

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.  
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**ORDER DENYING MOTION TO LIFT, MODIFY OR  
ANNUL THE AUTOMATIC STAY OR FOR ADEQUATE PROTECTION**

THIS CASE came on for hearing on October 7, 2011, upon the Motion to Lift, Modify or Annul the Automatic Stay or for Adequate Protection (the “**Motion**”)<sup>1</sup> (Docket No. 4038) filed by American Home Mortgage Servicing, Inc., as servicing agent for, U.S. Bank National Association, as Trustee for TBW Mortgage-Backed Trust Series 2006-5, TBW 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.
2. That said real property is not property of the estate.

<sup>1</sup> 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 14 -16 Gordon St., Somerville, MA 02144, legally described as:

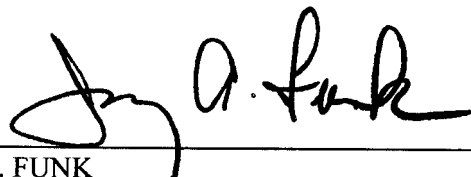
The land with the buildings thereon situated in Somerville, Middlesex County, Massachusetts, being Lot numbered 139 on a plan of Building Lots in Somerville and Middlesex, belonging to the New England Realty Company, Inc., dated February 10, 1917, and recorded with Middlesex South District Registry of Deeds in Book of Plans 258, Plan 29, bounded and described as follows: NORTHEASTERLY by Gordon Street, forty (40) feet; SOUTHEASTERLY by Lot numbered 138 on said plan, eighty (80) SOUTHWESTERLY by land of owners unknown, forty (40) feet; NORTHWESTERLY by Lot numbered 140 on said plan, eighty (80) feet. Containing 3,200 square feet. Said premises are conveyed subject to restrictions and easements of record, if any there be, insofar as the same are now in force and applicable; and the zoning laws and building laws of the City of Somerville. Being the same premises conveyed to the herein named mortgagor(s) by deed recorded with Middlesex South District Registry of Deeds herewith.

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 October 12, 2011.



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JERRY A. FUNK  
United States Bankruptcy Judge