

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
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In re:

Chapter 11

TAYLOR, BEAN & WHITAKER MORTGAGE  
CORP.,

Case No. 3:09-bk-07047-JAF  
Case No. 3:09-bk-10022-JAF  
Case No. 3:09-bk-10023-JAF

Debtor.

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

\_\_\_\_\_/

OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS OF TAYLOR, BEAN &  
WHITAKER MORTGAGE CORP., on behalf  
of TAYLOR, BEAN & WHITAKER MORTGAGE  
CORP.,

Adv. Case. No. 3:10-ap-00127-JAF

Plaintiff,

vs.

UPLEAD TECHNOLOGY, LLC, a Florida limited  
liability company,

Defendant.

\_\_\_\_\_/

**DEFAULT FINAL JUDGMENT AGAINST UPLEAD TECHNOLOGY, LLC**

THIS MATTER came before the Court on the Official Committee of Unsecured Creditors of Taylor, Bean & Whitaker Mortgage Corp., on behalf of Taylor, Bean & Whitaker Mortgage Corp.'s ("Creditors Committee") Motion for Final Judgment by Default Against Uplead Technology, LLC ("Motion").<sup>1</sup> The Court, having considered the Motion and reviewed the record, including specifically the Clerk's default against Uplead Technology, LLC [D.E. No. 10], and being otherwise duly advised in the premises, does hereby

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<sup>1</sup> The address and last four digits of the taxpayer identification number of the Debtor, Taylor, Bean & Whitaker Mortgage Corp., is 315 N. E. 14<sup>th</sup> Street, Ocala, FL 34470 (TI# 9391).

**ADJUDGE:**

1. The Court finds that the Plaintiff has reestablished the terms of the lost note and its right to enforce the instrument as required by Section 673.3091, Florida Statutes (2010). Plaintiff shall hold the Defendant maker of the note harmless and shall indemnify it from any loss it may incur by reason of a claim by any other person to enforce the lost note. Since adequate protection is provided as required by Section 673.3091, Florida Statutes (2010), judgment is hereby entered in favor of the Plaintiff as to its request to enforce the lost note.

2. The Creditors Committee, on behalf of Debtor Taylor, Bean & Whitaker Mortgage, Corp., shall have and recover judgment on the note and judgment shall be and is hereby entered in favor of the Creditors Committee, on behalf of Debtor Taylor, Bean & Whitaker Mortgage, Corp., and against Defendant Uplead Technology, LLC in the amount as follows:

Principal:	\$ 91,641.00
Accrued and unpaid interest as of 03/17/10: (6% per annum at \$15.06 <i>per diem</i> )	\$ 3,088.08
Accrued interest at \$15.05 <i>per diem</i> from 03/18/10 – [date of entry of judgment]:	\$ 2,392.95
Grand Total:	\$ 97,122.03

3. Defendant shall forthwith turnover to Plaintiff pursuant to 11 U.S.C. § 542(b) the sum of \$ 97,122.03 which is the property of the Debtor's estate.

4. The grand total and sum referenced in Paragraphs 2 and 3 shall bear interest from the date of this Final Judgment forward at the prevailing statutory rate of interest under Florida law until this Final Judgment is paid in full, all for which let execution issue.

5. In accordance with Section 55.10(1), Florida Statutes (2010), the address of the Creditors Committee is as follows:

Official Committee of Unsecured Creditors of  
Taylor, Bean & Whitaker Mortgage Corp.  
c/o James D. Gassenheimer, Esquire  
Berger Singerman, P.A.  
200 South Biscayne Boulevard, Suite 1000  
Miami, Florida 33131

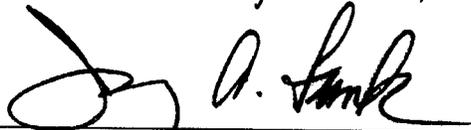
6. In accordance with Section 55.10(2), Florida Statutes (2010), the address of Defendant Uplead Technology, LLC is as follows:

Uplead Technology, LLC  
c/o Margaret Potter-Levane, Registered Agent  
12144 S.W. 39<sup>th</sup> Lane  
Ocala, FL 34481

7. In accordance with Rule 54(d)(1) of the Federal Rules of Civil Procedure, the Court reserves jurisdiction to award costs.

8. In accordance with Rule 54(d)(2) of the Federal Rules of Civil Procedure, the Court reserves jurisdiction to award attorney's fees.

**DONE and ORDERED** in Jacksonville, Florida on August 23, 2010.

  
\_\_\_\_\_  
JERRY FUNK, Bankruptcy Judge  
United States Bankruptcy Court

Copies furnished to:  
James D. Gassenheimer, Esq.

Defendant for Uplead Technology, LLC  
Margaret Potter-Levane, as Registered Agent  
12144 S.W. 39<sup>th</sup> Lane  
Ocala, FL 34481

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION  
U.S. B.C. NO. 54, NO. 7367