

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 2006-6, Mortgage Pass-Through Certificates, Series 2006-6 (“MOVANT”), by and through its undersigned attorney, 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 13 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 October 27, 2006, Mark Windon, Mark Windon and Angela Windon, husband and wife,(borrower), executed and delivered a promissory note and mortgage securing payment of the note to Taylor, Bean & Whitaker Mortgage Corp in the amount of \$188,000.00. See attached Exhibit “A”
4. The mortgage secures the following real property located in Clark County, WA, to wit:

The North of the following described tract:

THAT portion of the Northwest quarter of Section 13, Township 2 North, Range 1 East of the Willamette Meridian, Clark County, Washington, lying within the John C. Dodd Donation Land Claim, described as follows:

BEGINNING at a point 256.4 feet North and 509.8 feet West of the most Southerly Southeast corner of said Claim (said point being the Northeast corner of the tract conveyed to Wm. Fich, by deed recorded in Volume 126, Page 168, records of said County, and being on the West line of the tract conveyed to Jos E. Metcalf and Wm. H. Metcalf, by deed recorded in Volume 13, page 192, records of said County); thence North 30 feet and West

546 feet to the TRUE Point of Beginning; thence West 100 feet; thence North 204.3 feet; thence East 100 feet; thence South 204.3 feet to the TRUE Point of Beginning.

EXCEPT the South 30 feet for road.

A/K/A 3511 NE 54TH ST., VANCOUVER, WA 98661

5. The Debtor holds a 2nd mortgage secured by the above described collateral.
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, for cause, namely the lack of adequate protection to Movant for its interest in the above stated 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.
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. The principal balance is \$181,782.63. The contractual due date is December 1, 2009.

WHEREFORE, PREMISES CONSIDERED, MOVANT prays that the Debtor(s) 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 7th Day of March, 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.

John C. Brock, Jr.
Albertelli Law
Attorney for Secured Creditor
PO Box 23028
Tampa, FL 33623

By: /s/ John c. Brock,Jr.
Albertelli Law
Florida Bar No.: 17516

SERVICE LIST

Edward J. Peterson, III
Stichter, Riedel, Blain & Prosser, PA
110 East Madison Street, Suite 200
Tampa, FL 33602

Amy Denton Harris
Stichter, Riedel, Blain & Prosser, P.A.
110 E Madison Street, Suite 200
Tampa, FL 33602-4700

Russell M. Blain
Stichter, Riedel, Blain & Prosser
110 East Madison Street, Suite 200
Tampa, FL 33602

Richard C. Prosser
Stichter, Riedel, Blain & Prosser PA
110 E. Madison Street, Suite 200
Tampa, FL 33602

Jeffrey W. Kelley
Troutman Sanders LLP
600 Peachtree Street
Suite 5200
Atlanta, GA 30308-2216

James D .Dantzler, Jr
Troutman Sanders LLP
600 Peachtree Street Northeast
Suite 5200
Atlanta, GA 30308

Elena L. Escamilla TB
135 W Central Blvd, Suite 620
Orlando, FL 32801

Paul S. Singerman
Berger Singerman PA
200 South Biscayne Boulevard
Suite 1000
Miami, FL 33131

Arthur J. Spector
Berger Singerman PA
2650 North Military Trail
Suite 240
Boca Raton, FL 33431-7391

James D. Gassenheimer
Berger Singerman
200 South Biscayne Boulevard
Suite 1000
Miami, FL 33131

United States Trustee - JAX 11, 11
135 W Central Blvd, Suite 620
Orlando, FL 32801

Taylor, Bean & Whitaker Mortgage Corp.
4901 Vineland Road, Ste 120
Orlando, FL 32811

Local Rule 1007-2 Parties In Interest