

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA - JACKSONVILLE DIVISION

IN RE:

CASE NO.: 09-07047-JAF
CHAPTER: 11

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP. ,
Debtors.

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-
BACKED TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3
MOTION FOR RELIEF FROM AUTOMATIC STAY
TO ENFORCE FORECLOSURE SALE

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 within 15 days from the date this paper is entered on the docket. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 300 North Hogan Street ,Suite 3-350, Jacksonville, FL 32202, and serve a copy on the movant's attorney, Maurice Hinton, Esq., Robertson Anschutz & Schneid, PL, 3010 N. Military Trail, Ste. 300, Boca Raton, FL 33431.

If you file and serve an appropriate objection within the time permitted, and the objection reveals factual or legal issues requiring a hearing, the Court may schedule a hearing and you will be notified. Otherwise, the Court will consider the motion and the responses on the papers without further notice or hearing. 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.

Comes Now, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-3, by and through its undersigned attorneys, as and for its Motion for Relief from the Automatic Stay, and states as follows:

1. The Court has jurisdiction over this matter pursuant to 11 U.S.C. Section 362, FRBP 4001(a) and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure and laws of the United States of America.

2. The Debtor filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code on August 24, 2009.

3. On January 10, 2011, Secured Creditor caused a Notice of Trustee's sale to be filed in Maricopa County Public Records, referencing instrument #20110026134 indicating the original principal balance of \$364, 800.00 ("Notice of Trustee Sale"). A true and correct copy is attached hereto as **Exhibit A**. Said Notice of Sale and assignment of Deed of Trust confirms Secured Creditor's interest in Debtor's Property located at **13644 N CANTERBURY DR PHOENIX, AR 85023** legally described as:

LOT 267, OF MOON VALLEY, ACCORDING TO THE PLAT OF RECORDED IN THE OFFICE OF THE COUNTY RECORDED OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 92 OF MAPS, PAGE 1 AND 2.

4. The value of the Property is \$165,000.00. This valuation is based on the value as determined by the Broker Price Option, as set forth on **Exhibit B** attached hereto.

5. Secured Creditor is entitled to relief from the automatic stay under Section 362 (d)(1) and/or 362 (d)(2) for this/these reasons:

(a) For cause, including Debtor's failure to provide adequate protection for Secured Creditor's interest in the Property due to Debtor's failure to pay the amount of the judgment. Secured Creditor's interest in the Property is being significantly jeopardized by the Debtor's failure to satisfy the Judgment while Secured Creditor is prohibited from pursuing lawful remedies to enforce such Judgment.

7. Secured Creditor further requests that the Court Order entered pursuant to the instant Motion provided that all communications sent by Secured Creditor in connection with

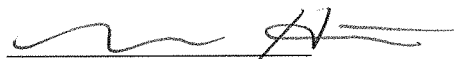
proceeding to offer and provide information with regard to a potential Forbearance Agreement, Loan Modification, Refinance Agreement, Loss Mitigation Agreement or other Loan Workout, may be sent directly to the Debtor.

8. Pursuant to 11 U.S.C. Section 362(e), Secured Creditor hereby requests that in the event a hearing is necessary, that said hearing be held within thirty (30) days.

9. 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 Secured creditor can pursue its *in rem* remedies without further delay.

WHEREFORE, Secured Creditor respectfully requests that the automatic stay be lifted so that Secured creditor may be permitted to protect its security interest in the Debtor's property outside of the bankruptcy forum, that in the event that hearing is necessary on this Motion that said hearing be held within thirty (30) days, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz and Schneid, P.L.
Attorney for Secured Creditor
3010 N. Military Trail, Suite #300
Boca Raton, Florida 33431
Telephone: (561) 241-6901 ext 244
Facsimile: (561) 241-9181


Maurice Hinton, Esq.
Florida Bar No. 26215

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Relief from the Automatic Stay was served electronically or by U.S. mail, first-class postage prepaid, to:

Taylor, Bean & Whitaker Mortgage Corp.
4901 Vineland Road, Ste 120
Orlando, FL 32811

Edward J. Peterson, III, Esq.
Stichter, Riedel, Blain & Prosser, PA
110 East Madison Street, Suite 200
Tampa, FL 33602

United States Trustee - JAX 11, 11
135 W Central Blvd, Suite 620
Orlando, FL 32801

Dated: July 21, 2011

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