

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

In re:)
)
William R. Kokos and)
Laura A. Kokos) Case No.: 3:14-bk-4827-JAF
)
Debtors.) Chapter 13
)

**AGREED ORDER GRANTING MOTION TO DETERMINE SECURED
STATUS/STRIP UNSECURED LIEN OF CLAIM
NO. 5 FILED BY CITIMORTGAGE, INC.**

THIS CASE came on for consideration on the Debtors' Motion to Determine Secured Status/Strip Unsecured Lien of Claim No. 5 filed by Citimortgage, Inc. (the "Motion") (Doc. No. 34) pursuant to negative notice provisions of Local Rule 2002-4. The Court, has reviewed the pleadings and motions filed herein, been advised that the Debtors and Citimortgage, Inc. agree to the relief sought in the Motion and entry of this Order, and is otherwise fully advised in the premises.

The real property (the "Real Property") that is the subject of the Motion located at 817 Pissaro Ave., Ponte Vedra, FL 32081-0000, and more particularly described as follows:

Lot 35 Florentine

All or portions of Lots 22, 24 and 26, Block 42, Subdivision of Hilden, as recorded in Map Book 3, Page 59 of the public records of St. Johns County, Florida, and being more particularly bounded and described as follows:

For a Point of Reference, commence at the Southeasterly corner of said Block 42; thence North 39° 49' 54" West, along the Westerly right of way line Pissaro Avenue

(formerly Sixth Avenue), a 40 foot right of way per said plat of Subdivision of Hilden, a distance of 250.00 feet to the Point of Beginning.

From said Point of Beginning, thence continue North 39° 49' 54'' West, along said Westerly right of way line, a distance of 60.00 feet; thence South 49° 10' 26'' West, departing said Westlerly right of way of line, a distance of 100.00 feet; thence South 39° 49' 54'' East, a distance of 60.00 fee; thence North 49° 10' 26' East, a distance of 100.00 feet to the Point of Beginning.

Accordingly, it is hereby

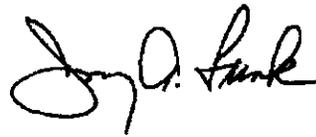
ORDERED:

1. The Motion is **GRANTED**.
2. Claim No. 5 filed by Citimortgage, Inc. shall be treated as an unsecured claim is this Chapter 13 case.
3. The mortgage on the Real Property held by Citimortgage, Inc. recorded on April 4, 2007 in St. Johns County Public Records at Book 2894, Page 896 shall be deemed void, and shall extinguish automatically, without further court order, upon entry of Debtors' discharge, provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Citimortgage, Inc.'s mortgage lien prior to the entry of the Debtors' discharge.
4. This order does not prohibit Citimortgage, Inc. 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. This Order shall not be recordable until the Debtors receive a discharge in this Chapter 13 case.

6. The preliminary hearing previously scheduled in this matter on May 20, 2015 at 2:30 P.M. is hereby **CANCELLED**.

Dated this 18th day of May, 2015 in Jacksonville, Florida.



Jerry A. Funk
United States Bankruptcy Judge

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

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 8218