

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

IN RE:

Roy Nelson Smith, and
Sherry Kay Smith,

Case No. 3:13-bk-05799-PMG
Chapter 7

Debtors.

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED
STATUS OF KEYBANK, USA A/K/A KEY BANK NATIONAL ASSOCIATION
AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtor's Motion to Determine Secured Status of the KeyBank, USA a/k/a Key Bank National Association and to Strip Lien Effective Upon Discharge (the "Motion") (Doc. No. [9]). 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. KeyBank, USA a/k/a Key Bank National Association shall be treated as an unsecured lien in this Chapter 7 case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 77 White Hall Drive, Palm Coast, Flagler County, Florida and more particularly described as follows:

**LOT 11 BLOCK 36 OF PALM COAST, MAP OF WYNNFIELD,
SECTION 23, ACCORDING TO THE PLAT THEREOF, RECORDED
IN MAP BOOK 8, PAGES 23-38, INCLUSIVE OF THE PUBLIC
RECORDS OF FLAGLER COUNTY, FLORIDA.**

The Lien held by KeyBank, USA a/k/a Key Bank National Association, recorded on October 10, 2007, in Book 1619, Page 998, Instrument No. 2007050166 of the Public 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 7 case, provided, however, that

the Court reserves jurisdiction to consider, if appropriate, the avoidance of **KeyBank, USA a/k/a Key Bank National Association's** lien prior to the entry of the Debtors' discharge.

DONE AND ORDERED at Jacksonville, Florida December 31, 2013.

Paul M. Glenn

PAUL M. GLENN
United States Bankruptcy Judge

The foregoing Order Granting Motion to Determine Secured Status of KeyBank, USA a/k/a Key Bank National Association and to Strip Lien Effective Upon Discharge was submitted by:

Marc E. Dwyer, Esquire is directed to serve a copy of this Order on interested parties and file a proof of service within three (3) days of the entry of the Order.

Copies furnished to:

DEBTORS: Roy N. Smith & Sherry K. Smith
77 White Hall Drive
Palm Coast, FL 32164

TRUSTEE: Doreen Abbott
P.O. Box 56257
Jacksonville, FL 32241-6257

ATTORNEY FOR DEBTOR: Marc E. Dwyer, Esq.
Chimento Sefis Dwyer
145 City Place, Suite 301
Palm Coast, FL 32164

CREDITOR: KeyBank, N.A.
Attn: Bill Koehler, President
4910 Tiedeman Road
Brooklyn, OH 44144

RECORDED IN THE US BANKRUPTCY COURT
OF THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 7857