

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: 207 Valley Shore Drive, Guilford, CT 06437**

Comes now, Ocwen Loan Servicing, LLC. ("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 207 Valley Shore Drive, Guilford, CT 06437 and bearing the following legal description:

Lot #42 on a map entitled "Map of the Final Plan of cluster subdivision to be known as 'Valley Shores' Section II located in the town of Guilford, Connecticut Scale 1"= 60' Russell W. Waldo P.E. & L. S. July 1, 1971 Revised July 6, 1971", on file in Guilford Town of Clerk's Office as map #1659, said Lot being bounded:

Westerly: by Valley Shores Drive, 110.99 feet:

Northerly: by lot 43 on said map, 148.05 feet:

Easterly: by lot 41 on said map, 121.84 feet:

Southerly: by Russo Drive, 134.46 feet:

Southwesterly: by the intersection of Russo Drive and Valley Shores Drive, 42.02 feet:

Said premises are subject to a Declaration of Covenants and Restrictions executed by Shore Valley Builders, Inc. dated August 18, 1970 and recorded in Guilford Land Records in Volume 182 at page 84; and an easement from Shore Valley Builders, Inc. to The Connecticut Light and Power Company dated July 24, 1970 and recorded in Guilford Land records in Volume 182 at Page 166 (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 as 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 as 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, Ocwen Loan Servicing, LLC 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
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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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