

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA – JACKSONVILLE DIVISION**

CHAPTER 11

IN RE:

**Taylor, Bean & Whitaker
Mortgage Corp., *et al.***

**CASE NO. 3:09-bk-07047-JAF
(Jointly Administered)**

Debtor(s)

**AMERICAN HOME MORTGAGE’S MOTION FOR RELIEF
FROM THE AUTOMATIC STAY
(Property Address: 17308 N. 22nd St., Phoenix, AR 85022)**

COMES NOW, American Home Mortgage Servicing, Inc., as servicer for 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 (“Secured Creditor”), by and through its undersigned counsel, moves for Relief from the Automatic Stay and states as follows:

1. The Court has jurisdiction over this matter pursuant to FRBP 4001(d) and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure and the laws of the United States of America.

2. The Debtor(s) listed above (the “Debtor(s)”) filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code on August 24, 2009.

3. Secured Creditor holds a security interest in real property located at 17308 N. 22nd St., Phoenix, AR 85022, by virtue of a Mortgage executed by Orville J. Adcock (the “Borrower”) on February 28, 2007, which was recorded in the Public Records of Maricopa County, Florida, on March 6, 2007, in Official Records Recording Number 20070272451. Said Mortgage secures a Note in the amount of \$244,800.00. See Exhibit “A” attached hereto.

4. The aforementioned Mortgage gives Secured Creditor a first mortgage position on said property, legally described as:

Lot 3, "FUGAWEE ACRES II", according to Book 650 of Maps, page 4, records of Maricopa County, Arizona.

5. The Borrower is now in default under the Note, having failed to make required payments and Secured Creditor seeks to exercise its non-bankruptcy rights and remedies, including but not limited to the enforcement of its rights against the Mortgage.

6. A review of the title to the Property shows that the Debtor may hold a lien junior to the Mortgage or may have some interest in the Property.

7. Secured Creditor is prohibited from commencing a foreclosure action in the State Court because of the pending of this bankruptcy.

8. Because the Debtor's possible junior mortgage adds little or no value to the Bankruptcy Estate, the Property is not necessary for Debtor's reorganization.

9. Secured Creditor respectfully requests the Court waives the fourteen (14) day stay of the Order Granting Relief pursuant to Bankruptcy Rule 4001 (a)(3) so the Secured Creditor can pursue its *in rem* remedies without further delay.

10. Secured Creditor has incurred attorneys' fees of \$650.00 and costs in the amount of \$150.00 as a result of having to file this Motion.

WHEREFORE, Secured Creditor respectfully requests that the automatic stay be lifted so that it may pursue *in rem* remedies to protect its security interests in the Debtor(s)' property outside of the bankruptcy forum, that the ten (14) day stay of the Order Granting Relief pursuant to Bankruptcy Rule 4001 (a)(3) be waived, that Secured Creditor's attorneys' fees and costs incurred in filing this Motion be recoverable as part of the debt pursuant to the loan documents

under the remedies available therein, and for such other relief as the Court may deem just and proper.

I HEREBY CERTIFY that a true and correct copy of the Motion for Relief from Stay was delivered to: **Taylor, Bean & Whitaker Mortgage Corp.** , 4901 Vineland Road, Ste 120, Orlando, FL 32811; **Edward J. Peterson III, Esq., Amy Denton Harris, Esq., Russell M Blain, Esq., Richard C. Prosser, Esq.**, Stichter, Riedel, Blain & Prosser PA, 110 E. Madison Street, Suite 200, Tampa, FL 33602; **Jeffrey W Kelley, Esq., James D Dantzler, Jr, Esq.**, Troutman Sanders LLP, 600 Peachtree Street Northeast, Suite 5200, Atlanta, GA 30308; **United States Trustee - JAX 11**, 135 W Central Blvd, Suite 620, Orlando, FL; **Elena L Escamilla**, United States Trustee, 135 W Central Blvd Suite 620, Orlando, FL 32806; and the Local Rule 1007(d) Parties in Interest List, by First Class U. S. Mail postage pre-paid and/or by Electronic Filing this 13th day of January, 2011.

Respectfully Submitted,

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/s/ Bart T. Heffernan
Bart T. Heffernan, Esq.
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