

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
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In re:

Case No. 3:14-bk-05065-JAF
Chapter 13

Merlita Oligo Barrie,

Debtor.

**ORDER GRANTING DEBTOR'S MOTION TO VALUE CLAIM EIGHT (8) OF
BILL FENWICK PLUMBING AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion to Value Claim Eight (8) secured by the homestead property lien held by BILL FENWICK PLUMBING and to Strip Lien (the "Motion") filed December 22, 2014 and said Creditor has failed to file a written response to the Motion in accordance with Rule 2002-4, Local Bankruptcy Rules. Accordingly, it is

ORDERED:

1. The Motion to Value Claim Eight (8) is GRANTED pursuant to 11 U.S.C. §506(a) and the lien is voided pursuant to 11 U.S.C. §506(d).

2. The value of that portion of Claim Eight (8) secured by Real Property (Homestead) located at 2373 Covington Creek Cir W, Jacksonville FL is \$0.00. The balance of this claim shall be treated as unsecured.

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

Lot 95 of Covington Creek, according to the plat thereof, as recorded in Plat Book 44, pages 33, 33A, 33B, 33C, 33D, 33E, 33F, 33G, 33H, and 33I, of the Public Records of Duval County, Florida.

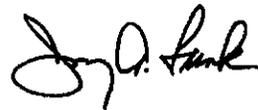
4. The lien held by BILL FENWICK PLUMBING recorded on November 27, 2013 at Book 16611, Pages 2344 through 2348, Instrument No. 2013304020 of the official records of Duval County, Florida, shall be deemed void and shall be extinguished

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J.B. VOL. 54, NO. 8145

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 BILL FENWICK PLUMBING's lien prior to the entry of the Debtor's discharge.

5. This order does not prohibit BILL FENWICK PLUMBING from asserting, at any time prior to the time when the lien is avoided by this order upon 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 Jacksonville, Florida, this 27th day of January, 2015



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 withing 3 days of entry of the order.