

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

TIERRA DEL SOL RESORT, INC.,
et. al.

Debtors.

CASE NO.: 6:09-bk-07266-ABB

CHAPTER 7

Jointly Administered with

Case No.: 6:09-bk-07268-ABB

Case No.: 6:09-bk-07271-ABB

Case No.: 6:09-bk-07272-ABB

Case No.: 6:09-bk-07274-ABB

Case No.: 6:09-bk-07275-ABB

Case No.: 6:09-bk-07277-ABB

Case No.: 6:09-bk-07281-ABB

Case No.: 6:09-bk-07282-ABB

ORDER GRANTING MOTION FOR RELIEF FROM STAY

This matter was considered at a preliminary hearing conducted on December 21, 2009, upon the Motion for Relief from Stay filed by Creditor, Westridge Community Development District ("District") (DOC No. 135) (the "Motion"). No objections were made to the Motion either prior to or at the time of the hearing. At the hearing, the Court announced that the Motion would be granted upon the filing by the Trustee of its consent to the Motion (DOC No. 145), filed on December 22, 2009, it is

ORDERED AND ADJUDGED

1. The Motion for Relief from Stay is hereby granted so that the District may proceed with its state court remedies to collect special assessments which have been levied against the real property of the Debtors as described in Exhibit "A" attached hereto, together with interest, statutory penalties and attorneys' fees pursuant to FLA. STAT. §170.10, including its pending foreclosure action.

It is furthermore ordered that relief from the

Exhibit "C"

Automatic Stay is granted to the extent necessary for the District to make such additional levies of special assessments as may be necessary and appropriate, from time to time, to fund the operations and maintenance budget of the District, and to take such action as may be necessary to enforce and collect such assessments, including such additional foreclosure actions as may be necessary in the event of default in the payment thereof.

2. The relief granted here permits the Creditor to seek and obtain in rem remedies against the property only and does not permit the Creditor to seek or obtain in personam relief against the Debtor.

DONE AND ORDERED in Orlando, Florida on January 7, 2010.

Arthur B. Briskman
United States Bankruptcy Judge

Copies furnished to:

Movant's Attorney
Mitchell E. Albaugh, Esq.
Clark & Albaugh, LLP
655 W. Morse Blvd., Suite 212
Winter Park, FL 32789

Attorney for Debtor
R. Scott Shuker, Esq.
Latham, Shuker, Eden & Beaudine, LLP
Post Office Box 3353
Orlando, FL 32802

Debtor
Tierra Del Sol Resort, Inc.
12203 Wild Iris Way #111
Orlando, FL 32837

Trustee
Emerson C. Noble
Post Office Box 195008
Winter Springs, FL 32719-5008

EXHIBIT "A"

- ▶ Debtor, **TDS TOWN HOMES (PHASE 2), LLC**, (Case No. 6:09-bk-07271-ABB) owns Parcels Two and Nine, legally described as:

PARCEL TWO:

Tracts TH-2 A, TH-2 B, TH-2 C1, TH-2 C2, TH-2 D, TH-2 F, TH-2I, TH-2II, TH-2J1TH-2J2, TH-2K (LESS Tracts C6, C7, C8 and C9 through C12), th-2L, TH-2M, TH-2N, TH-2O, TH-2P1 and TH-2P2, TIERRA DEL SOL, according to the Plat thereof as recorded in Plat Book 144, Pages 31 through 38, Public Records of Polk County, Florida, and Lots 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313 and 314, TIERRA DEL SOL – PHASE TWO, according to the Plat thereof as recorded in Plat Book 148, Pages 13 through 15, Public Records of Polk County, Florida.

PARCEL NINE:

Tracts TH2G, TH2G1, TH2G2, TH2G3, TH2H, TH2H1, TH2H2, TH2H3, TH2H4, TH2H5, TH2H6, TH2H7, TH2H8, TH2H9, TH2H10 and TH2H11, TIERRA DEL SOL, PHASE TWO according to the Plat thereof as recorded in Plat Book 148, Pages 13 through 15, Public Records of Polk County, Florida.

