

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

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

In re:

Taylor, Bean & Whitaker Mortgage Corp.,

Debtor(s) /

MOTION FOR RELIEF FROM AUTOMATIC STAY BY
SELENE FINANCE LP AS SERVICER FOR TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.
MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW the secured creditor SELENE FINANCE, LP, AS SERVICING AGENT FOR TAYLOR, BEAN & WHITAKER MORTGAGE CORP., and/or its assigns (hereinafter "Movant"), by and through its undersigned attorney, and respectfully moves this Court, pursuant to 11 U.S.C. Section 362(d)(1), for relief from the automatic stay. As grounds for this relief Movant would show:

1. On 8/4/2005, Coda C Roberson, III, executed and delivered to Movant, a Note in the principal amount of \$520,000.00, which secured repayment by granting a mortgage on certain real property, located at 643 12th Ave S, St Petersburg, FL 33701. Copies of the Note and Mortgage are attached as Exhibit "A" and are hereby incorporated by reference.

2. Movant owns and holds the Note and Mortgage.

3. The following described property is located in Pinellas County, Florida, and more particularly described as follows:

Lot 20, J.P. Easterbrook Subdivision, according to the map or plat thereof as recorded in Plat Book 1, Page 21, Public Records of Pinellas County, Florida.

Parcel Identification Number: 30/31/17/23958/000/0200

643 12th Ave S, Saint Petersburg, FL 33701

4. By the terms of the Note Coda C Roberson, III, is required to make monthly payments, but failed to make the payment due in October 2006 and all subsequent payments.

5. Movant has not been afforded adequate protection in the form of monthly payments.

6. Cause exists to grant Movant relief from the Automatic stay as:

a. Borrower continues to enjoy the use and possession of the collateral, perhaps subjecting it to waste and/or depreciation, without compensating Movant therefore;

b. Interest continues to accrue and erodes the value of Movant's secured claim;

c. Movant has been or may be required to make advances to pay real estate taxes to preserve the priority of Movant's lien; and

d. Movant does not know if borrower has sufficient insurance on the property and whether Movant is named as an insured and loss payee on that policy, or in the alternative, Movant has been or may be required to make advances to pay premiums for insurance coverage on the property.

7. Attached hereto and incorporated by reference is an Affidavit in Support of Motion for Relief from Automatic Stay, which sets forth with specificity the amounts due under this obligation.

WHEREFORE Movant SELENE FINANCE LP AS SERVICER FOR TAYLOR, BEAN & WHITAKER MORTGAGE CORP. , and/or its assigns, prays for an order granting it relief from the automatic stay to pursue its in rem remedies.

/s/ Sean M. Affleck

Sean M. Affleck, Esquire

Butler & Hosch, P.A.

3185 South Conway Road, Suite E

Orlando, Florida 32812

Telephone: (407) 381-5200

Fax: (407) 381-5577

Florida Bar No: 0060503

Attorney for Movant

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a true and correct copy of the foregoing motion has been furnished by First Class, U.S. Mail, Postage Pre-paid on this 31st day of May 2011, to the following:

Debtor: Taylor, Bean & Whitaker Mortgage Corp.
4901 Vineland Road Suite 120
Orlando, FL 32811

United States Trustee: 135 W Central Blvd, Suite 620
Orlando, FL 32801

Coda C Roberson, III
643 12th Ave S,
St Petersburg, FL 33701

Edward Peterson, III
Stichter, Riedel, Blain
110 East Madison St, Suite 200
Tampa, FL 33602

And all parties on the attached 1007(d) mailing matrix.

/s/ Sean M. Affleck
Sean M. Affleck, Esquire