

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT
OF FLORIDA JACKSONVILLE DIVISION

IN RE:

Chapter 11

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

TAYLOR, BEAN, & WHITAKER
MORTGAGE GROUP,

Debtor.

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection with twenty-one (21) days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at: 300 N. Hogan Street, Suite 3-350, Jacksonville, Florida, 32202, and serve a copy on the Movant's attorney, Philip L. Burnett, Esq., PO Box 2258, Ft. Myers, FL, 33902, and any other appropriate persons.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

VERIFIED MOTION FOR RELIEF FROM STAY

Creditor, SHEPHERD PURSUITS, LLC, (hereinafter referred to as "Creditor"), by and through its undersigned attorneys, files this Verified Motion For Relief From Stay ("Motion") to permit it to clear the title to a parcel of real property that it purchased at a tax sale in Lee County, Florida and as grounds therefor would state as follows:

1. On or about January 6, 2011, Creditor filed an Action to Quiet Title against the Debtor and others ("Lawsuit"), in the Circuit Court of the Twentieth Judicial Circuit, Lee County, Florida. A true and correct copy of the Complaint is attached hereto and incorporated herein as Exhibit "A".

2. Unbeknownst to the Creditor, the Debtor filed a petition under Chapter 11 of the Bankruptcy Code on August 24, 2009.

3. The Creditor has taken no steps against the Debtor since it became aware of the Debtor's filing of its Chapter 11 Petition, which is the reason for the Creditor's filing of this Motion.

4. The subject Lawsuit is pending against the Debtor and numerous other parties in the Creditor's attempt to clear various clouds on the title of a parcel of real property located in Lee County, Florida that the Creditor purchased at a tax sale. The Legal Description of the property is:

Lots 39 and 40, Block 5103, Cape Coral, Unit 80, according to the plat thereof as recorded in Plat Book 22, Pages 140-159, inclusive, of the Public Records of Lee County, Florida

5. As a result of the tax sale and deed of the property to Creditor, the subject matter of the Complaint, the Debtor has no interest in the subject property or it is inferior to the rights of the Creditor.

6. The filing of the Bankruptcy Petition has stayed the Creditor from completing the Lawsuit, which Creditor is entitled to do,

7. Based upon the above, the Court should lift the automatic stay for the limited purpose allowing Creditor to complete the Lawsuit. The Creditor does not intend to nor will it seek an in personam judgment against the Debtor, it merely wants to clear the clouds on the title.

8. The property the subject matter of the Complaint is not necessary to an effective reorganization.

9. If a hearing on this matter is warranted, Counsel for the Creditor does not believe that it should take more than fifteen (15) minutes to hear this matter.

WHEREFORE the Creditor requests that this Court enter an Order modifying the automatic stay to permit it to complete its Lawsuit.

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BY: /s/Philip L. Burnett, Esq.
PHILIP L. BURNETT
Florida Bar No. 125593

STATE OF FLORIDA
COUNTY OF LEE

I, JAMES SHEPHERD, the Manager of SHEPHERD PURSUITS, LLC, acknowledge that I have read the foregoing Verified Motion. I am familiar with the facts alleged therein which are true and correct.



JAMES SHEPHERD

The foregoing instrument was acknowledged before me this 16th day of June, 2011, by JAMES SHEPHERD, the Manager of SHEPHERD PURSUITS, LLC, who is personally known to me or who has produced DRIVER'S LICENSE as identification and who did take and oath.

NOTARY PUBLIC

sign Philip L. Burnett
print PHILIP L. BURNETT
Commission No. DD 832641

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
 Philip L. Burnett
Commission #DD832641
Expires: OCT. 20, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished either electronically or by U.S. Mail to Debtor, TAYLOR, BEAN & WHITAKER MORTGAGE GROUP, 4901 Vineland Road, Suite 120, Orlando, FL, 32811; Stichter, Riedel, Blain & Prosser, PA; Berger Singerman, PA; Troutman Sanders, LLP; Elena L. Escamilla, US Trustee; on this 16th day of June, 2011.

BY: /s/Philip L. Burnett, Esq.
PHILIP L. BURNETT