

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA- JACKSONVILLE DIVISION

IN RE:

CASE NO.: 09-07047-JAF
CHAPTER 11

TAYLOR, BEAN & WHITAKER MORTGAGE CORP

Debtors.

MOTION FOR RELIEF FROM STAY
(2519 West Windrose Drive, Phoenix, AZ 85029)

Movant, U.S. Bank National Association, As Trustee For TBW Mortgage-Backed Trust Series 2007-2, TBW Mortgage Pass-Through Certificates, Series 2007-2, its successors and/or assigns, a secured creditor, by and through its undersigned counsel, and respectfully moves this Court Pursuant to 11 U.S. code Section 362(d) of the Bankruptcy Code to grant relief from Stay and as grounds and in support thereof would show the following:

1. Payments under Deed of Trust are due on the first (1st) day of each month until maturity of the security instrument, at this time. At this time, no adequate protection has been provided to the Movant.
2. Jorge A. Fernandez-Flores and Maria C. Hernandez executed a Deed in Trust in favor of MERS as nominee for Taylor Bean & Whitaker Mortgage Corp. on the subject property, and then subsequently assigned its rights to the Movant (recorded in the Maricopa County Official Records as instrument # 20070220896). See Deed of Trust and assignment -attached hereto as Composite Exhibit A.
3. Jorge A. Fernandez-Flores and Maria C. Hernandez executed a Deed in Trust in favor of the Debtor securing the subject property as collateral (recorded in the Maricopa County Official Records as instrument # 20070220897). To that end, Debtor may be named as a junior lienholder in a mortgage foreclosure action on the subject property. See Deed of Trust attached hereto as Exhibit B.
4. The account with the Movant is in default for the payment due on August 01, 2009 and Secured Creditor is owed and approximate principal balance of \$144, 761.97. See Affidavit in Support attached hereto as Exhibit C.

5. Failure to receive post-petition payments constitutes an unreasonable delay that is prejudicial to Movant/Claimant. The regular monthly post-petition payments are required by the subject Deed of Trust is necessary to provide Movant with adequate protection of its secured interest in the subject real property. Failure to make the regular post-petition monthly payments is a material default.
6. The Debtor is a Junior Lien holder on certain real property in Maricopa County, Arizona described as:

**LOT 202, COX MEADOWS UNIT TWO, ACCORDING TO BOOK 94 OF MAPS,
PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA**

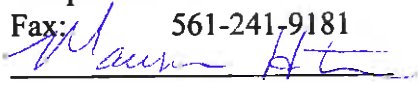
A/K/A 2519 West Windrose Drive, Phoenix, Arizona 85029

7. According to the Valuation, the market value of the property is \$106, 000.00. See Exhibit D attached.

8. **U.S. Bank National Association, As Trustee For TBW Mortgage-Backed Trust Series 2007-2, TBW Mortgage Pass-Through Certificates, Series 2007-2**, has incurred additional fees and cost of \$800.00 for the prosecution of this Motion.

WHEREFORE, Movant, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST SERIES 2007-2, TBW MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2 moves this Court to enter its Order granting relief from stay to Movant and granting such other relief as to the Court may deem just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via electronic transmission (CM/ECF) to the U.S. Trustee and all Counsels of record and/or United States first class mail postage prepaid to the Attached Mailing List and Parties in Interest List this 30 day of November 2010.

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Label Matrix for local noticing
113A-3
Case 3:09-bk-07047-JAF
Middle District of Florida
Jacksonville
Tue Nov 30 18:27:43 EST 2010

Joh Crain
PO Box 13
Melbourne, FL 32902-0013

Land Settlement Services, Inc.
107 S. 4th Street
Lebanon, PA 17042-6108

End of Label Matrix
Mailable recipients 8
Bypassed recipients 0
Total 8

American Home Mortgage Servicing, Inc.
c/o Anila Rasul
Kahane & Associates
8201 Peters Road, Ste 3000
Plantation, Florida 33324-3292

John A. Crain
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Michael C. Cabassol
c/o Donald R. Kirk, Esq.
and David W. Barrett, Esq.
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Bank of the Ozarks as Successor⁴
c/o Patti W. Halloran, Esq.
Gibbons, Neuman et al.
3321 Henderson Blvd.
Tampa FL 33609-2921

Land Settlement Services
c/o Barry Jay Warsch
100 Southeast 2nd Street, 36th Floor
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