

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

In re: MAXINE JONES DEBTOR(S)	CASE NO. 13-62570-RBC CHAPTER. 7
SPECIALIZED LOAN SERVICING LLC AS SERVICING AGENT FOR FV- I, INC., IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC MOVANT(S) v. MAXINE JONES AND WILLIAM E. CALLAHAN, JR., TRUSTEE.	

**MOVANT'S CERTIFICATION REQUIRED WITH
RESPECT TO MOTION FOR RELIEF FROM STAY**

1. Description of Property: 118 Riverside Drive, Palmyra, VA 22963

2. Copies of Security Instruments: A and B

3. Statement of Amount Due:

(a) Unpaid Principal: \$208,025.13

(b) Accrued Interest: \$5,499.29

(c) Late Charges from to : \$262.40

(d) Attorney's fees: \$81.75

(e) Advances for Taxes, Insurance, and the Like: N/A

(f) Unearned Interest: N/A

(g) Any Other Charges:

Prepetition or Postpetition	Fee Description	Amount
None		

4. A Per Diem Interest Factor: 9.625%

2. Movant's valuation of property: \$158,200.00

Basis of such valuation: Debtor's Schedule A.

Appraisal or other documentation of such valuation, if attached, is identified as N/A

I HEREBY CERTIFY, as a Member of the Bar of the Court, that I represent the above-named Movant(s) and that the information contained herein is true according to the best of my knowledge and belief.

DATED: _____

/s/ Aaron Jordan

Signature of Movant's Attorney

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Movant's Certification was mailed by first class mail, postage-paid, and served electronically, where applicable, this 22nd day of December, 2014 to the following parties:

Maxine Jones
118 Riverside Drive
Palmyra, VA 22963
Debtor
Via first class mail

Douglas E. Little
P.O. Box 254
Charlottesville, VA 22902
Attorney for the Debtor
Via first class mail

William E. Callahan, Jr., Trustee
1800 Wells Fargo Tower Drawer 1200
Roanoke, VA 24006
Via first class mail and electronic

/s/ Aaron Jordan
Aaron Jordan, Esquire

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

IN RE:

MAXINE JONES

Debtor

Case No. 13-62570-RBC
(Chapter 7)

SPECIALIZED LOAN SERVICING LLC AS
SERVICING AGENT FOR FV-I, INC., IN
TRUST FOR MORGAN STANLEY
MORTGAGE CAPITAL HOLDINGS LLC

Movant

v.

MAXINE JONES, and
WILLIAM E. CALLAHAN, JR., Trustee.

Respondents

NOTICE OF HEARING

Please take notice that Specialized Loan Servicing LLC as servicing agent for FV-I, Inc., in trust for Morgan Stanley Mortgage Capital Holdings LLC, by counsel, will argue its Motion for Relief from Automatic Stay on January 12, 2015 at 2:00 p.m. or as soon thereafter as counsel may be heard, in the United States Bankruptcy Court for the Western District of Virginia, Charlottesville Division, US Courthouse 255 W. Main St. Rm 200 Charlottesville, VA 22902 before the Honorable Rebecca B. Connelly.

Respectfully submitted,

/s/ Aaron Jordan

Aaron Jordan, Bar #70144
ajordan@atlanticlawgrp.com
Atlantic Law Group, LLC
PO Box 2548
Leesburg, Virginia 20177
(703) 777-7101

552466
Aaron Jordan, Bar #70144
ajordan@atlanticlawgrp.com
Atlantic Law Group, LLC
PO Box 2548
Leesburg, VA 20177
(703) 777-7101

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Hearing was mailed by first class mail, postage paid, and served electronically, where applicable, this 22nd day of December, 2014 to the following parties:

Maxine Jones
118 Riverside Drive
Palmyra, VA 22963
Debtor
Via first class mail

Douglas E. Little
P.O. Box 254
Charlottesville, VA 22902
Attorney for the Debtor
Via first class mail and electronic

William E. Callahan, Jr., Trustee
1800 Wells Fargo Tower Drawer 1200
Roanoke, VA 24006
Via first class mail and electronic

/s/ Aaron Jordan
Aaron Jordan, Esquire

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

IN RE:
MAXINE JONES

Case No. 13-62570-RBC
(Chapter 7)

Debtor

SPECIALIZED LOAN SERVICING LLC AS
SERVICING AGENT FOR FV-I, INC., IN
TRUST FOR MORGAN STANLEY
MORTGAGE CAPITAL HOLDINGS LLC
8742 LUCENT BLVD, SUITE 300
HIGHLANDS RANCH, COLORADO 80129

Movant

v.

