

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CASE NO: 3:09-bk-07047-JAF

In re
Taylor, Bean & Whitaker Mortgage Corp.

Debtor(s). /

MOUNTAIN VIEW CONDOMINIUM ASSOCIATION OF VERNON, CONN'S
MOTION FOR RELIEF FROM STAY

Mountain View Condominium Association of Vernon, Conn (hereafter "Movant"), pursuant to 11 U.S.C. Section 362(d), moves the Court for entry of an Order modifying the automatic stay against lien enforcement to permit Movant to foreclose its statutory lien on real property:

1. Debtor filed a Petition under Chapter 11 of the Bankruptcy Code.
2. The Debtor holds a mortgage interest in the condominium located at 137.5 Vernon Avenue, Unit A-1, Vernon, Connecticut 06066.
3. The owners of this property James and Cindy Trinks are the mortgagors under Debtor's mortgage. They are currently indebted to Movant in the amount of \$7,625.06 (see attached for breakdown) for the common charge assessments, late charges, interest, attorney's fees and costs, accruing pursuant to the terms and conditions of the Declaration of Condominium dated December 30, 1980, and recorded in Volume 399 at Page 13 of the Vernon Land Records, and as it may have been or may be amended; common charges continue to accrue monthly hereafter.

4. Prior to the Debtors filing the Petition, Movant filed a foreclosure action to enforce its lien. A copy of the state court docket for this case is attached hereto.

5. Movant has a superior lien interest for these assessments in the above described property pursuant to Conn. Gen. Stat. §47-258.

6. The filing of the Petition under the Bankruptcy Code has stayed Movant from enforcing its security interest and prosecuting its foreclosure action which it is now entitled to do.

7. The property is not necessary to any plan of reorganization that could be proposed by the Debtor(s).

WHEREFORE, Movant requests the Automatic Stay of Section 362 of the Bankruptcy Code be modified to permit Movant to enforce its rights to take possession of said property; that such relief be granted thirty days from the filing of this action unless the Court, after notice and a hearing, orders the Stay continued in effect pending or as a result of a final hearing; and if the Court has preliminary hearing within thirty days that the final hearing be commenced within thirty days after the preliminary hearing.

SCHUYLER·STEWART·SMITH

/s/ Schuyler Smith

Schuyler Smith
Attorney for Creditor
118 W. Adams St. #800
Jacksonville, FL 32202
Phone: (904) 353-5884
TollFree: (866) 353-5884
Fax: (904) 353-5994
Florida Bar #349240

CERTIFICATE OF SERVICE

I CERTIFY that a copy has been furnished either by electronic or standard first class mail on December 04, 2009, to: Taylor, Bean & Whitaker Mortgage Corp., Debtor, 315 N.E. 14th St., Ocala, FL 34470; Amy Denton Harris, Edward J. Peterson, III, Richard C. Prosser, Russell M Blain, Debtor's Attorneys, 110 E Madison Street, Suite 200, Tampa, FL 33602-4700; Office of the U.S. Trustee, 135 W Central Blvd, Suite 620, Orlando, FL 32801; Rule 1007-2 List of Unsecured Creditors per the attached Mailing Matrix.

SCHUYLER·STEWART·SMITH

/s/ Schuyler Smith

Schuyler Smith
Attorney for Movant
118 W. Adams Street #800
Jacksonville, Fl 32202
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ASSOCIATION NAME: MOUNTAIN VIEW

