

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

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IN RE: Case No. 3:09-bk-07047-JAF
Taylor, Bean & Whitaker Mortgage Corp. Chapter 11

Debtor. _____ /

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
AND WAIVER OF 30-DAY RULE PURSUANT TO 11 U.S.C. §362(e)
RE: 20640 Magnolia Drive, Fountain, FL 32438**

Selene Finance LP (“Selene”), by and through the undersigned attorney, moves the Court for entry of an Order Granting Relief from the Automatic Stay, and states in support:

1. The Debtor filed a petition under Chapter 11 Bankruptcy Code on August 24, 2009.
2. The Bankruptcy Court has jurisdiction over this proceeding pursuant to 11 U.S.C. § 362(d) and Bankruptcy Rule 4001(a).
3. Selene is a secured creditor by virtue of a Note and Mortgage pursuant to which Selene has a first lien on real property located at 20640 Magnolia Drive, Fountain, FL 32438 (the “Property”), which bears the following legal description:

LOT 22, BLOCK 7, FLORIDA HIGHWAY ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 20, OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA. TOGETHER WITH THAT CERTAIN MANUFACTURED HOME, YEAR: 2008, MAKE: FLEETWOOD, VIN#: GAFL775A79531 AND VIN#: GAFL775B79531.
4. Copies of the Note and Mortgage are attached as Exhibit A.
5. Selene is informed and believes that the Debtor holds a mobile home lien on the Property, as evidenced by the LexisNexis Accurint search attached as Exhibit B.
6. The Debtor is not personally liable to Selene. Selene seeks *in rem* relief from the automatic stay with respect to the Debtor.

7. In an abundance of caution, Selene seeks an order granting relief from the automatic stay or an order determining there is no stay in effect so that it may continue its foreclosure action in Pasco County, Florida with respect to the Property.

8. Selene therefore requests that the Court enter an order lifting the automatic stay or determining that no stay is in effect that prohibits Selene from continuing its foreclosure action in Pasco County, Florida with regards to the Property.

9. The undersigned counsel has conferred with counsel for the Debtor and counsel for the Debtor has confirmed that the Debtor has no objection to the entry of an order granting Selene relief from the automatic stay to pursue its in rem remedies.

10. Selene waives the thirty (30) day rule set forth in 11 U.S.C. §362(e) and consents to the Court setting a hearing on this motion on or within thirty (30).

Wherefore, Selene Finance, LLP moves this court to enter an order granting *in rem* relief from the Automatic Stay or, in the alternative, to enter an Order determining that the Property is not property of the estate and that the automatic stay in this case does not preclude Selene from taking actions necessary to continue to foreclose its interest in the Property.

/s/ Kevin L. Hing

Kevin L. Hing

FL Bar # 0071976

Shapiro, Fishman & Gaché, LLP

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Appearance has been sent by CM/ECF transmission or standard first class mail on this 20th day of June, 2016 to the following:

Taylor, Bean & Whitaker Mortgage Corp., 4901 Vineland Road, Ste 120, Orlando, FL 32811
Amy Denton Harris, Stichter, Riedel, Blain & Prosser, P.A., 110 East Madison Street, Suite 200, Tampa, FL 33602

Russell M. Blain, Stichter, Riedel, Blain & Prosser, 110 East Madison Street, Suite 200, Tampa, FL 33602

Jeffrey W. Kelley, 600 Peachtree Street, Suite 5200, Atlanta, GA 30308-2216

Daniel C. Consuegra, 9204 King Palm Dr., Tampa, FL 33619

Edward J. Peterson, III, Stichter, Riedel, Blain & Prosser, PA, 110 East Madison Street, Suite 200, Tampa, FL 33602

James D. Gassenheimer, Berger Singerman. P.A., 1450 Brickell Avenue, Suite 1900, Miami, FL 33131

Neil F Luria, ADDRESS NOT PROVIDED

United States Trustee, 400 West Washington Street, Suite 1100, Orlando, FL 32801

Elena L Escamilla, Office of the United States Trustee, 400 West Washington Street, Suite 1100, Orlando, FL 32801

All parties on the attached section 1007(d) mailing matrix.

/s/ Kevin L. Hing

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