

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

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TAYLOR, BEAN & WHITAKER
MORTGAGE CORP.,

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

Applicable Debtor.

**ORDER DENYING MOTION FOR RELIEF FROM THE AUTOMATIC
STAY AND WAIVER OF 30-DAY RULE PURSUANT TO 11 U.S.C. § 362(e)**

THIS CASE came on for hearing on September 16, 2011, upon the Motion for Relief from the Automatic Stay and Waiver of 30-Day Rule Pursuant to 11 U.S.C. §362(e) (the “**Motion**”)¹ (Docket No. 3497) filed by U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust Series 2006-1, TBW Mortgage-Backed Pass-Through Certificates, Series 2006-1 (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.
2. That said real property is not property of the estate.

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

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 51 Essex Street, Marlborough, MA 01752-2913, legally described as:

The land with the buildings thereon, situated in said Marlborough, containing fifty two (52) square rods, more or less, on the Southerly side of Essex Street, and bounded and described as follows: BEGINNING at the Southwesterly corner of the premises at land, now or formerly of Wales; thence EASTERLY by Wales and land, now or formerly of Simonds' heirs, ninety and seventy-five hundredths (90.75) feet, more or less, to a corner at land, now or formerly of Mary Lynch; thence NORTHERLY by said land, now or formerly of Lynch, one hundred sixty-five (165) feet, more or less, to said Essex Street; thence WESTERLY by said Essex Street, ninety and seventy-five hundredths (90.75) feet, more or less, to a corner at land now or formerly of John Fee; thence SOUTHERLY by said land, now or formerly of Fee, one hundred sixty-five (165) feet, more or less, to the place of beginning. For Grantor's title reference see deed recorded in Book 42522, Page 479.

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.

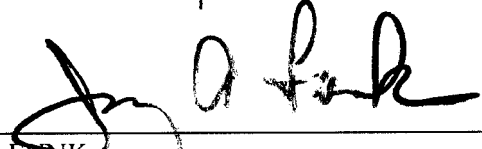
Accordingly, it is hereby

ORDERED that:

1. The Motion is denied, as moot.

2. The Debtor, where necessary, is authorized and directed to execute an assignment of mortgage and the Movant is authorized to record the executed assignment. The Movant shall provide the Debtor with the form of assignment documents to be executed.

DATED in Jacksonville, Florida on September 20, 2011.

A handwritten signature in black ink, appearing to read "Jerry A. Funk". The signature is written in a cursive style with a large initial "J".

JERRY A. FUNK
United States Bankruptcy Judge