UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re	)	
JOHN C. RAYMER, JR. and MARIA M. RAYMER,	)	Case No. 3:12-bk-00071
	)	Chapter 7
Debtors.	)	

ORDER GRANTING DEBTORS' SECOND AMENDED MOTION TO DETERMINE SECURED STATUS AND TO STRIP JUNIOR LIEN (PROOF OF CLAIM NOT FILED)

THIS CASE came on for consideration of the Debtors' Second Amended Motion to Determine Secured Status and to Strip Junior Lien (Proof of Claim not Filed) [Docket No. 68] (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 Wells Fargo Bank, N.A. f/k/a Wachovia Bank, N.A. ("Wells Fargo") has not timely filed a proof of claim in this case, the Motion is not deemed to be an informal proof of claim except for the purpose of initiating the Debtors' 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 5449 Riverwood Road North, Saint Augustine, Florida 32092, and more particularly described as follows:

A PART OF THE THOMAS TRAVERS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 27 EAST

ST JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SAID THOMAS TRAVERS GRANT WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 16; THENCE ALONG THE SAID NORTHWESTERLY RIGHT OF WAY LINE, SOUTH 56° 21' 20" WEST, 661.44 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE CONTINUE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, SOUTH 67° 39' 56" WEST, 101.98 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUE ALONG SAID NORTHWESTERLY LINE SOUTH 56° 21' 20" WEST, 1233.50 FEET; THENCE NORTH 23° 36' 10" WEST, 503.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 23° 36' 10" WEST, 100.75 FEET; THENCE SOUTH 56° 21' 20" WEST, 258 FEET, MORE OR LESS TO THE WATERS OF THE ST. JOHNS RIVER, THENCE SOUTHWESTERLY ALONG SAID WATERS, 100 MORE OR LESS; THENCE NORTH 56° 21' 20" EAST, 232 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH: A 60 FOOT EASEMENT FOR INGRESS AND EGRESS, LYING 30 FEET EITHER SIDE OF AND AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED LINE:

A PART OF THE THOMAS TRAVERS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 27 EAST ST JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SAID THOMAS TRAVERS GRANT WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 16; THENCE ALONG THE SAID NORTHWESTERLY RIGHT OF WAY LINE, SOUTH 56° 21' 20" WEST, 661.44 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE CONTINUE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, SOUTH 67° 39' 26" WEST, 101.98 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUE

ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE SOUTH 56° 21' 20" WEST, 1203.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 23° 36' 10" WEST, 986.29 FEET TO THE TERMINATION OF SAID LINE, SAID TERMINATION POINT BEING IN THE CENTER OF A TURN-AROUND HAVING RADIUS OF 50 FEET.

Accordingly, it is hereby ORDERED:

1. The Motion is GRANTED.

2. Wells Fargo did not timely file a proof of claim relating to the HELOC described in the Motion. If Wells Fargo hereafter seeks and receives authority to file a late-filed 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 Wells Fargo recorded on November 5, 2007, at Book 3003, page 744 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 Debtors' Chapter 7 discharge order in this case or (b) such other paper as the Court may specify by separate order.

4. This Order does not prohibit Wells Fargo from asserting 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 if such foreclosure sale takes place prior to the Debtors' discharge.

DONE and **ORDERED** in Chambers in Jacksonville, Florida on this 14 day of November, 2012.

Paul M. Glenn
United States Bankruptcy Judge

Copies furnished to:

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ENTERED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
B.R. VOL. 54, NO. 7647