

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

In re:

CASE NO. 3:11-bk-03194-PMG
Chapter 13

WILLIAM THOMAS BUTTAFUOCO and
LYDIA MAHONEY BUTTAFUOCO

Debtors.

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

THIS CASE is before the Court for consideration of Debtors' Motion to Determine Secured Status of JPMorgan Chase Bank, N.A. and to Strip Lien Effective upon Discharge (the "Motion"). After notice pursuant to L.B.R. 2002-4, the creditor did not file a response. The Court therefore deems the Motion to be unopposed. It is

ORDERED:

1. The Motion is GRANTED.
2. Claim No. 16 filed by JPMorgan Chase Bank, N.A. shall be treated as an unsecured claim in the Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 5342 Fifth Street, Saint Augustine, Florida 32080, and more particularly described as follows:

LOT 23, BLOCK E, WINDSWEPT ACRES, UNIT NO. 2, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN MAP BOOK 8, PAGE 98, OF THE PUBLIC RECORDS OF THE COUNTY OF ST. JOHNS COUNTY, FLORIDA. 182735 0230.
4. The Mortgage held by JPMorgan Chase Bank, N.A. recorded on October 17, 2011, at Book 2801, Page 1217, Instrument No. 2006076866, of the official records of Saint Johns County, Florida, and the associated Mortgage Modification Agreement recorded on February 13,

2007, at Book 2865, Page 1646, Instrument No. 2007009871, of the official records of Saint Johns County, Florida 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 lien of JPMorgan Chase Bank, N.A. 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 and associated mortgage modification agreement will no longer be considered void and shall be restored as a secured debt.

DATED November 28, 2011, in Jacksonville, Florida.



Paul M. Glenn
United States Bankruptcy Judge

Copies furnished to:

Douglas W. Neway
Chapter 13 Trustee
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JPMorgan Chase Bank, N.A.
c/o Scott R. Weiss, Esq.
Law Offices of Marshall C. Watson, P.A.
1800 N.W. 49th St., Ste. 120
Fort Lauderdale, FL 33309

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

By: M. Sosnicki

Dated: November 28, 2011

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
F.B. VOL. 54, NO. 7446