

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

IN RE:

Case No. 23-17590-EPK

Chapter 11

MV REALTY PBC, LLC,

Debtor.

**CERTIFICATE OF SERVICE OF AGREED ORDER GRANTING
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

I **HEREBY CERTIFY** that on 11th day of April, 2024, a true copy of the Agreed Order Granting the Secured Creditor Vanderbilt Mortgage and Finance Inc.'s Motion for Relief from the Automatic Stay [D.E. #1217], was served by electronic ECF notification via U.S. Bankruptcy Court's CM/ECF system and/or by U.S. Mail, on the following parties:

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U.S. Bank National Association
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William Hudson
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Woodstock, GA 30189-5565

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).

State of indiana
Indiana Attorney General
302 W. Washington St., IGCS-5th Floor
Indianapolis, IN 46204

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)MV Realty PBC, LLC
815 Broken Sound Parkway
Suite 140
Boca Raton, FL 33487

(u)Midfirst Bank

(d)Midfirst Bank
c/o Reka Beane
110 S.E. 6th Street, Suite 2400
Ft. Lauderdale, FL 33301-5056

(u)State of Idaho
954 W Jefferson St. - 2nd Floor
P. O. BOX 83720
Boise

(u)West Palm Beach

(u)Winston Garwood
C/O 125 E Merritt Island CSWY
Suite 107-340
Merritt Island 32952

End of Label Matrix
Mailable recipients 178
Bypassed recipients 6
Total 184



ORDERED in the Southern District of Florida on April 11, 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
CHAPTER 11

MV REALTY PBC, LLC,

Debtors.

**AGREED ORDER GRANTING VANDERBILT MORTGAGE AND FINANCE INC.'s
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

(Chapter 11 after negative notice)

(No Hearing Scheduled)

(as to property: 2301 Meadow Rd., Clover, SC 29710)

THIS CAUSE came before the Court for consideration on the Motion for Relief from Stay filed by the Secured Creditor Vanderbilt Mortgage and Finance Inc. ("Movant") [D.E. #1062] (the "Motion"). The Motion was served by negative notice, without hearing and no response was filed, and the Court, having reviewed the file, having noted that the Debtor and the Movant agree to the entry of this Order, and the Court being otherwise fully advised in the premises, it is:

ORDERED:

1. The Motion [D.E. #1062] is **GRANTED** as provided below.
2. To the extent the automatic stay under 11 U.S.C. § 362(a) (the “Automatic Stay”) applies to the relief requested by the Movant, the Automatic Stay is modified 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 2301 Meadow Rd., Clover, SC 29710 (the “Property”), legally described as:

TRACT 1: All that certain piece, parcel or tract of land, together with any improvements thereon, situate, lying and being in Kings Mountain Township, York County, South Carolina, designated as TRACT #1, containing 2.00 acres, more or less, as shown on plat made by John Quinn Hall, Registered Surveyor, dated May 25, 1979 and recorded June 7, 1979 in Plat Book 58 at Page 3 and being more particularly described as follows: Beginning at an iron, as indicated on said plat, and running thence along division line of said tract herein conveyed and property of Ernest L. Jenkins, N. 86-18 W. 789.3 (497.3) feet to an iron; thence, along division line between Tracts Nos. 1 and 2, as indicated on the above-mentioned plat, N. 13-32 E. (S.13-32 W.) 244.9 feet to an iron on line of J. A. Jenkins property; thence, S. 71-40 E. 687 (462) feet to an iron; thence, S. 00-07 E. 125 feet to an iron, the point of beginning. Also, a strip, also described on the above mentioned plat, beginning at a point in center of Highway (No. S-759), and running thence along center of said highway S. 00-07 W. (S. 00-07 E.) 40 feet to nail and cap; thence, S. 89-45 W. 245 feet to old iron; thence, S. 89-45 W. 55 feet to an iron; thence, N. 00-07 W. (N. 00-07 E.) 40 feet; thence, N. 89-45 E. 55 feet; thence, N. 89-45 E. 245 feet to a point in center of highway, the point of beginning.

