

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

IN RE:
CYNTHIA ANN MOORE, Debtor.

CASE NO.: 13-bk-03256-PMG

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS OF
CITIBANK, N.A. AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtor's Motion To Determine Secured Status Of Of Citibank, N.A. 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. The second mortgage of Citibank, N.A. shall be treated as an unsecured claim in this Chapter 7 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 10032 Heckscher Drive. Jacksonville, FL 32226, and is more particularly described as follows:

A TRACT OF LAND LOCATED PARTLY ON BATTON ISLAND AND PARTLY ON FORMERLY SUBMERGED LAND THAT HAS BEEN FILLED WITH SPOIL FROM CHANNEL DREDGING OPERATIONS AND IS A PORTION OF UNSURVEYED SECTION 19, TOWNSHIP 1 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA, SAID TRACT OF LAND BEING THAT PORTION OF THE SOUTHEASTERLY EXTENSION OF LOTS 4 AND 5, JOHNSON'S SUBDIVISION OF LOWER PART OF BATTON ISLAND ACCORDING TO PLAT RECORDED IN BOOK 1, PAGE 50, LYING SOUTHEASTERLY OF THE PRESENT RIGHT-OF-WAY OF HECKSCHER DRIVE (STATE ROAD 105) EXCEPT THOSE PORTIONS THEREOF CONVEYED TO WILLIAM WATKINS AND WIFE BY DEEDS RECORDED IN DEED BOOK 1007, PAGE 494, AND DEED BOOK 1366, PAGE 95, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, THE LAND TO BE CONVEYED IS FURTHER DESCRIBED AS FOLLOWS:

FOR THE POINT OF BEGINNING, COMMENCE AT AN IRON PIPE LOCATED

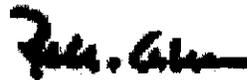
IN THE SOUTHEASTERLY BOUNDARY OF THE RIGHT-OF-WAY OF HECKSCHER DRIVE (STATE ROAD 105) AS NOW ESTABLISHED WHERE SAID BOUNDARY IS INTERSECTED BY THE SOUTHEASTERLY PROLONGATION OF THE LINE DIVIDING LOT 5 FROM LOT 6, JOHNSON'S SUBDIVISION AFOREMENTIONED, AND RUN SOUTH 32 DEGREES 23 MINUTES 20 SECONDS WEST ALONG THE SOUTHEASTERLY BOUNDARY OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.02 FEET TO THE NORTHEASTERLY BOUNDARY OF THE WATKINS LANDS DESCRIBED IN DEED BOOK 1007, PAGE 494, AFOREMENTIONED; RUN THENCE SOUTH 54 DEGREES 7 MINUTES EAST ALONG THE NORTHEASTERLY BOUNDARY OF SAID WATKINS LANDS, A DISTANCE OF 231.06 FEET TO THE MOST EASTERLY CORNER OF SAID LANDS; RUN THENCE SOUTH 35 DEGREES 53 MINUTES WEST ALONG THE SOUTHERLY BOUNDARY OF SAID WATKINS LANDS AND ALONG THE SOUTHEASTERLY BOUNDARY OF LANDS OF WATKINS DESCRIBED IN DEED BOOK 1366, PAGE 95, AFOREMENTIONED, A DISTANCE OF 41.92 FEET TO THE SOUTHEASTERLY PROLONGATION OF THE LINE DIVIDING LOTS 3 AND 4, JOHNSON'S SUBDIVISION AFOREMENTIONED; RUN THENCE SOUTH 54 DEGREES 7 MINUTES EAST ALONG SOUTHEASTERLY PROLONGATION OF THE LAST MENTIONED DIVIDING LINE, A DISTANCE OF 315 FEET, MORE OR LESS, TO THE WATERS OF THE ST. JOHNS RIVER; RUN THENCE NORTHEASTERLY DOWN SAID RIVER, A DISTANCE OF 53 FEET, MORE OR LESS, TO A POINT WHERE SAID RIVER IS INTERSECTED BY THE SOUTHEASTERLY PROLONGATION OF THE LINE DIVIDING LOT 5 FROM LOT 6, JOHNSON'S SUBDIVISION AFOREMENTIONED; RUN THENCE NORTH 54 DEGREES 7 MINUTES WEST ALONG THE SOUTHEASTERLY PROLONGATION OF THE LAST MENTIONED DIVIDING LINE, A DISTANCE OF 560 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

KNOWN AS: 10032 HECKSCHER DRIVE, JACKSONVILLE, FLORIDA 32226

4. The mortgage held by Citibank, N.A. which was signed on February 1, 2007 but which may not have been recorded in Duval County, Florida where the Property is located 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. Further, if this 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, this 26th day of March, 2014

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54 NO. 4924



PAUL M. GLENN
United States Bankruptcy Judge

Copies to:

Debtor

Robert W. Elrod, Jr., Attorney for Debtor

Citibank, N.A.

Douglas Neway, Trustee

Robert W. Elrod, Jr., Attorney for the Debtor(s), 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.