

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

IN RE:
MARK EDWARD BARRICK,
and
THERESA KAY BARRICK,
Debtors.

CASE NO. 03:10-bk-04966-PMG
CHAPTER 13

**ORDER GRANTING VERIFIED MOTION TO
AVOID LIEN OF CAPITAL ONE BANK USA, NA (DOC 37)**

This Case was before the Court on the Debtors' Motion to Avoid Lien of Creditor, Capital One Bank USA, NA (Doc 37), which was served on the creditor on February 22, 2013 by negative notice pursuant to Local Rule 2002-4 by mailing a copies by first class mail to Capital One Bank USA, NA, by American Infosource LP as Agent, PO Box 71083 Charlotte, NC 28272-1083 and Hayt, Hayt & Landau, 7765 SW 87 Ave., Suite 101, Miami FL 33173 and by certified mail to Richard D. Fairbank, President, Capital One Bank USA, NA, 4851 Cox Road, Glen Allen, VA 23060. The Creditor having failed to file a response within the time allowed under Local Rule 2002-4, it is

ORDERED:

The Debtor's Motion is granted and the lien of creditor, Capital One Bank USA, NA, arising from the judgment recorded in the Public Records of Union County, Florida on March 17, 2009 at OR Book 271, Page 519 and OR Book 271, Page 250 is avoided on the

real property located at located at 8210 SW CR 796, Lake Butler, Union County, Florida,
as described on Exhibit A, attached hereto.

Done and ordered in Jacksonville, Florida, on July 1, 2013.

Paul M. Glenn

PAUL M. GLENN
Chief United States Bankruptcy Judge

This Order prepared by Sharon Sperling

Attorney Sharon T. Sperling is directed to serve a copy of this order on interested parties and
file a proof of service within 3 days of entry of the order

RECORDED IN 142 U.S. BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
U.S. DIST. CT. NO. EA 7740

LEGAL DESCRIPTION: 60' EASEMENT

A 60.00 foot easement for ingress, egress and public utilities, containing a total area of 0.3 acres more or less, lying, being and situate in Section 4, Township 6 South, Range 19 East, Union County, Florida, more particularly described as follows:

COMMENCE at the Southwest corner of said Section 4; thence run North 00 degrees 59 minutes 37 seconds West, along the West line of said Section 4, a distance of 1297.48 feet to a point on the Southerly right-of-way line of County Road Number S-796; thence run North 87 degrees 52 minutes 20 seconds East, along said Southerly right-of-way line of County Road Number S-796, a distance of 842.77 feet to the Point of Curvature of a curve to the left; thence run Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 403.64 feet as measured along the arc of a curve concave Northerly and having a radius of 1472.40 feet, said arc being subtended by a chord having a bearing of North 80 degrees 01 minute 07 seconds East and a distance of 402.38 feet, to the Point of Tangency; thence run North 72 degrees 09 minutes 54 seconds East, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 1919.05 feet to the Point of Curvature of a curve to the right; thence run Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 262.35 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 76 degrees 11 minutes 04 seconds East and a distance of 262.13 feet; thence continue running Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 257.89 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 84 degrees 09 minutes 18 seconds East and a distance of 257.69 feet, to the POINT OF BEGINNING of the hereinafter described 60.00 foot easement: Thence continue running Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 14.62 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 88 degrees 19 minutes 48 seconds East and a distance of 14.62 feet, to the Point of Tangency; thence run North 88 degrees 33 minutes 15 seconds East, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 45.43 feet; thence run South 03 degrees 50 minutes 43 seconds East a distance of 234.01 feet; thence run South 86 degrees 09 minutes 17 seconds West a distance of 60.00 feet; thence run North 03 degrees 50 minutes 43 seconds West a distance of 236.46 feet to the POINT OF BEGINNING.

