

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 RESOLVING OBJECTION TO CLAIM
NO. 2605 FILED BY J. MICHAEL CVENGROS, JR.**

THIS MATTER came before the Court for a final evidentiary hearing on July 2, 2013 at 2:30 p.m. in Jacksonville, Florida upon (a) the Objection [D.E. 5305] filed by Neil F. Luria, Plan Trustee for the Taylor, Bean & Whitaker Plan Trust, to Claim No. 2605 (the "Claim") filed by J. Michael Cvengros, Jr. ("Claimant") and (b) the Response [D.E. 5553] filed in opposition thereto by the Claimant. The Court, having reviewed the pleadings and having heard argument of counsel for the Plan Trustee, finds as follows:

1. On June 14, 2010, Claim No. 2605 was filed by Mr. Cvengros in the amount of \$1,070.00 as a general unsecured claim and \$1,070.00 as an unsecured priority claim for "mortgage escrow balance owed."

2. The Plan Trustee objected to the Claim on the basis the Claim was the obligation of a successor servicer and investor in accordance with the *Order Establishing Protocol to Resolve Borrower Issues* [D.E. 1079] and the *Final Reconciliation Report* [D.E. 1644].

3. The Plan Trust has been working closely with the Federal Home Loan Mortgage Corporation in conservatorship ("FM") as the investor in the Claimant's loan in an effort to resolve the Claim. FM has confirmed by the email attached hereto as **Exhibit "A"** that FM will pay the Claim in full to the Claimant within 5 business days of the date this Order is entered.

4. The Court finds that upon a showing that FM has paid the Claim, the Objection of the Plan Trustee shall be sustained by separate order.

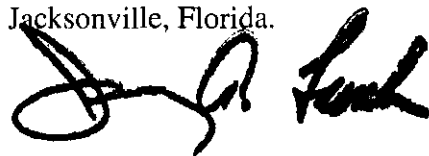
5. If the Claim is not paid by FM, the Plan Trust may schedule this matter for further hearing.

IT IS THEREFORE ORDERED AND ADJUDGED as follows:

1. The Objection, as it relates to Claim No. 2605 filed by J. Michael Cvengros, Jr., will be **SUSTAINED** by separate Order upon a showing that the Claim has been paid by FM.

2. The Court retains jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

DATED this 24 day of July, 2013, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

Copies to:

Alisa Paige Mason, Esq.

(Attorney Mason is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.)

EXHIBIT "A"

From: Soha Mody [<mailto:mody@sislaw.com>]
Sent: Tuesday, July 02, 2013 12:48 PM
To: James D. Gassenheimer; Fergal Stack; Neil Luria
Cc: Scott L Walker; George A Kielman; Cory Bland
Subject: RE: Resolution of Borrower Protocol Issues
Importance: High

All:

This email is to provide an update on the claims that are currently set for hearing this afternoon.

Claims 1484, 1185, 983 and 273 have been resolved, and FM has provided the underlying evidence to the group. FM has researched the loans related to claims 2605, 1510, 589, 575 and 1677. FM agrees that the borrowers are owed refunds and anticipates issuing checks to the borrowers within 5 business days. The only unresolved claim is 486. It is still being researched. FM anticipates that it will complete research of and be able to resolve (including issuing a check, if needed) within the next 10 business days. FM requests that TBW seek a continuance of the hearing on this sole remaining claim to allow time for resolution.

I believe this addresses all matters raised by TBW/Navigant. Please let me know if you require any additional information for the hearings.

Thanks,
Soha