

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

IN RE:
ALESIA V. BURKS,
Debtor.

CASE NO.: 14-bk-03487-JAF

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE
SECURED STATUS OF HSBC MORTGAGE SERVICES INC. (CLAIM 10)
AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtor's Motion To Determine Secured Status Of HSBC Mortgage Services, Inc. (Claim 10) And To Strip Lien Effective Upon Discharge (the "Motion"). For the reasons set forth in the Debtor's Motion, the Court finds it appropriate to grant the Debtor's Motion. The Court further finds that negative notice contained in the Motion was proper, that the Motion was properly served pursuant to Local Rule 2002-4 and that no opposition thereto has been filed. Accordingly, it is

ORDERED as follows:

1. The Motion is **GRANTED**.
2. Claim Number Ten (10) filed by HSBC Mortgage Services, Inc. shall be treated as an unsecured claim in this Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 2243 Thornbrook Drive, Jacksonville, FL 32221 and more fully described as follows:

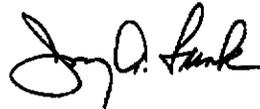
**LOT 30, CHEROKEE COVE, AS PER THE PLAT THEREOF AS, RECORDED
IN PLAT BOOK 57, PAGES 74, 74A – 74F, OF THE CURRENT PUBLIC
RECORDS OF DUVAL COUNTY, FLORIDA**

PARCEL NO. 0089810675

4. The mortgage held by HSBC Mortgage Services, Inc. (Claim 10) which was recorded on or about May 25, 2006 in Duval 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 or in a Chapter 7 case should this case be converted to one under Chapter 7; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of HSBC Mortgage Services, Inc.'s lien prior to the entry of the Debtors' discharge. Further, 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 Jacksonville, Florida, this 23rd day of February, 2015



JERRY A. FUNK
United States Bankruptcy Judge

Copies to:
Debtor
Robert W. Elrod, Jr., Attorney for Debtor
HSBC Mortgage Services, Inc.
Douglas Neway, Trustee

Robert W. Elrod, Jr., Attorney for the Debtor(s), 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 THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 8165