

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

In re:

LOUIS C. KONOWAL,
ROBIN VAN ARSDALE,

Case No. 13-01676-JAF

Debtors.

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS AND
TO STRIP JUNIOR LIEN ON DEBTORS' PRINCIPAL RESIDENCE**

This case came on for consideration of Debtors' Motion to Determine Secured Status and to Strip Junior Lien on Debtors' Principal Residence. Pursuant to Local Rule 2002-4, the debtors served the Motion on all interested parties, and no interested parties have filed a response within the thirty (30) day time period allowed. Therefore, it is

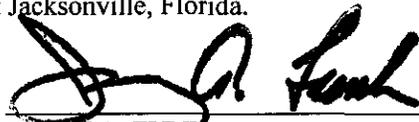
ORDERED:

1. Debtors' Motion to Determine Secured Status and to Strip Junior Lien on Debtors' Principal Residence is granted.
2. The Court finds that the Plaintiff's homestead property has no equity to secure the second mortgage. The property is encumbered by a valid first mortgage, held by Branch Banking & Trust Company, in the amount of \$691,304.00 at the time of filing the petition. The Defendant holds a second mortgage that is wholly unsecured.
3. The real property (the "Real Property") that is subject of the proceeding is located at 233 Fiddlers Point Drive, Saint Augustine, FL 32080-6134, and more particularly described as follows:

**LOT 9, MARSH CREEK UNIT TEN, ACCORDING TO THE PLAT
THEREOF, AS RECORDED IN MAP BOOK 30, PAGE(S) 72 THROUGH
77, INCLUSIVE OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY,
FLORIDA.**

4. The mortgage held by TD Bank, N.A. recorded on July 3, 2006, at Book 2735, Pages 1564 through 1567, Instrument No. 2006049547 of the official records of St. Johns County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in this Chapter 7 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of TD Bank, N.A.'s lien prior to the entry of the Debtor's discharge.

DATED this 1 day of ^{July}~~June~~, 2013 at Jacksonville, Florida.



JERRY A. FUNK
United States Bankruptcy Judge

Attorney, Candyce M. King, 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.

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FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
U.S. COURT NO. 17 47

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