

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

ALAN CLEMENTS., and
VICTORIA CLEMENTS
Debtor(s)

CASE NO.: 3:11-bk-03021-JAF

CHAPTER: 13

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED
STATUS OF COMPASS BANK, CLAIM NO: 1 AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE**

THIS CASE came on for consideration of the Debtor's Motion to Determine Secured Status of **COMPASS BANK, CLAIM NO. 1** and to strip lien effective upon discharge (the "**Motion**") (**Docket No. 20**). The motion was filed on negative notice pursuant to local Rule 2002-4, and no objections were filed during the time period for responses. The Court has reviewed the Motion together with the record, and makes the following findings:

ORDERED

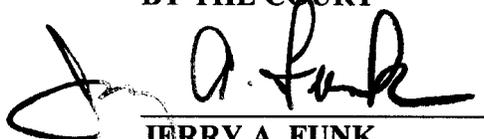
1. The Motion is GRANTED.
2. **COMPASS BANK, CLAIM NO. 1** shall be treated as an unsecured claim in this Chapter 13 case.
3. The real property, that is the subject of the Motion is located at **14283 BIG SPRING STREET, JACKSONVILLE, FL 32258**, and more particularly described as follows:

LOT 86, OF 86 BARTRAM LAKES 5 4S28E, UNIT 03B AS RECORDED IN PLAT BOOK 57, PAGE 79, ET SEQ., OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

4. The second mortgage held by **COMPASS BANK, CLAIM NO. 1** recorded on **09/27/2007, at Book 14203, Page 89, Instrument No.: 2007308188**, of the official records in Duval County Florida, in the amount of \$31,500.00 shall be deemed void, and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in the Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of **COMPASS BANK, CLAIM NO. 1** mortgage 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.

DONE and ORDERED in Chambers at Jacksonville, Florida on
July 29 2011.

BY THE COURT



JERRY A. FUNK
United States Bankruptcy Judge

Copies furnished to:

Alan and Victoira Clements
Office of the U.S. Trustee
Compass Bank
U.S. Chapter 13 Trustee, Douglas W. Neway, Esquire
Melanie Sacks, Esquire,

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