

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE: KIMBERLY ANNE HANCOCK,
Debtor.

Bankruptcy Case No. 3:14-bk-5551-JAF

BANK OF AMERICA, N.A.,

Appellant,

vs.

Case No. 3:15-cv-497-J-32

KIMBERLY ANNE HANCOCK,

Appellee.

ORDER

This case is before the Court on appellant's motion for summary reversal (Doc. 13). Appellee did not respond, despite the Court's invitation to do so (Doc. 14).

In light of the United States Supreme Court's recent decision in Bank of America, N.A. v. Caulkett, 135 S.Ct. 1995 (2015), the Court finds the motion for summary reversal of the Bankruptcy Court's order in this Chapter 7 case is due to be granted. See Harper v. Virginia Dept. of Transp., 509 U.S. 86, 96-99 (1993) ("When this Court applies a rule of federal law to the parties before it, that rule is the controlling interpretation of federal law and must be given full retroactive effect in all cases still open on direct review and as to all events, regardless of whether such events predate or postdate our announcement of the rule."); see also, Ratchford v. First Southern Bancorp, No. 12-10492-EE, 2012 WL 10478553, *1 (11th Cir. Oct. 3, 2012) (summarily reversing in light of intervening case law); In re Santiago, Case

No. 2:14-cv-598-FtM-38, 2015 WL 4068507 (M.D. Fla. Jul. 2, 2015) (granting motion for summary reversal of bankruptcy order stripping off junior lien in Chapter 7 case in light of Caulkett).

Accordingly, it is hereby

ORDERED:

1. Appellant Bank of America, N.A.'s Motion for Summary Reversal (Doc. 13) is

GRANTED.

2. The Bankruptcy Court's March 23, 2015 Order is **REVERSED** and this case is **REMANDED** to the United States Bankruptcy Court for the Middle District of Florida for further consideration in light of Bank of America, N.A. v. Caulkett, 509 U.S. 86 (2015).

3. The clerk shall close the file.

DONE AND ORDERED at Jacksonville, Florida this 16th day of July, 2015.


TIMOTHY J. CORRIGAN
United States District Judge

s.
Copies:

Honorable Jerry A. Funk
United States Bankruptcy Judge

counsel of record