

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

IN RE:)
)
GLADYS WATKINS ROSS,) **CASE NO. 12-07966-JAF**
) **CHAPTER 13**
)
_____ Debtor)

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF
CITIMORTGAGE, INC. AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion to Determine Secured Status of the Homestead property mortgage held by Citimortgage, Inc. and to Strip Lien (the "Motion") filed September 3, 2013 and said Creditor having failed to file a written response to the Motion in accordance with Rule 2002--4, Local Bankruptcy Rules, it is

ORDERED:

1. The Motion to Determine Secured Claim Status of Citimortgage is GRANTED pursuant to 11 U.S.C. §506(a) and the mortgage lien is voided pursuant to 11 U.S.C. §506(d).

2. The value of that portion of Citimortgage's claim is secured by Real Property (Homestead) is \$0.00. The balance of this claim shall be treated as unsecured.

3. The legal description of this property is as follows:

ALL THAT CERTAIN PARCEL OF LAND IN DUVAL COUNTY, STATE OF FL, AS MORE FULLY DESCRIBED IN OR BOOK 12349 PAGE 288 ID#158182-5325, BEING KNOWN AND DESIGNATED AS LOT 5 MARBON POINTE. FILED IN PLAT BOOK 48, PAGES 17, 17A AND 17B.

BEING THE SAME FEE SIMPLE PROPERTY CONVEYED BY GENERAL WARRANTY DEED FROM BARCLAY C. NIX AND JOANNE LEE NIX HUSBAND AND WIFE TO GLADY W. ROSS SINGLE, DATED 03/12/2005 RECORDED NO 03/14/2005 IN OR BOOK 12349, PAGE 288 IN DUVAL COUNTY RECORDS, STATE OF FL.

4. The mortgage held by Citimortgage, Inc., recorded on February 28, 2006 at Book 14273, Pages 243 through 247 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the

Debtors' 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 Debtors' discharge. 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 restored as a secured debt.

DATED this November 22, ²⁰¹³ at Jacksonville, FL



JERRY A. FUNK
United States Bankruptcy Judge

Attorney Christopher R. DeMetros is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of the entry of the order.

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
FILE NO. 13-1830