

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.

CASE NO.: 3:09-bk-07047-JAF
CHAPTER 11

Debtor.

MOTION FOR RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE JUDGE OF SAID COURT:

SECURED CREDITOR, U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust Series 2007-2, TBW Mortgage Pass-Through Certificates, Series 2007-2 (“MOVANT”), by and through its undersigned attorney, hereby Moves for Relief from the Automatic Stay pursuant to 11 USC §362(d), and in support states as follows:

1. On August 24, 2009, the above Debtor, Taylor, Bean & Whitaker Mortgage Corp. filed a Voluntary Petition for Relief pursuant to Chapter 11 of the United States Bankruptcy Code.
2. Jurisdiction in this cause is granted to the Bankruptcy Court pursuant to 28 USC §1334 and 11 USC §362, and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Court generally.
3. On March 20, 2007, Gregorio A. Servellon, (borrower) a single person, as his separate estate, executed and delivered a promissory note and mortgage in the amount of \$170,000.00 in favor of the Debtor. See attached Exhibit “A”.
4. The mortgage secures the following real property located in Clark County, Washington to wit:

THE SOUTH 150 FEET OF THE WEST 50 FEET OF LOT 6, BLOCK 2, JOHN STUBER'S SUBDIVISION, BEING A PORTION OF LOT 4, FOREST HOME LOTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME “D” OF PLATS, AT PAGE 49, RECORDS OF CLARK COUNTY, WASHINGTON.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE RIGHT-OF-WAY OF NW 7TH AVENUE AND NW LOGAN STREET

A/K/A: 1017 NW 7th Ave., Camas, WA 98607

5. The Debtor holds a 2nd mortgage on the above described property.

6. The MOVANT respectfully requests that the Court grant it relief from the Automatic Stay in this cause pursuant to §362(d)(1) of the Bankruptcy Code so the MOVANT may exercise its rights under the mortgage contract against its collateral. The value of the collateral is insufficient in and of itself to provide adequate protection which the Bankruptcy Code requires to be provided to the MOVANT.
7. In support of this Motion for Relief from Automatic Stay, under §362(d) of the Bankruptcy Code, MOVANT would show that it would be inequitable to permit the borrower to retain the collateral, that there is no equity in the collateral and that said collateral is not necessary for an effective reorganization of the borrower.
8. MOVANT is receiving no payments from borrower to protect Movant against the erosion of its collateral position and MOVANT is not otherwise protected.
9. If MOVANT is not permitted to enforce its security interest in the collateral or provided with adequate protection, it will suffer irreparable injury, loss and damage.
10. The value pursuant to the property card in Clark County attached is 126,336.00. See attached Exhibit "B".
11. The principal balance is \$170,000.00. The contractual due date is May 1, 2009.

WHEREFORE, PREMISES CONSIDERED, MOVANT prays that the Debtor be cited to appear herein; that upon Final Hearing (if necessary) the Court enter an Order modifying the Automatic Stay under 11 USC §362(d), to permit MOVANT to take any and all steps necessary to exercise any and all rights it may have in the collateral described hereinabove, and to gain permission of said collateral, together with such further relief and this Honorable Court deems just and appropriate.

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic and/or Regular U.S. Mail to the parties listed on the attached service list, this 8th Day of February, 2011.

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the MIDDLE District of FLORIDA, and I am in compliance with the additional qualifications to practice in this Court set forth in the Local Rules.

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By: /s/ John C. Brock, Jr.
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Rules 1007-2 Parties in Interest