UNION COUNTY, FLORIDA
REGINA H PARRISH, CLERK OF COURT

04/02/2004 #2004-760
09:59:50AM B-202 P-539

Legal description - TPN 04-06-19-54-000-0033-0

2.250 acres

Avery Roberts - W.O. 97544, Map 1570-A

LEGAL DESCRIPTION: PARCEL "D"

A parcel of land containing a total area of 1.0 acre, more or less, lying, being and situate in Section 4, Township 6 South, Range 19 East, Union County, Florida, more particularly described as follows:

COMMENCE at the Southwest corner of said Section 4; thence run North 00 degrees 59 minutes 37 seconds West, along the West line of said Section 4, a distance of 1297.48 feet to a point on the Southerly right-of-way line of County Road Number S-796; thence run North 87 degrees 52 minutes 20 seconds East, along said Southerly right-of-way line of County Road Number S-796, a distance of 842.77 feet to the Point of Curvature of a curve to the left; thence run Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 403.64 feet as measured along the arc of a curve concave Northerly and having a radius of 1472.40 feet, said arc being subtended by a chord having a bearing of North 80 degrees 01 minute 07 seconds East and a distance of 402.38 feet, to the Point of Tangency; thence run North 72 degrees 09 minutes 54 seconds East, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 1919.05 feet to the Point of Curvature of a curve to the right; thence run Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 262.35 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 76 degrees 11 minutes 04 seconds East and a distance of 262.13 feet; thence continue running Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 257.89 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 84 degrees 09 minutes 18 seconds East and a distance of 257.69 feet; thence continue running Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 14.62 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 88 degrees 19 minutes 48 seconds East and a distance of 14.62 feet, to the Point of Tangency; thence run North 88 degrees 33 minutes 15 seconds East, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 45.43 feet; thence run South 03 degrees 50 minutes 43 seconds East a distance of 173.95 feet to the POINT OF BEGINNING of the hereinafter described parcel of land: Thence run North 88 degrees 33 minutes 15 seconds East a distance of 252.72 feet; thence run South 05 degrees 13 minutes 01 second East a distance of 171.35 feet; thence run South 88 degrees 33 minutes 15 seconds West a distance of 256.82 feet; thence run North 03 degrees 50 minutes 43 seconds West a distance of 171.13 feet to the POINT OF BEGINNING.

UNION COUNTY, FLORIDA
REGINA H PARRISH, CLERK OF COURT

04/02/2004 #2004-760
09:59:50AM B-202 P-537

LEGAL DESCRIPTION: PARCEL "B-2"

A parcel of land containing a total area of 1.25 acres, more or less, lying, being and situate in Section 4, Township 6 South, Range 19 East, Union County, Florida, more particularly described as follows:

COMMENCE at the Southwest corner of said Section 4; thence run North 00 degrees 59 minutes 37 seconds West, along the West line of said Section 4, a distance of 1297.48 feet to a point on the Southerly right-of-way line of County Road Number S-796; thence run North 87 degrees 52 minutes 20 seconds East, along said Southerly right-of-way line of County Road Number S-796, a distance of 842.77 feet to the Point of Curvature of a curve to the left; thence run Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 403.64 feet as measured along the arc of a curve concave Northerly and having a radius of 1472.40 feet, said arc being subtended by a chord having a bearing of North 80 degrees 01 minute 07 seconds East and a distance of 402.38 feet, to the Point of Tangency; thence run North 72 degrees 09 minutes 54 seconds East, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 1919.05 feet to the Point of Curvature of a curve to the right; thence run Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 262.35 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 76 degrees 11 minutes 04 seconds East and a distance of 262.13 feet; thence continue running Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 257.89 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 84 degrees 09 minutes 18 seconds East and a distance of 257.69 feet; thence continue running Easterly, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 14.62 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 88 degrees 19 minutes 48 seconds East and a distance of 14.62 feet, to the Point of Tangency; thence run North 88 degrees 33 minutes 15 seconds East, continuing along said Southerly right-of-way line of County Road Number S-796, a distance of 45.43 feet; thence run South 03 degrees 50 minutes 43 seconds East a distance of 345.08 feet; thence run North 88 degrees 33 minutes 15 seconds East a distance of 126.17 feet to the POINT OF BEGINNING of the hereinafter described parcel of land: Thence continue running North 88 degrees 33 minutes 15 seconds East a distance of 130.65 feet; thence run South 05 degrees 13 minutes 01 second East a distance of 417.68 feet; thence run South 88 degrees 33 minutes 15 seconds West a distance of 130.65 feet; thence run North 05 degrees 13 minutes 01 second West a distance of 417.68 feet to the POINT OF BEGINNING.