UNIT STREET ADDRESS: #A1

UNIT OWNER'S NAME: TRINKS

Month/ Year	Common Charges	Special Assessment	Payments Made	Charges Balance	Penalty	Interest	Balance of CC, Interest & Late Fee Only	Fees: Atty. Costs Sheriff	Total Balance Due
3/09	BAL						1505.26	DL 225.00	1730.26
4/09	185.75	128.05			MAR 10.00 APR 10.00		1839.06		2064.06
5/09	185.75	128.05			10.00		2162.86	TS 225.00	2612.86
6/09	185.75	128.05			10.00		2486.66		2936.66
7/09	185.75	128.05			10.00		2810.46	SH 350.60 FEE 790.00	4401.06
8/09	185.75	128.05			10.00		3134.26	CT 300.00	5024.86
9/09	185.75	128.05			10.00		3458.06	FEE 250.00 APPR 325.00	5923.66
10/09	185.75	128.05			10.00		3781.86	FEE 425.00*	6672.46
11/09	185.75	128.05			10.00		4105.66	RLP 65.00 BAL 2955.60	7061.26

* FEE FOR MONITORING OF BANK FORECLOSURE ACTION

KEY:

DL - Demand letter
 TS - Title search
 FBD - Federal Express
 LP - Record his pendens
 TBR - Title bring down

SH - Sheriff fees
 CT - Court filing fee
 BAL - Balance due of
 fees and costs

APPR - Appraisal
 MIL - Military affidavit
 NSF - Returned check charge
 FEE - Attorney's fees
 RLP - Record Release of Lis Pendens

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MOUNTAIN VIEW CONDOMINIUM ASSOC
Customer ledgers
March 13, 2009

MONV-009

Customer: +++JAMES TRINKS+++A1
CINDY TRINKS
PO BOX 1271
S WINDSOR, CT 06074

Contact: 860-644-5501
Terms: Net Due
Credit Limit 400.00

A-1

Date	Ref #	Pd	Purch Ord #	Debit	Credit	Balance
1/1/8			Balance Fwd			-14.00
1/1/8	6243	*	COMMON FEE	185.75		171.75
1/2/8	6268	*	HEAT/FUEL CHR	109.76		281.51
1/13/8	APPLY 01					281.51
1/15/8	FC1F0001	*	Finance Chrg	10.00		291.51
2/1/8	6291	*	COMMON FEE	185.75		477.26
2/2/8	6316	*	HEAT/FUEL CHR	109.76		587.02
2/6/8	61385029		Payment		316.74	270.28
2/15/8	FC2F0001	*	Finance Chrg	10.00		280.28
3/1/8	6340	*	COMMON FEE	185.75		466.03
3/2/8	6365	*	HEAT/FUEL CHR	109.76		575.79
3/15/8	FC3F0001	*	Finance Chrg	10.00		585.79
4/1/8	6388	*	COMMON FEE	185.75		771.54
4/2/8	6413	*	HEAT/FUEL CHR	109.76		881.30
4/15/8	FC4F0001	*	Finance Chrg	10.00		891.30
5/1/8	6436	*	COMMON FEE	185.75		1,077.05
5/2/8	6461	*	HEAT/FUEL CHR	109.76		1,186.81
5/15/8	FC5F0001	*	Finance Chrg	10.00		1,196.81
6/1/8	6484	*	COMMON FEE	185.75		1,382.56
6/2/8	6509	*	HEAT/FUEL CHR	109.76		1,492.32
6/15/8	FC6F0001	*	Finance Chrg	10.00		1,502.32
6/23/8	PAY	*	PAYMENT		129.44	1,372.88
7/1/8	6532	*	COMMON FEE	185.75		1,558.63
7/2/8	6557	*	HEAT/FUEL CHR	109.76		1,668.39
7/13/8	APPLY 07					1,668.39
7/14/8	91		Payment		1,563.00	105.39
7/18/8	NSF FEE	*	NSF FEE CK# 9	25.00		130.39
8/1/8	6580	*	COMMON FEE	185.75		316.14
8/2/8	6605	*	HEAT/FUEL CHR	109.76		425.90
8/15/8	FC8F0001	*	Finance Chrg	10.00		435.90
9/1/8	6628	*	COMMON FEE	185.75		621.65
9/2/8	6653	*	HEAT/FUEL CHR	109.76		731.41
9/15/8	FC9F0001	*	Finance Chrg	10.00		741.41
10/1/8	6676	*	COMMON FEE	185.75		927.16
10/2/8	6701	*	HEAT/FUEL CHR	109.76		1,036.92
10/15/8	FCAF0001	*	Finance Chrg	10.00		1,046.92
11/1/8	6724	*	COMMON FEE	185.75		1,232.67
11/2/8	6749	*	HEAT/FUEL CHR	109.76		1,342.43
11/7/8	22222222	*	CREDIT FOR WO		1,016.92	325.51
11/9/8	APPLY 11					325.51
11/15/8	FCBF0001	*	Finance Chrg	10.00		335.51
11/19/8	CREDIT	*	6236-CREDIT F		97.16	238.35
12/1/8	6772	*	COMMON FEE	185.75		424.10
12/2/8	6797	*	HEAT/FUEL CHR	109.76		533.86
12/15/8	FCCF0001	*	Finance Chrg	10.00		543.86
1/1/9	6820	*	COMMON FEE	185.75		729.61
1/2/9	6844	*	HEAT/FUEL	128.05		857.66
1/15/9	FC1F0001	*	Finance Chrg	10.00		867.66
2/1/9	6868	*	COMMON FEE	185.75		1,053.41
2/2/9	6892	*	HEAT/FUEL	128.05		1,181.46
2/15/9	FC2F0001	*	Finance Chrg	10.00		1,191.46
3/1/9	6916	*	COMMON FEE	185.75		1,377.21
3/2/9	6940	*	HEAT/FUEL	128.05		1,505.26

