

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

IN RE:

**PROCEDURE FOR FILING MOTION TO DETERMINE SECURED STATUS  
AND TO STRIP JUNIOR LIEN ON DEBTOR'S PRINCIPAL RESIDENCE  
ON NEGATIVE NOTICE IN CHAPTER 13 CASES**

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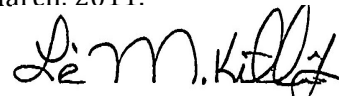
**Standing  
Order No. 18**

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**IN ORDER TO** implement a procedure only for Chapter 13 cases whereby motions to value claims secured by junior liens on the debtor's principal residence and to strip off those liens may be filed as an exception to N.D. Fla. LBR 3012-1.B and on negative notice pursuant to N.D. Fla. LBR 2002-2, the following guidelines and procedures are hereby adopted:

1. Motions to value claims secured by junior liens on the debtor's principal residence at \$0.00 and to "strip off" such liens shall not be filed before the earlier of the time when: (a) the affected creditor has filed a proof of claim or (b) the expiration of the time to file claims (claims bar date). A premature motion to value will be denied without prejudice.
2. The motion shall :
  - clearly state (a) all known parties who may have an interest in the mortgage, (b) the loan number (formatted as xxxx1234) and recording information of all mortgage lien(s) affected by the Motion, (c) the legal description and street address of the subject property, and (d) the basis of the valuation - private appraisal, county valuation, or other, (e) the balance of the first mortgage;
  - be verified, or supported by an affidavit or declaration (pursuant to 28 U.S.C. § 1746) of the debtor;
  - include on the first page the required negative notice legend giving interested parties thirty (30) days to file an objection;
  - certify service on (i) the appropriate persons required by Bankruptcy Rule 7004 (b) (note in particular the requirement to serve insured depository institutions by certified mail), (ii) on the person who filed the mortgagee's proof of claim, (iii) the attorney, if any, for such creditor, and (iv) the Chapter 13 trustee; and
  - be docketed in the Electronic Case Filing System (CM/ECF) using the Motion to "Determine Secured Status and Strip Junior Lien on Debtor's Principal Residence" docket event.
3. The negative notice legend should be substantially compliant with the one found under N.D. Fla. 2002-2.B.(3) except that the objection period is to be set to thirty (30) days.
4. The movant shall submit a proposed order to the Clerk's Office no later than fourteen (14) days after the expiration of the thirty (30) day objection period.
5. The debtor's Chapter 13 plan shall provide for the stripping off of the lien, conditioned on the debtor's obtaining a discharge or upon further Order of the Court.

**DONE and ORDERED** at Tallahassee, Florida, this 4 day of March, 2011.



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The Honorable Lewis M. Killian, Jr.  
United States Bankruptcy Judge