

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 WAIVER OF 30-DAY
RULE PURSUANT TO 11 U.S.C. §362(e)
RE: 51 Essex Street, Marlborough, Massachusetts, 01752-2913**

Comes now, U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust Series 2006-1, TBW Mortgage-Backed Pass-Through Certificates, Series 2006- ("Movant"), by and through the undersigned attorney and requests the Court for entry of an Order Granting Relief from the Automatic Stay, 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 51 Essex Street, Marlborough, Massachusetts, 01752-2913 and bearing the following legal description:

The land with the buildings thereon, situated in said Marlborough, containing fifty two (52) square rods, more or less, on the Southerly side of Essex Street, and bounded and described as follows:

BEGINNING at the Southwesterly corner of the premises at land, now or formerly of Wales; thence

EASTERLY by Wales and land, now or formerly of Simonds' heirs, ninety and seventy-

five hundredths (90.75) feet, more or less, to a corner at land, now or formerly of Mary Lynch; thence
NORTHERLY by said land, now or formerly of Lynch, one hundred sixty-five (165) feet, more or less, to said Essex Street; thence
WESTERLY by said Essex Street, ninety and seventy-five hundredths (90.75) feet, more or less, to a corner at land now or formerly of John Fee; thence
SOUTHERLY by said land, now or formerly of Fee, one hundred sixty-five (165) feet, more or less, to the place of beginning.
For Grantor's title reference see deed recorded in Book 42522, Page 479.
(the "Subject Property")

4. Copies of the above-referenced documents are attached hereto and made a part hereof, as Exhibit "A".
5. The Debtor transferred physical possession of the Note to Movant but did not execute and record an Assignment of Mortgage to Movant prior to the Petition Date.
6. Debtor is not personally liable to Movant.
7. 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 it may record an Assignment of Mortgage and take such other actions are necessary to commence and/or continue its foreclosure action in the State Court with regards to the Subject Property.
8. Movant therefore requests that the Court enter an Order lifting the automatic stay or determining that no stay is in effect that prohibits Movant from recording an Assignment of Mortgage and taking such other actions are necessary to commence and/or continue its foreclosure action in the State Court with regards to the Subject Property.
9. 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).

10. Wherefore, U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust Series 2006-1, TBW Mortgage-Backed Pass-Through Certificates, Series 2006-1 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 recording an Assignment of Mortgage and taking such other actions are necessary to commence and/or continue its foreclosure action in the State Court with regards to the Subject Property.

/s/ Kevin L. Hing
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 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 August 3, 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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