

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, Wells Fargo Bank N.A., (“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 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 October 23, 2006, Tiffany L. Harris,(borrower) a single person, as her separate estate, executed and delivered a promissory note and mortgage in the amount of \$280,000.00 in favor of the Debtor. See attached Exhibit “A”.
4. The mortgage secures the following real property located in Cook County, Illinois to wit:

LOT 1 IN RESUBDIVISION OF THE SOUTH 34 FEET OF LOT 16, ALL OF LOT 17 AND NORTH 36 FEET OF LOT 18 IN CHRISTOPHER COLUMBUS ADDITION TO JACKSON PARK BEING A SUBDIVISION OF BLOCKS 4 AND 5 OF G. W. CLARKE'S SUBDIVISION OF THE EAST ½, OF NORTHWEST ¼ OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

aka 7219 S Constance Ave., Chicago, Illinois 60649

5. The Debtor holds a junior mortgage on the 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.

7. MOVANT is receiving no payments from borrower to protect Movant against the erosion of its collateral position and MOVANT is not otherwise protected.
8. The affidavit in support of motion for relief is attached. See attached Exhibit "B".
9. The principal balance is \$279,521.21. The contractual due date is February 1, 2008.

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 31st Day of May 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