

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

IN RE:

Bruce W. McCurdy and  
Fay C. McCurdy,

CASE NO.: 3:10-bk-08814-JAF

Debtor(s).

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Bruce W. McCurdy and  
Fay C. McCurdy,

ADV. NO.: 3:10-ap-00562-JAF

Plaintiff(s),

v.

OneWest Bank, F.S.B., as  
assignee of Indy Mac Bank,  
F.S.B.,

Defendant(s).

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**DEFAULT JUDGMENT**

This Judgment is entered after entry of Default and Order Granting Motion for Judgment by Default against the Defendant(s) OneWest Bank, F.S.B., as assignee of Indy Mac Bank, F.S.B..

It is

**ORDERED AND ADJUDGED**

1. Judgment is entered in favor of the Plaintiff(s), Bruce W. McCurdy and Fay C. McCurdy, against the Defendant(s) OneWest Bank, F.S.B., as assignee of Indy Mac Bank, F.S.B..
2. The replacement value of the interest or claim of the Defendant(s) in the Plaintiffs' homestead property is \$0.00.

3. The lien of Defendant(s) on the Plaintiffs' property located at 2332 Fairfield

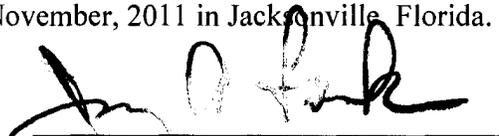
Court, Fleming Island, FL, 32003 with the legal description of:

**LOT 28, BLOCK 5, HABERSHAM HARBOUR, UNIT THREE, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGES 53 AND 54 OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.**

is wholly unsecured under the provisions of 11 U.S.C § 506.

4. The mortgage 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 OneWest Bank, F.S.B., as assignee of Indy Mac Bank, F.S.B. 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 Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DATED this 22 day of November, 2011 in Jacksonville, Florida.

  
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JERRY A. FUNK  
United States Bankruptcy Judge

Copies to:

Keith D. Collier, Esquire;

OneWest Bank, F.S.B., as Assignee of Indy Mac Bank, F.S.B., C/o Registered Agent, 888 E. Walnut St., Pasadena, CA 91101;

OneWest Bank, F.S.B., as Assignee of Indy Mac Bank, F.S.B., Attn: Joseph Otting, President and CEO, 888 E. Walnut St., Pasadena, CA 91101;

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

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION  
J.B. VOL. 54 . NO. 1444