

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

Chapter 11

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
(Jointly Administered Under
Case No. 3:09-bk-07047-JAF)

Debtors.

**JOINT STIPULATION TO THE ADMISSION OF EVIDENCE IN
CONNECTION WITH *MOTION FOR LIMITED MODIFICATION
OF § 524 INJUNCTION TO PERMIT ACTION TO RECOVER AGAINST
DEBTOR'S SURETY (INSURANCE COMPANY)* [ECF NO. 8208]**

Neil F. Luria, Plan Trustee for the Taylor, Bean & Whitaker Plan Trust (the "Plan Trust") and the plaintiffs in five cases pending in the courts of West Virginia as more fully described in the Motion (defined below) (the "Movants"), provide this joint stipulation with respect to the final evidentiary hearing scheduled for 2:30 p.m. on June 22, 2015 in Jacksonville, Florida on (i) the *Motion for Limited Modification of § 524 Injunction to Permit Action to Recover Against Debtor's Surety (Insurance Company)* [ECF No. 8208] (the "Motion") and (ii) the *Plan Trustee's Response in Opposition to Motion for Limited Modification of § 524 Injunction to Permit Action to Recover Against Debtor's Surety (Insurance Company)* [ECF No. 8229] (the "Response") and state:

1. On April 14, 2015, the Court held a preliminary hearing on the Motion which resulted in the Court's scheduling a final evidentiary hearing on the Motion and Response for June 22, 2015 at 2:30 p.m. [Notice of Hearing, ECF No. 8239].

2. Having conferred, counsel for the Plan Trustee and Movants stipulate that the below listed evidence is stipulated into evidence to be considered by the Court on the Motion and

Response: (i) the Records Custodian Declaration Pursuant to 28 U.S.C. § 1746 [ECF No. 8236] (the “Declaration”) filed in support of the Response and attachments; (ii) the Depositions of Karen Lee Turner and Mary Kathleen Alves together with all exhibits marked at the depositions [ECF Nos. 8254 and 8255, respectively] (collectively, the “Depositions”) filed with the Court; and (iii) the exhibits contained in the Exhibit List [ECF No. 8256] (the “Exhibits”) filed with the Court. Other than the Declaration, the Depositions and the Exhibits, the parties will not submit any further documents or depositions, or live testimony, for consideration by the Court in connection with the Motion and Response.

3. With the Court’s permission, the Plan Trustee and the Movants have agreed to waive oral closing at the currently scheduled June 22, 2015 final evidentiary hearing and will submit closing arguments in writing on or before July 31, 2015.

4. Therefore, the June 22, 2015 final evidentiary hearing currently scheduled for June 22, 2015 at 2:30 p.m. on the Motion and Response is cancelled.

Dated: June 18, 2015

Respectfully submitted,

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By: /s/ James D. Gassenheimer

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and

Pursuant to Local Rule 9011-4(d) regarding signatures, James D. Gassenheimer attests that concurrence in the filing of this paper has been obtained.

JACKSONVILLE AREA LEGAL AID

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