

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

IN RE:

CASE NO.: 11-bk-2509-PMG

ROBERT E. GAY  
and KATRINA K. GAY,  
Debtors.

---

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED  
STATUS OF SECOND MORTGAGE OF OCEAN BANK, FSB AND/OR  
CITIMORTGAGE (CLAIM 11) AND TO STRIP LIEN EFFECTIVE UPON  
DISCHARGE**

**THIS CASE** is before the Court on the Debtors' Motion To Determine Secured Status Of Second Mortgage Of Ocean Bank, FSB And/Or CitiMortgage (Claim 11) And To Strip Lien Effective Upon Discharge (the "Motion"). For the reasons set forth in the Debtors' Motion, the Court finds it appropriate to grant the Debtors' Motion. The Court further finds that negative notice contained in the Motion was proper, that the Motion was properly served pursuant to Local Rule 2002-4 and that no opposition thereto has been filed. Accordingly, it is

**ORDERED** as follows:

1. The Motion is **GRANTED**.
2. Claim Number Eleven (11) filed by Ocean Bank, FSB And/Or CitiMortgage shall be treated as an unsecured claim in this Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 3684 Mandarin Woods Drive North, Jacksonville, Florida, and is more particularly described as follows:  
  
**Lot 32, Mandarin Pines, Unit Two, according to the plat thereof as recorded in Plat Book 42, Pages 7, 7A and 7B of the current public records of Duval County, Florida**
4. The mortgage held by Ocean Bank, FSB And/Or CitiMortgage (Claim 11) which was recorded on or about February 26, 2007 in Duval County, Florida shall be deemed void and shall

be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Ocean Bank, FSB And/Or CitiMortgage's lien 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 will no longer be considered void and shall be restored as a secured debt.

DATED: November 30, 2011

*Paul M. Glenn*

---

PAUL M. GLENN  
Chief United States Bankruptcy Judge

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA.  
JACKSONVILLE DIVISION  
J.B. VOL. 54, NO. 7450

Copies to:  
Debtors  
Robert W. Elrod, Jr., Attorney for Debtors  
Ocean Bank, FSB  
CitiMortgage  
Douglas Neway, Trustee

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

By: M. Gosnicki

Dated: November 30, 2011