

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

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TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP.,

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

Applicable Debtor.  
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**ORDER DENYING MOTION FOR RELIEF FROM THE  
AUTOMATIC STAY AND FOR ORDER DIRECTING EXECUTION  
AND RECORDATION OF ASSIGNMENT OF DEED OF TRUST  
AND WAIVER OF 30-DAY RULE PURSUANT TO 11 U.S.C. § 362(e)  
Re: 42 South Forest Beach, Hilton Head, SC 29928**

THIS CASE came on for hearing on March 4, 2011, upon the Motion for Relief from Automatic Stay (the “**Motion**”) (Docket No. 2611) filed by JP Morgan Chase Bank, N.A. (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 as:

All That Certain Apartment, Lying And Being On Hilton Head Island, Beaufort County, South Carolina, Known As Apartment 3204 Of Seascape Villas Section One Horizontal Property Regime And Being More Particularly Shown And Described By Reference To The Master Deed Established Said Horizontal Property Regime, And Recorded In The Office Of The Rod For Beaufort County, South Carolina, In Deed Book 199 At Page 611 As Amended In Deed Book 202 At Page 1615 And Plat Book 20 At Page 21. Also, All Of The Rights, Privileges And Common Elements Appertaining To The Above Described Apartment As Set Forth In The Master Deed And By-Laws Described Above. Subject To, All Rights, Restrictions, Conditions, Etc. Contained In That Certain Declaration Of This Hilton Head Company, Recorded In The Rod Office For Beaufort County, South Carolina In Deed Book 78 At Page 306 And To All Easements As Shown On Plats Of Record As Recorded In Plat Book 20 At Page 21. This Being The Same Property Conveyed To The Within Named Mortgagors By Deed Of Gerhard M. Koenig And Magdalena A. Koenig Dated May 12, 1999 And Recorded May 21, 1999 In The Register Of Deeds Office For Beaufort County, South Carolina In Record Book 1173 At Page 540. This Instrument Was Prepared In The Law Office Of Henri Ann Logan, Post Office Box 1008, Beaufort, South Carolina 29901

a/k/a 42 South Forest Beach, Hilton Head, SC 29928

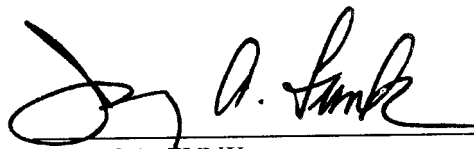
4. However, the automatic stay continues to stay any action to obtain a money judgment or any other type of *in personam relief* against the Debtor.

5. The Debtor is hereby authorized and directed to execute an Assignment of Mortgage (to be prepared by Movant) in favor of Movant as assignee with regards to the Mortgage on the subject property.

Accordingly, it is hereby

ORDERED that the Motion is denied, as moot.

DATED in Jacksonville, Florida on March 14, 2011.

  
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JERRY A. FUNK  
United States Bankruptcy Judge