

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

JOSEPH E. WAID,

Case No. 13-04032-JAF

Debtor.

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED STATUS AND
TO STRIP JUNIOR LIEN ON DEBTORS' PRINCIPAL RESIDENCE**

This case came on for consideration of Debtor's Motion to Determine Secured Status and to Strip Junior Lien on Debtor's Principal Residence. Pursuant to Local Rule 2002-4, the debtor served the Motion on all interested parties, and no interested parties have filed a response within the thirty (30) day time period allowed. Therefore, it is

ORDERED:

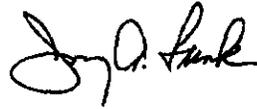
1. Debtor's Motion to Determine Secured Status and to Strip Junior Lien on Debtor's Principal Residence is granted.
2. The Court finds that the Debtor's homestead property has no equity to secure the second mortgage. The property is encumbered by a valid first mortgage, held by Bank of America, N.A., in the amount of \$125,331.00 at the time of filing the petition. Wells Fargo Bank, N.A. holds a second mortgage that is wholly unsecured.
3. The real property (the "Real Property") that is subject of the proceeding is located at 7912 Westport Bay Drive North, Jacksonville, FL 32244 and more particularly described as follows:

**ALL THAT CERTAIN PROPERTY SITUATED IN THE CITY OF
JACKSONVILLE IN THE COUNTY OF DUVAL AND STATE OF
FLORIDA BEING DESCRIBED IN A DEED DATED 11/25/2002 AND
RECORDED 12/30/2002 IN BOOK 11552 PAGE 1142 AMONG THE
LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE**

**AND REFERENCED AS FOLLOWS: LOT 28, WESTPORT BAY
SUBDIVISION ACCORDING TO PLAT BOOK 54, PLAT PAGES 38,
38A-C. PARCEL ID NUMBER: 016056-0155.**

4. The mortgage held by Wells Fargo Bank, N.A. recorded on April 18, 2005, at Book 12418, Page 2478, Instrument No. 2005131418 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 Debtor's discharge in this Chapter 7 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Wells Fargo Bank N.A.'s lien prior to the entry of the Debtor's discharge.

DONE and ORDERED in Jacksonville, Florida, this 17th day of January, 2014



JERRY A. FUNK
United States Bankruptcy Judge

Attorney, Candyce M. King, is directed to serve a copy of this order on interest parties and file a Proof of Service within three (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. 7827