

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

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In re:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,

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

Applicable Debtor.

**ORDER SUSTAINING PLAN TRUSTEE'S OBJECTION TO
SCHEDULED CLAIM NO. S26435 OF EAGLE EYE OFFICE CLEANING, INC.**

THIS CASE is before the Court for consideration upon the *Plan Trustee's Objection to Scheduled Claim Number S26435 of Eagle Eye Office Cleaning, Inc.* [ECF No. 7769] (the "Objection") dated November 7, 2013, filed by Neil F. Luria as Plan Trustee (the "Plan Trustee") for the Taylor, Bean & Whitaker Plan Trust¹ (the "Plan Trust") pursuant to Local Rules 2002-4 and 3007. Pursuant to sections 550 and 547 and/or 548 of the Bankruptcy Code, the Plan Trustee sued a number of persons who held claims against the Debtors' estates, including scheduled claims, filed claims, and scheduled or filed claims subsequently transferred to a third party by the Debtors. The Plan Trustee objected to the Claim (as defined below) set forth in 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* [D.E. 3240], August 10, 2011, the Debtors have been replaced for the most part by the Taylor, Bean & Whitaker Plan Trust.

Objection on a number of other grounds, including but not limited to reclassification, inconsistency with the Debtor's books and records, and overstated by some amount. The Plan Trustee represents that:

1. The Plan Trustee objected to Claim No. S26435 (the "Claim") and asserted that the Claim must be disallowed pursuant to 11 U.S.C. § 502(d) because Eagle Eye Office Cleaning, Inc. (the "Defendant") received avoidable transfers under 11 U.S.C. §§ 547 and/or 548 of the Bankruptcy Code and failed to disgorge such transfers.

2. On August 20, 2011, the Plan Trustee sued the Defendant (Adv. Pro. 3:11-ap-00571-JAF) (the "Adversary").

3. On September 20, 2013, the Court entered a default judgment against the Defendant [ECF No. 16] in the Adversary.

4. The Objection was served upon all interested parties on November 7, 2013 [Certificate of Mailing, ECF No. 7774].

5. The Objection provided the right and opportunity to file a response to the Objection no later than 30 days from November 8, 2013. Accordingly, the deadline for responses to the Objection was December 8, 2013.

6. On December 9, 2013, Claimant filed its Response [ECF No. 7828], *pro se*, to the Objection. On December 13, 2013, the Court entered its *Order Striking Response to the Objection to Claim* [ECF No. 7835] (the "Order to Strike"). The Order to Strike instructed Claimant to file a response through counsel within twenty-one (21) days from the date of the Order to Strike, or by January 3, 2014.

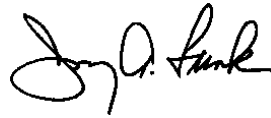
7. As of January 8, 2014, a review of the electronic entries docketed in this case confirms that no responses to the Objection have been filed with the Court.

The Court, having considered the Objection and the status of the Adversary, noting that no responses were entered on the docket from the Claimant in connection with the Objection, and being otherwise fully advised in the premises, thereupon

ORDERS as follows:

1. The Objection is hereby SUSTAINED.
2. Scheduled Claim No. S26435 in the amount of \$5,000.00 is DISALLOWED in its entirety.
3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

DONE and ORDERED in Jacksonville, Florida, this 17th day of January, 2014



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)