

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

_____ /

**DECLARATION IN SUPPORT OF MOTION
FOR RELIEF FROM AUTOMATIC STAY**

The undersigned declares:

1. That he is an attorney at law representing Heartland National Bank (“Heartland”) and is familiar with the facts and circumstances related to the proposed Crossclaim, Counterclaim and Third Party Claims in the case captioned *Linda S. Slicker v. Frank Branca, et al., Case No. 09-1850-GCS*, in the Circuit Court of the Tenth Judicial Circuit in and For Highlands County, Florida and makes this declaration in support of Heartland’s Motion for Relief from Automatic Stay.

2. Heartland obtained title to property located in Highlands County, Florida pursuant to a Certificate of Title recorded at Official Records Book 2268, Page 1376 of the Public Records of Highland County, Florida (the “Heartland Parcel”). A true and correct copy of the Certificate of Title is attached hereto as Exhibit “A.”

3. Edwin C. Pigman and Darlene R. Pigman obtained title to property also located in Highlands County, Florida pursuant to Warranty Deed recorded at Official Records Book 1791, Page 1471 of the Public Records of Highland County, Florida (the “Pigman Parcel”). A true and correct copy of the Warranty Deed is attached hereto as Exhibit “B.”

4. Taylor, Bean & Whitaker Mortgage Corporation (the “Debtor”) is the record owner of a Mortgage against the Pigman Parcel. The Mortgage was recorded at Official Records Book 1791, Page 1473 of the Public Records of Highland County, Florida. A true and correct copy of the Mortgage is attached hereto as Exhibit “C.”

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 hereto as Exhibit “D¹,” 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. By its Motion for Relief from Automatic Stay, Heartland is seeking to file the Crossclaim, Counterclaim and Third Party Claims, in substantially the form attached hereto as Exhibit “D”, to confirm its rights of ingress and egress over the Pigman Parcel (and other parcels in which the Debtor has no ownership interest and holds no mortgages over). 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.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 30, 2012

/s/ David Boyette
David Boyette
Florida Bar Number 0813140
Adams and Reese LLP
Attorney for Heartland National
Bank

¹ The exhibits referenced in the Crossclaim have not been included as they are voluminous and are available through the public records of Highland County, Florida. Said exhibits will be made available upon written request.

CERTIFICATE OF SERVICE

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

Stichter, Riedel, Blain & Prosser, P.A. Attn: Russell M. Blain Edward J. Peterson Amy Denton Harris 110 East Madison Street Suite 200 Tampa, Florida 33602 Attorneys for the Debtor and Plan Trustee	Troutman Sanders Attn: J. David Dantzler Alisa H. Aczel Jeffrey W. Kelley Ezra H. Cohen 600 Peachtree Street, N.E. Suite 5200 Atlanta, Georgia 32308 Special Counsel for the Debtor and Counsel for the Plan Trustee
Berger Singerman, PA Attn: Paul Singerman 1450 Brickell Avenue 19th Floor Miami, Florida 33131 Attorneys for the Plan Trustee	United States Trustee Elena L Escamilla 135 W Central Blvd, Suite 620 Orlando, FL 32801
All parties receiving CM/ECF notification	

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

Taylor, Bean & Whitaker Mortgage Corp. 4901 Vineland Road, Ste 120 Orlando, FL 32811	All members of the unsecured creditors' committee and all member of the local 1007-2 list on the attached matrix.
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/s/ Tiffany A. Dilorio

Label Matrix for local noticing
113A-3
Case 3:09-bk-07047-JAF
Middle District of Florida
Jacksonville
Wed May 30 12:18:01 EDT 2012

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Jacksonville, FL 32207-2036

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Altamonte Springs, FL 32714-3342

Plainfield Specialty Holdings V Inc.
c/o Scott K. Rutsky
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c/o John P. Dillman
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RBC Bank successor
to Florida Choice Bank
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Commercial Litigation Branch
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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).

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