

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

IN RE: .  
JASON ABLE SMITH,  
Debtor.

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CASE NO.: 12-bk-7455-JAF

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED  
STATUS OF SECOND MORTGAGE OF WELLS FARGO BANK, N.A.  
AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtor's Motion To Determine Secured Status Of Of Wells Fargo Bank, N.A. And To Strip Lien Effective Upon Discharge (the "Motion"). For the reasons set forth in the Debtor's Motion, the Court finds it appropriate to grant the Debtor's Motion. The Court further finds that negative notice contained in the Motion was proper, that the Motion was properly served pursuant to Local Rule 2002-4 and that no opposition thereto has been filed. Accordingly, it is

**ORDERED** as follows:

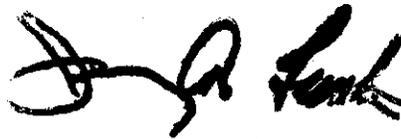
1. The Motion is **GRANTED**.
2. The second mortgage of Wells Fargo Bank, N.A. shall be treated as an unsecured claim in this Chapter 7 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 4800 Windrush Lane, Unit C-4-F. Jacksonville, FL 32217, and is more particularly described as follows:

**UNIT C-4-F, WILSHIRE CONDOMINIUM, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 3588, PAGE(S) 119, ET SEQ., OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; AND ANY AMENDMENTS THERETO; TOGETHER WITH AN UNDIVIDED INTEREST IN AND TO THOSE COMMON ELEMENTS APPURTENANT TO SAID UNIT IN ACCORDANCE WITH AND SUBJECT TO THE COVENANTS, CONDITIONS, RESTRICTIONS, TERMS AND OTHER PROVISIONS OF THAT DECLARATION OF CONDOMINIUM.**

**KNOWN: 4800 WINDRUSH LANE**

4. The mortgage held by Wells Fargo Bank, N.A. which was recorded on or about October 9, 2007 in Duval County, Florida shall be deemed void and has been extinguished by the entry of the Debtor's discharge in this Chapter 7 case on February 21, 2013.

DATED: July 18, 2013 in Jacksonville, Florida.



**JERRY A. FUNK**  
United States Bankruptcy Judge

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION  
U.S. DIST. CT. NO. 7:13-09

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

U. S. BANKRUPTCY COURT  
Marcy Hodges  
July 19, 2013

Copies to:  
Debtor  
Robert W. Elrod, Jr., Attorney for Debtor  
Well Fargo Bank, N.A.  
Douglas Neway, Trustee

Robert W. Elrod, Jr., Attorney for the Debtor(s), 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.