

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Case No.: 3:11-bk-05142
Chapter 13

In Re:

Gary and Wanda Scifres,

Joint Debtors.
_____ /

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS OF
BANK OF AMERICA (CLAIM NO. 4) AND TO STRIP LIEN EFFECTIVE UPON
DISCHARGE**

THIS CASE is before the Court on the Debtor's Motion to Determine Secured Status of BANK OF AMERICA and to Strip Lien (the "Motion"). (Doc. No. 29). No appropriate response having been filed in accordance with Local Rule 2002-4, it is:

ORDERED:

1. The Motion is **GRANTED**.
2. No claim has been filed by BANK OF AMERICA, therefore, the second mortgage 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 7701 Baymeadows Circle West # 1079, Jacksonville, Florida 32256, and more particularly described as follows:

Unit 1079, VILLAGE GREEN AT BAYMEADOWS ONE, a Condominium, according to the Declaration of Condominium recorded in Official Records Volume 5685, Page 726 and any amendments thereto, of the current public records of Duval County, Florida, together with an undivided interest in the common areas appurtenant to said unit. Together with Carport Unit P121, Village Green at Baymeadows One Condominiums as per Quit Claim deed recorded in Official Records Book 9023, Page 2376.

4. The mortgage held by BANK OF AMERICA, recorded on December 10, 2007, Book 14303, Page 1225, Instrument No. 2007379975 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

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54 . NO. 7429 .

jurisdiction to consider, if appropriate, the avoidance of BANK OF AMERICA, 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.

DATED November 7, 2011, at Jacksonville, Florida.

Paul M. Glenn

Paul M. Glenn
United States Bankruptcy Judge

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

Schyuler Smith, Esquire
Attorney for Bank of America
118 W Adams Street
Suite 800
Jacksonville, Florida 32202