

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

IN RE:

CASE NO. 3:11-bk-06940-JAF

JAMES W. MCMONAGLE and  
VIVIAN G. MCMONAGLE,

Debtors.

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JAMES W. MCMONAGLE and  
VIVIAN G. MCMONAGLE,

Plaintiffs,

vs.

Adversary Proceeding No: 3:11-ap-00841

CITI MORTGAGE, INC.,

Defendant.

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**JUDGMENT DETERMINING SECURED STATUS  
OF CITIMORTGAGE, INC.  
AND STRIPPING LIEN  
EFFECTIVE UPON DISCHARGE**

This case is before the Court on the Debtors' Complaint to Strip Lien and for Declaratory Judgment. Upon the agreement of the parties. It is

**ORDERED:**

1. Judgment is entered in favor of Debtors, JAMES W. MCMONAGLE and VIVIAN G. MCMONAGLE.
2. Claim No. 2-1 of CITIMORTGAGE, INC., shall be treated as unsecured claim in the Chapter 13 case in the amount of \$33,106.96.

3. Any Judgment entered herein be limited as set forth in section 1325(a).
4. In the event of dismissal of this Chapter 13 case or conversion of this case to a case under Chapter 7, this Judgment shall be deemed vacated and without further force and effect.
5. This Judgment does not come into force and effect until the Debtors have completed the Chapter 13 case and receives their discharge.
6. Defendant for the purposes of this Chapter 13 case will be treated as an unsecured creditor under the terms of the Plan.
7. The legal description of the property being affected by this action is:

**LEGAL DESCRIPTION - EXHIBIT "A"**

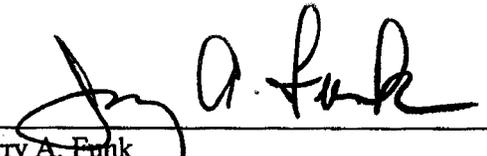
Lot 24, Village J-1 at Grand Haven, according to the Plat thereof, recorded in Plat Book 32, Page 94-97, of Public Records of Flagler County, Florida.

Address: 8 Owls Roost Lane, East, Palm Coast, FL 32137-1524

8. The mortgage held by CITIMORTGAGE, INC., recorded at Official Records Book 841, Page 913, Official Records Book of Flagler 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 stripping of CITIMORTGAGE, INC.,'s lien prior to the entry of the Debtors' discharge.

9. The Judgment is not a final and does not take effect until it becomes final. No person, firm, or entity may rely upon this Judgment as a determination of a lien stripping without first verifying that the Debtor has completed the Chapter 13 case and has received a Discharge under section 1328(a) upon said completion.

**DONE and ORDERED** at Jacksonville, Florida, this 29 day of November, 2011.

  
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Jerry A. Funk  
United States Bankruptcy Judge

Copies furnished to:

Timothy M. Goan  
Douglas W. Neway  
U.S. Trustee  
CitiMortgage, Inc.

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
J.B. VOL. 54 . NO. 7453