

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:
LUIS M MENDEZ

CASE #: 09-bk-08220-JAF
Chapter 7

Debtor
_____ /

ORDER GRANTING DEBTORS VERIFIED MOTION DETERMINE SECURED STATUS OF PROSPERITY BANK AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE

Upon consideration of the Debtors' Motion to Determine Secured Status of Prosperity Bank and to Strip Lien Effective Upon Discharge (PROSPERITY) (Doc #20), which was served upon all interested parties on July 11, 2012, with Local Rule 2002-4 negative notice legend informing the parties of their opportunity to object within 30 days of the date of service, no party filed an objection within the time permitted, the Court therefore considers the matter to be unopposed, it is

ORDERED:

1. The Motion to Avoid Lien is GRANTED.
2. Creditor, PROSPERITY, has a second mortgage lien on the debtors' homestead located at 25 Royal Oak Drive, Palm Coast, FL 32164, more particularly described as:

Lot 16 and 17, Block 24, Palm Coast, Map of Royal Palms, Section 32, according to the Plat thereof, as recorded in Map Book 10, Page 57, of the Public Records of Flagler County, Florida.
3. The value of Creditor's interest in said property is \$0.00, and therefore is not an allowed secured claim, and shall be treated as an unsecured claim.
4. Creditor's lien is void and automatically extinguished pursuant to 11 USC 506(d) upon entry of an Order of Discharge pursuant to 11 USC 727, 1141, or 1328.

DONE AND ORDERED on August 27, 2012 in Jacksonville, Florida.



Jerry A Funk
United States Bankruptcy Judge

FILED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
C.L. NO. 54 NO. 16-22

Copies to:

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Attorney for Debtor, Lewis Roberts, PA, 555 W Granada Blvd H-12, Ormond Beach, FL 32174

Debtors, Luis Mendez, 25 Royal Oak Drive, Palm Coast, FL 32164

Creditor, Prosperity Bank, c/o Eddie Creamer, 100 S Park Blvd, St Augustine, FL 32086