

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

JAMES F. BROCCOLO,
JANE E. R. BROCCOLO,

Case No. 3:10-bk-08785-PMG
Chapter 13

Debtors.

**AGREED ORDER GRANTING IN PART
DEBTORS' VERIFIED MOTION TO DETERMINE
SECURED STATUS OF SUNTRUST BANK AND TO
STRIP THE LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Verified Motion to Determine Secured Status of SUNTRUST BANK and to Strip the Lien Effective Upon Discharge and the Response filed by SUNTRUST BANK, N.A. ("Creditor"), the Court has been advised that the parties are in agreement with the terms hereinafter set forth, as evidenced by the signatures of Counsel below. Accordingly, it is

ORDERED as follows:

1. The Debtors' Motion is granted in part as hereinafter set forth.
2. Creditor shall retain its lien in the amount of \$25,000.00 with respect to its second mortgage recorded in the Public Records of Citrus County, Florida, more particularly described as

Lots 36, 37 and 38, Block 245 of INVERNESS HIGHLANDS SOUTH, according to the map or plat thereof as recorded in Plat Book 3, Page 51 to 66 inclusive, Public Records of Citrus County, Florida.
3. SUNTRUST BANK has filed a Proof of Claim, No. 8 in this case. The Claim shall be classified as a secured claim in the amount of \$25,000.00 and as an unsecured claim for the remainder, regardless of the original classification. The secured claim shall accrue interest at zero

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J.B. VOL. 54, NO. 8130

percent (0%) and shall be re-amortized over a period of fourteen (14) years. The Debtor shall remit monthly payments to Creditor in the amount of ONE HUNDRED FORTY-EIGHT DOLLARS AND EIGHTY-ONE CENTS (\$148.81) per month. The first 6 payments shall be made through the Chapter 13 Trustee, the first payment being paid in January, 2015 and the remaining payments to be made directly to the Creditor on the 25th of each month.

4. The \$25,000.00 secured claim shall be considered long-term debt within the meaning of '1322(b)(5) and shall be deemed non-dischargeable pursuant to '1328(a)(2) of the Bankruptcy Code. However, upon payment in full of the secured claim as described in Paragraph 3, the loan will be deemed satisfied pursuant to the terms of this Order.

5. Upon entry of a Chapter 13 Discharge, Creditor will retain a lien in the amount of \$25,000.00 and in the event of a default in payments, Creditor is entitled to foreclose its lien on the Property. The lien will be deemed satisfied upon payment in full of the secured claim of \$25,000.00.

6. This Order is not recordable or enforceable until the Debtors receive a Chapter 13 Discharge in this case and until the Debtors have completed all payments under the terms of this Order and the terms of the Order are fully complied with.

7. If this case is converted to a case under any other Chapter, then the provisions of '348 and 349 shall apply. If this Chapter 13 case is dismissed, and not subsequently reinstated, or the if the Debtors do not receive a Discharge under '1328(a), then this Order shall no longer be binding on the Parties, and the Creditor's lien shall be restored in its full amount on the property.

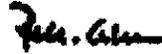
8. While the case is pending, the Property may not be sold or refinanced without proper notice and further order of the Court.

9. Other than as amended by the terms of this Order, the terms of the mortgage instrument described in Paragraph 2 shall remain in full force and effect. Nothing in this Order shall be deemed

to work a Novation.

10. The Debtors shall modify their Plan to comport with the terms of this Order within fourteen (14) days from the entry of this Order.

DONE AND ORDERED at Jacksonville, Florida on December 31, 2014.



PAUL M. GLENN
United States Bankruptcy Judge

CONSENT TO ABOVE ORDER:



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DATED: 12/23/14



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Attorney for Debtors

DATED: 12/23/2014

LEON M. BOYAJAN, II 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.