

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:
SUSAN SMITH,

Case No: 8:13-bk-04724-KRM
Chapter: 13

Debtor.
_____ /

**ORDER GRANTING MOTION TO AVOID JUDICIAL LIEN
OF CAPITAL ONE BANK (USA), N.A.**

THIS CASE came on for consideration of the Debtor's Motion to Avoid Lien of Capital One Bank (USA), N.A. (Doc. No. 23). The Motion was filed on negative notice pursuant to Local Rule 2002-4, and no objections were filed during the time period for responses. The Court has reviewed the Motion together with the record, and makes the following findings:

1. A Final Judgment in favor of Capital One Bank (USA), N.A. was entered on February 16, 2010 and recorded in Book 08111, Page 1552, Instrument Number: 2010055471 by the Clerk of the County Court, Polk County, Florida on April 8, 2010.

2. The Final Judgment is judicial lien that impairs the Debtor's homestead property, located at 224 Marble Lane, Lakeland, FL 33809 legally described as:

Lot 30 B being the East 46.50 feet of Lot 30 of Lake Gibson Village, as shown by map or plat thereof recorded in the office of the Clerk of the Circuit Court in and for Polk County, Florida, in Plat Book 88, Page 46.

3. Unless the debtor's case is dismissed, the lien of the creditor is hereby extinguished and lien shall not survive the bankruptcy, affix or remain enforceable against the aforementioned property of the debtor.

Accordingly, it is

ORDERED that the Motion to Avoid Lien of Capital One Bank (USA), N.A. (Doc. No. 23) is GRANTED.

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

K. Rodney May
United States Bankruptcy Judge

Attorney Eva M. Donohue 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.