

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

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

In re:

TAYLOR, BEAN & WHITAKER MORTGAGE CORP.,
Debtor(s).

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WELLS FARGO BANK'S MOTION FOR RELIEF FROM STAY

COMES NOW, WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WACHOVIA BANK, NATIONAL ASSOCIATION (hereinafter "Secured Creditor"), by and through its undersigned counsel, and moves this Court for relief from the automatic stay, and in support, states:

1. This Court has jurisdiction over this matter pursuant to 11 U.S.C. § 362, FRBP 4001(a), and various other 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) filed a voluntary petition, pursuant to Chapter 11 of the Bankruptcy Code, on August 24, 2009.
3. Secured Creditor holds a Note in the original principal amount of \$350,000.00, secured by a Mortgage on real property recorded in O.R. Book 26145, Page 1073, of the Public Records of Miami-Dade County, Florida. Said Mortgage is in 1st lien position, and encumbers property legally described as:

**Lot 10, Block 4, VEDADO, according to the map or plat thereof, as recorded in Plat Book 10, Page 19, of the Public Records of Palm Beach County, Florida.
{Address: 2266 SW 16th Terrace, Miami, FL 33145}**

A copy of the above referenced Mortgage is attached hereto as an Exhibit.

4. The loan is in default and is presently in foreclosure, Wells Fargo Bank, N.A., Successor by Merger to Wachovia Bank, N.A., v. Roilans Auto Service, Inc., et. al., Case No.: 2009-CA-8669-CA-20, Miami-Dade County, Florida, filed on February 2, 2009. A true and correct copy of the Amended Complaint is attached hereto and incorporated herein as an Exhibit.
5. The Debtor is a named defendant in the above referenced state court action, by

virtue of holding a mortgage, that upon information and belief, was paid in full, but never satisfied of record. A true and correct copy of the Debtor's mortgage is attached hereto and incorporated herein as an Exhibit.

6. The outstanding principal balance owed to Secured Creditor is \$355,789.53, plus interest since July 28, 2008.

7. According to the Miami-Dade County Property Appraiser, the subject property has a market value of \$198,538.00. A true and correct copy of the Property Appraiser's records is attached hereto and incorporated herein as an Exhibit.

8. Based on the foregoing, it is evident that there is no equity for the benefit of other creditors.

9. Based on the foregoing, it is evident that the interests of Secured Creditor are not adequately protected, and therefore cause exists pursuant to 11 U.S.C. § 362 for the automatic stay to be lifted.

10. A proposed Order Granting Motion for Relief from Stay is attached hereto and incorporated herein as an Exhibit.

WHEREFORE, Secured Creditor respectfully requests that the automatic stay be lifted so that Secured Creditor may be permitted to protect its security interest, and for such other and further relief that this Court deems just, equitable and proper.

[Intentionally Blank]

I HEREBY CERTIFY that a true and correct of the foregoing, along with all Exhibits referenced herein, has been served either electronically or by 1st Class U.S. Mail on this 27th day of May, 2011, to:

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

Stichter, Riedel, Blain & Prosser, PA , 110 East Madison Street, Suite 200, Tampa, FL 33602

U.S. Trustee. 135 W Central Blvd, Suite 620, Orlando, FL 32801

Deutsche Bank Securities, Inc., 60 Wall Street, 19th Floor, New York, NY 10005

James G. Hicks, 950 Grayson Highway, Lawrenceville, GA 30045

RBC Capital Markets, One Liberty Plaza, 165 Broadway, New York, NY 10006-1404

Cadwalader, Wickersham & Taft, P.O. Box 5929, New York, NY 10087-5929

Locke, Lord, Bissell & Liddell, LLP, 111 S. Wacker Drive, Chicago, IL 60606-4410

Sam Solutions, 11511Abercorn Box 285, Savannah, GA 31419

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/s/ Arthur E. Lewis

Arthur E. Lewis, Esq.
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