

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

IN RE:
AMY RAMIREZ,
Debtor.

CASE NO.: 11-bk-07130-PMG

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED
STATUS OF SECOND MORTGAGE OF GMAC MORTGAGE F/K/A HOMECOMINGS
FINANCIAL (CLAIM 6) AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtor's Motion To Determine Secured Status Of Second Mortgage Of GMAC Mortgage f/k/a Homecomings Financial (Claim 6) And To Strip Lien Effective Upon Discharge (the "Motion"). For the reasons set forth in the Debtor's Motion, the Court finds it appropriate to grant the Debtor's 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 Six (6) filed by GMAC Mortgage f/k/a Homecomings Financial 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 1925 Woodleigh Drive West, Jacksonville, Florida, and is more particularly described as follows:

**LOT 571, ALDERMAN PARK UNIT 10, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 32, PAGES 30 AND 30A, OF THE CURRENT
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA**

4. The mortgage held by GMAC Mortgage f/k/a Homecomings Financial (Claim 6) which was recorded on or about March 7, 2006 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 GMAC Mortgage f/k/a Homecomings Financial'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: February 27, 2013

Paul M. Glenn

PAUL M. GLENN
United States Bankruptcy Judge

Copies to:
Debtor
Robert W. Elrod, Jr., Attorney for Debtor
GMAC Mortgage f/k/a Homecomings Financial
Douglas Neway, Trustee

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
GAINESVILLE DIVISION
U.S. NO. 54 NO. 7684