**UNITED STATES BANKRUPTCY COURT**
**NORTHERN DISTRICT OF FLORIDA**
**_____Division**

**In re:** **Case No.:**
**Chapter 13**

**Debtor(s)**

**MOTION TO DETERMINE SECURED STATUS AND TO STRIP JUNIOR LIEN OF _____ MORTGAGE COMPANY ON DEBTOR'S PRINCIPAL RESIDENCE**

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-2, the Court will consider this motion without further notice or hearing unless a party in interest files an objection within **thirty (30) days** from the date of service of this paper. If you object to the relief requested in this motion, you must file your objection with the Clerk of Court at 110 East Park Avenue, #100, Tallahassee, Florida 32301 and serve a copy on the debtor(s), attorney for debtor(s), and the Chapter 13 Trustee at the addresses of record in the bankruptcy case.

If you file and serve an objection within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time period permitted, the Court will consider that you do not oppose the granting of the relief requested in the motion, and will proceed to consider the motion without further notice or hearing, and may grant the relief requested.

**COMES NOW** the Debtor(s) by and through undersigned counsel, and files this Motion to Determine Secured Status and Strip Junior Lien on Debtor's Principal Residence and states as follows:

1. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on _____.
2. The Debtor owns real property (the "Real Property") located at _____ _____, more particularly described in the following legal description:

3. The Real Property is encumbered by two mortgages:

   a. _____, account number_____ holds the first mortgage, recorded on _____, in Book _____, Page(s) _____, Instrument No. _____ of the official records of _____ County, Florida, and has filed Claim number _____in the amount of $_____.

   b. _____, account number_____ holds the second mortgage, recorded on _____, in Book _____, Page(s) _____, Instrument No. _____ of the official records of _____ County, Florida.

   ◯ Has **not** filed a Proof of Claim in this matter; or

   ◯ Has filed Claim number _____ in the amount of $_____.

4. Based on the appraisal attached hereto as Exhibit 1, the value of the Real Property is $_____.

5. Accordingly, the second mortgage, held by _____, is completely unsecured.

Wherefore, the Debtor respectfully requests that the Court enter an order:

(a)granting the motion; (b) determining the value of the Real Property to be $_____; (c) determining that _____ does not have a secured claim; (d) voiding the mortgage lien of _____ effective upon discharge or upon further order of the court; and (e) granting such other and further relief as the Court deems appropriate.

Respectfully submitted this _____ day of _____, 20_____.

_____

*REPLACE THIS TEXT WITH YOUR SIGNATURE BLOCK INFORMATION*

*Attorney Name*
*Firm Name*
*Address*
*Phone*
*Fax*
*Email*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing has been furnished to the following by Notice of Electronic Filing or first class mail to:

*REPLACE THIS TEXT WITH YOUR SERVICE LIST*

*Person or Entity #1*
*Email Address*

*Person or Entity #2*
*Address*
*City, ST Zip*

on the same date as reflected on the Court's docket as the electronic filing date for this document.

_____

*REPLACE THIS TEXT WITH YOUR SIGNATURE BLOCK INFORMATION*

*Attorney Name*
*Firm Name*
*Address*
*Phone*
*Fax*
*Email*

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