



ORDERED in the Southern District of Florida on May 11, 2010.

A handwritten signature in black ink, appearing to read "Robert A. Mark". The signature is written over a horizontal line.

Robert A. Mark, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In re: CASE NO.: 10-10721-RAM
V. STRATEGIC GROUP, LLC. CHAPTER 11

**ORDER GRANTING MOTION OF SECURED CREDITOR M.A.M.C.
INCORPORATED FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. § 362 (d) (3)**

THIS MATTER came before the Court on May 4, 2010 at 11:00 a.m. on the *Motion Of Secured Creditor M.A.M.C. Incorporated For Relief From The Automatic Stay Pursuant To 11 U.S.C. § 362 (d)(3)* (the "Motion") [D.E. # 47]. The Court having considered the Motion and the Exhibits attached thereto, the *Secured Creditor M.A.M.C. Incorporated's Notice of Filing Affidavit of E. Harold Gassenheimer In Support of the Motion For Relief From The Automatic Stay Pursuant To 11 U.S.C. § 362 (d)(3)* [D.E. # 55], and having considered this Court's prior *Order Granting Motion for Determination that Case is a Single Asset Real Estate Case* [D.E. # 29] and having heard the argument of counsel at the hearing, it is

ORDERED AND ADJUDGED as follows:

1. The Court finds that the Debtor does not have on file, within 90 days of the Petition date, a Plan of Reorganization that has a reasonable possibility of being confirmed within a reasonable time period and the Affidavit of E. Harold Gassenheimer establishes the Debtor has not made any monthly interest payments to M.A.M.C., as required by *11 U.S.C. § 362 (d)(3)*.

2. The Court finds the Debtor admits in its Schedules that there is no equity in the real property.

3. The Debtor's objection to the Motion, on the basis of the Movant's lack of standing, is **OVERRULED**. The Secured Creditor has complied with the guidelines for Motions for Relief from the Automatic Stay as provided for by Local Rule 4001-1 (B) of the Local Rules for the United States Bankruptcy Court for the Southern District of Florida and the Court finds that the Debtor is barred by collateral estoppel from raising a standing issue that was adjudicated and merged into the judgment in the related State Court Foreclosure Case, Case No. CAC-09-018747 (05), pending in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida. See *Reusser v. Wachovia Bank*, 525 F.3d 855 (9th Cir. 2008).

4. The Court **GRANTS** the Motion and lifts the Automatic Stay and authorizes the Movant, M.A.M.C. Incorporated as loan server and on behalf of the identified pool of lenders to reset the sale of the real property in the above-referenced State Court Foreclosure action provided the Sale occurs no earlier than June 18, 2010.

5. It is further **ORDERED** that the Court waives the Stay of this Order provided for under Federal Rule of Bankruptcy Procedure Rule 4001 (A)(3). This Order shall take immediate effect.

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Submitted By:

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Copies furnished to:

James D. Gassenheimer, Esq.
*(Attorney Gassenheimer is directed to serve a conformed copy of this Order upon all interested parties,
and to file a Certificate of Service with the Court).*

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