

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.

**EIGHTH ORDER SUSTAINING IN PART THE THIRTY FIFTH
OMNIBUS OBJECTION TO CLAIMS WITH RESPECT
TO CLAIM NO. 3342 FILED BY DEERWOOD II LLC**

THIS MATTER came before the Court for consideration of the *Thirty Fifth Omnibus Objection to Claims* [D.E. 4606] (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, as it pertains to Claim No. 3342 filed by Deerwood II LLC (the "Claimant"). Pursuant to Sections 547, 548 and/or 550 of the Bankruptcy Code, the Plan Trustee sued a number of persons (the "Avoidance Adversaries") who 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 Objection also asserted other grounds to object to the Claims, including but not limited to reclassification, inconsistency with

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.

the Debtor's books and records, and overstated by some amount. The Plan Trustee represents that:

1. Claim No. 3342 was 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. The Plan Trustee also asserted in the Objection that, to the extent allowed, the Claim should be reclassified as a TBW Class 8 general unsecured claim.

2. The Objection was served on all parties listed on December 15, 2011 [Certificate of Mailing, D.E. 4608]. No response by the Claimant was filed in opposition to the Objection.

3. Furthermore, a final default judgment was entered against the Defendant in the Avoidance Adversary.

The Court, having considered the Objection, and being fully advised in the premises, thereupon

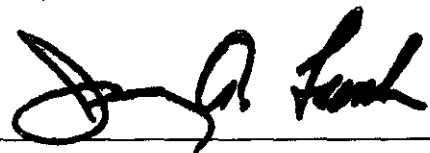
ORDERS as follows:

1. The Objection is hereby **SUSTAINED** as to Claim No. 3342 filed by Deerwood II LLC.

2. Claim No. 3342 filed by Deerwood II LLC is 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 18 day of April 2013, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge