

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

IN RE:

JUDITH A. HALPERIN

Debtor

CASE NO.: 3:11-bk-04933-JAF

CHAPTER: 13

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED
STATUS OF SUNTRUST BANK, CLAIM NO: 2-1 AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE**

THIS CASE came on for consideration of the Debtor's Motion to Determine Secured Status of **SUNTRUST BANK, CLAIM NO. 2-1** and to strip lien effective upon discharge (**the "Motion"**) (**Docket No. 15**). 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

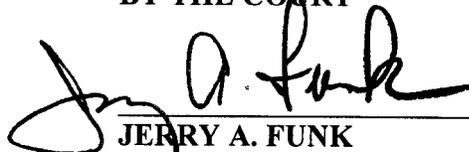
1. The Motion is GRANTED.
2. **SUNTRUST BANK, CLAIM NO. 2-1** shall be treated as an unsecured claim in this Chapter 13 case.
3. The real property, that is the subject of the Motion is located at **4813 Deermoss Way South Jacksonville, Fl 32217**, and more particularly described as follows:

LOT 24-B, PINERUN SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 39, PAGES 8 AND 8A, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

4. The second mortgage held by **SUNTRUST BANK, CLAIM NO. 2-1** recorded on **07/20/2005**, at **Book 12825, Page 8, Instrument No.: 2005265359**, of the official records in Duval County Florida, in the amount of **\$20,000.00** 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 **SUNTRUST BANK, CLAIM NO. 2-1** 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
October 13 2011.

BY THE COURT



JERRY A. FUNK

United States Bankruptcy Judge

Copies furnished to:

Judith A. Halperin
Office of the U.S. Trustee
Suntrust Bank
U.S. Chapter 13 Trustee, Douglas W. Neway, Esquire
Melanie Sacks, Esquire,

**RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 7414**