

**United States Bankruptcy Court
Middle District of Florida**

In re Stephen Guy Rocci

Debtor(s)

Case No. 6:09-bk-00036

Chapter 13

MOTION TO STRIP OFF A JUNIOR LIEN

Debtor, by counsel, hereby moves the Court to strip off and avoid the lien of creditor, Regions Bank, on the following described property:

**910 Nola Drive
Ocoee, FL 34761**

Debtor intends to strip off creditor's, Regions Bank, lien and to treat said creditor's claim as unsecured. Debtor states that the basis for the lien stripping is lack of equity in the encumbered property and in support of said Motion submits the following information:

1. The amount of the claim which the lien secures is \$29,769.00
2. The above mentioned lien is a non purchase money lien.
3. Debtor submits the following information on the value of the property:
 - A). Fair Market Value: \$300,000.00
 - B). Value listed in Schedules: \$300,000.00
 - C). Value according to records of County Property Valuation Administration: \$336,996.00
 - D). Purchase Price: \$454,000.00
 - E). Date of Purchase:06/30/2005
 - F). Appraised Value (if recently appraised): \$
 - G). Senior mortgages or liens on the property and their amount: \$215,742.
4. The trustee has not abandoned the property.
5. The debtor does claim an exemption in said property.
6. The lien held by the creditor impairs the exemption of the debtor in the property described in the motion.

WHEREFORE, the debtor moves the Court to order the lien stripped off, avoided, the claim treated as unsecured, and for such other relief as may be entitled.

Date **February 6, 2009** _____

Signature **/s/ Stephen Guy Rocci** _____
Stephen Guy Rocci
Debtor

ORDER

The motion of the above-named debtor, Stephen Guy Rocci, to strip lien of the respondent and convert it into an unsecured non priority debt, Regions Bank is sustained.

This matter having come before the Court on the Motion by debtor(s) to Strip Off a Junior Lien and the Court being sufficiently advised,

IT IS HEREBY ORDERED that the junior lien of creditor, , in the property described as is, STRIPPED OFF, and shall be treated as an UNSECURED claim under the Chapter 13 case.

Should the debtor(s) complete their Chapter 13 plan and receive a discharge, the property will vest in the debtor(s) free and clear of this lien. Should the debtor(s) fail to complete the plan and receive a discharge, upon the dismissal of the bankruptcy case any lien stripped off and avoided will be reinstated pursuant to § 349(b)(1)(C) of the Bankruptcy Code. Likewise, should the case be converted to Chapter 7, any lien stripped off will also be reinstated

Date _____

Karen S. Jenneman
U.S. BANKRUPTCY JUDGE