

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

In Re: Donald Joseph Langford
Elizabeth Lewis Langford

Case No.: 8:13-bk-01540-KRM

Debtor(s) /

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED
STATUS OF SUNTRUST BANK AND TO STRIP LIEN EFFECTIVE UPON
DISCHARGE AND ORDER ALLOWING SUPPLEMENTAL ATTORNEY FEES**

THIS CASE came on for consideration of the Debtor's Motion to Determine Secured Status of **SUNTRUST BANK** and to Strip Lien (Doc. No. 34) (the "Motion") pursuant to the negative notice provisions of Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, the Court deems the Motion to be uncontested. If **SUNTRUST BANK** has not timely filed a proof of claim in this case, the Motion is not deemed to be an informal proof of claim except for the purpose of initiating the Debtor's ability to request relief pursuant to 11 U.S.C. § 506(a).

The real property (the "Real Property") that is the subject of the Motion is located at 3678 Central Avenue, Alturas, FL 33820, and more particularly described as follow located in Polk County, Florida, to-wit:

*Lot 17 and 18 in Block 16 of Alturas, according to
the plat thereof as recorded in Plat Book 4, Page 62, Public
Records of Polk County, Florida.*

Accordingly, it is hereby

ORDERED:

1. The Motion is GRANTED.
2. If **SUNTRUST BANK** timely filed a proof of claim, the claim shall be treated as an unsecured claim in this Chapter 13 case.

3. The mortgage on the Real Property held by **SUNTRUST BANK** recorded on August 31, 2005, at Book 06371, Pages 2224 - 2232, Instrument No.2005211467 of the official records of Polk County, Florida, shall be deemed void, and shall be extinguished automatically. without further court order, upon the recordation in the public records of a certified copy of this Order together with (a) a certified copy of the Debtor's Chapter 13 discharge order in this case or (b) such other paper as the Court may specify by separate order. However, the Court reserves jurisdiction to consider, if appropriate, the avoidance of **SUNTRUST BANK's** mortgage lien prior to entry of the Debtor's discharge.

4. This Order does not prohibit **SUNTRUST BANK** from asserting, at any time prior entry of the Debtor's discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

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 attorneys' fees totaling \$300.00, which shall be paid through the confirmed Plan as an approved administrative expense, in addition to any other fees previously awarded to Thomas Joel Chawk, Esquire.

DONE and ORDERED in Chambers at Tampa, Florida, on _____.

K. RODNEY MAY
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.