

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.

**AGREED ORDER SUSTAINING IN PART AND OVERRULING
IN PART THE PLAN TRUSTEE'S OBJECTION TO CLAIM
NUMBER 269 FILED BY AK CONTRACTING GENERAL
CONTRACTORS PROPERTY MANAGEMENT, LLC**

THIS MATTER came before the Court for consideration of (a) the *Objection to Claim No. 269 filed by AK Contracting General Contractors Property Management, LLC* (the "Objection") [D.E. 5951] filed by Neil F. Luria, Plan Trustee (the "Plan Trustee") for the Taylor, Bean & Whitaker Plan Trust (the "Plan Trust")¹, on August 10, 2012 and (b) the response in opposition [D.E. 5990] (the "Response") filed by AK Contracting General Contractors Property Management, LLC ("AK Contracting" or the "Claimant"). The Court, being advised that the Plan Trustee and the Claimant have agreed to resolve the dispute as to Claim No. 269 (the

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* (the "Plan") [D.E. 3240], August 10, 2011, the Debtors have been replaced for the most part by the Taylor, Bean & Whitaker Plan Trust.

“Claim”), and being informed that the Plan Advisory Committee has approved the proposed resolution, does hereby

ORDER as follows:

1. The Objection is **SUSTAINED IN PART** and **OVERRULED IN PART**.
2. Claim No. 269 is reduced and allowed in the amount of \$495,000 as a general unsecured claim in TBW Class 9.² The remainder of Claim No. 269 is disallowed and expunged.
3. Other than Claim No. 269 allowed only in the amount of \$495,000 as a TBW Class 9 general unsecured claim, the Claimant has no other claim against the estates of TBW, REO Specialists, LLC or Home America Mortgage Inc., or against the Plan Trust, Plan Trustee, Plan Advisory Committee, and their professionals.
4. The Court retains jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

DATED this 21 day of November 2013, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

² TBW Class 9 is defined in the Plan.