**UNITED STATES BANKRUPTCY COURT**

FLNB Local Sample Order 01 (Rev. 06/20)

**NORTHERN DISTRICT OF FLORIDA**

**[DIVISIONAL OFFICE (e.g., Tallahassee)] DIVISION**

**In re:** **Case No.:** YY-CASENO-KKS

**Chapter:** 13

DEBTOR’S NAME

JOINT DEBTOR’S NAME

**Debtor(s)**

**ORDER GRANTING MOTION TO DETERMINE SECURED STATUS AND TO STRIP JUNIOR LIEN OF [INSERT CREDITOR’S NAME]**

**ON DEBTOR’S PRINCIPAL RESIDENCE**

**[Doc. #]**

This case came on for consideration on the Debtor’s Motion to Determine Secured Status and to Strip Junior Lien of [Creditor Name] on Debtor’s Principal Residence (the “Motion”) (Doc. No. [ # ]) pursuant to the negative notice provisions of N.D. Fla. LBR 2002-2.B.(3). No party filed an objection within the prescribed time period and the Court therefore considers the matter unopposed.

The real property (the “Real Property”) that is the subject of the Motion is located at [property address] and is more particularly described in the following legal description:

[Insert legal description.]

Accordingly, it is

**ORDERED:**

1. The motion is GRANTED.
2. The Court has jurisdiction over the creditor, [Creditor Name] and over the property described herein.
3. If the Motion stated that
   1. a Proof of Claim has been filed by the junior lien holder, Claim Number [Claim No.] having been filed by [Creditor Name] shall be ALLOWED as an unsecured claim in this Chapter 13 case.
   2. no Proof of Claim has been filed by the junior lien holder [Creditor Name]. [Creditor Name] shall have 60 days from the date of this Order to file an unsecured claim. Failure to file a claim within this time period will result in the creditor receiving no distribution from the estate, unless an Order is entered to the contrary.
4. The second mortgage on the Real Property held by [Creditor Name], account number [REDACTED account no.], recorded on [record date], in Book [book no.], Page(s) [page no(s)], Instrument No. [instrument no.] of the official records of [county] County, [State], 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 the mortgage lien prior to the entry of the debtor’s discharge.
5. This order does not prohibit [Creditor Name] from asserting, at any time prior to the time when the lien is avoided by this order upon 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. In the event the creditor has an allowed unsecured claim filed in this case, the creditor shall forthwith report the receipt of such proceeds to the Chapter 13 trustee, but in no event later than 60 days after receipt and creditor shall amend its claim by the total amount received. Further, the trustee is authorized to reduce the total allowed unsecured claim by the amount of the reported proceeds and adjust the pro-rata distribution to said creditor.

**DONE AND ORDERED** on .

KAREN K. SPECIE

Chief U.S. Bankruptcy Judge

Order prepared by: [Name]

Service: [Name of person submitting proposed order] is directed to service a copy of this order on interested parties and file a certificate of service within three (3) business days of entry of the order.