NOTE: Corrections made to the legal description shown in the current deed of record are shown in parenthesis.

LESS AND EXCEPTING: That certain tract of land containing 1.00 acre, more or less, described in deed of Kenneth E. Jenkins to Debra J. Thomas dated August 6, 1997 and recorded August 8, 1997 in Record Book 1939 at Page 186, Office of the Clerk of Court for York County, South Carolina. Said lot being more particularly shown and delineated on that certain plat prepared for Debra J. Thomas recorded August 8, 1997 in the Office of the Clerk of Court for York County in Plat Book A287 at Page 2.

TMS No.: 356-00-00-056

TRACT 2: All that certain piece, parcel or tract of land, together with any improvements thereon, lying, being and situate in Kings Mountain Township, York County, South Carolina, and being more particularly described as follows: Beginning at an old iron, joint corner of property conveyed herein and Tract No. 1, previously conveyed to Kenneth E. Jenkins, and running thence N. 72-03-28 W. 685.45 feet to old iron; thence, N. 24-59-00 E. 262.86 feet to old iron; thence, S. 50-17-16 E. 703.40 feet to point of beginning. Said lot containing 2.05 acres, more or less, and being shown on plat of property of Kenneth E. Jenkins prepared by John Quinn Hall, RLS, dated August 29, 1986 and recorded September 5, 1986 in the Office of the Clerk of Court for York County in Plat Book 83 at Page 131; said plat being incorporated herein by reference.

This being the identical property conveyed to Christopher S. Pendleton and Amy M. Bonham by deed of Bernice M. Jenkins dated November 14, 2007 and recorded November 14, 2007 in the Office of the Clerk of Court for York County in Deed Book 9595 at Page 180.

TMS No.: 356-00-00-095

Together with a 2008 CMH Manufactured Home, Model: 58CLA32764GH08; ID# RIC243035NCAB; Title# 770510295342909

3. Except as otherwise provided herein, the Automatic Stay remains in effect.
4. 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.
5. The entry of this Order shall neither waive, nor otherwise restrict or prevent the Debtor from pursuing, any of the Debtor's rights under the homeowner benefit agreements, recorded memoranda or other notices, and any related documents executed or recorded in favor of the Debtor, including, without limitation, the right to pursue any claims against any surplus funds that may exist following any foreclosure sale of the Property.
6. Notwithstanding anything in this Order to the contrary, the Movant is not entitled to any award of attorneys' fees against, or reimbursement of costs from, the Debtor or the bankruptcy estate.

7. The relief granted herein permits Movant, its successors and/or assigns, to seek and obtain an *in rem* judgment against the Property only and does not permit Movant to seek or obtain *in personam* relief against the Debtor.

8. The relief granted herein permits Movant, its successors and/or assigns, to commence and/or continue through judgment, sale, certificate of title and possession, a foreclosure against the Property described above.

9. Consistent with the relief granted herein, Movant is authorized to take any and all steps necessary to exercise any and all rights it may have in the Property, to gain possession of said Property, to take such action to enforce its rights against the Property as it deems appropriate, including, without limitation: any state law remedies it may have; state court foreclosure proceedings; and such other judicial and non-judicial proceedings as may be available with respect to the Property, and to determine the deficiency, if any, remaining after foreclosure of the Property, all without further order of this Court.

10. Movant's request to waive the 14-day stay period pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3) is granted.

###

Submitted by:

Christian Savio, Esq.

csavio@mls-pa.com

Law Offices of Manganelli, Leider & Savio, P.A.

1900 NW Corporate Blvd., Suite 305W, Boca Raton, Fl 33431

561-826-1740

Attorney Christian Savio, Esq., is directed to serve a copy of this Order on interested parties who do not receive service by CM/ECF and file a Proof of Service within three days of entry of the Order.