

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 2609
AND 2610 FILED BY BNP PARIBAS MORTGAGE CORP.**

THIS CASE is before the Court for consideration of the *Objection to Claim Numbers 2609 and 2610 Filed by BNP Paribas Mortgage Corp.* [D.E. 5940] (the “Objection”) filed by Neil F. Luria, Plan Trustee for the Taylor, Bean & Whitaker Plan Trust (the “Plan Trustee”), on August 10, 2012. The Court, having reviewed the Objection and Claim Nos. 2609 and 2610 (the “Claims”), and having considered the terms of the *Order Granting Motion to (I) Increase Allowed Claim 3442 of Ocala Funding, LLC and (II) Disallow Claims (A) 3061, 3063, 1380 and 1379 filed by Bank of America, (B) 2927 Filed by Deutsche Bank and (C) 2609 and 2610 Filed by BNP Paribas, Pursuant to the Restructuring and Plan Support Agreement Dated July 3, 2012* (the “Ocala Funding Order”) [D.E. 7217], does thereupon find:

1. On August 10, 2012, the Plan Trustee filed the Objection to the Claims on the basis that the Claims were duplicative of Claim No. 3442 (the “Ocala Funding Claim”)¹. Additionally, the Plan Trustee further objected on the basis that the Claims were duplicative of each other and in part duplicative of Claim Nos. 3061 and 3063 filed by Bank of America, N.A. against TBW’s estate and Claim No. 2927 filed by Deutsche Bank, AG, London Branch against the estate of Taylor, Bean & Whitaker Mortgage Corp. (“TBW”).

2. On March 21, 2013, the Plan Trustee filed the *Motion to (I) Increase Allowed Claim 3442 of Ocala Funding, LLC and (II) Disallow Claims (A) 3061, 3063, 1380 and 1379 filed by Bank of America, (B) 2927 Filed by Deutsche Bank and (C) 2609 and 2610 Filed by BNP Paribas, Pursuant to the Restructuring and Plan Support Agreement Dated July 3, 2012* (the “Ocala Funding Motion”) [D.E. 7095].²

3. In the Ocala Funding Motion, which was filed in connection with the Restructuring and Plan Support Agreement (the “RSA”), the Plan Trustee sought approval to increase the amount of the Ocala Funding Claim from \$1,606,084,009 to \$1,750,000,000 and to strike certain claims filed against the estates of TBW, Home America Mortgage, Inc. (“HAM”) and REO Specialists, LLC (“REO”), including but not limited to the Claims. The Ocala Funding Order, which granted the Ocala Funding Motion, was entered on April 18, 2013.

4. The Ocala Funding Order provided that “[o]n the Effective Date of the Ocala Funding Plan, Claims 2609, 2610...are disallowed in their entirety.” The Ocala Funding Order also provided for the allowance of the Ocala Funding Claim in the increased amount of \$1,750,000,000 as a TBW Class 8 general unsecured claim. Finally, the Ocala Funding Order provided that the Court would enter separate orders sustaining the Plan Trustee’s pending

¹ Capitalized terms not otherwise defined herein, shall have the meanings ascribed to them in the Objection, the Ocala Funding Motion and the Ocala Funding Order.

² Claim Nos. 1380 filed against the estate of REO Specialists, LLC and 1379 filed against the estate of Home America Mortgage, Inc. were expunged pursuant to the *Order on Debtor’s Omnibus Objection #8: Claims for Which Debtors are Not Liable* [D.E. 3626] entered on August 18, 2011.

objection to the claims described in the Ocala Funding Order, including but not limited to the Objection.

5. The Ocala Funding Plan [D.E. 313], filed in the chapter 11 case of Ocala Funding, LLC (Case No. 3:12-bk-04524-JAF) was confirmed on June 20, 2013 [Order, D.E. 318] and became effective on July 1, 2013.

IT IS THEREFORE ORDERED as follows:

1. The Objection to Claim Nos. 2609 and 2610 filed by BNP Paribas Mortgage Corp. is SUSTAINED.
2. Claim Nos. 2609 and 2610 are DISALLOWED in their entirety.
3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

DATED this 10 day of October, 2013, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

Copy 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.*)