

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

Taylor, Bean & Whitaker Mortgage Corp.

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

Debtor.

Chapter 11

**HEARTLAND NATIONAL BANK'S MOTION
FOR RELIEF FROM AUTOMATIC STAY**

Heartland National Bank ("Heartland") by and through its undersigned attorneys and pursuant to 11 U.S.C. Section 362, files this Motion for Relief from the Automatic Stay (the "Motion") and states as follows:

1. Taylor, Bean & Whitaker Mortgage Corp. (the "Debtor") filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code on August 24, 2009.

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sections 157(a) and 1334. Venue in this jurisdiction is proper pursuant to 28 U.S.C. Sections 1408 and 1409. This is a core proceeding under 28 U.S.C. Section 157(b). The statutory basis for the relief sought herein is 11 U.S.C. Section 362.

3. The Debtor appears to be the record owner of a Mortgage given by Edwin C. Pigman and Darlene R. Pigman (collectively, "Pigman") in its favor on September 21, 2004, and recorded at Official Records Book 1791, Page 1473 of the Public Records of Highlands County, Florida (the "Pigman Parcel"). A true and correct copy of the Mortgage is attached to the Declaration in Support of this Motion as Exhibit "C."

4. Heartland acquired title to a parcel of property, pursuant to a Certificate of Title, located in Highlands County, Florida (the "Heartland Parcel"). A true and correct copy of the Certificate of Title is attached to the Declaration in Support of this Motion as Exhibit "A."

5. Through a series of land transactions that occurred during the 1980s and 1990s, and as more specifically set forth in the draft Crossclaim, Counterclaim, and Third Party Claims (the "Crossclaim") attached to the Declaration in Support of this Motion as Exhibit "D", the Heartland Parcel became landlocked and requires use of a dirt Road that meanders along the boundary line of the Pigman Parcel in order to reach a public road.

6. Both Bonnett Creek Road and Sawmill Trail Road abut property owned by the Pigmans and upon which the Debtor appears to have a mortgage.

7. One of the various property owners, Linda Slicker, has refused to allow and objected to Heartland's use of the Bonnett Creek Road and the Sawmill Trail Road. By this Motion, Heartland is seeking to file the Crossclaim, in substantially the form attached to the Declaration in Support of this Motion, to confirm its rights of ingress and egress by way of use of Bonnett Creek Road and/or Sawmill Trail Road. The Debtor, as the record mortgage holder over the Pigman Property, is required to be named in the Complaint and Heartland is not seeking any monetary relief from the Debtor.

8. Pursuant to 11 U.S.C. Section 362(d), cause exists to permit the lifting of the automatic stay, in that if Heartland is not permitted to file the Complaint and confirm its rights of ingress and egress, it will likely suffer irreparable injury, loss and damage in that its property will be unable to be built upon, conveyed, connected to any utility service, or used for a dwelling structure and Heartland is not seeking to impose on or collect any monetary judgment from the Debtor.

9. Heartland requests that the fourteen (14) day stay of the Order Granting Relief pursuant to Bankruptcy Rule 4001(a)(3) be waived so as to permit Heartland to pursue the remedies set forth in the Complaint.

WHEREFORE, Heartland respectfully requests this honorable Court enter an order (i) granting it relief from the automatic to confirm its rights of ingress and egress as set forth in the Complaint; (ii) waiving the 14 day stay set forth in Bankruptcy Rule 4001(a)(3); and (c) granting such other, further, or different relief as is just and equitable.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 30, 2012, the foregoing *Motion for Relief from Automatic Stay* has been provided by U.S. Mail, postage prepaid; Facsimile; CM/ECF and/or Hand Delivery to:

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and via U.S. Mail, postage prepaid this 30th day of May, 2012, in accordance with Rule 4001(a) to the following:

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Tampa, FL 33601-1531

United States Trustee
c/o Elena Escamilla
135 W. Central Blvd., Ste. 620
Orlando, FL 32801-2440

United States of America
c/o Daniela A. Caldwell
600 Richard B. Russell Fed. Bldg.
75 Spring Street, S.W.
Atlanta, GA 30303-3315

Upstreet Developments, LLC
c/o Adam B. Wiens
633 Seventeenth Street, Suite 2700
Denver, CO 80202-3662

Urban Trust Bank Holdings, Inc.
c/o Joseph Dayton Foley, Jr., P.A.
283 Cranes Roost Blvd., Suite 111
Altamonte Springs, FL 32701-3437

Verandah Community Assoc.
c/o Ashley D. Lupo
850 Park Shore Drive
Third FL - Trianon Centre, Ste 300
Naples, FL 34103-3587

Verandah Community Association, Inc
c/o Diane M. Simons-Burnside, Esq.
850 Park Shore Dr.
Naples, FL 34103-3587

W Scott Wynn
PO Box 447
Groveland FL 34736-0447

(p)WACHOVIA BANK NA
PO BOX 13765
ROANOKE VA 24037-3765

Wachovia Bank, N.A.
c/o Craig I. Kelley
1665 Palm Beach Lakes Blvd.
Suite 1000
West Palm Beach, FL 33401-2109

Wall Street Financial Corporation
c/o Johnson Law Firm, P.A.
Attn: Eugene H. Johnson, Esq.
300 W. Adams Str., Ste. 350
Jacksonville, FL 32202-4330

Wayne County Treasurer
c/o Richardo I. Kilpatrick
615 Griswold, Ste 1004
Detroit, MI 48226-3985

Wells Fargo Bank
c/o John C. Brock, Jr./Cindy Runyan
Florida Default Law Group
PO Box 25018
Tampa, Florida 33622-5018

Wells Fargo Bank na
c/o Scott Weiss
1800 NW 49th street Suite 120
Fort Lauderdale, FL 33309-3092

Wells Fargo Bank, N.A.
c/o John C. Weitnauer, Esq.
Alston & Bird, LLP
1201 W. Peachtree St., One Atlantic Ctr
Atlanta, GA 30309-3424

Wells Fargo Bank, N.A., as Master Servicer
c/o James H. Post, Esq.
Smith Hulsey & Busey
225 Water Street, Suite 1800
Jacksonville, FL 32202-4494

Windsor Hills Master Community Association,
c/o Taylor & Carls, PA
150 N. Westmonte Drive
Altamonte Springs, FL 32714-3342

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Wachovia Bank, N.A.
225 Water St.
Jacksonville, FL 32202

Addresses marked (c) above for the following entity/entities were corrected as required by the USPS Locatable Address Conversion System (LACS).

Jose Maldonado
c/o Kevin E. Mangum, Esq.
Mangum & Associates, P.A.
5100 Hwy. 17-92, Suite 300
Casselberry, FL 32707

End of Label Matrix
Mailable recipients 196
Bypassed recipients 0
Total 196