

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In RE:

TOUFIC JACK BOULOS
And KELLY S BOULOS

Case No.: 3:12-bk-05898-PMG

Chapter 13

Debtor.

**CONSENT ORDER ON MOTION TO DETERMINE SECURED STATUS OF
SUNTRUST BANK AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE [Doc 50]**

This matter came before the court on Debtor's "MOTION TO DETERMINE SECURED STATUS OF SUNTRUST BANK AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE" (hereinafter "Debtor's Motion") [Doc 50] and Creditor, SunTrust Bank's ("SunTrust" or "Lender") "RESPONSE BY SUNTRUST BANK, N.A. TO DEBTOR'S MOTION TO DETERMINE SECURED STATUS OF SUNTRUST BANK AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE" (hereinafter "Response") [Doc 51]. After hearing with notice provided to all interested parties and with the consent of the Debtors and SunTrust, it is therefore

A. The value of the debtor's real property (the "Real Property") located at 571 BIG OAK RD, SAINT AUGUSTINE, FLORIDA 32095 and more particularly described as:

Legal Description: A PARCEL OF LAND BEING IN SECTION 22 TOWNSHIP 6 SOUTH RANGE 29 EAST ST JOHNS COUNTY FLORIDA AND DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 22 AND RUN THENCE SOUTH 89 DEG 11 MIN 40 SEC WEST FOR A DISTANCE OF 928.57 FEET THENCE LEAVING SAID SOUTH LINE OF SECTION 22 AND RUN ALONG THE EAST LINE OF 6.668 ACRE TRACT OF LAND NORTH 01 DEG 53 MIN 54 SEC WEST 247.21 FEET TO THE POINT OF BEGINNING THENCE LEAVING SAID EAST LINE AND RUNNING TO INCLUDE A PART THEREOF SOUTH 88 DEG 06 MIN 06 SEC WEST A DISTANCE OF 120.00 FEET THENCE RUN NORTH 01 DEG 53 MIN 54 SEC WEST PARALLEL WITH THE SAID EAST LINE OF SAID 5.668 ACRES TRACT A DISTANCE OF 363.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF A 60 FOOT EASEMENT THENCE ALONG SAID EASEMENT NORTH 86 DEG 06 MIN 06 SEC EAST A DISTANCE OF 120.00 FEET TO THE NORTHEAST CORNER OF SAID 5.566 ACRE TRACT THENCE WITH THE EAST LINE THEROF SOUTH 01 DEG 53 MIN 54 SEC EAST 363.00 FEET TO THE POINT OF BEGINNING, SAINT JOHNS COUNTY FLORIDA, 072750 0051.

is \$60,000.00 at the time of filing.

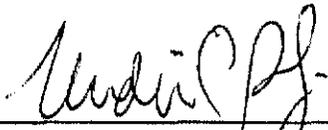
Consequently, it is **ORDERED** as follows:

1. The Motion is **GRANTED** as set forth below.
2. Lender has an allowed secured claim in the amount of \$60,000.00.
3. Because Lender's secured interest in the Real Property is \$60,000.00, Lender's mortgage recorded on October 19, 2007 at Book 2996 Pages 1661-1669 in the official records of St. Johns County, Florida shall be deemed void and shall be extinguished automatically, without further order of the Court, upon termination of the terms of this order. If this case is converted to a case under any other chapter or if the chapter 13 case is dismissed, Lender's mortgage will no longer be considered void and shall be restored as a lien on the Real Property.
4. Lender has not filed a proof of claim in this case. The parties agree Lender shall be classified as a secured claim in the amount of \$60,000.00 and as an unsecured claim for any deficiency balance. If a Claim has not been filed by the entry of this Order, than Creditor shall be permitted to file a Claim within 30 days that conforms to the terms of this Order and asserts a deficiency.
5. The Lender has an allowed secured claim in the amount of \$60,000.00. The interest rate shall be fixed at 5.25%. The secured claim shall be paid over one hundred fifty (150) months (12.5 years). Monthly payments in the amount to \$546.35 shall be made through Debtors' confirmed plan. Debtor will pay Secured Creditor directly thereafter.
6. Once the Debtors' plan is completed, the remaining balance of the Lender's secured claim is to be paid by continuing payments until completion of the term of payments as described in paragraph five (5) above for a total payment of \$81,951.99 to the Lender.
7. The secured claim shall be deemed long term debt within the meaning of Section 1322(b)(5) and shall be non-dischargeable under Section 1328(a). However, upon payment in full of the secured claim described in paragraph two, the loan will be deemed satisfied per the terms of this order.
8. Further, Creditor shall retain its lien until the entire secured claim, as defined herein, has been paid in full.
9. While the case is pending, the Real Property may not be sold or refinanced without proper notice and further order of the Court.

10. This order shall be deemed null and void should this case be converted, dismissed or should the Debtors fail to receive a discharge under 11 USC § 1328(a).
11. Notwithstanding the foregoing, this Order is not recordable or enforceable and the full amount of Lender's lien will remain intact until the Debtors have completed all payments due under the terms of this Order and the terms of this Order are fully complied with.
12. Other than as amended by the terms of this order, the terms of the mortgage instrument described in Debtor's Motion and SunTrust's Response shall remain in force. Nothing in the parties' agreement or this Order shall be deemed to work a Novation.

By signing below, the parties, by and through themselves or their undersigned counsel, stipulate and agree to the entry of this Consent Order by the court.

Dated this 8 day of November, 2013.



UNDINE C. PAWLOWSKI, ESQ.

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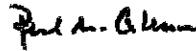


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Done and ordered this 8 day of November, in Jacksonville,
Florida.



Paul M. Glenn
United States Bankruptcy Judge

Undine C Pawlowski, Esq. 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.

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