

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.

**AGREED ORDER RESOLVING OBJECTION TO CLAIM  
NUMBER 2565 FILED BY JPMORGAN CHASE BANK, N.A.**

THIS MATTER is before the Court on the *Corrected Thirty Fifth Omnibus Objection to Claims* (the “Objection”) [ECF No. 4606] dated December 15, 2011, as it pertains to Claim No. 2565 filed by JPMorgan Chase Bank, N.A. (“JP Morgan”), and filed by Neil F. Luria as Plan Trustee for the Taylor, Bean & Whitaker Plan Trust.<sup>1</sup> The Court, having reviewed Claim No. 2565 filed by JP Morgan, the Objection, having been advised by the parties as to an agreement to resolve the objection, does thereupon find:

1. On June 11, 2010, JP Morgan filed Claim No. 2565 (the “Claim”) in the amount of \$1,156,927.64 based on “mortgage loan defects/losses.”

<sup>1</sup> 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”) [ECF No. 3240], August 10, 2011, the Debtors have been replaced for the most part by the Plan Trust. The Plan Trust Trustee is the objecting party in this matter.

2. On December 15, 2011, the Plan Trustee filed the Objection and asserted that the Claim should be disallowed or reduced on at least two grounds. First, JP Morgan failed to provide sufficient information to allow the Plan Trustee to verify the amount of the Claim. Second, the Plan Trustee asserted the Claim should be disallowed pursuant to section 502(d) of the Bankruptcy Code on the basis that JP Morgan received an avoidable transfer(s) and failed to disgorge such transfer(s).

3. Since the filing of the Objection, the Plan Trustee and JP Morgan have engaged in discussions regarding the Claim and have come to a resolution of the Objection whereby the Plan Trustee agrees to allow the Claim in the reduced amount of \$403,320.91 as a general unsecured claim in TBW Class 8.<sup>2</sup>

4. Pursuant to Section V(D) of the Plan Trust Agreement, which is attached as an exhibit to the confirmed Plan, the Plan Trustee is authorized to compromise objections to claims, with the approval of the Plan Advisory Committee. In other words, the Plan does not require that the Plan Trustee file a motion under Rule 9019 to approve a compromise of a creditor's claim against the TBW estate. The Plan Trustee has obtained the consent and approval of the Plan Advisory Committee to allow the Claim in the amount of \$403,320.91 as an allowed TBW Class 8 claim.

The Court, having noted that the Plan Trustee and JP Morgan have resolved their disputes as to the Objection and being otherwise fully advised in the premises, does thereupon

**ORDER** as follows:

1. The Objection, as it relates to Claim No. 2565 filed by JP Morgan, is RESOLVED.

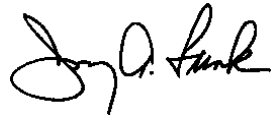
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<sup>2</sup> TBW Class 8 is defined in the Plan.

2. Claim No. 2565 is allowed in the amount of \$403,320.91 as an allowed general unsecured claim in TBW Class 8.

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 23rd day of July, 2014

A handwritten signature in black ink, appearing to read "Jerry A. Funk". The signature is written in a cursive, flowing style.

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Jerry A. Funk  
United States Bankruptcy Judge