

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ALASKA**

In re:

PAUL DANA BAKER and  
SHEREE KATHERINE BAKER,

Debtors.

Case No. A12-00217-DMD  
Chapter 7

**Filed On  
5/4/12**

**MEMORANDUM ON MOTION FOR RELIEF FROM STAY**

Pending before the court is the motion of Deutsche Bank National Trust Company, as Trustee, on behalf of the holders of Terwin Mortgage Trust 2006-17HE Asset-Backed Certificates, Series 2006-17HE (“Deutsche Bank”), for relief from stay.<sup>1</sup> The motion cannot be granted at this time because it does not comply with the requirements of applicable Local Bankruptcy Rules. AK LBR 4001-1 requires that motions for relief from stay under § 362(d) be supported by “all writings that evidence the underlying debt, including any writing necessary to prove that the claimant is the current holder of the debt, or is otherwise entitled to enforce the debt.”<sup>2</sup>

Here, Deutsche Bank has attached to its motion a copy of the pertinent deed of trust and note. On both the deed and the note the debtors are named as the borrowers. The lender is Terwin Direct. Elliot Salzman, the senior vice president of Terwin Advisors, LLC,

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<sup>1</sup> Docket No. 15.

<sup>2</sup> AK LBR 4001-1(a)(1)[D][ii].

signed a blank endorsement of the note.<sup>3</sup> Deutsche Bank has presented no evidence, however, to show that the note was endorsed from Terwin Direct to Terwin Advisors, LLC.

Because the motion for relief from stay fails to comply with AK LBR 4001-1, it will be denied, without prejudice, pending the filing of an amended motion for relief from stay and proper notice and service thereof. An order will be entered accordingly.

DATED: May 4, 2012

BY THE COURT

/s/ Donald MacDonald IV  
DONALD MacDONALD IV  
United States Bankruptcy Judge

Serve: M. Clark, Esq.  
M. Skolnick, Esq.  
L. Compton, Trustee  
U. S. Trustee

05/04/12

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<sup>3</sup> See Allonge to Promissory Note (Docket No. 15-2, p. 4)