

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.  
\_\_\_\_\_ /

**NOTICE OF FILING ORDERS ENTERED BY THE COURT IN ADVERSARY  
PROCEEDING CASE NOS. 3:19-ap-00096-JAF AND 3:19-ap-00100-JAF**

Neil F. Luria, as Plan Trustee for the Taylor Bean & Whitaker Plan Trust, by and through undersigned counsel, files a copy of the (i) *Order Expunging Claim No. 2643 Filed by Banc of America Securities, LLC n/k/a Merrill Lynch, Pierce, Fenner & Smith, Inc.* dated September 17, 2014 and entered in adversary case no. 3:19-ap-00096 (attached hereto as **Exhibit "A"**); and (ii) *Order Expunging Claim No. 2627 Filed by Bank of America, N.A.* the *Order Granting Motion to Approve Settlement Agreement* dated September 17, 2014 and entered in adversary case no. 3:19-ap-00100 (attached hereto as **Exhibit "B"**).

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served on this 24<sup>th</sup> day of September 2014, via electronic transmission through the Court's CM/ECF system.

Dated: September 23, 2014

Respectfully Submitted,

BERGER SINGERMANN LLP  
*Attorneys for Plan Trustee*  
1450 Brickell Avenue, Suite 1900  
Miami, FL 33131  
Telephone: (305) 755-9500  
Facsimile: (305) 714-4340

By: */s/ Alisa Paige Mason*  
Alisa Paige Mason  
Florida Bar No. 084461  
[pmason@bergersingerman.com](mailto:pmason@bergersingerman.com)

**EXHIBIT A**

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In re:

CASE NO. 3:09-bk-07047-JAF  
Chapter 11

TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP.,

Debtor.

\_\_\_\_\_ /

NEIL F. LURIA, AS TRUSTEE TO THE  
TAYLOR, BEAN & WHITAKER PLAN  
TRUST,

Adv. No. 3:10-ap-00096-JAF

Plaintiff,

v.

BANC OF AMERICA SECURITIES, LLC,  
n/k/a MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC.,

Defendant.

\_\_\_\_\_ /

**ORDER EXPUNGING CLAIM NO. 2643 FILED BY BANC OF AMERICA  
SECURITIES, LLC N/K/A MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.**

THIS MATTER is before the Court for consideration of the *Objection to Claim No. 2643 filed by Banc of America Securities* [ECF No. 5928] (the “Objection”) filed by Neil F. Luria as Plan Trustee (the “Plan Trustee”) for the Taylor Bean & Whitaker Plan Trust<sup>1</sup> and the *Banc of America Securities, LLC’s Response to the Plan Trustee’s Objection to Claim No. 2643* [ECF No. 6132] (the “Response”). Upon review of the record and representation of the Plan Trustee,

<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* [ECF No. 3240], August 10, 2011, the Debtors have been replaced for the most part by the Taylor, Bean & Whitaker Plan Trust.

the Court finds that the *Order Granting Motion to Approve Settlement Agreement Between (A) Bank of America, N.A. and Merrill Lynch Pierce, Fenner & Smith, as Successor by Merger to Banc of America Securities, LLC and (B) The Taylor, Bean & Whitaker Plan Trust* [ECF No. 8099] entered in the main bankruptcy case for Taylor, Bean & Whitaker Mortgage Corp. (Case No. 3:09-ck-07047-JAF) requires that an order expunging Claim No. 2643 of Merrill Lynch Pierce, Fenner & Smith, as successor by merger to Banc of America Securities, LLC, shall be entered in Adversary No. 3:10-ap-00096 (the “Adversary ) on or after the Settlement Agreement Effective Date.<sup>2</sup> The Court further finds that the Settlement Agreement Effective Date has occurred and that the Objection was consolidated with the Adversary pursuant to the *Order Granting Agreed Motion to Consolidate Certain Matters Involving Banc of America Securities, LLC* [ECF No. 6602]. The Court being otherwise fully advised in the premises, thereupon

**ORDERS** as follows:

1. The Objection is hereby SUSTAINED.
2. Claim No. 2643 filed by Banc of America Securities, LLC n/k/a Merrill Lynch Pierce, Fenner & Smith, Inc. is expunged.

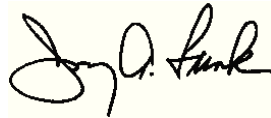
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<sup>2</sup> The Settlement Agreement Effective Date is defined in the *Motion to Approve Settlement Agreement Between (A) Bank of America, N.A. and Merrill Lynch Pierce, Fenner & Smith, as Successor by Merger to Banc of America Securities, LLC and (B) the Taylor, Bean & Whitaker Plan Trust* [ECF No. 8066].

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 September, 2014



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Jerry A. Funk  
United States Bankruptcy Judge

**EXHIBIT B**

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In re:

CASE NO. 3:09-bk-07047-JAF  
Chapter 11

TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP.,

Debtor.

\_\_\_\_\_ /

NEIL F. LURIA, AS TRUSTEE TO THE  
TAYLOR, BEAN & WHITAKER PLAN  
TRUST,

Adv. No. 3:10-ap-00100-JAF

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

\_\_\_\_\_ /

**ORDER EXPUNGING CLAIM NO. 2627  
FILED BY BANK OF AMERICA, N.A.**

THIS MATTER is before the Court for consideration of the *Objection to Claim No. 2627 filed by Bank of America, N.A.* [ECF No. 5929] (the “Objection”) filed by Neil F. Luria as Plan Trustee (the “Plan Trustee”) for the Taylor Bean & Whitaker Plan Trust<sup>1</sup> and the *Bank of America, N.A. s Response to the Plan Trustee s Objection to Claim No. 2627* [ECF No. 6131] (the “Response”). Upon review of the record and representation of the Plan Trustee, the Court finds that the *Order Granting Motion to Approve Settlement Agreement Between (A) Bank of*

<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* [ECF No. 3240], August 10, 2011, the Debtors have been replaced for the most part by the Taylor, Bean & Whitaker Plan Trust.

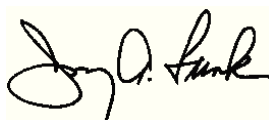


*America, N.A. and Merrill Lynch Pierce, Fenner & Smith, as Successor by Merger to Banc of America Securities, LLC and (B) The Taylor, Bean & Whitaker Plan Trust* [ECF No. 8099] entered in the main bankruptcy case for Taylor, Bean & Whitaker Mortgage Corp. (Case No. 3:09-bk-07047-JAF) requires that an order expunging Claim No. 2627 of Bank of America, N.A. shall be entered in Adversary No. 3:10-ap-00100 (the “Adversary ) on or after the Settlement Agreement Effective Date.<sup>2</sup> The Court further finds that the Settlement Agreement Effective Date has occurred and that the Objection was consolidated with the Adversary pursuant to the *Order Granting Agreed Motion to Consolidate Certain Matters Involving Bank of America, N.A.* [ECF No. 6601]. The Court being otherwise fully advised in the premises, thereupon

**ORDERS** as follows:

1. The Objection is hereby SUSTAINED.
2. Claim No. 2627 filed by Bank of America, N.A. is expunged.
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 September, 2014



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Jerry A. Funk  
United States Bankruptcy Judge

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<sup>2</sup> The Settlement Agreement Effective Date is defined in the *Motion to Approve Settlement Agreement Between (A) Bank of America, N.A. and Merrill Lynch Pierce, Fenner & Smith, as Successor by Merger to Banc of America Securities, LLC and (B) the Taylor, Bean & Whitaker Plan Trust* [ECF No. 8066].