

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS**

IN RE:

CASE NO.: 13-05418-FMD

**William Brown
Amy Brown**

CHAPTER 13

Debtor.

**ORDER GRANTING CREDITOR MNH SUB I, LLC'S
RELIEF FROM AUTOMATIC STAY**

**(The Bank of New York Mellon Trust Company, National Association as grantor trustee of
the Protium Master Grantor Trust, Real Property)
(Doc. No. 25)**

Without holding a hearing, the court considered the matter on the papers submitted by Creditor The Bank of New York Mellon Trust Company, National Association as grantor trustee of the Protium Master Grantor Trust's ("Creditor") motion for relief from the automatic stay of 11 U.S.C. §362. The court having considered the allegations of the motion filed herein, the Motion being served upon the Debtor, Debtor's Attorney, and Chapter 13 Trustee, no objections having been filed, Debtors surrendering the property, and being otherwise fully advised in the premises, it is hereby ADJUDGED:

1. Creditor's Motion for Relief from Stay is granted.
2. The stay of 11 U.S.C. §362 is hereby modified in order that Creditor may commence, continue, and conclude such legal and/or equitable proceedings as Creditor may elect to pursue under applicable state and/or federal law, including but not limited to judicial foreclosure proceedings in order that Creditor may enforce the lien of its mortgage against the following described real property ("Property") situate in Lee County, Florida:

Lots 13 and 14, Block 1879, Unit 45, Part 1, Cape Coral, according to the map or plat thereof, as recorded in Plat Book 21, Page(s) 135 through 150, inclusive, of the Public Records of Lee County, Florida

a/k/a 2523 SW 5th Avenue, Cape Coral, Florida.

3. Creditor may commence, proceed, and conclude its foreclosure action, including taking possession pursuant to the final judgment of foreclosure, without further order of this court.

4. The relief granted herein permits Creditor to exercise its *in rem* remedies against the Property and Creditor shall not seek an *in personam* judgment against the debtor until further order of this Court or until this case is dismissed.

5. The Movant's request to waive the 14-day stay period pursuant to Bankruptcy Rule 4001(a)(3) is granted.

6. Bankruptcy fees and costs in the amount of \$526.00 are awarded to Movant for the prosecution of the Motion for Relief from Stay.

DONE and ORDERED in Fort Myers, Florida, on _____.

Caryl E. Delano
United States Bankruptcy Judge

Attorney Cameron H P White is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.