

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: 64 Crooked Trial Road, Woodstock, CT 06281**

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 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 64 Crooked Trial Road, Woodstock, CT 06281 and bearing the following legal description:

A certain piece of parcel of land, together with all buildings and improvements thereon standing, situated in the Tower of Woodstock, County of Windham and State of Connecticut, known and designated as Lot No. 95 on a map or plan of lots entitled : Property of Campert Enterprises Inc, Woodstock, Connecticut Scale 1"-100' June 1964 Certified Substantially correct Geo. W. Sheaffer, Jr Reg No. 5183", which map or plan of

lots on filed in the Town Clerk's Office of said Town of Woodstock, in which reference may be had,

Said Lot No. 95 is more particularly bounded and described as follows:

Northeasterly: by Crooked Trail, 80,000 feet;

Southeasterly: by Lot No. 94, as shown on said map, 280.09 feet;

Southwesterly: by land now or formerly of Robert Frolich, as shown on said map, 29.24 feet; and

Southeasterly-Again: by land now and formerly Robert Frolich, as shown on said map, 29.55 feet;

Southwesterly-Againn: by land now or formerly Mildred Parsons, as shown on said map, 50.03 feet; and

Northwesterly: by lot 95, as shown on said map, 300.27 feet

Together with right-of-way over all roads as shown on said map.

Said premises are subject to any and all provisions of any ordinance, municipal regulation or public or private law.

Said premises are subject to a Declaration of restrictions and Covenants as of record appears and to easement in favor of the Connecticut Light and Power Company as of record appears.

Reference is made to the following : (1)Warranty Deed from Jeffrey M. Rasmus and Susan m. Rasmus to Stanley P. Mylek and Lori L. Mylek dated May 15,1990 and recorded in Woodstock Land Records Volume 201, Page 229; (2) Quit Claim Deed from Stanley P. Mylek and Lori L. Mylek dated March 29, 1994 and recorded in Woodstock Land Records Volume 244, Page 307; and (3) Certificate of Change of Name from Lori L. Moran dated March 25,1998 and recorded in Woodstock Land Records Volume 284, Page 216

(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 the Deed of Trust 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 Deed of Trust 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 Deed of Trust and taking such other actions that 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).

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 Deed of Trust and taking such other actions necessary to commence or continue to foreclose its interest in 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 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 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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