

UNITED STATES BANKRUPTCY COURT Middle District of Florida, Jacksonville Div. PROOF OF CLAIM

Name of Debtor: TAYLOR, BEAN & WHITAKER MORTGAGE CORP. Case Number: 3:09-bk-07047-JAF

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

Name and address where notices should be sent: JAMES P. FRATZ + TRICHIA D. FRATZ 36 APEX COURT SWANTON, MD. 21521 Telephone number: 301-359-9579

Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: (If known) Filed on:

Name and address where payment should be sent (if different from above): FEB 17 2010 CLERK, U. S. BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA Telephone number:

Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 2,233.63 If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim.

2. Basis for Claim: ESCROW REFUND (See instruction #2 on reverse side.)

Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

3. Last four digits of any number by which creditor identifies debtor: 7618 3a. Debtor may have scheduled account as: (See instruction #3a on reverse side.)

Wages, salaries, or commissions (up to \$10,950\*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).

4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: Real Estate Motor Vehicle Other Describe: Value of Property: \$ Annual Interest Rate % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ Basis for perfection: Amount of Secured Claim: \$ Amount Unsecured: \$

Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). Up to \$2,425\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

Other - Specify applicable paragraph of 11 U.S.C. §507 (a)( ).

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:

Amount entitled to priority: \$ \*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

Date: FEB. 9, 2010 Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. James P. Fratz, Trichia Fratz

FOR COURT USE ONLY T, B & W Mortgage Corp. 00943

**ROBERT O. KAZARY**  
**Attorney At Law**

**Cumberland Office:**

One Plum Court  
127 Greene Street  
Cumberland, MD 21502

Telephone: 301-777-8822  
Facsimile: 301-777-1629

**Grantsville Office:**

Blackberry Ridge Farm  
Westernport Road  
Grantsville, MD 21536

Telephone: 301-895-3138

October 28, 2009

Taylor, Beam and Whitaker  
1417 N. Magnolia Avenue  
Ocala, Florida 34475

Re: James P. Fratz loan  
Loan No. 2057618  
Property Address: 36 Apex Court, Swanton, MD

Dear Sir/Madam:

This office is working with James and Trichia Fratz of Garrett County, Maryland. In July of this year, Mr. and Mrs. Fratz paid off a loan held by Taylor, Beam and Whitaker, mentioned above.

The records would show that there was an escrow for taxes and insurance held in the amount of \$2,233.63. This escrow was not transferred to the current lender, but was to be reimbursed to our clients. I have reviewed your correspondence, I have reviewed the settlement documents, and I have reviewed the escrow service spreadsheets, all of which would indicate that this money is due to Mr. and Mrs. Fratz at least within thirty days after payoff.

I understand that there is a bankruptcy involved, but these were escrowed funds and should have been held in a separate account and have nothing to do with any financial trouble of the lender. It also seems to me that if these funds were co-mingled or were not held in a separate account, then there is the very real possibility of serious wrongdoing; I can think of no other explanation. We simply want to see this matter resolved immediately, and would suggest that these funds be reimbursed to our client forthwith.

Very truly yours,

  
Robert O. Kazary

ROK:clh

cc: Mr. and Mrs. James P. Fratz  
Steve Runnells



**Taylor, Bean  
& Whitaker**

*Mortgage Corp.*

1417 North Magnolia Ave

Ocala, Florida 34475

Bus. 888-225-2164

Fax 888-329-9270

Web: [www.taylorbean.com](http://www.taylorbean.com)

November 10, 2009

James P Fratz & Trichia D Fratz  
36 Apex Court  
Swanton, MD 21561

Re: Research Inquiry  
Loan Number: 2057618  
Property Address: 36 APEX COURT

Dear James P Fratz & Trichia D Fratz:

We have received your recent written correspondence regarding the above referenced loan. Please note all requests are reviewed and researched individually and a written response will be sent to you within sixty (60) days of the date of this letter.

If you have any questions or if we may be of any other service, please visit us on the web at [www.taylorbean.com](http://www.taylorbean.com) or contact our Customer Relations Department at 1-888-225-2164.

Sincerely,

Customer Relations  
Taylor, Bean & Whitaker Mortgage Corp.

TAYLOR, BEAN & WHITAKER MORTGAGE CORP  
 1417 N. Magnolia Avenue  
 Ocala, FL 34475-9078  
 (888)225-2164

Property Address:  
 36 APEX COURT  
 SWANTON MD 21561

JAMES P FRATZ & TRICHIA D FRATZ  
 36 APEX COURT  
 SWANTON MD 21561

Starting Balances	
Principal:	136,422.00
Tax & Insurance:	377.47
Unapplied:	.00
Current Balances	
Principal:	.00
Tax & Insurance:	2,233.63
Unapplied:	.00
Subsidy:	.00
Late Charge:	.00
Returned Check Charge:	.00
Miscellaneous Fees:	.00
Loss Draft:	.00

