

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Case No.: 3:11-bk-06266
Chapter 13

In Re:
Robert W. Webb,
Debtor.

**CONSENT ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED
STATUS OF GMAC AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtor's Motion to Determine Secured Status of GMAC and to Strip Lien (the "Motion"). (Doc. No. 26), and the Court having been advised in the premises, it is

ORDERED:

1. The Motion is **GRANTED**.
2. GMAC has not filed a claim and shall be treated as an unsecured claim in the Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at: 8200 Leafcrest Drive, Jacksonville, Florida 32244, and more particularly described as follows:

Lot 72, Argyle Forest – Chimney Lakes, Unit 19, According to the Plat thereof as recorded in Plat Book 53, Pages 84, 84A through 84G, inclusive, of the current public records of Duval County, Florida.
4. The mortgage held by GMAC, recorded on September 11, 2004, Book 12032, Pages 164-169, Instrument No. 2004290523 of the official records of Duval County, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 13 case; provided however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of *GMAC*'s 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.
5. This order shall not be recorded until entry of the Debtor's discharge, and Debtor shall not sell the property prior to discharge without Court approval.

6. The Hearing on this matter set for April 18, 2012 is cancelled.

DATED April 19, 2012, at Jacksonville, Florida.

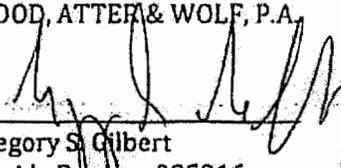


Jerry A. Funk
United States Bankruptcy Judge

CONSENT

The Debtor, by and through his undersigned counsel, and counsel for GMAC, hereby consent to the entry of the foregoing Order.

WOOD, ATTER & WOLF, P.A.



Gregory S. Gilbert
Florida Bar No.: 085916
333-1 East Monroe Street
Jacksonville, Florida 32202
Telephone (904) 355-8888
Facsimile (904) 358-3061
Attorney for Joint Debtors

ALBERTELLI LAW



Wayne B. Spivak
Florida Bar No.: 38191
P.O. Box 23028
Tampa, Florida 33623
Telephone (813) 221-4743
Facsimile (813) 221-9171
Attorney for GMAC

Copies furnished to:

Gregory S. Gilbert, Esquire
Attorney for Debtor
333-1 East Monroe Street
Jacksonville, Florida 32202

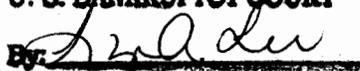
Douglas Neway
Chapter 13 Trustee
PO Box 4308
Jacksonville, Florida 32201

Wayne B. Spivak, Esquire
Attorney for GMAC
P.O. Box 23028
Tampa, Florida 33623

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION

J.B. VOL. 54. NO. 7539

I certify the foregoing to be true
and correct copy of the original.
CLERK OF COURT
U. S. BANKRUPTCY COURT

By: 

Dated: April 24, 2012