UNION COUNTY, FLORIDA
REGINA H PARRISH, CLERK OF COURT

04/02/2004 #2004-760
09:59:50AM B-202 P-538

Legal description - TPN 04-06-19-54-000-0030-0

4.77 acres

Return To/Prepared By:
Leslie C. Snyder, Employee of
NORTH CENTRAL TITLE, INC.
405 West Georgia Street
Starke, Florida 32091
04-4532

Rec. 15 W
US 10.00
RE 100



Intangible Tax \$ _____
Documentary Stamps \$ 80.50
Regina H. Parrish, Clerk of Circuit Court
Union County, Florida

BY: *Auderson*

Rec #15-

WARRANTY DEED

THIS DEED made on this 29th day of March, 2004, by and between Avery C. Roberts, a married man, whose mailing address is Post Office Box 233, Lake Butler, Florida 32054, as Grantor, and Mollie M. Tolbert and Theresa Barrick, as joint tenants with rights of survivorship, whose mailing address is Route 4, Box 3319, Lake Butler, Florida 32054 as Grantees,

Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00), receipt whereof is hereby acknowledged, hereby grants, bargains, conveys and sells to Grantees, the real property located in the County of Union, State of Florida, to-wit:

Parcel "B-1"

A parcel of land containing a total area of 4.77 acres, more or less, lying, being and situate in Section 4, Township 6 South, Range 19 East, Union County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 4; thence run North 00 degrees 59 minutes 37 seconds West, along the West line of said Section 4, a distance of 1297.48 feet to a point on the Southerly right of way line of County Road Number S-796; thence run North 87 degrees 52 minutes 20 seconds East, along said Southerly right of way line of County Road Number S-796, a distance of 842.77 feet to the Point of Curvature of a curve to the left; thence run Easterly, continuing along said Southerly right of way line of County Road Number S-796, a distance of 403.64 feet as measured along the arc of a curve concave Northerly and having a radius of 1472.40 feet; said arc being subtended by a chord having a bearing of North 80 degrees 01 minute 07 seconds East and a distance of 402.38 feet, to the Point of Tangency; thence run North 72 degrees 09 minutes 54 seconds East, continuing along said Southerly right of way line of County Road Number S-796, a distance of 1919.05 feet to the Point of Curvature of a curve to the right; thence run Easterly, continuing along said Southerly right of way line of County Road Number S-796, a distance of 262.35 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 76 degrees 11 minutes 04 seconds East and a distance of 262.13 feet; thence continue running Easterly, continuing along said Southerly right of way line of County Road Number S-796, a distance of 257.89 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 84 degrees 09 minutes 18 seconds East and a distance of 257.89 feet to the Point of Beginning of the hereinafter described parcel of land: Thence continue running Easterly, continuing along said Southerly right of way line of County Road Number S-796, a distance of 14.62 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 88 degrees 19 minutes 48 seconds East and a distance of 14.62 feet, to the Point of Tangency, thence run North 88 degrees 33 minutes 15 seconds East, continuing along said Southerly right of way line of County Road Number S-796, a distance of 45.43 feet; thence run South 03 degrees 50 minutes 43 seconds East a distance of 345.08 feet; thence run North 88 degrees 33 minutes 15 seconds East a distance of 126.17 feet; thence run South 05 degrees 13 minutes 01 second East a distance of 417.88 feet; thence run South 88 degrees 33 minutes 15 seconds West a distance of 453.99 feet; thence run North 03 degrees 50 minutes 43 seconds West a distance of 417.14 feet; thence run North 88 degrees 33 minutes 15 seconds East a distance of 257.76 feet; thence run North 03 degrees 50 minutes 43 seconds West a distance of 345.03 feet to the Point of Beginning.

