

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In re:

CASE NO.: 13-01650-PMG

NEIL A. BORUM  
KAY R. BORUM

Debtors.

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**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF  
BRANCH BANKING AND TRUST COMPANY AND TO STRIP LIEN EFFECTIVE  
UPON DISCHARGE**

THIS CASE came on for consideration of the Debtors' Motion to Determine Secured Status of Branch Banking and Trust Company and to Strip Lien (Doc No. 15) (the "Motion") pursuant to the negative notice provisions of Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, the Court Deems the Motion to be uncontested. If Branch Banking and Trust Company has not timely filed a proof of claim in this case, the Motion is not deemed to be an informal proof of claim except for the purpose of initiating the Debtors' ability to request relief pursuant to U.S.C § 506(a).

Accordingly, it is hereby:

**ORDERED:**

1. The Motion is Granted.
2. The real property (the "Real Property") that is the subject of the Motion is located at 5 Zachary Court, Fernandina Beach, FL 32034, and more particularly described as follows:

**LOT 3, PHOENIX WALK, AS PER PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 5, PAGE 55, OF THE PUBLIC  
RECORDS OF NASSAU COUNTY, FLORIDA.**

3. If Branch Banking and Trust Company has timely filed a proof of claim, the claim shall be treated as an unsecured claim in this case.

4. The lien on the Real Property held by Branch Banking and Trust Company recorded on November 13, 2006 at book 1458, page 639-645, Document No. 200642442 of the Official Records of Nassau County, Florida shall be deemed void, and shall be extinguished automatically, without further court order, upon the recordation in the public records of a certified copy of this Order together with (a) a certified copy of the Debtors' Chapter 7 discharge order in this case or (b) such other paper as the Court may specify by separate order. However, the Court reserves jurisdiction to consider, if appropriate, the avoidance of Branch Banking and Trust Company's lien prior to the entry of the Debtors' discharge.

5. This Order does not prohibit Branch Banking and Trust Company from asserting, at any time prior to the 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.

**DONE and ORDERED** this 7 day of January, 2014 in Jacksonville, Florida.

*Paul M. Glenn*

**PAUL M. GLENN  
UNITED STATES BANKRUPTCY JUDGE**

Attorney Eugene H. Johnson, Esq. 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 this order.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
S.D. VOL. 54, NO. 7854