



ORDERED in the Southern District of Florida on January 25, 2024.

A handwritten signature in black ink, appearing to read "Erik P. Kimball".

Erik P. Kimball
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

IN RE:	CASE NO. 23-17590-EPK
MV REALTY PBC, LLC <i>et al.</i> ,	CHAPTER 11
Debtors.	(Jointly Administered)

**AGREED ORDER GRANTING MOTION FOR
RELIEF FROM STAY WITH *NUNC PRO TUNC*
RELIEF TO SEPTEMBER 22, 2023 FILED BY
PENNYMAC LOAN SERVICES, LLC**

THIS CAUSE came before the Court upon the Motion for Relief from Automatic Stay with Nunc Pro Tunc Relief to September 22, 2023 [ECF No.578] (the “Motion”) filed by Pennymac Loan Services, LLC (“Movant”), and the Court, having reviewed the file, having noted that the Debtor and MOVANT agree to the entry of this Order, and the Court being otherwise fully advised in the premises, it is

ORDERED as follows:

1. The Motion is GRANTED as provided herein.

1. To the extent the automatic stay under 11 U.S.C. § 362(a) (the “Automatic Stay”) applies to the relief requested by Movant, the automatic stay is modified *nunc pro tunc* to September 22, 2023 to authorize the Movant to pursue and otherwise enforce its *in rem* contractual and state law remedies, including, without limitation, to commence or continue to foreclose any lien recorded in favor of Movant, as to the following property located at 5143 Creekside Trail, Sarasota, FL 34243 and legally described as follows:

LOT 185, CARLYLE AT VILLAGES OF PALM AIRE UNIT 3, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, PAGE 198, PUBLIC RECORDS OF MANATEE COUNTY, FL.

2. Except as otherwise provided herein, the Automatic Stay remains in effect.

3. The Court makes no findings as to either (a) the value of the Property, (b) the extent, priority, or validity of any lien against the Property, or (c) the amount of any claim that may be held by the Movant relating to the Property, including, without limitation, against any owner of the Property.

4. The entry of this Order shall neither waive, nor otherwise restrict or prevent the Debtors from pursuing, any of the Debtors’ rights under the homeowner benefit agreements, recorded memoranda or other notices, and any related documents executed or recorded in favor of the Debtors, including, without limitation, the right to pursue any claims against any surplus funds that may exist following any foreclosure sale of the Property.

5. The automatic stay of this Order, in effect pursuant to Rule 4001(a)(3), Federal Rules of Bankruptcy Procedure, is waived, and the Automatic Stay shall be modified immediately upon entry of this Order, but only if expressly requested in the Motion.

6. The Movant shall not be entitled to an award against the Debtors or the bankruptcy estate for any fees and costs incurred in connection with filing the Motion.

7. Any hearing scheduled on the Motion is cancelled unless the matter was already heard by the Court.

8. The Court reserves jurisdiction to interpret and enforce this Order.

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Jason A. Weber is directed to serve copies of this order on the parties listed below and to file the certificate of service of order.

Copies furnished to:

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