

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORPORATION,

CASE NO.: 3:09-bk-7047-JAF
Chapter 11

Debtor.

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**ORDER DENYING KATINA DURAN'S MOTION FOR RECONSIDERATION OF THE
COURT'S ORDER ON DEBTOR'S OMNIBUS OBJECTION #8: CLAIMS FOR WHICH
DEBTORS ARE NOT LIABLE ENTERED ON AUGUST 18, 2011**

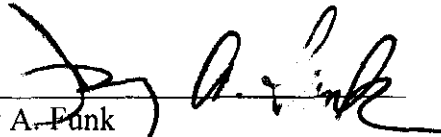
This case is before the Court upon pro se Claimant's, Katina Duran, pleading entitled Katina Duran is Contesting to Objections on Her Claims, Claim Number 1412 is still Pending with No Decision. (Doc. 7482). Claimant is seeking "any relief necessary as this [C]ourt deems, and a fair settlement to my open claim in number 1412 due to mortgage fraud." (Doc. 7482 at 2). However, the Court entered an Order on Debtor's Omnibus Objection #8: Claims for which Debtors are not Liable on August 18, 2011, disallowing claim number 1412 ("the Order"). (Doc. 3626) Specifically, in the Order, the Court sustained the objections to the claims listed on the Exhibit A attached to the Order and such claims were "disallowed and expunged in their entirety." (Doc. 3626). Katina Duran's claim number 1412 is listed on the Exhibit A. (Doc. 3626 at 6). Accordingly, the Court will construe Claimant's pleading as a motion for reconsideration of the Court's Order disallowing claim number 1412. (Doc. 3626 at 6).

The reconsideration of disallowed claims is governed by 11 U.S.C. § 502(j) and Federal Rule of Bankruptcy Procedure 3008.¹ Section 502(j) states, in relevant part, that “[a] claim that has been allowed or disallowed may be reconsidered for cause.” A determination of the presence or absence of cause is within the “sound discretion” of the court. Matter of Fox, 64 B.R. 148, 152 (Bankr. N.D. Ohio 1986). Furthermore, “[i]t is incumbent upon the [movants] who seek to have an order reconsidered to allege in their [motion] facts justifying the reconsideration of the order.” McLeod v. Boone, 91 F.2d 71, 74 (9th Cir. 1937). Upon review of Claimant’s pleading, the Court concludes that Claimant failed to allege facts justifying reconsideration. For this reason, the motion for reconsideration is denied and to the extent the pleading seeks any other relief, it is also denied.

Accordingly, it is **ORDERED**:

1. Claimant’s motion for reconsideration is denied.
2. To the extent the pleading seeks any other relief, it is denied.

DATED this 8 day of August, 2013 in Jacksonville, Florida.


Jerry A. Funk
United States Bankruptcy Judge

Copies to:
Alisa Paige Mason, Esq.

Attorney, Alisa Paige 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.

¹ Rule 3008 provides that “[a] party in interest may move for reconsideration of an order allowing or disallowing a claim against the estate.”