

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.

**ORDER SUSTAINING OBJECTION TO CLAIM NUMBERS 2663, 2664,
2665, AND 2667 FILED BY U.S. BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR THE CITIGROUP MORTGAGE LOAN TRUST**

THIS MATTER is before the Court on the objection (the "Objection") [D.E. 5926] filed by Neil F. Luria, Plan Trustee for the Taylor, Bean & Whitaker Plan Trust, to Claim to Numbers 2663, 2664, 2665, 2666 and 2667 filed by U.S. Bank National Association as Trustee for the Citigroup Mortgage Loan Trust ("U.S. Bank"). The Court, having reviewed Claim Numbers 2663, 2664, 2665, 2666 and 2667 (the "Claims") and the Objection, does thereupon find:

1. On June 14, 2010, U.S. Bank filed the Claims, each in an unknown, unliquidated amount. U.S. Bank filed each of the claims in connection with a different Citigroup Mortgage Loan Trust Series and asserted that U.S. Bank as Trustee was entitled to a claim for the purchase price of potentially defective loans, amounts relating to purported pledging by TBW of loans

assigned to the respective Citigroup Mortgage Loan Trust Series to other parties, and various other damages, costs, losses, etc.

2. On August 10, 2012, the Plan Trustee filed the Objection objecting to the Claims on the basis that there is no support for the Claims in TBW's books and records. Furthermore, U.S. Bank failed to support its claim for purported double-pledging and U.S. Bank failed to liquidate the Claims in a timely fashion.

3. The Plan Trustee served U.S. Bank with the Objection on August 13, 2012. The Objection provided that U.S. Bank had thirty days to respond to the Objection. U.S. Bank has not filed any response in opposition to the Objection to date, but the Plan Trustee has been in discussion with U.S. Bank regarding the Claims since the filing of the Objection.

4. U.S. Bank, having determined that it would not expend funds to pursue the Claim in the absence of a direction from certificateholders, and having sent notice thereof to certificateholders, and having received no such direction or response of any kind, has indicated to the Plan Trustee that it will allow the Objection to be sustained.

The Court, having noted both that U.S. Bank has not filed a response in opposition to the Objection and the explanation provided by U.S. Bank set forth in paragraph 4, and being otherwise fully advised in the premises, does thereupon

ORDER as follows:

1. The Objection, as it relates to Claim Numbers 2663, 2664, 2665, 2666 and 2667 filed by U.S. Bank as Trustee, is SUSTAINED.

2. Claim Numbers 2663, 2664, 2665, 2666 and 2667 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 22 day of May, 2013, in Jacksonville, Florida.

A handwritten signature in black ink, appearing to read "Jerry A. Funk". The signature is stylized and written over a horizontal line.

Jerry A. Funk
United States Bankruptcy Judge