

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.

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**ORDER DENYING MOTION TO LIFT AUTOMATIC STAY TO
ADD TAYLOR, BEAN & WHITAKER MORTGAGE CORP. AS A
PARTY TO THE FEDERAL TAX LIEN ENFORCEMENT ACTION,
UNITED STATES OF AMERICA v. ANGELA S. FORD, et al., PENDING
IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF MICHIGAN, AND TO ALLOW THAT ACTION TO CONTINUE**

THIS CASE came on for hearing on March 4, 2011, upon the Motion to Lift Automatic Stay to Add Taylor, Bean & Whitaker Mortgage Corp. as a Party to the Federal Tax Lien Enforcement Action, *United States of America v. Angela S. Ford, et al.*, Pending in the United States District Court for the Eastern District of Michigan, and to Allow that Action to Continue (the “**Motion**”) (Docket No. 2706) filed by the United States of America (the “**Movant**”). The Court having heard argument of counsel, considering the record, finds:

1. That the Debtor does not have an interest in the property 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 enforce its federal tax liens against the property, which is more particularly described as:

Unit 33, Building 1, Cranbrook Chase, according to the Master Deed recorded in Liber 11593, Pages 138 through 204 incl. and amended by First Amendment of Master Deed recorded in Liber 12227, Pages 709 through 725 incl. and by Second Amendment of Master Deed recorded in Liber 12993, Pages 258 through 271 incl. and by Third Amendment to Master Deed recorded in Liber 13506, pages 161 thru 182 incl. Oakland County Records, and designated as Oakland County Condominium Subdivision Plan No. 700, together with rights in the general common elements and limited common elements as set forth in the above Master Deed as amended, and as described in Act 59 of the Public Acts of 1978, as amended. Tax Parcel No. 19-28-303-033

a/k/a 4090 Cranbrook Court, #44, Bloomfield Hills, Michigan

4. That the Debtor currently is a mortgagee of record with the Oakland County Records at the property described in paragraph 3, above.

5. That the Movant may add Taylor, Bean & Whitaker Mortgage Corporation as Debtor-in-Possession, as a nominal party to the District Court action, whereby the Debtor and Debtor-in-Possession may disclaim its interest in the property, in order to clear the cloud that currently exists on the title.

6. That the Movant may proceed *in rem* to enforce its federal tax liens against the property.

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

8. Since the property is not property of the estate and the United States does not seek to impose any *in personam* liability against the Debtor or Debtor-in-Possession, the automatic stay does not prohibit the joinder of the Debtor-in-Possession to the District Court action or the continuation of that case.

Accordingly, it is hereby

ORDERED that the Motion is denied, as moot.

DATED in Jacksonville, Florida on _____ .

JERRY A. FUNK
United States Bankruptcy Judge