

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

Rainy Andrew Burris and
Laurie Guenther Burris,
Debtor(s).

Case Number:3:11-bk-01918

Rainy Andrew Burris and
Laurie Guenther Burris,

Plaintiff(s)

v.

Adv. No.: 3:11-ap-00794

BAC Home Loans Servicing, L.P.
f/k/a Countrywide Home Loans
Servicing, L.P.

Defendant.

**JUDGMENT DETERMINING SECURED STATUS OF BANK OF AMERICA, N.A.
AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on Debtor/Plaintiff's Adversary Proceeding filed to determine the secured status of BANK OF AMERICA, N.A. and to strip its lien effective upon discharge. Based on upon the joint stipulation of the parties to this adversary proceeding, it is

ORDERED:

1. BANK OF AMERICA, N.A. shall be treated, for the purposes of this case, as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Chapter 13 Plan upon filing of its timely proof of claim.

2. The real property that is the subject of this Adversary Proceeding is located at 933 Mineral Creek Drive, Jacksonville, FL 32225, and is more particularly described as

LOT 132, WATERLEAF UNIT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 56, PAGE 37-37J, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

3. The mortgage held by BANK OF AMERICA, N.A. recorded on December 21, 2006 at Official Record Book 13713, Pages 1361 - 1370 of the official records of Duval, Florida shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in the underlying Chapter 13 case; provided however, that the court reserves jurisdiction to consider, if appropriate, the avoidance of BANK OF AMERICA, N.A. lien prior to the entry of the Debtor's discharge. Further, if this case is converted to a case under Chapter 7, or if this 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 on February 8, 2012.

BY THE COURT

Paul M. Glenn

Paul M. Glenn
United States Bankruptcy Judge

Copies furnished to:

Douglas W. Neway, Chapter 13 Trustee, PO Box 4308, Jacksonville, FL 32201

Nancy Draughon, Esq. Debtor's Attorney, 3733 University Blvd. W. Suite 212, Jacksonville, FL 32217

Bank of America, Scott Mahlman, Esquire, Attorney for Bank of America, 118 W. Adams Street, Suite 800, Jacksonville, FL 32202,

Rainy and Laurie Burris, 933 Mineral Creek Drive, Jacksonville, FL 32225

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54 . NO. 7487