

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

IN RE:	*	CHAPTER 13 CASE NO.
	*	
EARL JENKINS,	*	11-04976-JAF
	*	
DEBTOR.	*	
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	*	
	*	
EARL JENKINS,	*	ADVERSARY
	*	
PLAINTIFF,	*	PROCEEDING NO.
	*	
VS.	*	11-AP-01015-JAF
	*	
	*	
HSBC MORTGAGE SERVICES, 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:

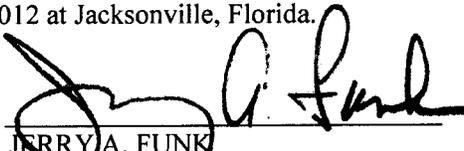
1. The Court finds that the Plaintiff's homestead property has no equity to secure the third mortgage. The property is encumbered by a valid first mortgage, held by Bank of America, N.A., in the amount of \$272,205.61 at the time of filing the petition. The property is also encumbered by a valid second mortgage, held by CitiMortgage, Inc. The Defendant holds a third mortgage that is wholly unsecured.
2. Claim No. 21 filed by HSBC Mortgage Services, 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 582 Longmill Lane, Orange Park, FL 32065, and more particular described as follows:

LOT 18, OF HIGHLAND MILL AT OAKLEAF PLANTATION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 39, PAGE(S) 61-68, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.

4. The mortgage held by HSBC Mortgage Services, Inc. recorded on May 22, 2006, at Book 2763, Page 885-893, Instrument No. 2006034871 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 HSBC Mortgage Services, 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 2 day of ^{March}~~February~~, 2012 at Jacksonville, Florida.


JERRY A. FUNK
United States Bankruptcy Judge

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

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54, NO. 7503