

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

IN RE:

**KIMBERLY S. MAKINSTER,
Debtor**

**CASE NO.: 3:13-bk-07561-PMG
Chapter 13**

**ORDER GRANTING DEBTOR'S AMENDED MOTION TO DETERMINE
SECURED STATUS OF HOME EQUITY LINE OF CREDIT HELD BY WELLS
FARGO BANK, N.A. AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CAUSE came before the Court on April 1, 2014 on Debtor's Motion to Determine Secured Status of Home Equity Line of Credit Held by Wells Fargo, N.A. and to Strip Lien Effective Upon Discharge. The Court, having considered all documents and evidence submitted to the court, arguments of counsel, and being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED:

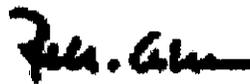
1. The Debtor's Amended Motion to Determine Secured Status of Home Equity Line of Credit Held by Wells Fargo Bank, N.A. and to Strip Lien Effective Upon Discharge is **HEREBY GRANTED**.
2. The real property (the "Property") that is the subject of this proceeding is located at 611 Candlebark Drive, Jacksonville, Florida 32225, and more particularly described as follows:

LOT 24, KERNAN WEST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGE 23-34, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.
3. The property is encumbered by a valid first mortgage, held by Wells Fargo Bank, N.A. in the approximate amount of \$215,000.00.
4. Wells Fargo Bank, N.A. holds a home equity line of credit or second mortgage that is wholly unsecured.
5. Claim No. 7 filed by Wells Fargo Bank, N.A. shall be treated as an unsecured

claim in this Chapter 13 case.

6. The mortgage held by Wells Fargo Bank, N.A., recorded at Book 14441, Page 991, and any subsequent amendments thereto, of the Official Records Book of Duval County, Florida, recorded March 31, 2008, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of the Wells Fargo Bank, N.A. lien prior to the entry of the Debtor's discharge.
7. 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.

DONE and ORDERED in Jacksonville, Florida, this 22nd day of October, 2014



Paul M. Glenn
United States Bankruptcy Judge

Attorney Kendal A. Sanders 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
SOUTHERN DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
C.B. VOL. 54, NO. 8078