

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In RE:

BLANE MICHAEL BRADY, SR.,  
MARLENE KAY BRADY,  
Debtors(s).

Case No.: 3:13-bk-02683-JAF  
Chapter 7

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS OF  
HSBC MORTGAGE SERVICES INC AND TO STRIP LIEN EFFECTIVE UPON  
DISCHARGE**

**THIS CASE** came on for consideration of the Debtor's Motion to Determine Secured Status of **HSBC Mortgage Services Inc.** and to Strip Lien (Doc. No. 14) (the "Motion") pursuant to the negative notice provisions of Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the motion by any party in interest, the Court deems the Motion to be uncontested. If **HSBC Mortgage Services Inc.** has not timely filed a proof of claim in this case, the Motion is not deemed to be an informal proof of claim except or the purpose of initiating the Debtor's ability to request relief pursuant to 11 U.S.C. § 506(a).

The real property (the "Real Property") that is the subject of the Motion is located at **1261 South Winterhawk Drive, St. Augustine, FL 32086**, and more particularly described as follows:

11-08-29 1.52 Acres 14/16-17 WILDWOOD CREEK III W1/2 of LOT 1299 (EX S275FT IN OR2522/1178) OR637/619 OR2522/1178 OR637/619

Accordingly, it is hereby

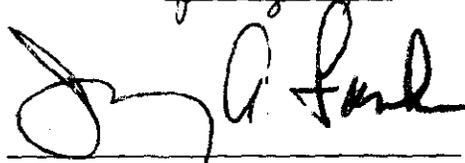
ORDERED:

1. The Motion is GRANTED.
2. If **HSBC Mortgage Services Inc.** timely filed a proof of claim, the claim shall be treated as an unsecured claim in this Chapter 7 case.

3. The mortgage on the Real Property held by **HSBC Mortgage Services Inc.** recorded on August 23, 2005, at Book 2517, Pages 810, Instrument No. 2005068964 of the official records of St. Johns County, Florida, shall be deemed void, and shall be extinguished automatically, without further court order, upon the recordation in the public records of a certified copy of this Order together with (a) a certified copy of the Debtor's Chapter 13 discharge in this case or (b) such other paper as the court may specify by separate order. However, the Court reserves jurisdiction to consider, if appropriate, the avoidance of **HSBC Mortgage Services Inc.'s** mortgage lien prior to entry of the Debtor's discharge.

4. This Order does not prohibit **HSBC Mortgage Services Inc.** from asserting, at any time prior entry of the Debtor's discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

**DONE and ORDERED** in Chambers at Jacksonville, Florida on *January 24, 2014.*



Jerry A. Funk

United States Bankruptcy Judge

Alyssa C. Camper, Attorney for the Debtor 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.

"RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION  
J.B. VOL. 54, NO. 7878"