

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: 32-34 Bowdoin Street, Arlington, Massachusetts 02474**

Comes now, U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust Series 2006-2, TBW Mortgage-Backed Pass-Through Certificates, Series 2006-2, (“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 Mortgage on real property located at 32-34 Bowdoin Street, Arlington, Massachusetts 02474 and bearing the following legal description:

A certain parcel of land with the buildings thereon in said Arlington, and being shown as Lot #84 on a plan of land recorded with Middlesex South District Registry of Deeds in Plan Book 233, Page 34. Said parcel is bounded and described as follows:

NORTHEASTERLY by Bowdoin Street, fifty (50) feet;

NORTHWESTERLY by Lot #85 on said plan, ninety (90) feet

SOUTHWESTERLY by Lot #68 on said plan, fifty (50) feet; and

SOUTHEASTERLY by Lot #83 on said plan, ninety (90) feet.

Containing 4,500 square feet of land according to said plan.

(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 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 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 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, U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust Series 2006-2, TBW Mortgage-Backed Pass-Through Certificates, Series 2006-2 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 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 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 4th, 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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