

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

In re:

IGOR S. BABICHENKO AND  
NATALYA I. BABICHENKO,

Debtor.

Case No.: 3:13-bk-00054-JAF

Chapter 11

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

This case is before the Court on the Motion to Determine Secured Status of Bank of America, N.A. and to Strip Lien Effective Upon Discharge (Doc. No. 63) (the "Motion") filed by Igor Babichenko and Natalya Babichenko (the "Debtors"), and the Court, having considered Motion, and considering the Motion was served with the negative notice legend pursuant to Local Rule 2002-4, and having neither heard nor received any opposition to the relief requested by the Motion within the time stated by the Motion, it is

**ORDERED**

1. The Motion is granted.
2. The collateral, being real property located at 649 W. Johns Creek Parkway, Saint Augustine, Florida (the "Collateral"), is encumbered by a valid first mortgage lien recorded at Book 2692 and Page 211 of the Official Public Records of Saint Johns County, Florida (the "First Mortgage"), having an unpaid principal balance at the time this Order is entered which exceeds the value of the Collateral.
3. The Collateral is more particularly described as follows:

Lot 105, Johns Creek, According to plat thereof as recorded in map book 48, pages 76 through 95, of the Public Records of St. Johns County, Florida.

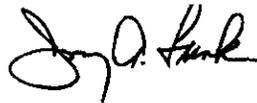
4. The Collateral is also encumbered by a junior lien recorded at Book 2692 and Pages 230-236 of the Official Public Records of Saint Johns County, Florida (the "Second Mortgage"), which, as of the date of this Order, has no value over and above the First Mortgage upon which the Second Mortgage can attach.

5. Pursuant to 11 U.S.C. § 506(a), the Second Mortgage is wholly unsecured.

6. Notwithstanding the foregoing, this Order is not recordable or enforceable until the Debtors receive a Discharge in this bankruptcy case (the "Discharge").

7. Upon entry of the Discharge, the Second Mortgage is avoided and extinguished automatically without further order, provided, however, that if the Debtors fail to receive a Discharge, the Second Mortgage shall survive and remain fully enforceable and this Order shall have no further force and effect.

DONE and ORDERED in Jacksonville, Florida, this 14th day of January, 2014



---

Jerry A. Funk  
United States Bankruptcy Judge

Julianna E. Groot is directed to serve a copy of this order on interested parties and file a proof of service within three (3) days of entry of the order.

"RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION  
J.B. VOL. 54, NO. 7862"