Together with a 60.00 foot easement for Ingress, egress and public utilities, containing a total area of 0.3 acres more or less, lying, being and situate in Section 4, Township 6 South, Range 19 East, Union County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 4; thence run North 00 degrees 59 minutes 37 seconds West, along the West line of said Section 4, a distance of 1297.48 feet to a point on the Southerly right of way line of County Road Number S-796; thence run North 87 degrees 52 minutes 20 seconds East, along said

UNION COUNTY, FLORIDA
REGINA H PARRISH, CLERK OF COURT

04/02/2004 #2004-761
10:00:18AM B-202 P-540

Southerly right of way line of County Road Number S-796, a distance of 842.77 feet to the Point of Curvature of a curve to the left; thence run Easterly, continuing along said Southerly right of way line of County Road Number S-796, a distance of 403.64 feet as measured along the arc of a curve concave Northerly and having a radius of 1472.40 feet, said arc being subtended by a chord having a bearing of North 80 degrees 01 minute 07 seconds East and a distance of 402.38 feet, to the Point of Tangency; thence run North 72 degrees 09 minutes 54 seconds East, continuing along said Southerly right of way line of County Road Number S-796, a distance of 1919.05 feet to the Point of Curvature of a curve to the right; thence run Easterly, continuing along said Southerly right of way line of County Road Number S-796, a distance of 262.35 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 76 degrees 11 minutes 04 seconds East and a distance of 262.13 feet; thence continue running Easterly, continuing along said Southerly right of way line of County Road Number S-796, a distance of 257.89 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 84 degrees 09 minutes 18 seconds East and a distance of 257.69 feet, to the Point of Beginning of the hereinafter described 60.00 foot easement: Thence continue running Easterly, continuing along said Southerly right of way line of County Road Number S-796, a distance of 14.82 feet as measured along the arc of a curve concave Southerly and having a radius of 1869.86 feet, said arc being subtended by a chord having a bearing of North 88 degrees 19 minutes 48 seconds East and a distance of 14.82 feet, to the Point of Tangency; thence run North 88 degrees 33 minutes 15 seconds East, continuing along said Southerly right of way line of County Road Number S-796, a distance of 45.43 feet; thence run South 03 degrees 50 minutes 43 seconds East a distance of 234.01 feet; thence run South 86 degrees 09 minutes 17 seconds West a distance of 60.00 feet; thence run North 03 degrees 50 minutes 43 seconds West a distance of 236.46 feet to the Point of Beginning.
Description Verified e/jn/ds.

TPN: 04-06-19-54-000-0030-0.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

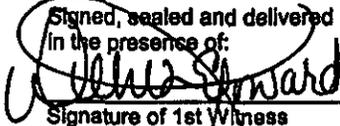
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantees that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except Easements and Restrictions of record and taxes accruing subsequent to December 31, 2002.

IN WITNESS WHEREOF, the Grantor has hereunto signed and sealed these presents the day and year first above written.

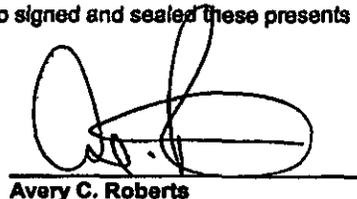
Signed, sealed and delivered
in the presence of:


Signature of 1st Witness

Denise C. Howard
Printed Name of 1st Witness


Signature of 2nd Witness

Linda C. Boles
Printed Name of 2nd Witness


Avery C. Roberts