

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

IN RE:

OSVALDO MONTIJO  
DIANNE MONTIJO

Case No. 3:11-bk-02577-PMG  
Chapter 13

Debtors

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**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED  
STATUS OF THE CLAIM NO. 5 CitiFINANCIAL EQUITY SERVICE AND TO  
STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion to Determine Secured Status of CitiFinancial Equity Service and to Strip Lien (the "Motion") (Doc. No. [30]). The Motion was served to all interested parties pursuant to Local Rule 2002-4 and no response has been filed, so shall constitute the decision of the Court, it is

ORDERED:

1. The Motion is GRANTED.
2. CitiFinancial Equity Service 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 **185 Palmwood Drive, Palm Coast, Florida**, and more particularly described as follows:  
**Lot 06, Block 76, of Palm Coast, Section 25, according to the plat thereof, recorded in Plat Book 881, Page(s) 1503 as amended by instrument recorded in Official Records Book 160, Page 667, of the Public Records of Flagler County, Florida.**
4. The mortgage held by CitiFinancial Equity Service recorded on **May 15, 2007, at Book 1574, Page 970, Instrument No. 2007024483 of the official records of Flagler 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 13 case,

provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of CitiFinancial Equity Service's lien prior to the entry of the Debtors' discharge. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 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 August 31, 2011.

BY THE COURT

*Paul M. Glenn*

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Paul M. Glenn  
Chief United States Bankruptcy Judge

Copies furnished to:

**DEBTORS:** Osvaldo and Dianne Montijo  
185 Palmwood Dr.  
Palm Coast, FL 32164

**TRUSTEE:** Douglas W. Neway  
P.O. Box 4308  
Jacksonville, FL 32201

**ATTORNEY FOR DEBTOR:** Marc E. Dwyer, Esq.  
Chiumento Selis Dwyer  
145 City Place, Suite 301  
Palm Coast, FL 32164

**CREDITOR:** CitiFinancial Equity Service  
300 St. Paul Place  
Baltimore, MD 21202

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RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
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