

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

**ORDER GRANTING PLAN TRUSTEE'S MOTION FOR
APPROVAL OF AN INTERIM DISTRIBUTION TO
ALLOWED TBW CLASS 9 GENERAL UNSECURED CLAIMS**

THIS MATTER came before the Court on March 12, 2014 at 3:30 p.m. in Jacksonville, Florida, on the *Plan Trustee's Motion for Approval of an Interim Distribution to Allowed TBW Class 9 General Unsecured Claims* (the "Motion") [ECF No. 7924] filed on February 7, 2014 by Neil F. Luria, Plan Trustee for the Taylor, Bean & Whitaker Plan Trust (the "Plan Trust"). The Court having (i) considered the Motion, (ii) considered the *Notice of Settlement with Integrity Field Services, Inc. and Notice in Accordance with Footnote 3 of the Motion for Approval of an Interim Distribution to Allowed TBW Class 9 General Unsecured Claims* [ECF No. 7924] (the "Notice") [ECF No. 7956] and the resolution described therein with respect to Claim No. 1593 filed by Integrity Field Services, Inc. ("Integrity"), (ii) heard representations of counsel for the Plan Trustee that included the confirmation that Zurich did not object to the proposed estimation of its unliquidated disputed claim, (iii) noted that no objections were filed to the Motion and no persons appeared before the Court objecting to the relief requested in the Motion, and (iv) being otherwise fully advised in the premises, it does thereupon **FIND:**

1. Article 8, Section F of the Plan¹ supports the Plan Trustee's estimation of and reserve for a potential TBW Class 9 general unsecured claim owed to Zurich American Insurance Co. ("Zurich") in the amount of \$2,000,000.00, without prejudice to the rights of the Plan Trustee to prosecute objections to claims filed by Zurich.

2. The reserve amounts set forth in Part II of Exhibit "A" to Appendix "A" to the Motion are also consistent with the terms of the Plan.

3. Pursuant to Article 7 of the Plan, the Plan Trustee is authorized to make an interim distribution to holders of Allowed TBW Class 9 general unsecured claims set forth on Exhibit "A" to Appendix "A" to the Motion.

4. The Plan Trustee has complied with all of his fiduciary obligations and the terms of the Plan and the Plan Trust agreement in connection with seeking approval for the interim distribution described in the Motion and Exhibit "A" to Appendix "A" to the Motion in all respects, including but not limited to the treatment of certain Post-Effective Date assignments, pledges, mortgages, sales, transfers or any other dispositions of TBW Class 9 general unsecured claims as void.

Therefore, the Court **ORDERS** as follows:

1. The Motion is GRANTED.

2. The Plan Trustee is authorized to make an interim distribution to holders of Allowed TBW Class 9 general unsecured claims in accordance with the terms of the Motion and pursuant to Exhibit "A" to Appendix "A" to the Motion, without prejudice to the Plan Trustee's rights under the Plan.

3. The Plan Trustee is hereby authorized to make an interim distribution to Integrity Field Services pursuant to the terms of the Notice following full compliance with the terms of the

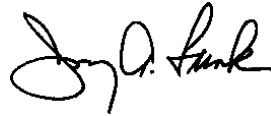
¹ Capitalized terms not otherwise defined herein shall have the same meaning set forth in the Motion.

settlement and the entry by this Court of a final, non-appealable order allowing Claim No. 1593 in the reduced amount of \$344,178.35 as a TBW Class 9 general unsecured claim.

4. Following the entry of this Order, the Plan Trustee is authorized to make interim distributions on account of the “Disputed Claims” set forth in Part II of Exhibit “A” to Appendix “A” to the Motion if and when such Disputed Claims are later Allowed as TBW Class 9 general unsecured claims. The Plan Trustee remains authorized to take any and all actions necessary pursuant to the Plan.

5. 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 19th day of March, 2014



Jerry A. Funk
United States Bankruptcy Judge