

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

IN RE:

CASE NO.: 10-09071-BKC

FREDERICK M. MORTON,
Debtor.

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED
STATUS OF SECOND MORTGAGE OF OCWEN LOAN SERVICING LLC
(CLAIM 18) AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

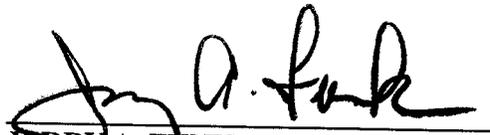
THIS CASE is before the Court on the Debtor's Motion To Determine Secured Status Of Second Mortgage Of Ocwen Loan Servicing LLC (Claim 18) And To Strip Lien Effective Upon Discharge (the "Motion"). For the reasons set forth in the Debtor's Motion, the Court finds it appropriate to grant the Debtor's Motion. The Court further finds that negative notice contained in the Motion was proper, that the Motion was filed and properly served pursuant to Local Rule 2002-4 on April 12, 2011 and that no opposition thereto has been filed with the Court as required by law. Accordingly, it is

ORDERED as follows:

1. The Motion is **GRANTED**.
2. Claim Number Eighteen (18) filed by Ocwen Loan Servicing LLC shall be treated as an unsecured claim in this Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 1005 Welaka Way, St. Augustine, Florida, and is more particularly described as follows:
Lot 308 of SAINT JOHNS SIX MILE CREEK WEST UNIT 3B, according to the Plat thereof, as recorded in Plat Book 56, at Page 45 through 54, inclusive, of the Public Records of St. Johns County, Florida
4. The mortgage held by Ocwen Loan Servicing LLC (Claim 18) which was recorded on or about September 15, 2006 in St. Johns 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 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of Ocwen Loan Servicing LLC's lien prior to the entry of the Debtor's 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: September 29, 2011 in Jacksonville, Florida.


JERRY A. FUNK
United States Bankruptcy Judge

Copies to:
Debtor
Robert W. Elrod, Jr., Attorney for Debtor
Ocwen Loan Servicing LLC
Douglas Neway, Trustee

*RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
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