

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA (JACKSONVILLE DIVISION)

IN RE:

TAYLOR, BEAN & WHITAKER MORTGAGE CORP.

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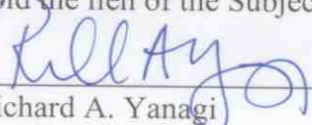
CASE No. 3:09-BK-7047

DEBTOR


* * * * *

AFFIDAVIT OF RICHARD A. YANAGI, TRUSTEE

1. I am over the age of eighteen and competent to testify to the matters herein.
2. I am the Trustee of the Chapter 7 case of Robert Jean Gibbs, Sr. (the "Gibbs Case") in the United States Bankruptcy Court for the District of Hawaii, case no. 09-02686.
3. The Gibbs Case was filed on November 18, 2009.
4. Real Property located at 91-2704 Kaioli St., #3905, Ewa Beach, Hawaii (the "Subject Property") is property of the estate in the Gibbs case.
5. A mortgage on the Subject Property dated April 24, 2009 (the "Subject Mortgage") showing Taylor, Bean and Whitaker Mortgage Corp. ("TBW") as Lender was recorded in the Bureau of Conveyances, State of Hawaii on November 25, 2009.
6. On August 23, 2009, prior to the commencement of this case, BAC Home Loans Servicing, LP issued notice that the servicing rights of the Subject Mortgage were "assigned, sold or transferred" to it from Debtor.
7. The Subject Mortgage was recorded after the commencement and during the pendency of the Gibbs Case, and is therefore avoidable.
8. TBW has no equity other than possible bare legal title in the Subject Property, which is not necessary to an effective reorganization of TBW.
9. The above constitutes cause for lifting the automatic stay to permit me to file an adversary proceeding in the Gibbs Case seeking to avoid the lien of the Subject Mortgage.


 Richard A. Yanagi

Subscribed to and sworn before me this 4th day of August, 2010 by Richard A. Yanagi, who is personally known to me.


WADE TSAIKASAKI

Notary Public, STATE OF HAWAII
My commission expires: 2-18-13

Doc. Description: AFFIDAVIT OF
RICHARD A. YANAGI, TRUSTEE
Doc. Date: NO DATE No. Pages: 2
WADE TSAIKASAKI FIRST
Notary Printed Name 2nd Name

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