

**UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In Re: Stephen Dale Harris
Cynthia Jean Harris

Case No.: 8:10-bk-12866-CPM

Debtor(s) /

**ORDER GRANTING DEBTORS' VERIFIED MOTION TO STRIP LIEN
OF MIDFLORIDA FEDERAL CREDIT UNION AND DETERMINATION THAT
CLAIM IS UNSECURED AND ALLOWANCE OF SUPPLEMENTAL ATTORNEY FEES**

THIS CASE came before the court for consideration of the Debtors' Verified Motion to Strip Lien of **MIDFLORIDA FEDERAL CREDIT UNION** and Determination that Claim is Unsecured and Allowance of Supplemental Attorney Fees (Doc. No. 37 and Doc. No. 38) pursuant to negative notice provisions of Local Rule 2002-4. The Court, considering the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, deems the Motion to be uncontested. It is hereby

ORDERED:

1. The Motion is GRANTED.
2. Claim No. **8** filed by **MIDFLORIDA FEDERAL CREDIT UNION** shall be treated as an unsecured claim in this Chapter 13 case.
3. The real property (the "real Property") that is the subject of the Motion is located at **1886 Kinsman Way, Lakeland, FL 33809**, and more particularly described as follows:

Lot 90, MANORS OF NOTTINGHAM ADDITION, according to the Plat thereof, recorded in Plat Book 95, pages 21, 22 and 23, public records of Polk County, Florida.

4. The mortgage held by **MIDFLORIDA FEDERAL CREDIT UNION**, recorded on **September 13, 2004** in **Official Records Book 05919, Pages 1141-1144, Instrument No. 20041486353**, of the Public Records of Polk County, shall be deemed void, and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of **MIDFLORIDA FEDERAL CREDIT UNION'S** mortgage lien prior to the entry of the Debtor's discharge.

5. The Debtor(s) Motion to Include Additional Attorney Fees is hereby **GRANTED**, and the Debtor(s) counsel, Thomas J. Chawk, Esquire, shall be allowed additional attorney's fees totaling \$250.00, which shall be paid through the confirmed Plan as an approved administrative expense, in addition to any other fees previously awarded to the undersigned attorney.

DONE AND ORDERED at Tampa, Florida on _____.

CATHERINE PEEK MC EWEN
UNITED STATES BANKRUPTCY JUDGE

Attorney, THOMAS JOEL CHAWK, ESQUIRE, is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.