

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

CASE NO. 3:11-bk-02743-JAF

STEVEN L. KAMPMEYER
and MELISSA M. KAMPMEYER

Debtors.

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE
SECURED STATUS OF BANK OF AMERICA, N.A. AND
TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE was before the Court on August 15, 2011, for an evidentiary hearing on the Debtors' Motion dated April 15, 2011, to Determine Secured Status of the Claimant, Bank of America, N.A., and to Strip Lien Effective Upon Discharge. [Doc. No. 9] Present at this hearing were the Debtor, Steven L. Kampmeyer, and his counsel, Anthony W. Chauncey. No counsel or representative appeared for Bank of America, N.A. Having received evidence in support of the Motion and being otherwise fully advised in the premises, it is upon due consideration that the Court

ORDERED:

1. The Debtors' Motion to Determine Secured Status of the Claimant, Bank of America, N.A., and to Strip Lien Effective Upon Discharge was served on April 19, 2011. [Doc. No. 9]
2. In accordance with the Notice of Preliminary Hearing [Doc. 18] served on Bank of America, N.A. on April 18, 2011, the Court conducted a non-evidentiary preliminary hearing on June 1, 2011, to consider and act upon the Debtors' Motion and to determine scheduling

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issues pertaining to the Motion to Determine Secured Status of the Claimant, Bank of America, N.A., and to Strip Lien Effective Upon Discharge.

3. No counsel or representative for Bank of America, N.A., appeared at the preliminary hearing held on June 1, 2011. The Debtors requested the Court to set their Motion for a final evidentiary hearing after notice to said Creditor.

4. On June 1, 2011, the Court set a Final Evidentiary Hearing on the Debtors' Motion for August 15, 2011, at 3:00 p.m. A copy of this Notice was served on Bank of America, N.A. by the Clerk of this Court. [Doc. 29]

5. On June 8, 2011, Bank of America, N.A. filed Proof of Claim Number 7 in the amount of \$81,186.32.

6. On August 15, 2011, the Court conducted a final, evidentiary hearing in this case. The Debtor, Steven L. Kampmeyer testified in his own behalf and expressed the opinion that the fair market value of his property is \$200,000.00.

7. Based on the foregoing, the Motion to Determine Secured Status of the Lien of the Claimant, Bank of America, N.A., and to Strip Lien filed by the Debtors, Steven L. Kampmeyer and Melissa M. Kampmeyer, is granted pursuant to 11 U. S. C. § 506(a).

8. The value of the property located at 367 SW Sweetbriar Drive, Lake City, Florida 32024, and more particularly described in Exhibit "A" as attached hereto is \$200,000.00.

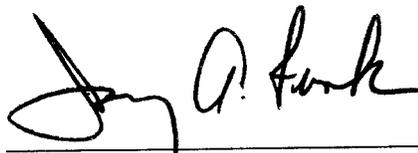
9. Wells Fargo Home Mortgage, holds a first priority mortgage lien in the amount of \$276,370.94 in the Debtors' real property by virtue of that certain Mortgage dated October 24, 2005, recorded in Official Record Book 1062, Page 2041, Public Records of Columbia County, Florida.

10. In accordance with §§506(a) and 1322(b)(2), United States Bankruptcy Code, the

mortgage lien held by Bank of America, N.A. shall be stripped, canceled, vacated and released upon entry of an Order of Discharge. In addition, Proof of Claim Number 7 in the amount of \$81,186.32 filed by the creditor, Bank of America, N.A., should be disallowed as a secured claim but allowed in full as an unsecured Proof of Claim.

11. The second mortgage held by Bank of America, N.A. recorded on November 15, 2007, in Official Record Book 1137, Page 383, Public Records of Columbia County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 Case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Bank of America, N.A.'s lien prior to the entry of the Debtors' discharge. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 Case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt for the full amount of Bank of America, N.A.'s claim.

DATE: August 15, 2011, in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

Copies furnished to:

Douglas W. Neway, Esquire, Post Office Box 4308, Jacksonville, Florida 32201
Brian T. Moynihan, President and Chief Executive Officer, Bank of America, N.A., 100 North Tryon Street, Bank of America Corporate Center, Charlotte, North Carolina 28255
Lawrence J. Buckley, Authorized Agent, Bank of America, N.A., Post Office Box 26012, NC4-105-02-99, Greensboro, North Carolina 27420
Anthony W. Chauncey, Esquire, Post Office Drawer 1288, Live Oak, Florida 32064

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I certify the foregoing to be true
and correct copy of the original.
CLERK OF COURT
U. S. BANKRUPTCY COURT

Cathy Perkins

Dated: 8/17/11

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
F.B. VOL. 54. NO. 7392

Exhibit "A"

Begin at the Southeast corner of Section 36, Township 4 South, Range 16 East, Columbia County, Florida, and run thence N 0°14'34" E along the East line of said Section 36, 37.54 feet; thence S 89°20'07" W, 220.15 feet; thence S 0°08'16" E 396.34 feet; thence N 88°51'13" E, 221.14 feet to the East line of Section 1, Township 5 South, Range 16 East; thence N 0°19'47" W along said East line 356.93 feet to the Point of Beginning. Said lands being a part of the Southeast ¼ of the Southeast ¼ of Section 36, and the Northeast ¼ of the Northeast ¼ of Section 1, Township 4 South, Range 16 East, Columbia County, Florida.

TOGETHER WITH an easement for ingress and egress described as follows:

Begin at the Southeast corner of Lot 6, Unit 4, Southwood Acres, a subdivision according to the plat thereof recorded in Plat Book 4, Page 7, of the Public Records of Columbia County, Florida, and run thence S 0°08'06" E, 45 feet; thence N 89°20'07" E, 94.55 feet; thence S 0°08'06" E, 249.61 feet; thence N 89°20'07" E, 123.41 feet to the West line of the above described lands; thence N 0°08'06" W along the said West line, 30.00 feet to the Northwest corner of said described lands; thence S 89°20'07" W, 93.41 feet; thence N 0°08'06" W, 264.61 feet to the South line of said Unit 4, Southwood Acres; thence S 89°20'07" W along said South line, 124.55 feet to the Point of Beginning. Columbia County, Florida.