

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

Chapter 11

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,
REO SPECIALISTS, LLC, and
HOME AMERICA MORTGAGE, INC.

Case No. 3:09-bk-07047-JAF
Case No. 3:09-bk-10022-JAF
Case No. 3:09-bk-10023-JAF

Debtors.

Jointly Administered Under
Case No. 3:09-bk-07047-JAF

TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,

Case No. 3:09-bk-07047-JAF

Applicable Debtor.

**ORDER DENYING AMERICAN HOME MORTGAGE
SERVICING, INC.'S MOTION TO LIFT, MODIFY OR
ANNUL AUTOMATIC STAY OR FOR ADEQUATE PROTECTION**

THIS CASE came on for hearing on August 25, 2011, upon the Motion to Lift, Modify or Annul Automatic Stay or for Adequate Protection (the "Motion")¹ (Docket No. 3374) filed by American Home Mortgage Servicing, Inc., as servicing agent for U.S. Bank National Association, as Trustee For TBW Mortgage-Backed Trust 2006-5, Mortgage Pass-Through Certificates, Series 2006-5 (the "Movant"). The Court having heard argument of counsel, considering the record, finds:

1. That the Debtor does not have an interest in the real estate that is the subject of the Motion.

¹ All capitalized terms not otherwise defined have the meanings ascribed to them in the Motion.

2. That said property is not property of the estate.
3. That the automatic stay in this case does not bar the Movant from continuing to foreclose the lien interest in question on the property located at 1335 James Farm Road, Stratford, CT, legally described as:

ALL THAT CERTAIN piece or parcel of land situated in the Town of Stratford, County of Fairfield and State of Connecticut, known and designated as Lot 5, as shown and designated on a certain map entitled subdivision of Horsehollow Farm South, Stratford, CT. Scale: 1' = 60", prepared by K.M. Engineering, Inc., dated January 28, 1988, and on file in the office of the Town Clerk as Map No. 2685. Said premises are also known as 1335 James Farm Road.

SECOND PARCEL:

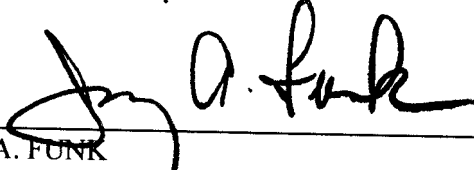
ALL THAT CERTAIN piece of parcel of land situated in the Town of Stratford, County of Fairfield and State of Connecticut, containing 686+/- square feet, as shown on a certain map entitled "Lot 5 and Lot 6, Horsehollow Farm South, 'Adjustment of Lot Lines', dated June 28, 1988, prepared by K.M. Engineering, Inc. and filed in the office of the Town Clerk and known as "Map No. 2698, being more particularly bounded and described as follows:
Beginning at a point on the Westerly street line of James Farm Road old point also being on the division line between Lot 5 and Lot 6 as shown in the aforementioned map and also shown on the map entitled "Subdivision of Horsehollow Farm South", dated January 28, 1988, Stratford and Record No. 2685: Thence in a Westerly direction as measured along the Northerly lot of Lot 5 by a bearing of N 71 degrees-43'-20" W for a distance of 76.58 feet being along land now or formerly of Kubowski and land now or formerly of Roosevelt Forest Associates, Inc.: Thence in an Easterly direction across Lot 6 by the following bearings and distances: S 75 degrees-00'-00" E for a distance of 135.94 feet: S 60 degrees-57'-11" E for a distance of 41.60 feet said line being the few adjusted lot line between Lot 5 and Lot 6 as shown on the first described map to the point and place of beginning. Said premises are also known as a part of 1335 James Farm Road.

4. However, the automatic stay continues to stay any action to obtain a money judgment or any other type of *in personam relief* against the Debtor.

Accordingly, it is hereby

ORDERED that the Motion is denied, as moot.

DATED in Jacksonville, Florida on August 26, 2011.



JERRY A. FUNK
United States Bankruptcy Judge