Loan Activity Report

July 22, 2009

Loan # 2057618

Tran Code	Due Date /Date Paid	Amount Paid	Interest Paid	Principal/ Curtailment	T&I Paid	Misc Ins	Late Chrg/ Ret Chk Chrg	Subsidy Amount	Unapplied Amount	Misc Fee /Loss Draft	Principal Bal /Tax&Ins Bal
REG	12/01/07	954.95	738.95	123.33	92.67	.00	.00	.00	.00	.00	136,298.67
	11/30/07			.00			.00			.00	470.14
CUR	01/01/08	295.05	.00	.00	.00	.00	.00	.00	.00	.00	136,003.62
	11/30/07			295.05			.00			.00	470.14
REG	01/01/08	954.95	736.69	125.59	92.67	.00	.00	.00	.00	.00	135,878.03
	12/28/07			.00			.00			.00	562.81
CUR	02/01/08	400.00	.00	.00	.00	.00	.00	.00	.00	.00	135,478.03
	12/26/07			400.00			.00			.00	562.81
REG	02/01/08	1,000.00	733.84	128.44	92.67	.00	.00	.00	.00	.00	135,304.54
	01/30/08			45.05			.00			.00	655.48
REG	03/01/08	1,710.00	732.90	129.38	92.67	.00	.00	.00	.00	.00	134,420.11
	02/28/08			755.05			.00			.00	748.15
REG	04/01/08	1,054.95	728.11	134.17	92.67	.00	.00	.00	.00	.00	134,185.94
	03/26/08			100.00			.00			.00	840.82
REG	05/01/08	1,000.00	728.84	135.44	92.67	.00	.00	.00	.00	.00	134,005.45
	05/09/08			45.05			.00			.00	933.49
REG	06/01/08	1,000.00	725.86	136.42	92.67	.00	.00	.00	.00	.00	133,823.98
	05/28/08			45.05			.00			.00	1,026.16
REG	07/01/08	954.95	724.88	137.40	92.67	.00	.00	.00	.00	.00	133,686.58
	06/30/08			.00			.00			.00	1,118.83
CUR	08/01/08	45.05	.00	.00	.00	.00	.00	.00	.00	.00	133,641.53
	06/30/08			45.05			.00			.00	1,118.83
DIS	08/01/08	-1,085.99	.00	.00	-1,085.99	.00	.00	.00	.00	.00	133,641.53
	07/08/08			.00			.00			.00	32.84
REG	08/01/08	1,000.00	723.89	138.39	92.67	.00	.00	.00	45.05	.00	133,503.14
	07/15/08			.00			.00			.00	125.51
CUR	09/01/08	.00	.00	.00	.00	.00	.00	.00	-45.05	.00	133,458.09
	07/15/08			45.05			.00			.00	125.51

Loan Activity Report

July 22, 2009

Loan # 2057618

Tran Code	Due Date /Date Paid	Amount Paid	Interest Paid	Principal/ Curtailment	T&I Paid	Misc Ins	Late Chrg/ Ret Chk Chrg	Subsidy Amount	Unapplied Amount	Misc Fee /Loss Draft	Principal Bal /Tax&Ins Bal
CUR	09/01/08	355.00	.00	.00	.00	.00	.00	.00	.00	.00	133,103.09
	07/16/08			355.00			.00			.00	125.51
REG	09/01/08	954.95	720.98	141.30	92.67	.00	.00	.00	.00	.00	132,961.79
	07/31/08			.00			.00			.00	218.18
CUR	10/01/08	400.05	.00	.00	.00	.00	.00	.00	.00	.00	132,561.74
	07/31/08			400.05			.00			.00	218.18
REG	10/01/08	954.95	718.04	144.24	92.67	.00	.00	.00	.00	.00	132,417.50
	08/29/08			.00			.00			.00	310.85
DIS	11/01/08	-395.00	.00	.00	-395.00	.00	.00	.00	.00	.00	132,417.50
	09/04/08			.00			.00			.00	-84.15
REG	11/01/08	954.95	717.26	145.02	92.67	.00	.00	.00	.00	.00	132,272.48
	10/20/08			.00			.00			.00	8.52
REG	12/01/08	1,015.84	716.48	145.80	153.56	.00	.00	.00	.00	.00	132,126.68
	12/01/08			.00			.00			.00	162.08
CUR	01/01/09	200.00	.00	.00	.00	.00	.00	.00	.00	.00	131,926.68
	12/01/08			200.00			.00			.00	162.08
REG	01/01/09	1,015.84	714.60	147.68	153.56	.00	.00	.00	.00	.00	131,779.00
	12/31/08			.00			.00			.00	315.64
REG	02/01/09	1,015.84	713.80	148.48	153.56	.00	.00	.00	.00	.00	131,630.52
	02/09/09			.00			.00			.00	469.20
REG	03/01/09	1,015.84	713.00	149.28	153.56	.00	.00	.00	.00	.00	131,481.24
	02/28/09			.00			.00			.00	622.76
REG	04/01/09	1,015.84	712.19	150.09	153.56	.00	.00	.00	.00	.00	131,331.15
	03/30/09			.00			.00			.00	776.32
REG	05/01/09	1,015.84	711.38	150.90	153.56	.00	.00	.00	.00	.00	131,180.25
	05/06/09			.00			.00			.00	929.88
REG	06/01/09	1,015.84	710.56	151.72	153.56	.00	.00	.00	.00	.00	131,028.53
	06/11/09			.00			.00			.00	1,083.44
REG	07/01/09	1,015.84	709.74	152.54	153.56	.00	.00	.00	.00	.00	130,875.99
	07/14/09			.00			.00			.00	1,237.00
PIF	08/01/09	132,398.82	466.20	130,875.99	996.63	.00	.00	.00	.00	60.00	.00
	07/21/09			.00			.00			.00	2,233.63
<b>Totals:</b>		<u>153,234.35</u>	<u>14,896.19</u>	<u>133,691.60</u>	<u>1,856.16</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>60.00</u>	
				<u>2,730.40</u>			<u>0.00</u>			<u>0.00</u>	