MAXINE JONES
118 RIVERSIDE DRIVE
PALMYRA, VA 22963
(Debtor)

and

WILLIAM E. CALLAHAN, JR.
1800 WELLS FARGO TOWER DRAWER
1200
ROANOKE, VA 24006
(Trustee)

Respondents

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Specialized Loan Servicing LLC as servicing agent for FV-I, Inc., in trust for Morgan Stanley Mortgage Capital Holdings LLC ("FV-I, Inc."), by undersigned counsel, respectfully moves this Honorable Court to terminate the Automatic Stay and, as grounds therefore, states as follows:

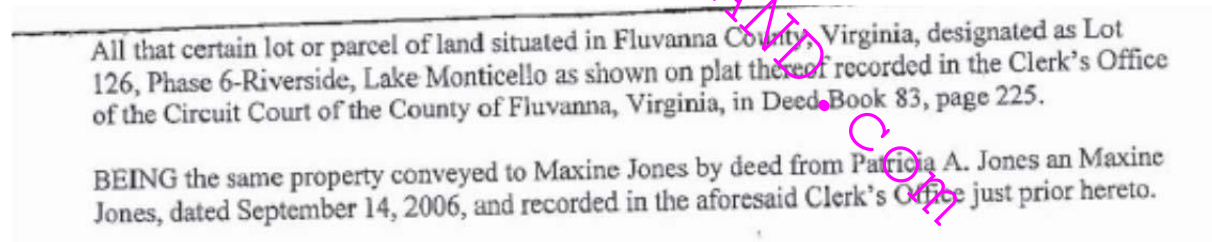
552466
Aaron Jordan, Bar #70144
ajordan@atlanticlawgrp.com
Atlantic Law Group, LLC
PO Box 2548
Leesburg, VA 20177
(703) 777-7101

1. This proceeding seeking relief under Section 362 of the U.S. Bankruptcy Code is a contested matter within the meaning of 9014 and 4001 of the Federal Rules of Bankruptcy Procedure, and this court has jurisdiction over this matter pursuant to 28 U.S.C. Section 157.

2. On December 18, 2013, the above named debtor, Maxine Jones ("Debtor"), filed in this court a Petition under Chapter 7 of the United States Bankruptcy Code. William E. Callahan, Jr. was appointed Chapter 7 Trustee.

3. On or about November 14, 2006 the Debtor executed and delivered to Metrocities Mortgage, LLC a Note in the amount of TWO HUNDRED FIFTEEN THOUSAND FIFTY and 00/100 DOLLARS (\$215,050.00), plus interest at the rate of 9.625% per annum, to be paid over thirty (30) years. A copy of the Note is attached as Exhibit "A" and incorporated herein.

4. To secure the repayment of the sums due under the Note, the Debtor executed and delivered to Metrocities Mortgage, LLC a Deed of Trust dated November 14, 2006 encumbering the real property ("Property") more particularly described in the Deed of Trust as,



which has the address of 118 Riverside Drive, Palmyra, VA 22963. A copy of the Deed of Trust is attached as Exhibit "B" and incorporated herein.

5. The Note were later transferred to FV-I, Inc. and FV-I, Inc. is the holder of the Note. A copy of the Assignment is attached as Exhibit "C" and incorporated herein.

6. As of December 10, 2014, the Debtor owes an unpaid principal balance of \$208,025.13 under the Note, plus additional accruing interest, late charges, attorneys' fees and costs.

7. As of December 10, 2014, the Debtor is contractually due for October 1, 2014, which includes the following missed payments pre and post-petition:

Periodic Payments in Arrears	Number of Missed Payments	From	To	Payment Amount	Total Due
Post - Petition Payments	1	10/01/2014	10/01/2014	\$2,052.23	\$2,052.23
Post - Petition Payments	2	11/01/2014	12/01/2014	\$2,075.57	\$4,151.14
Suspense:					(\$0.00)
Total Payments Past Due					\$6,203.37

8. The scheduled value of the Property is \$158,200.00.

9. The Debtor is in default under the Note.

10. The Debtor has not and cannot offer FV-I, Inc. adequate protection of its interest in the Property, and FV-I, Inc. avers it is not adequately protected.

