

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

IN RE: )  
)  
MARTIN GRANGER CARPENTER and ) CASE NO. 13- 03236-PMG  
KATHERINE RUTH CARPENTER, ) CHAPTER 13  
)  
\_\_\_\_\_  
Debtors. )

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF CLAIM FIVE FILED BY BANK OF NEW YORK MELLON formally held by BANK OF AMERICA fka COUNTRYWIDE HOME LOANS 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 BANK OF NEW YORK MELLON formally held by BANK OF AMERICA fka COUNTRYWIDE HOME LOANS CLAIM FIVE and to Strip Lien (the "Motion") filed August 1, 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 Claim Five (5) 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 Claim Five (5) 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:  
**Lot 50, RETREAT UNIT ONE. According to the plat thereof as recorded in Plat Book 45 through 51 of the public records in Clay County, Florida**
4. The mortgage held by BANK OF NEW YORK MELLON formally held by BANK OF AMERICA fka COUNTRYWIDE HOME LOANS, recorded on February 28, 2006 at Book 2718, Pages 769 through 776 of the official records of Clay 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 BANK OF NEW YORK MELLON formally held by BANK OF AMERICA fka COUNTRYWIDE HOME LOANS \_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 *September 10, 2013*

*Paul M. Glenn*  
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PAUL M. GLENN  
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 FEDERAL COURT CLERK'S OFFICE  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
GAINESVILLE DIVISION  
U.S. SOL. 54. FD. 17800