

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

Case No.
Chapter 13

Debtor(s).

**ORDER GRANTING DEBTOR'S MOTION TO
DETERMINE SECURED STATUS OF ABC MORTGAGE
COMPANY AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE came on for consideration of the Debtor's Motion to Determine Secured Status of **ABC Mortgage Company** and to Strip Lien (Doc. No. XX) (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 **ABC Mortgage Company** 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 Debtor's 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 **123 Maple Street, Tampa, Florida**, and more particularly described as follows:

[LEGAL DESCRIPTION]

Accordingly, it is hereby

ORDERED:

1. The Motion is GRANTED.
2. If **ABC Mortgage Company** timely filed a proof of claim, the claim shall be treated as an unsecured claim in this Chapter 13 case.

3. The mortgage on the Real Property held by **ABC Mortgage Company** recorded on [date], at Book XXXX, Pages XXXX, Instrument No. XXXX of the official records of Hillsborough 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 Debtor's Chapter 13 discharge order in this case or (b) such other paper as the Court may specify by separate order. However, the Court reserves jurisdiction to consider, if appropriate, the avoidance of **ABC Mortgage Company's** mortgage lien prior to entry of the Debtor's discharge.

4. This Order does not prohibit **ABC Mortgage Company** from asserting, at any time prior 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 Chambers at Tampa, Florida, on _____.

Caryl E. Delano
United States Bankruptcy Judge