

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

IN RE:)	
)	
BILLY TERRELL WIGGINS and)	CASE NO. 13-02856-PMG
IRMA BURNETTA WIGGINS,)	CHAPTER 13
)	
Debtors.)	

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF
CLAIM NO. FIVE (5) OF THE ASSOCIATION OF ROLLING RIVERS OWNERS, INC
AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion to Determine Secured Status of the Homestead property mortgage held by Rolling Rivers Owners, Inc.. (Claim Fiver) and to Strip Lien (the "Motion") filed August 15, 2013 and said Creditor having failed to file a written response to the Motion in accordance with Rule 2002--4, Local Bankruptcy Rules, it is

ORDERED:

1. The Motion to Determine Secured Claim Status of Claim Four (5) is GRANTED pursuant to 11 U.S.C. §506(a) and the mortgage lien is voided pursuant to 11 U.S.C. §506(d).
2. The value of that portion of Claim Four (5) secured by Real Property (Homestead) is \$0.00. The balance of this claim shall be treated as unsecured.
3. The legal description of this property is as follows:

Lot 175, ROLLING RIVERS ESTQATES UNIT ONE PHASE 2, according to the plat thereof as recorded in Plat Book 56, page 99,99A through 99F, inclusive, the current public records of Duval County, Florida.
4. The lien held by Rolling Rivers Owners, Inc.. recorded on January 29, 2009 at Book 14763, Page 2028 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 Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to

consider, if appropriate, the avoidance of Rolling Rivers Owners, Inc., Inc's lien prior to the entry of the Debtors' 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 Jacksonville, Florida on September 20, 2013.

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

Attorney Christopher R. DeMetros is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of the entry of the order.

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
FILE NO. 13-1008