11. The Property is not necessary for an effective reorganization, as there is little or no equity in the Property.

12. Cause exists to terminate the Automatic Stay.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

a. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and/or allowing Movant, through its agents, servicers and representatives to contact Debtor and/or Debtor's counsel for the purpose of engaging in

discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification, deed in lieu or other loss mitigation alternatives.

b. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

c. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

d. For such other relief as the Court deems proper.

Respectfully submitted,

/s/ Aaron Jordan

Aaron Jordan, Bar #70144
ajordan@atlanticlawgrp.com
Atlantic Law Group, LLC
PO Box 2548
Leesburg, Virginia 20177
(703) 777-7101

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

IN RE: MAXINE JONES Debtor	Case No. 13-62570-RBC (Chapter 7)
SPECIALIZED LOAN SERVICING LLC AS SERVICING AGENT FOR FV-I, INC., IN TRUST FOR MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC Movant v. MAXINE JONES, and WILLIAM E. CALLAHAN, JR., Trustee. Respondents	

ORDER TERMINATING AUTOMATIC STAY

UPON CONSIDERATION of the Motion for Relief from Automatic Stay (“Motion”) filed by Specialized Loan Servicing LLC as servicing agent for FV-I, Inc., in trust for Morgan Stanley Mortgage Capital Holdings LLC (“FV-I, Inc.”), and any response thereto, and good cause having been shown, it is hereby;

ORDERED, that the Motion be, and the same is hereby GRANTED; and it is further

ORDERED, that the Automatic Stay is terminated allowing FV-I, Inc. to exercise its rights under applicable law against the Debtor’s Property described as:

All that certain lot or parcel of land situated in Fluvanna County, Virginia, designated as Lot 26, Phase 6-Riverside, Lake Monticello as shown on plat thereof recorded in the Clerk’s Office of the Circuit Court of the County of Fluvanna, Virginia, in Deed Book 83, page 225.

BEING the same property conveyed to Maxine Jones by deed from Patricia A. Jones an Maxine Jones, dated September 14, 2006, and recorded in the aforesaid Clerk’s Office just prior hereto.

which has the address of 118 Riverside Drive, Palmyra, VA 22963 ("Property"), including, but not limited to foreclosure against the Property under the Deed of Trust; and it is further

ORDERED, that Movant through its agents, servicers and representatives are permitted to contact Debtor and/or Debtor's counsel for the purpose of engaging in discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification or other loss mitigation alternatives; and it is further

ORDERED, that the stay pursuant to Rule 4001(a)(3) of the Bankruptcy Rules be and hereby is, waived, and such relief from stay shall become effective immediately upon entry of this Order.

Date: _____

BY THE COURT:

Rebecca B. Connelly
U.S. Bankruptcy Court Judge

I ASK FOR THIS:

/s/ Aaron Jordan
Aaron Jordan, Bar #70144
ajordan@atlanticlawgrp.com
Atlantic Law Group, LLC
PO Box 2548
Leesburg, Virginia 20177
(703) 777-7101

SEEN:

Douglas E. Little
P.O. Box 254
Charlottesville, VA 22902
Bar No. _____
Attorney for the Debtor

William E. Callahan, Jr., Trustee
1800 Wells Fargo Tower Drawer 1200
Roanoke, VA 24006

Copies to:

Aaron Jordan, Bar #70144
ajordan@atlanticlawgrp.com
Atlantic Law Group, LLC
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Debtor

Douglas E. Little
P.O. Box 254
Charlottesville, VA 22902
Attorney for the Debtor

William E. Callahan, Jr., Trustee
1800 Wells Fargo Tower Drawer 1200
Roanoke, VA 24006

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Motion for Relief from Automatic Stay and Proposed Order were mailed by first class mail, postage-paid, and served electronically, where applicable, this 22nd day of December, 2014 to the following parties:

Maxine Jones
118 Riverside Drive
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Debtor
Via first class mail

Douglas E. Little
P.O. Box 254
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William E. Callahan, Jr., Trustee
1800 Wells Fargo Tower Drawer 1200
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Via first class mail and electronic

/s/ Aaron Jordan
Aaron Jordan, Esquire