

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

Taylor, Bean & Whitaker Mortgage Corp.

Debtor(s).

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

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND FOR ORDER
DIRECTING EXECUTION AND RECORDATION OF ASSIGNMENT OF DEED OF
TRUST AND WAIVER OF 30-DAY RULE PURSUANT TO 11 U.S.C. §362(e)
RE: 15308 NE 41st Street, Vancouver, Washington 98682**

Comes now, The Bank of New York Mellon, as Trustee for TBW Mortgage Backed Trust 2007-1, Mortgage Pass Through Certificates, Series 2007-1, as serviced by American Home Mortgage Servicing, Inc. ("Movant"), by and through the undersigned attorney and requests the Court for entry of an Order Granting Relief from the Automatic Stay and Directing Execution and Recordation of Assignment of Deed of Trust, and as grounds would show:

1. That Debtor filed a petition under Chapter 11 Bankruptcy Code on August 24, 2009.
2. That the Bankruptcy Court has jurisdiction over this proceeding pursuant to 11 U.S.C., § 362(d) and Bankruptcy Rule 4001(a).
3. That Movant a secured creditor by virtue of a Note and Deed of Trust on real property located at 15308 NE 41st Street, Vancouver, Washington, 98682 and bearing the following legal description:

LOT 10, FIR GARDEN II, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME G OF PLATS, PAGE 679, RECORDS OF CLARK COUNTY, WASHINGTON.

(the "Subject Property")

4. Copies of the above-referenced documents are attached hereto and made a part hereof, as Exhibit "A".
5. The aforementioned documents create a first mortgage position on the Subject Property.
6. The Debtor transferred physical possession of the Note to Movant but did not execute and record an Assignment of the Deed of Trust to Movant prior to the Petition Date. An Assignment of Deed of Trust from MERS to Movant was recorded on January 7, 2011 with the clerk of Clark County, Washington.
7. Movant requires the execution and recordation of the Assignment in order to commence and/or continue a foreclosure action in the State Court with regards to the subject property.
8. In an abundance of caution, Movant seeks an order granting relief from the automatic stay or an order determining there is no stay in effect so that an Assignment of Deed of Trust may be recorded, or the current Assignment may be deemed to have occurred when no stay was in effect, in order to insure the quality of the state of title with regards to the subject property.
9. Movant therefore requests that the Court enter an Order 1) authorizing and directing the Debtor to execute and record the Assignment, and 2) allowing the Movant to proceed with the Foreclosure action.
10. Debtor is not personally liable to Movant as a Debtor and Movant seeks only in rem relief to foreclose upon the Subject Property.

11. Movant hereby waives the thirty (30) day rule set forth in 11 U.S.C. §362(e) and consents to the Court setting a hearing on this Motion on or within thirty (30).

Wherefore, The Bank of New York Mellon, as Trustee for TBW Mortgage Backed Trust 2007-1, Mortgage Pass Through Certificates, Series 2007-1, as serviced by American Home Mortgage Servicing, Inc. moves this court to enter an order granting Movant relief from the Automatic Stay or, in the alternative, to enter an Order determining that the Subject Property is not property of the estate and that the automatic stay in this case does not bar the Movant from foreclosing or continuing to foreclose its interest in the Subject Property. Furthermore, Movant moves the Court to enter an order authorizing and directing the Debtor to execute an Assignment of Deed of Trust in favor of Movant with and authorizing the recordation of such Assignment of Deed of Trust.

/s/ Kevin L. Hing
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Relief from the Automatic Stay and for Order Directing Execution and Recordation of Assignment of Deed of Trust and Waiver of 30-day Rule Pursuant to 11 U.S.C. § 362(e) and all Exhibits have been served by either electronic or standard first class mail on June 29th, 2011 to:

Taylor, Bean & Whitaker Mortgage Corp., 315 Northeast 14th Street, Ocala, FL 34470
Edward J. Peterson, III, 110 East Madison Street, Suite 200, Tampa, FL 33602;
Amy Denton Harris, 110 East Madison Street, Suite 200, Tampa, FL 33602
Russell M. Blain, 110 East Madison Street, Suite 200, Tampa, FL 33602
Richard C. Prosser, 110 East Madison Street, Suite 200, Tampa, FL 33602
United States Trustee, 135 West Central Blvd., Suite 620, Orlando, FL 32801
Elena L. Escamilla, 135 West Central Boulevard, Suite 620, Orlando, FL 32801
All other interested parties and creditors listed on the 1007(d) parties in interest list

/s/ Kevin L. Hing
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