

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

In re:

William M Shaw

Case No. **8:13-bk-08552-CPM**
Chapter 7

Debtor

**ORDER GRANTING MOTION TO DETERMINE SECURED STATUS OF NAVY
FEDERAL CREDIT UNION AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE came on for consideration of the Debtor's Motion to Determine Secured of Navy Federal Credit Union ("Navy Federal") and to Strip Lien (Doc. 15) (the "Motion") pursuant to 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 Navy Federal 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 that is the subject of the Motion is located at 3918 Day Bridge PL, Ellenton, FL 34222-6203 (the "Real Property"), and more particularly described as follows:

LOT 19, RIVER PLANTATION PHASE I, ACCORDING TO THE PLAT
THEREOF AS RECORDED IN PLAT BOOK 45, PAGE 93-115, PUBLIC
RECORDS OF MANATEE COUNTY, FLORIDA

Accordingly, it is hereby

ORDERED:

1. The Motion is **GRANTED**.
2. If Navy Federal timely filed a proof of claim, the claim shall be treated as an unsecured claim in this Chapter 7 case.

3. The mortgage on the Real Property held by Navy Federal recorded on 4/23/2007 at Book 2199 Page 2373 of the Official Records of Manatee 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 7 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 Navy Federal's mortgage lien prior to entry of the Debtor's discharge.
4. This Order does not prohibit Navy Federal 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.

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

K. Rodney May
United States Bankruptcy Judge

Attorney Christopher Smith 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.