

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

CASE NO. 3:11-bk-08738-JAF

WYATT L. WALKER
and DONNA J. WALKER

Debtors.

**AGREED ORDER GRANTING DEBTORS' MOTION TO DETERMINE
SECURED STATUS OF SUNTRUST BANK CLAIM NUMBER TEN
AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

This case is before the Court on the Debtors' Motion dated December 1, 2011, to Determine Secured Status of claimant, SunTrust Bank, and to Strip Lien Effective Upon Discharge. [Doc 8] The Court, considering the Motion and said Creditor having consented to the entry of this Order.

The real property (the "Real Property") that is the subject of the Motion is located at 13113 East CR 349, O'Brien, Florida 32071, and more particularly described as follows:

Lot 1 of Dove Meadow Subdivision, Unit II, a Subdivision according to the plat thereof as recorded in Plat Book 1, Page 172 of the Public Records of Suwannee County, Florida.

Parcel Id Number: 16-05S-13E-0915002.0010

Accordingly, it is hereby

ORDERED:

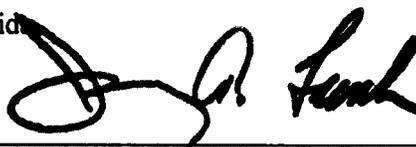
1. The Motion is Granted.
2. Claim No. 10 filed by SunTrust Bank shall be treated as a secured claim in the amount of \$8,500.00 and the remaining as an unsecured claim in this Chapter 13 case.
3. The mortgage on the Real Property held by SunTrust Bank recorded on March 9, 2009, in Official Record Book 1522, Page 433, Public Records of Suwannee County, Florida, shall

be deemed null, void and shall be extinguished automatically, without further court order, upon such time as the Debtors' Chapter 13 Plan is completed and a Discharge has been entered in this Chapter 13 Case, provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of SunTrust Bank's mortgage lien prior to the entry of the Debtors' discharge.

4. This order does not prohibit SunTrust Bank from asserting, at any time prior to the time when the lien is avoided by this order upon entry of the Debtors' discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

5. 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.

DATE: April 19, 2012, in Jacksonville, Florida



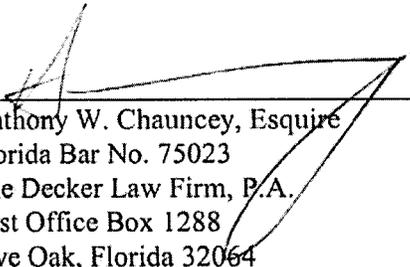
JERRY A. FUNK
United States Bankruptcy Judge

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
S.B. VOL. 34 NO. 7537

CONSENTED TO:



Nicole M. Mariani, Esquire
Florida Bar No. 69883
Kass Shuler, P.A.
Post Office Box 800
Tampa, Florida 33601
Attorney for Creditor



Anthony W. Chauncey, Esquire
Florida Bar No. 75023
The Decker Law Firm, P.A.
Post Office Box 1288
Live Oak, Florida 32064
(386) 364-4440
Attorney for Debtors

Copies Furnished To:

Douglas W. Neway, Esquire, Chapter 12 Trustee, Post Office Box 4308, Jacksonville, Florida 32201
Anthony W. Chauncey, Esquire, Post Office Drawer 1288, Live Oak, Florida 32064
Nicole M. Mariani, Esquire, Kass Shuler, P.A., Post Office Box 800, Tampa, Florida 33601