- ▶ Debtor, **TDS TOWN HOMES (PHASE 1), LLC**, (Case No. 6:09-bk-07268-ABB) owns Parcel Three, legally described as:

PARCEL THREE:

Tracts TH-1 A, TH-1 B, TH-1C, TH-1D, TH-1E and TH-1F, TIERRA DEL SOL, according to the Plat thereof as recorded in Plat Book 144, Pages 31 through 38, Public Records of Polk County, Florida.

- ▶ Debtor, **COSTA BLANCA I REAL ESTATE, LLC**, (Case No. 6:09-bk-07272-ABB) owns Parcel Four, legally described as:

PARCEL FOUR:

Tracts C1, C2, C3, C4, C5, TIERRA DEL SOL, according to the Plat thereof as recorded in Plat Book 144, Pages 31 through 38, Public Records of Polk County, Florida.

- ▶ Debtor, **COSTA BLANCA II REAL ESTATE, LLC**, (Case No. 6:09-bk-07274-ABB) owns Parcel Five, legally described as:

PARCEL FIVE:

Tracts C6, C7, and C8, TIERRA DEL SOL, according to the Plat thereof as recorded in Plat Book 144, Pages 31 through 38, Public Records of Polk County, Florida.

- ▶ Debtor, **COSTA BLANCA III REAL ESTATE, LLC**, (Case No. 6:09-bk-07275-ABB) owns Parcel Six, legally described as:

PARCEL SIX:

Tracts C9, C10, C11 and C12, TIERRA DEL SOL, according to the Plat thereof as recorded in Plat Book 144, Pages 31 through 38, Public Records of Polk County, Florida.

- ▶ Debtor, **TDS AMENITIES, INC.**, (Case No. 6:09-bk-07277-ABB) owns Parcel Seven, legally described as:

PARCEL SEVEN:

Tracts TDSA1, TDSA2, TDSA2-1, TDSA3 and TDSA4, TIERRA DEL SOL, according to the Plat thereof as recorded in Plat Book 144, Pages 31 through 38, Public Records of Polk County, Florida.

- ▶ Debtor, **TDS CLUBHOUSE, INC.**, (Case No. 6:09-bk-07281-ABB) owns Parcel Eight, legally described as:

PARCEL EIGHT:

Tracts TDS-CH A, TDS-CH B, TDS- CH C, TDS- CH D, TDS- CH E, and TDS-CH F, TIERRA DEL SOL, according to the Plat thereof as recorded in Plat Book 144, Pages 31 through 38, Public Records of Polk County, Florida.

- ▶ Debtor, **TIERRA DEL SOL RESORT, INC.**, (Case No. 6:09-bk-07266-ABB) may claim an interest in Parcel One, legally described as:

PARCEL ONE:

Begin at the Southeast corner of Section 25, Township 25 South, Range 26 East, Polk County, Florida; thence run North 89°59'27" West, along the south line of said Section 25, a distance of 1,402.22 feet to the east right of way line of U.S. Highway No. 27; run thence along said east right of way line the following three (3) courses and distances: (1) North 08°12'40" West, 331.14 feet; (2) South 81°10'05" West, 4.98 feet; (3) North 08°13'46" West, 1,063.21 feet; thence departing said east right of way line, run North 81°57'28" East, a distance of 669.03 feet; thence run South 21°16'59" East, a distance of 534.52 feet; thence run South 89°50'36" East, a distance of 749.61 feet to a point on the east line of aforesaid Section 25; thence run South 00°01'56" East, (Bearing Base) along the east line of said Section 25, a distance of 972.95 feet to the POINT OF BEGINNING.

- ▶ Debtor, **TIERRA DEL SOL RESORT, INC.**, (Case No. 6:09-bk-07266-ABB) may also claim an interest in Parcels Two through Nine.

- ▶ Debtor, **TIERRA DEL SOL OWNERS ASSOCIATION, INC.**, (Case No. 6:09-bk-07282-ABB) may claim an interest in Parcels One through Nine.