3/13/09 Demand Letter fee 225.00

\$1,730.26



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TTD-CV09-6000580-S MOUNTAIN VIEW CONDOM v. TRINKS, JAMES ET AL

Prefix/Suffix: [none] Case Type: P00 File Date: 08/07/2009 Return Date: 08/18/2009

[Case Detail](#) | [Notices](#) | [History](#) | [Scheduled Court Dates](#) | [E-Services Login](#) | [Screen Section Help](#) ▶
 Pending Foreclosure Sales

Data Updated as of: 11/18/2009

Case Information

Case Type: P00 - PROPERTY - FORECLOSURE
 Court Location: ROCKVILLE
 List Type:
 Trial List Claim:
 Last Action Date: 10/14/2009 (Last Action Date is a data entry date, not actual date)

Disposition Information

Disposition Date:
 Disposition:
 Judge or Magistrate:

Parties & Appearances

Party Number	Plaintiff/Defendant		No Fee Party
01	P	MOUNTAIN VIEW CONDOMINIUM ASSOCIATION OF VERNON CONN Attorney: BENDER ANDERSON & BARBA PC(105040) 3308 WHITNEY AVENUE HAMDEN , CT 06518	Appear Date: 08/07/2009
50	D	JAMES S TRINKS Non-Appearing	
51	D	TAYLOR BEAN AND WHITAKER MORTGAGE CORP. Non-Appearing	
52	D	DIANA CONTI & TUNILA LLP Non-Appearing	

Motions / Pleadings / Documents

Entry No	File Date	Filed By	Description	Arguable
	08/07/2009	P	SUMMONS	
	08/07/2009	P	COMPLAINT	
	08/07/2009	P	RETURN OF SERVICE	
101.00	08/07/2009	P	FORECLOSURE MEDIATION - INELIGIBLE CASE	No
102.00	09/01/2009	P	MOTION FOR DEFAULT-FAILURE TO APPEAR	No
103.00	09/18/2009	P	MOTION FOR APPOINTMENT OF TEMPORARY RECEIVER RESULT: Order 9/29/2009 HON WILLIAM BRIGHT, J	No
	09/24/2009		CLAIM/RECLAIM Claim/Reclaim	
104.00	09/24/2009	P	NOTICE OF BANKRUPTCY RESULT: Granted 10/14/2009 HON LAWRENCE KLACZAK, J	No
105.00	09/28/2009	D	NOTICE OF BANKRUPTCY	No

