

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

IN RE:	*	CHAPTER 13 CASE NO.
	*	
MARIA RIPOLL,	*	11-02367-JAF
	*	
DEBTOR.	*	
<hr style="border: 0.5px solid black;"/>		
	*	
	*	ADVERSARY
MARIA RIPOLL,	*	
	*	PROCEEDING NO.
PLAINTIFF,	*	
	*	11-AP-00721-JAF
VS.	*	
	*	
	*	
CITIMORTGAGE, INC.,	*	
	*	
DEFENDANT.	*	

JUDGMENT

The above-styled adversary proceeding having come before the Court, upon the pleadings and affidavits filed therein, and pursuant to Federal Rule of Bankruptcy Procedure 7012, it is

ADJUDGED:

1. 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 IndyMac Mortgage, in the amount of \$250,850.00 at the time of filing the petition. The Defendant holds a second mortgage that is wholly unsecured.
2. Claim No. 15 filed by CitiMortgage, Inc. shall be treated as an unsecured claim in the Chapter 13 case.
3. The real property (the "Real Property") that is subject of the proceeding is located at 1395 Hawks Crest Drive, Middleburg, FL 32068-8417, and more particular described as follows:

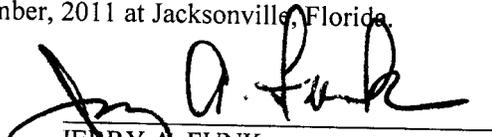
**RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
F.B. VOL. 54 . NO. 7431**

**LOT 51, WHISPER CREEK, UNIT THREE, ACCORDING TO THE PLAT
THEREOF AS RECORDED IN PLAT BOOK 40, PAGES 59, 60, 61 AND 62, OF THE
PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.**

4. The mortgage held by CitiMortgage, Inc. recorded on March 15, 2007, at Book 2869, Page 2063-2081, Instrument No. 2007016212 of the official records of Clay 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 CitiMortgage, Inc.'s lien prior to the entry of the Debtor's discharge.

5. 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 resorted as a secured debt.

Dated this 9 day of November, 2011 at Jacksonville, Florida.



JERRY A. FUNK
United States Bankruptcy Judge

Copies to:
King & Dolaghan, P.A., Attorney for Plaintiff
CitiMortgage, Inc., Defendant
Douglas W. Neway, Trustee
U.S. Trustee