

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

In re:

SCOT E. PHILIPS,
CHERYL P. ROGERS-PHILIPS,

Case No. 11-00166-JAF

Debtor.

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS AND
TO STRIP JUNIOR LIEN ON DEBTOR'S PRINCIPAL RESIDENCE**

This case came on for consideration of Debtors' Motion to Determine Secured Status and to Strip Junior Lien on Debtors' Principal Residence. Pursuant to Local Rule 2002-4, the debtors served the Motion on all interested parties, and no interested parties have filed a response within the thirty (30) day time period allowed. Therefore, it is

ORDERED:

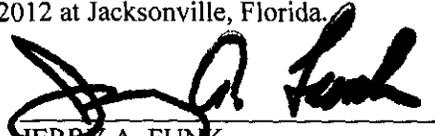
1. Debtors' Motion to Determine Secured Status and to Strip Junior Lien on Debtors' Principal Residence is granted.
2. The Court finds that the Plaintiff's homestead property has no equity to secure the second mortgage. The property is encumbered by a valid first mortgage, held by BAC Home Loans Servicing, in the amount of \$163,483.00 at the time of filing the petition. The Defendant holds a second mortgage that is wholly unsecured.
3. The real property (the "Real Property") that is subject of the proceeding is located at 1638 Charon Road, Jacksonville, FL 32205, and more particularly described as follows:

**ALL THAT CERTAIN LAND IN DUVAL COUNTY, FLORIDA, TO-WIT:
LOT(S) 7, BLOCK 3 OF CRABTREES RIVERSIDE MANOR AS
RECORDED IN PLAT BOOK 17, PAGE 6 AND 6A, ET SEQ., OF THE
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. SUBJECT TO**

**RESTRICTIONS, RESERVATIONS, EASEMENTS, COVENANTS, OIL,
GAS OR MINERAL RIGHTS OF RECORD, IF ANY.**

4. The mortgage held by Bank of America, N.A. recorded on December 5, 2006, at Book 13678, Pages 166-170, Instrument No. 2006417697 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 7 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Wells Fargo Bank's lien prior to the entry of the Debtor's discharge.

DATED this 4 day of December, 2012 at Jacksonville, Florida.


JERRY A. FUNK
United States Bankruptcy Judge

Copies furnished to:
King & Dolaghan, P.A., Attorney for Debtors
Gregory Atwater, Trustee
Office of the U.S. Trustee
Debtor
Bank of America, N.A., 4161 Piedmont Parkway, Greensboro, NC 27410

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FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
P. D. VOL. 54, NO. 7656