

**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 /

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

**COMES NOW** the secured creditor SELENE FINANCE, LP, AS SERVICER FOR TAYLOR, BEAN & WHITAKER MORTGAGE CORP., and/or its assigns (hereinafter "Movant"), and by and through its undersigned attorney respectfully moves the 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 Roberson, III, executed and delivered to Movant, a Note in the principal amount of \$504,000.00, which secured repayment by granting a mortgage on certain real property, located at 818 Ingleside 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 Saint Petersburg, Pinellas County, Florida, and more particularly described as follows:

**Lot 3, 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 : 30-31-17-23958-000-0030**

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

5. Movant does not have 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 erode 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 31<sup>st</sup> day of May 2011, to the following:

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

Debtor's Attorney: Edward J. Peterson, III  
Stichter, Riedel, Blain & Prosser, PA  
110 E Madison Street Suite 200  
Tampa, FL 33602

Coda C Roberson, III  
818 Ingleside Ave S,  
St Petersburg, FL 3701

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

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

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