

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

Debtors.

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

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,

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

Applicable Debtor.

ORDER DENYING MOTION FOR RELIEF FROM STAY
(Property located at 2401 Derita Ave., Charlotte, NC 28269)

THIS CASE came on for hearing on January 7, 2011, upon the Motion for Relief from Stay (the “**Motion**”) (Docket No. 2279) filed by Onewest Bank, FSB (the “**Movant**”). The Court having heard argument of counsel, considering the record, finds:

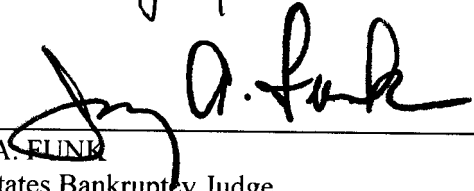
1. That the Debtor does not have an interest in the real estate that is the subject of the Motion.
2. That said property is not property of the estate.
3. That the automatic stay in this case does not bar the Movant from continuing to foreclose the mortgage interest in question on the property legally described on the attached Exhibit “A”, a/k/a 2401 Derita Ave., Charlotte, NC 28269.

4. However, the automatic stay continues to stay any action to obtain a money judgment or any other type of *in personam relief* against the Debtor.

Accordingly, it is hereby

ORDERED that the Motion is denied, as moot.

DATED in Jacksonville, Florida on January 11, 2011.



JERRY A. FINK
United States Bankruptcy Judge

EXHIBIT "A"

BEGINNING at a point, the corner formed by the intersection of the northerly edge of Hewitt Drive and the westerly edge of Derita Avenue, and running thence in a northerly direction with said edge of Derita Avenue 136 feet to a front corner between Lots 34 and 35 of the property of the Hewitt Development Company, according to a map thereof recorded in Map Book 3 at Page 63 in the Office of the Register of Deeds for Mecklenburg County, North Carolina, and running thence in a westerly direction with the southerly edge of Lot 34 of the Hewitt property to a point, a corner of the Conley property (see deed recorded in Book 1767 at Page 496 in said Register's Office); thence, in a southerly direction with the easterly edge of said Conley property 136 feet, more or less, to a point in the northerly edge of Hewitt Drive; thence, with said edge of Hewitt Drive in an easterly direction 213.35 feet to the point or place of **BEGINNING**, and **BEING ALL** of Lots 35, 36, and 37 of the property of Hewitt Development Company, according to said map thereof recorded in Book 3 at Page 63, except that portion thereof conveyed to Garland E. Conley and wife by deed from Beatrice M. McClure recorded in Book 1767 at Page 496 in said Register's Office.

Commonly known as 2401 Derita Avenue, Charlotte, NC 28269; PIN# 045-131-06.

RECORDED
FEB 11 2011
CLERK'S OFFICE