

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

Case No. 3:12-bk-06882-PMG

GWENDOLYN SEARS,

Debtor,

Chapter: 7

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED
STATUS OF ROUNDPOINT MORTGAGE SERVICING CORPORATION AND
TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE came on for consideration of the Debtor's Amended Motion to Determine Secured Status of **Wells Fargo Bank, N.A.** and to Strip Lien (Doc. No. 23) (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 **Wells Fargo Bank, N.A.** 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 **1589 SE 44th Place, Bushnell, FL 33513**, and more particularly described as follows:
**NW 1/4 OF NW 1/4 OF SE 1/4 LESS AND N 54.28 FT OF SW 1/4 OF NW 1 SE 1/4 LESS
E 50 FT, Recorded in book 2153, page 743, Parcel ID Number: N02=044**

Accordingly, it is hereby ORDERED:

1. The Motion is GRANTED.

2. If **Wells Fargo Bank, N.A** 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 **Wells Fargo Bank, N.A** recorded in book 2153, page 743, Parcel ID Number: N02=044 of the official records of Sumter 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 **Wells Fargo Bank, N.A's** mortgage lien prior to entry of the Debtor's discharge.

4. This Order does not prohibit **Wells Fargo Bank, N.A** 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 Jacksonville, Florida on March 21, 2013.

Paul M. Glenn

Paul M. Glenn
United States Bankruptcy Judge

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION

C.L. NO. 54 NO. 7698