

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In Re:

LYDIA CLADEK, INC.,

Chapter 11

Case No. 3:10-bk-02805-PMG

Debtor.

**AGREED ORDER GRANTING MOTION FOR RELIEF FROM
AUTOMATIC STAY AS TO 4443 WATERS EDGE LN, SANIBEL, FLA**
(DOC. NO. 261)

THIS CAUSE came on for hearing before the Court on October 27, 2010 upon the Motion For Relief From Automatic Stay filed by KAREN J. HYDE BAKER (Doc. No. 261). The Court having reviewed the Motion, having been advised the Trustee and Creditor have agreed to the entry of an Order granting the Motion on the foregoing basis, and having considered the record of this case and being otherwise advised on the premises, for the reasons stated orally and recorded in open court that shall constitute the decision of the Court, it is therefore

ORDERED, ADJUDGED AND DECREED as follows:

1. The Motion for Relief from Automatic Stay (Doc. No. 261) is **GRANTED** to the extent set forth herein.

2. The automatic stay imposed by 11 U.S.C. § 362(a) and the Order Granting Permanent Injunction (Adv. No. 3:10-ap-00248-PMG) shall be, and the same hereby are, modified to permit KAREN J. HYDE BAKER to proceed to final judgment of foreclosure in the matter of *Karen J. Hyde Baker v. Lydia Cladek, et al.*, pending in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida, Case No. 10-CA-056859 (the "Foreclosure Action") as to the following real property located

and situated in Sanibel, Lee County, Florida (the "Property"), and described as follows, to wit:

From the Northwest corner of Government Lot 4, Section 20, Township 46 South, Range 22 East, run South along the West line of said Government Lot 4, 1218.85 feet; thence N 44°45'00" E 206.90 feet; thence S 41°18'30" E, 1150 feet along the centerline of a road, to the point of beginning of the lands herein described; thence continue S 41°18'30" E along said road centerline, 136 feet; thence S 44°45'00" W, 400 feet, more or less, to the waters of the Gulf of Mexico; thence Northwesterly 136 feet, more or less, along said waters to a point bearing S 44°45'00" W of, and 400 feet, more or less, from the point of beginning; thence N 44°45'00" E 400 feet, more or less, to the point of beginning, subject to a 30 foot road easement across the Northeasterly side and a 6 foot utility easement along the rear and side lot lines.

3. The relief granted herein is subject to the proviso that no judicial sale of the Property or similar disposition shall occur in connection with the Foreclosure Action until after May 1, 2011 in order to allow the Trustee an opportunity to market and sell the Property for the benefit of the Estate, and the automatic stay imposed by 11 U.S.C. § 362(a) shall remain in place until May 1, 2011 to enjoin such a sale until after May 1, 2011.

4. Notwithstanding the provisions of paragraph 3 of this Order, the automatic stay imposed by 11 U.S.C. § 362(a) may be extended to enjoin a judicial sale of the Property after May 1, 2011 upon motion by the Trustee prior to the expiration of the stay (*i.e.*, prior to May 1, 2011) and upon a showing of good cause by the Trustee.

5. The Order granting relief from the automatic stay is hereby entered for the sole purpose of allowing KAREN J. HYDE BAKER to obtain *in rem* relief against the Property, and KAREN J. HYDE BAKER shall not seek or obtain *in personam* relief against the Debtor(s).

6. Nothing set forth in this Order is intended, nor shall be deemed to modify, limit, release, reduce or waive any of the Trustee's rights, remedies, and privileges at law or in equity, including but not limited to, the Trustee's rights to pursue causes of action pursuant to chapter 5 of the Bankruptcy Code or otherwise, all of which are specifically reserved.

7. The provisions of Bankruptcy Rule 4001(a)(3) are hereby waived and KAREN J. HYDE BAKER may enforce her rights immediately upon entry of this Order.

DONE AND ORDERED at Jacksonville, Florida, on October 27, 2010.



PAUL M. GLENN
Chief United States Bankruptcy Judge

Copies Furnished to:

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Land Trust Service Corporation, as Trustee of Trust No. 4443 dated March 9, 2005
28 West Park Ave., Lake Wales, FL 33583
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