

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

IN RE:

BETTY ANDREWS TOBIAS,  
  
Debtor.

Case No. 3:12-bk-05626-PMG  
Chapter 7

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED  
STATUS OF THE CLAIM NO. 2 BANK OF AMERICA AND TO STRIP LIEN  
EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtor's Motion to Determine Secured Status of the **Claim No. 2, BANK OF AMERICA** and to Strip Lien Effective Upon Discharge (the "Motion") (Doc. No. [13]). The Motion was served to all interested parties pursuant to Local Rule 2002-4 and no response has been filed, so shall constitute the decision of the Court, it is

ORDERED:

1. The Motion is GRANTED.
2. **Claim No. 2** shall be treated as an unsecured claim in this Chapter 7 case.
3. The real property (the "Real Property") that is the subject of the Motion is located at **12 Bill Place, Palm Coast, Flagler County, Florida** and more particularly described as follows:

**LOT(S) 1, BLOCK 135 OF PALM COAST, SECTION 35 AS  
RECORDED IN PLAT BOOK 11, PAGE 1, ET SEQ., OF THE PUBLIC  
RECORDS OF FLAGLER COUNTY, FLORIDA.**

The Lien held by Bank Of America, account number ending in 9999, recorded on January 17, 2007, in Book 1531, Page 614, Instrument No. 2007003816 of the Official Records of Flagler 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 **Bank of America's** lien prior to the entry of the Debtors' discharge.

Dated December 10, \_\_\_\_\_ 2012 at Jacksonville, Florida.

BY THE COURT

Paul M. Glenn  
PAUL M. GLENN  
United States Bankruptcy Judge

Copies furnished to:

DEBTORS: Betty A. Tobias  
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Palm Coast, FL 32137

TRUSTEE: Alexander G. Smith  
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Jacksonville, FL 32217

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Chimento Selis Dwyer  
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Palm Coast, FL 32164

CREDITOR: Brian T. Moynihan, President  
Bank of America Corporation  
150 N. College Street  
NC1028-17-06  
Charlotte, NC 28255  
  
Bank of America Correspondence Unit  
CA6-919-02-41  
Post Office Box 5170  
Simi Valley, CA 93062

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
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U.S. VOL. 54, NO. 7663