

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

IN RE:

**MICHAEL A. BANZEN
KIMBERLY A. BANZEN**

CASE NO. 10-05263-JAF

Debtors.

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF
LIEN OF VYSTAR CREDIT UNION AND TO STRIP LIEN EFFECTIVE UPON
DISCHARGE**

THIS CASE came on for consideration of the Debtors' Motion to Determine Secured Status of Vystar Credit Union and to Strip Lien (Doc No. 21) (the "Motion") pursuant to the negative notice provisions of Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, the Court Deems the Motion to be uncontested. If Vystar Credit Union has not timely filed a proof of claim in this case, the Motion is not deemed to be an informal proof of claim except for the purpose of initiating the Debtors' ability to request relief pursuant to U.S.C § 506(a).

Accordingly, it is hereby:

ORDERED:

1. The Motion is Granted.
2. The real property (the "Real Property") that is the subject of the Motion is located at 1135 Calla Glen Lane, Green Cove Springs, FL 32043, and more particularly described as follows:

**LOT 12, EAST GLENHAVEN UNIT FIVE, ACCORDING TO
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 47,
PAGES 49 THROUGH 54 OF THE PUBLIC RECORDS OF
CLAY COUNTY, FLORIDA**

3. If Vystar Credit Union timely filed a proof of claim, the claim shall be treated as an unsecured claim in this case.

4. The lien on the Real Property held by Vystar Credit Union recorded on March 23, 2007 at Book 2873, Page 987-991, Document No. 2007018069, of the Official Records of Clay County, Florida shall be deemed void, and shall be extinguished automatically, without further court order, upon the recordation in the public records of a certified copy of this Order together with (a) a certified copy of the Debtors' Chapter 7 discharge order in this case or (b) such other paper as the Court may specify by separate order.

5. This Order does not prohibit Vystar Credit Union from asserting, at any time prior to the entry of the Debtors' discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

DONE and ORDERED this 22 day of November, 2013 in Jacksonville, Florida.



JERRY A. FUNK
UNITED STATES BANKRUPTCY JUDGE

Attorney Eugene H. Johnson, Esq. is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of the entry of this order.

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
S.B. NO. 13-1835