

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

JUDITH A. HALPERIN

Debtor

CASE NO.: 3:11-bk-04933-JAF

CHAPTER: 13

**ORDER GRANTING DEBTOR'S AMENDED MOTION TO DETERMINE
SECURED STATUS OF BANK OF AMERICA, NA, CLAIM NO: 11 AND TO
STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE came on for consideration of the Debtor's Motion to Determine Secured Status of **SUNTRUST BANK, CLAIM NO. 11** and to strip lien effective upon discharge (**the "Motion"**) (**Docket No. 29**). The motion was filed on negative notice pursuant to local Rule 2002-4, and no objections were filed during the time period for responses. The Court has reviewed the Motion together with the record, and makes the following findings:

ORDERED

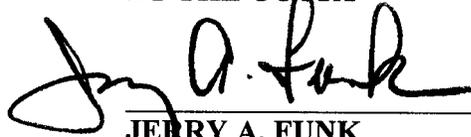
1. The Motion is GRANTED.
2. **BANK OF AMERICA, CLAIM NO. 11** shall be treated as an unsecured claim in this Chapter 13 case.
3. The real property, that is the subject of the Motion is located at **4813 Deermoss Way South Jacksonville, Fl 32217**, and more particularly described as follows:

LOT 24-B, PINERUN SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 39, PAGES 8 AND 8A, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

4. The second mortgage held by **BANK OF AMERICA, CLAIM NO. 11** recorded on **07/2/2007, at Book 13791, Page 5, Instrument No.: 2007039103**, of the official records in Duval County Florida, in the amount of **\$19,500.00** shall be deemed void, and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in the Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of **BANK OF AMERICA, CLAIM NO. 11** mortgage 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.

DONE and ORDERED in ~~Chambers~~ at Jacksonville, Florida on
January 20 2012.

BY THE COURT



JERRY A. FUNK

United States Bankruptcy Judge

Copies furnished to:

Judith A. Halperin
Office of the U.S. Trustee
Bank of America
U.S. Chapter 13 Trustee, Douglas W. Neway, Esquire
Melanie Sacks, Esquire,

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54 . NO. 7480