

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
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In re:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,
REO SPECIALISTS, LLC, and
HOME AMERICA MORTGAGE, INC.,
Debtors.

Chapter 11 Case

Case No. 3:09-bk-07047-JAF
Case No. 3:09-bk-10022-JAF
Case No. 3:09-bk-10023-JAF
Jointly Administered Under
Case No. 3:09-bk-07047-JAF

In re:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,
Applicable Debtor.

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

ORDER SUSTAINING SIXTY SECOND OMNIBUS OBJECTION TO CLAIMS

THIS MATTER came before the Court for consideration upon the *Sixty Second Omnibus Objection to Claims* [D.E. 5879] (the “Objection”) dated August 10, 2012, filed by Neil F. Luria as Plan Trustee (“Plan Trustee”) for the Taylor, Bean & Whitaker Plan Trust (the “Plan Trust”)¹, under negative notice in accordance with Local Rules 2002-4 and 3007-1. Pursuant to 11 U.S.C. §§ 550 and 547 and/or 548 of the Bankruptcy Code, the Plan Trustee commenced adversary proceedings (the “Avoidance Actions”) against a number of persons who also held claims against the Debtors’ estates (the “Defendants”), including scheduled claims, filed claims, and scheduled or filed claims subsequently transferred from the Defendant 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 the Debtor’s books and records, and overstated by some amount. Certain of the Defendants or current holders of the Claims have agreed to waive, in whole or part, their respective Claims against the estate of Taylor, Bean &

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.

Whitaker Mortgage Corp. and have accomplished this waiver in connection with a resolution of the Avoidance Actions. The Plan Trustee represents that:

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

2. The Claims listed on Exhibit A have been waived in connection with the resolution of certain of the Avoidance Actions.

The Court, having considered that agreements were reached between the Plan Trustee and the related Defendant or claimholder in connection with the Claims listed in the Objection and the Avoidance Adversaries, hereby

ORDERS as follows:

1. The Objections are hereby **SUSTAINED** as to the Claims listed on Exhibit A to this Order.

2. The Claims listed on Exhibit A to this Order are waived as part of a resolution of the respective Avoidance Action.

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

DATED this 29 day of July, 2013, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

(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 to Order Resolving Claims as to Sixty Second Omnibus Objection to Claims
CLAIMS WAIVED 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	
Borrell Fire Systems Inc. 2804 Broadway Center Boulevard Brandon, FL 33510	s6208	\$10,475.21	11-588	\$0.00	\$10,475.21	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
JMB Insurance Agency, Inc. 900 North Michigan Avenue Suite 1500 Chicago, IL 60611-1584	s6016	\$9,093.03	11-561	\$0.00	\$9,093.03	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Progress Energy P.O. Box 33199 St. Petersburg, FL 33733-8199	S26200	\$3,331.88	11-980	\$0.00	\$3,331.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00