

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA - JACKSONVILLE DIVISION

In re:  
TAYLOR, BEAN & WHITAKER  
MORTGAGE CORP.,

Case No.: 09-07047-JAF  
Chapter 11

Debtor. \_\_\_\_\_ /

AFFIDAVIT IN SUPPORT OF MOTION  
FOR RELIEF FROM STAY

STATE OF Florida

COUNTY OF Duval

BEFORE ME, the undersigned authority, on this day personally appeared **Demetrius Foster** on behalf of American Home Mortgage Servicing as servicer for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST SERIES 2006-5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-5, who is over the age of eighteen years, is fully qualified and authorized to give this Affidavit and has personal knowledge of the matters addressed herein. After being by me duly sworn on her/his oath deposed and states:

1. I, **Demetrius Foster**, am the **Assistant Secretary** for American Home Mortgage Servicing as servicer for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST SERIES 2006-5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-5, with regards to this loan with the above-referenced Dung Van Do. We have knowledge and/or access to business records and I have become familiar with the manner and method in which American Home Mortgage Servicing as trustee for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST

SERIES 2006-5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-5, maintains its books and records in its regular course of business. Those books and records are managed by employees and agents whose duty is to keep the books and records accurately and completely and to record each event or item at or near the time of the event or item so noted.

2. American Home Mortgage Servicing as servicer for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST SERIES 2006-5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-5 had to retain Counsel to represent it before this Court and is incurring legal expenses and attorneys' fees of at least \$700.00 for handling the Motion for Relief from Stay for which it is entitled to reimbursement under the terms of the Note and Mortgage.

3. As of July 06, 2011, Dung Van Do was in default on 8 monthly assessment payment(s) of \$2,531.95

4. As of the date of the execution of this Affidavit, the principal balance amount owed by Dung Van Do to American Home Mortgage Servicing as servicer for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST SERIES 2006-5, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-5 was \$265,169.21. This sum includes the principal balance only.

5. I have reviewed the books and records which reveal that Dung Van Do is the owner and holder of a real estate located at **64 Myopia Road, Quincy, MA 02169.**

6. I understand that certain documents must be attached to the Motion for Relief from Automatic Stay, including but not limited to the loan document to American Home Mortgage Servicing as servicer for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR TBW MORTGAGE-BACKED TRUST SERIES 2006-5, MORTGAGE PASS-THROUGH

CERTIFICATES, SERIES 2006-5, if necessary, any supporting documentation establishing proof of standing. The aforementioned documents are exhibits to this Motion for Relief from Automatic Stay and are true and correct copies of the original documents.

7. The foregoing facts are of my own personal knowledge and belief, and if called upon to appear as a witness, I could, and would testify completely thereto. I declare under penalty of perjury that to the best of my knowledge, the foregoing facts are true and correct.

Date: 7-13-2011 Signature: Demetrius Foster

**State of Florida** **County of Duval**

SWORN TO AND SUBSCRIBED before me this 13<sup>th</sup> day of July, 2011 by Demetrius Foster, who is personally known to me and who did take an oath.



Jennifer Ward  
NOTARY PUBLIC  
**Jennifer Ward**

My Commission Expires: May 10, 2015

Print Name