

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In re:  
Carrie Meyer,

Case No.: 3:12-bk-02311-JAF

Debtors. /

**ORDER GRANTING DEBTOR'S VERIFIED MOTION TO STRIP JUNIOR  
MORTGAGE OF ATLANTIC COAST BANK**

This case was considered on upon Debtors Verified Motion to Strip Junior Mortgage of Atlantic Coast Bank ("Creditor") on the Debtor's real property located at 18 Lleberry Path, Palm Coast Florida 32164 (the "Property") (Doc. No. 89) (the "Motion"). The Motion was filed on December 12, 2012 with thirty (30) days negative notice. No party filed a timely objection or response to the Motion. The legal description of the Property is as follows:

Palm Coast Section 64 Block 00037 Lot 0020 Subdivision Completion Year  
1982 Or 239 Pg 884 Or 908 Pg 522 Or 1006 Pg 584 Or 1059 Pg 1251 Or 1290  
Pg 475

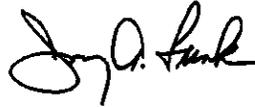
Because senior mortgage liens exceed the value of the Property, the Creditor's junior mortgage is unsecured. The Creditor's claim shall be treated as a general unsecured claim in this case. Accordingly, it is

**ORDERED:**

1. The Debtors' Motion (Doc. No. 89) is granted.
2. The Creditor's claim shall be treated as a general unsecured claim in this case. Upon entry of a discharge, pursuant to 11 U.S.C. § 727, the Creditor's lien is avoided and extinguished automatically without further order of the Court, provided the Eleventh Circuit Court of Appeals or

the Supreme Court has not, at the time of the discharge, vacated the opinion or otherwise overruled or limited the holding of in re McNeal, 477 Fed. Appx. 562 (11th Cir. 2012).

DONE and ORDERED in Jacksonville, Florida, this 5th day of March, 2014



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Jerry A. Funk  
United States Bankruptcy Judge

Shimene Shepard-Ryan is directed to serve a copy of this order on interested parties and file proof of service within 3 days of entry of the order.

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION  
J.B. VOL. 54, NO. 7912