

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

IN RE:

CASE NO.: 10-bk-09181-JAF

SANTOS P. BANTAG
and ALICE M. BANTAG,
Debtors.

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF
SECOND MORTGAGE OF VYSTAR CREDIT UNION (CLAIM 6) AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion To Determine Secured Status Of Second Mortgage Of Vystar Credit Union (Claim 6) And To Strip Lien Effective Upon Discharge (the "Motion"). For the reasons set forth in the Debtors' Motion, the Court finds it appropriate to grant the Debtors' Motion. The Court further finds that negative notice contained in the Motion was proper, that the Motion was filed and properly served pursuant to Local Rule 2002-4 on February 21, 2011 and that no opposition thereto has been filed with the Court as required by law. Accordingly, it is

ORDERED as follows:

1. The Motion is **GRANTED**.
2. Claim Number Six (6) filed by Vystar Credit Union shall be treated as an unsecured claim in this Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 7125 Blache Court, Jacksonville, FL 32210 and is more particularly described as follows:
**LOT 4, CEDAR LAKE ESTATES UNIT 4, ACCORDING TO PLAT THEREOF,
RECORDED IN PLAT BOOK 37, PAGES 75 AND 75A, OF THE CURRENT
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA**
4. The mortgage held by Vystar Credit Union (Claim 6) which was recorded on or about January 8, 2008 in 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 13

case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Vystar Credit Union'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.

DATED: October 5, 2011



JERRY A. FUNK
United States Bankruptcy Judge

Copies to:
Debtors
Robert W. Elrod, Jr., Attorney for Debtors
Vystar Credit Union
Douglas Neway, Trustee