (the "Objection") dated December 15, 2011 and 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., pursuant to 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"). Certain of the Defendants have agreed to waive, in whole or

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 for the most part by the Plan Trust.

part, their respective Claims against the Debtor's estate and have accomplished this waiver in connection with a resolution of the Avoidance Adversaries. The Plan Trustee represents that:

1. The Claims listed on **Exhibit "A"** attached hereto were objected to in the Objection on the basis that such claim must be disallowed pursuant to 11 U.S.C. § 502(d) of the Bankruptcy Code because the Defendant received avoidable transfers under Sections 547 and/or 548 of the Bankruptcy Code and failed to disgorge such transfers.

2. The Claims listed on Exhibit A have been waived, reduced or otherwise resolved in connection with the resolution of the certain of the Avoidance Adversaries.

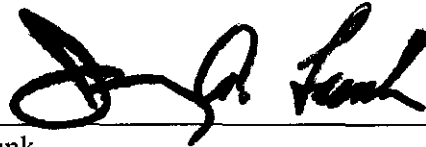
The Court, having considered that agreements were reached between the Plan Trustee and the Defendants in connection with certain claims listed in the Objection and the Avoidance Adversaries hereby

ORDERS as follows:

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

2. The Claims listed on Exhibit A to this Order are therefore disallowed, reduced, allowed or otherwise modified on the basis that the Claims have been waived, partially waived or allowed as part of a resolution of the respective Avoidance Adversaries.

DATED this 1 day of January, 2013, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

EXHIBIT A to Third Order Resolving Claims as to Thirty Fourth Objection to Claims

CLAIMS RESOLVED AS PART OF THE RESOLUTION OF CERTAIN AVOIDANCE ADVERSARIES

Defendant	Claim No.	Claim Amount	Adv. Proc. Case No.	Claim Amounts Waived			Claim Amounts Remaining		
				TBW Class 8 Claims Waived	TBW Class 9 Claims Waived	TBW Admin. Claims Waived	TBW Class 8 Claims Remaining	TBW Class 9 Claims Remaining	TBW Admin. Claims Remaining
ADT Security Services, Inc. 14200 Ex. Exposition Avenue Aurora, CO 80012	251	\$8,785.99	11-619	\$0.00	\$0.00	\$0.00	\$0.00	\$8,785.99	\$0.00
American Express Bank FSB Becket & Lee LLP PO Box 3001 Malvern, PA 19355-0701	147	\$24,685.47	11-800	\$0.00	\$24,685.47	\$0.00	\$0.00	\$0.00	\$0.00
American Express Bank FSB Becket & Lee LLP PO Box 3001 Malvern, PA 19355-0701	148	\$262,936.62	11-800	\$0.00	\$262,936.62	\$0.00	\$0.00	\$0.00	\$0.00
AT&T c/o Southwestern Bell Telephone Co. AT&T Inc. c/o James Grudus, Esq. One AT&T Way, Rm 3A218 Bedminster, NJ 07921	3266	\$953.10	11-655	\$0.00	\$953.10	\$0.00	\$0.00	\$0.00	\$0.00
AT&T Corp. AT&T Corp. c/o James Grudus, Esq. One AT&T Way, Rm 3A218 Bedminster, NJ 07921	1632	\$1,965,257.35	11-655	\$0.00	\$1,065,257.35	\$0.00	\$0.00	\$900,000.00	\$0.00
Illinois Bell Telephone Co. c/o AT&T c/o James Grudus, Esq. One AT&T Way, Rm 3A218 Bedminster, NJ 07921	3265	\$11,898.03	11-655	\$0.00	\$11,898.03	\$0.00	\$0.00	\$0.00	\$0.00
JP Morgan Chase Bank, NA 201 North Central Avenue 31 st Floor - AZI 1035 Phoenix, AZ 85004	S26323	\$250.00	11-632	\$0.00	\$0.00	\$0.00	\$0.00	\$250.00	\$0.00
Knott Ebelini Hart Swett & Haak, PA 1625 Hendry Street, Suite 301 Fort Myers, FL 33901	1116	\$36,622.07	11-492	\$0.00	\$0.00	\$0.00	\$0.00	\$36,622.07	\$0.00

Defendant	Claim No.	Claim Amount	Adv. Proc. Case No.	Claim Amounts Waived			Claim Amounts Remaining			
				TBW Class 8 Claims Waived	TBW Class 9 Claims Waived	TBW Admin. Claims Waived	TBW Class 8 Claims Remaining	TBW Class 9 Claims Remaining	TBW Admin. Claims Remaining	
Modcomp Inc. c/o Raul Gastesi, Jr., Esq. Gastesi & Associates PA 8105 NW 155 th Street Miami Lakes, FL 33016	74	\$103,852.60	11-627	\$0.00	\$103,852.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Pacific Bell Telephone Company c/o James Grudus, Esq. AT&T Inc. One AT&T Way – Room 3A218 Bedminster, NJ 07921	3060	\$1,713.60	11-655 & 11-922	\$0.00	\$1,713.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tim Parker 205 E. Highway 329 Citra, FL 32113	255	\$986,734.19	11-672	\$986,734.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Pitney Bowes Credit Corporation Attn: Recovery Dept. 27 Waterview Drive Shelton, CT 06484-4361	97	\$1,196.32	11-792	\$0.00	\$0.00	\$0.00	\$0.00	\$1,196.32	\$0.00	\$0.00
Pitney Bowes Credit Corporation Attn: Recovery Dept. 27 Waterview Drive Shelton, CT 06484-4361	749	\$4,181.56	11-792	\$0.00	\$0.00	\$0.00	\$0.00	\$4,181.56	\$0.00	\$0.00
Pitney Bowes Credit Corporation Attn: Recovery Dept. 27 Waterview Drive Shelton, CT 06484-4361	814	\$1,996.78	11-792	\$0.00	\$0.00	\$0.00	\$0.00	\$1,996.78	\$0.00	\$0.00
SHI International Corp. 33 Knightsbridge Road Piscataway, NJ 08854	s5834	\$46,242.84	11-552	\$0.00	\$46,242.84	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sprint Nextel – Correspondence Attn: Bankruptcy Dept. P.O. Box 7949 Overland Park, KS 66207-0949	98	\$29,540.66	11-635	\$0.00	\$0.00	\$0.00	\$0.00	\$29,540.66	\$0.00	\$0.00
United Parcel Service (Freight) c/o RMC Bankruptcy Recovery Services P.O. Box 4396 Timonium, MD 21094	131	\$687.26	11-684	\$0.00	\$0.00	\$0.00	\$0.00	\$687.26	\$0.00	\$0.00