

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

<b>IN RE:</b>	*	<b>CHAPTER 13 CASE NO.</b>
	*	
<b>WILLIAM MARTIN, WANDA MARTIN,</b>	*	<b>11-03762-JAF</b>
	*	
<b>DEBTORS.</b>	*	
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	*	
	*	
<b>WILLIAM MARTIN, WANDA MARTIN,</b>	*	<b>ADVERSARY</b>
	*	
<b>PLAINTIFFS,</b>	*	<b>PROCEEDING NO.</b>
	*	
<b>VS.</b>	*	<b>11-AP-00810-JAF</b>
	*	
	*	
<b>CITIMORTGAGE, INC.,</b>	*	
	*	
<b>DEFENDANT.</b>	*	

**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 BAC Home Loan Servicing, in the amount of \$373,910.00 at the time of filing the petition. The Defendant holds a second mortgage that is wholly unsecured.

2. Claim No. 11 filed by CitiMortgage, Inc. shall be treated as an unsecured claim in the Chapter 13 case.

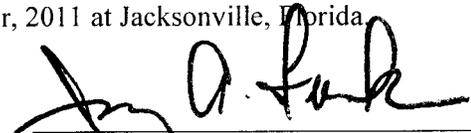
3. The real property (the "Real Property") that is subject of the proceeding is located at 4726 Saddlehorn Trail, Middleburg, FL 32068-3295, and more particular described as follows:

**LOT 129 OF FOXMEADOW UNIT 7, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGE(S) 59-67, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.**

4. The mortgage held by CitiMortgage, Inc. recorded on March 29, 2006, at Book 2700, Page 931-939, Instrument No. 2006021486 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 7 day of December, 2011 at Jacksonville, Florida.

  
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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

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
J.B. VOL. 54 NO. 7460