

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

Wayne Allen Diz and
Joanne Edgell Diz,

Case No.: 3:11-bk-03571

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Wayne Allen Diz and
Janne Edgell Diz,

Plaintiff(s),

vs.

Adv. No.: 3:11-ap-00729

CitiMortgage, Inc.,

Defendant.

_____ /

**JUDGMENT DETERMINING SECURED STATUS OF CITIMORTGAGE, INC. AND
TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on Debtor/Plaintiff's Adversary Proceeding filed to determine the secured status of CITIMORTGAGE, INC. and to strip its lien effective upon discharge. Based on upon the joint stipulation of the parties to this adversary proceeding, it is

ORDERED:

1. CITIMORTGAGE, INC. shall be treated, for the purposes of this case, as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Chapter 13 Plan upon filing of its timely proof of claim.

2. The real property that is the subject of this Adversary Proceeding is located at 8089 Mount Ranier Drive, Jacksonville, FL 32256, and is more particularly described as

LOT 140, OF HAMPTON PARK, UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 54 PAGE 12, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA (THE

“LAND”).

3. The mortgage held by CITIMORTGAGE, INC recorded on July 31, 2006 at Official Record Book 13426, Pages 1033-1046 of the official records of Duval, Florida shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in the underlying Chapter 13 case; provided however, that the court reserves jurisdiction to consider, if appropriate, the avoidance of CITIMORTGAGE, INC.'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 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 October 6, 2011.

BY THE COURT



Paul M. Glenn
United States Bankruptcy Judge

Copies furnished to:

Douglas W. Neway, Chapter 13 Trustee, PO Box 4308, Jacksonville, FL 32201

Nancy Draughon, Esq. Debtor's Attorney, 3733 University Blvd. W. Suite 212, Jacksonville, FL 32217

CitiMortgage, Inc. 1000 Technology Drive, O'Fallon, MO 63368

Wayne and Joanne Diz, 8089 Mount Ranier Drive, Jacksonville, FL 32256

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
S.B. VOL. 54, NO. 7408