UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

TAYLOR, BEAN & WHITAKER.
MORTGAGE CORP.

Debtor.
_____/

Case No.3:09-bk-07047-JAF
Chapter 11

U.S. BANK NATIONAL ASSOCIATION'S
AMENDED MOTION FOR RELIEF FROM THE AUTOMATIC STAY
(Re: 8430 East Palm Lane, Scottsdale, AZ 85257)

U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust Series 2007-2 , TBW Mortgage Pass-Through Certificates, Series 2007-2 (the "Secured Creditor"), by and through undersigned counsel, files this *Amended Motion for Relief from the Automatic Stay* (the "Motion"), and in support thereof states as follows:

1. The Court has jurisdiction over this matter pursuant to FRBP 4001 (d) and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure and the laws of the United States of America.

2. On August 24, 2009, the Debtor commenced this Bankruptcy case by filing a petition for relief under Chapter 11 of the United States Bankruptcy code.

3. The Secured Creditor maintains a security interest in real property located at 8430 East Palm Lane, Scottsdale, AZ 85257 (the "Property") legally described as :

LOT 415 COX HEIGHTS UNIT THREE, ACCORDING TO BOOK 90 OF MAPS, PAGE 34, RECORDS OF MARICOPA COUNTY, ARIZONA.

by virtue of a Deed of Trust executed by Matthew R. Weihe (the "Borrower") on February 6, 2007 which was recorded in the Public Records of Maricopa County, Florida, document number 20070157717. Said Deed of Trust secures a Note in the amount of $262,400.00. A copy of the Deed of Trust and Note are attached hereto and made a part hereof as **Exhibit A**.

4. The Borrower is now in default under the Note, having failed to make the required payments and the Secured Creditor seeks to exercise its non-bankruptcy rights and remedies, including but not limited to the enforcement of its rights against the Deed of Trust.

5. A review of the title to the Property shows that the Debtor *may* hold a lien junior to the Mortgage or *may* have some interest in the Property.

6. The Secured Creditor is prohibited from commencing a foreclosure action in State Court because of the pendency of this bankruptcy.

7. Because the Debtor's possible junior mortgage adds little or no value to the Bankruptcy Estate, the Property is not necessary for the Debtor's reorganization.

8. The Secured Creditor has incurred attorneys' fees in the amount of $650.00 and costs in the amount of $150.00 as a result of the necessity of filing this Motion. The Secured Creditor's attorneys' fees and costs are recoverable as part of the debt pursuant to the loan documents.

9. The Secured Creditor respectfully requests that the Court waive the fourteen (14) day stay of the Order Granting Relief pursuant to Bankruptcy Rule 4001(a)(3), so that the Secured Creditor can pursue its *in rem* remedies without further delay.

WHEREFORE, the Secured Creditor respectfully requests that the Motion be granted so that the Secured Creditor may be permitted to protect its security interest in the subject property outside of the bankruptcy forum and for such other and further relief as the Court may deem just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion was served electronically or by U.S. mail, first-class postage prepaid to **Matthew R. Weihe,** 8430 East Palm Lane, Scottsdale, AZ 85257; **Taylor, Bean & Whitaker Mortgage Corp.,** 4901 Vineland Road, Ste 120, Orlando, Fl 32811; **United States Trustee - JAX 11,** 135 W Central Blvd, Suite 620, Orlando, FL 32801; **Paul S Singerman, Esq.,** Berger Singerman PA, 200 South Biscayne boulevard, Suite 1000, Miami, FL 33131; and , **Edward J. Peterson, III,** Stichter, Riedel, Blain & Prosser, PA, 110 East Madison Street, Suite 200, Tampa, FL 33602 and to all of the parties listed on the attached mailing matrix this 3rd day of June, 2011.

/s/ Suly M. Espinoza
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Label Matrix for local noticing
113A-3
Case 3:09-bk-07047-JAF
Middle District of Florida
Jacksonville
Fri Jun 3 14:17:19 EDT 2011

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)U.S. Bank National Association, as Trustee

End of Label Matrix	
Mailable recipients	30
Bypassed recipients	1
Total	31