Individually Scheduled Court Dates as of 11/18/2009

TTD-CV09-6000580-S - MOUNTAIN VIEW CONDOM v. TRINKS, JAMES ET AL

Label Matrix for local noticing
113A-3
Case 3:09-bk-07047-JAF
Middle District of Florida
Jacksonville
Wed Dec 16 10:47:35 EST 2009

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10th Floor
Fort Lauderdale, FL 33301-4211

Bella Toscana Homeowners Association, Inc.
c/o Taylor & Carls, PA
150 N. Westmonte Drive
Altamonte Springs, FL 32714-3342

Centurion Asset Partners, Inc.
c/o Nicholas V. Pulignano, Jr., Esq.
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c/o Hollyn J. Foster
Slott, Barker & Nussbaum
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Weiss Derota Helfman, et al
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Clayton, Larry Spector
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First International Bank & Trust
 c/o Schuyler Smith, Esquire
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First National Bank of Layton
 136 W 12300 S Ste 201
 Draper, UT 84020-8368

First State Bank of Arcadia
 c/o Roger H. Miller, III
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Five Brothers Mortgage Company
 Services & Securing, Inc.
 c/o Kevin B. Paysinger
 PO Box 10399
 Jacksonville, FL 32247-0399

G&I VI 655/755 Business Center FE, LLC
 c/o Dana S. Plon, Esquire
 Sirlin Gallogly & Lesser, P.C.
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GMAC Mortgage, LLC
 c/o Lawrence M. Weisberg, Esquire
 Greenfield & Coomber, P.A.
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 c/o Charles Sebesta
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Henley Holding LLC
 c/o William Norton
 Bradley Arant Boult Cummings LLP
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 Nashville, TN 37203-2771

ICBA
 Independent Community
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 Sauk Centre, MN 56378-2001

Integrity Field Services
 c/o Dan C. Wolters
 Cavitch, Familo & Durkin Co., LPA
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 Boston, MA 02110-1610

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 c/o Steven G. Powrozek
 Shapiro & Fishman
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James Gregory Hicks
 c/o Marchman, Kasraie & Fodor
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 Atlanta, GA 30339-7403

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 c/o Keith T. Appleby, Esq.
 Fowler White Boggs P.A.
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 and related affiliates
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Litton Loan Servicing
 c/o Michelle Hart
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Litton Loan Servicing LP
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Missouri Department of Revenue
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 Jefferson City, MO 65105-0475

MountainView Capital Holdings, L.L.C.
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National Alliance Capital Markets
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c/o Taylor & Carls, PA
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Premier Corporate Centre, LLC
c/o Stearns Weaver Miller, et al.
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Miami, FL 33130-1536

RBC Bank (USA), as successor by merger to Fl
c/o J. Cameron Story, III, Esq.
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RBC Bank successor
to Florida Choice Bank
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Stephens, Inc.
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Wright, Lindsey & Jennings LLP
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TN Dept. of Financial Institutions
c/o Gill Geldreich, Asst. Atty. General
Bankruptcy Division
P.O. Box 20207
Nashville, TN 37202-4015

Tennessee Dept. of Financial Institutions
Attn: Gill Geldreich
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c/o Karon Y. Wright
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Commercial Litigation Branch
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Orlando, FL 32801-2440

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Denver, CO 80202-3662

Urban Trust Bank Holdings, Inc.
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Wells Fargo Bank, N.A.
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Wells Fargo Bank, N.A., as Master Servicer
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Windsor Hills Master Community Association,
c/o Taylor & Carls, PA
150 N. Westmonte Drive
Altamonte Springs, FL 32714-3342

End of Label Matrix	
Mailable recipients	97
Bypassed recipients	0
Total	97