

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

IN RE:

CASE NO.: 11-01044-BKC

VICTOR C. OJASTRO
and FLODELINA O. OJASTRO,
Debtors.

_____ /

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED
STATUS OF SECOND MORTGAGE OF BENEFICIAL FLORIDA INC.
(CLAIM 2) 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 Beneficial Florida, Inc. (Claim 2) 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 properly served pursuant to Local Rule 2002-4 and that no opposition thereto has been filed. Accordingly, it is

ORDERED as follows:

1. The Motion is **GRANTED**.
2. Claim Number Two (2) filed by Beneficial Florida, Inc. 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 1550 Windhaven Drive East, Jacksonville, FL 32225, and is more particularly described as follows:

Lot 223, Monument Oaks, Unit 3, according to the Plat thereof as recorded in Plat Book 37, Pages 5 and 5A, Of The Current Public Records Of Duval County, Florida

Parcel ID #: 162101-0862

4. The mortgage held by Beneficial Florida, Inc. (Claim 2) which was recorded on or about April 4, 2007 in 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 Beneficial Florida, Inc.'s lien prior to the entry of the Debtors' discharge. Further, if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DATED: June 1, 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
JUN 11 2012 NO. 7575

Copies to:
Debtors
Robert W. Elrod, Jr., Attorney for Debtors
Beneficial Florida, Inc.
Douglas Neway, Trustee