

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

DEBTOR'S NAME,

Case No. xx-xxxxx-xxx

Debtor.

Chapter 13

_____/

**ORDER GRANTING MOTION TO VALUE COLLATERAL
AND DETERMINE THE AMOUNT OF A CLAIM SECURED BY A
LIEN ON REAL PROPERTY HELD BY [LIEN HOLDER'S NAME]**

The debtor's *Motion to Value Collateral and Determine the Amount of a Claim Secured by a Lien on Real Property*¹ came before the Court on the chapter 13 consent calendar on [date]. Based on the allegations in the motion and the absence of any objection, the Court finds that:

- A. As of the petition date, the value of the real property located at [address] and with the legal description listed below is \$ _____:

[legal description]

- B. The total of all claims secured by liens on the real property senior to the lien of [lien holder's name] ("Creditor") is \$ _____.

¹ Dkt. No. ____.

- C. Therefore, the amount of Creditor's secured claim is: \$[amount listed in paragraph A minus amount listed in paragraph B; if negative, put \$0.00].

Accordingly, it is **ORDERED** that:

1. The motion is **GRANTED**.
2. Pursuant to 11 U.S.C. § 506(a), Creditor has an allowed secured claim in the amount of \$ _____.

3. **Treatment of lien (select only one):**

___ *Lien stripped off.* Because the value of Creditor's interest in the estate's interest in the real property is \$0.00, upon entry of a discharge under 11 U.S.C. § 1328 and without further Court order, Creditor's mortgage recorded on [date] at OR Book _____ Page _____ in the official records of _____ County, Florida, will be void and automatically extinguished.

___ *Lien stripped down.* Because the value of Creditor's interest in the estate's interest in the real property is \$ _____, upon entry of a discharge under 11 U.S.C. § 1328 and without further Court order, Creditor's mortgage recorded on [date] at OR Book _____ Page _____ in the official records of _____ County, Florida, will be secured only to the extent of this amount, less any payments made on this debt during this chapter 13 case.

4. **Treatment of claim (select only one):**

___ Creditor has not filed a proof of claim. The trustee will not disburse any payments to Creditor unless a proof of claim is timely filed. If Creditor timely files a proof of claim, Creditor's claim will be classified in the plan as a secured claim in the amount listed in paragraph 2, and as a general unsecured claim for the balance of the claim (deficiency claim), regardless of how the claim is classified in the proof of claim.

___ Creditor filed a proof of claim. Creditor's claim will be classified in the plan as a secured claim in the amount listed in paragraph 2, and as a general unsecured claim for the balance of the claim (deficiency claim), regardless of how the claim is classified in the proof of claim.

5. The debtor may not sell or refinance the real property without a court order after notice to creditors.

6. This order is entered solely to determine the amount of Creditor's secured claim for purposes of confirming a chapter 13 plan and is not recordable or enforceable in any other context unless and until the debtor receives a discharge under 11 U.S.C. § 1328.

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Submitted by:

[Submitting attorney name]

[Law firm name]

[Mailing address]

[Phone number]

[Email address]

[Submitting attorney] must serve a copy of this order on the Creditor and must file a certificate of service as required by Local Rule 9036-2.