

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:

Cleveland W Kilgore, Sr. and

Fredette L Hendon

Debtors.

CASE NO.: 3:11-bk-08452-JAF

ADV. NO.: 3:12-ap-251-JAF

Cleveland W Kilgore, Sr. and

Fredette L Hendon

Plaintiffs,

v.

Bank of America, N.A., fka
Fka Countrywide KB Home
Loans, a Countrywide Mortgage
Ventures, LLC series
Defendant.

JUDGMENT

THIS PROCEEDING is before the Court upon Debtor's Adversary Complaint against Bank of America, N.A., its successors and/or assigns ("Defendant"). The Parties having entered into a stipulation and agree to the entry of a judgment, and the Court being otherwise more fully advised in the premises, it is

ORDERED:

1. Bank of America, N.A., its successors and/or assigns, shall be treated, for the purposes of this case, as having a wholly unsecured claim in allowed amount of the Proof of Claim that has yet to be filed.

2. Upon successful completion of the Debtors' Chapter 13 Plan and the entry of a discharge under §1328(a), the lien, described as instrument number 2006432443, book 13703, page 2114, filed and recorded on December 15, 2006, shall be deemed null and void and no longer a lien against the following property described as:

Lot 132 of DUNNS CREEK PLANTATION UNIT TWO, according to the Plat thereof as recorded in Plat Book 58, Page(s) 183 through 188, of the Public Records of Duval County, Florida.

a/k/a 1550 Dunns Lake Drive East, Jacksonville, FL 32218

At such time, a release of the lien may be filed and recorded in Duval County, Florida.

3. In the event Defendant does not execute and deliver to the Debtor any termination statement or other documents required by law to release and discharge the lien, Debtor shall be permitted to use this Judgment and any Order of Discharge as authorization for termination and release of the lien.

4. Should the Debtor fail to complete the Chapter 13 Plan and receive a discharge under §1328(a), then the lien shall remain valid. 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.

5. The Court reserves jurisdiction to consider, if appropriate, the avoidance of the mortgage lien of Defendant prior to the entry of the Debtor's discharge or upon entry of a discharge under §1328(b).

6. If there is a sale or refinance prior to completion and entry of discharge, then Creditor's claim shall be retained for the full amount due under the subject loan.

DATED this 25 day of April, 2012, at Jacksonville, Florida



JERRY A. FUNK
United States Bankruptcy Judge

Copies furnished to:

Cleveland W Kilgore, Sr. & Fredette L Hendon, Debtors, 1550 Dunns Lake Drive East, Jacksonville, FL 32218

Keith D. Collier, Attorney for Plaintiffs/Debtors, 2350 Park Street, Jacksonville, FL 32204

Douglas W. Neway, Chapter 13 Trustee, PO Box 4308, Jacksonville, FL 32201

Scott Mahlman, Attorney for Creditor/Defendant, 118 West Adams Street, Ste. 800, Jacksonville, FL 32202

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J.B. VOL. 54 NO. 7543