Dated: March 10, 2012.



S. Martin Teel, Jr. U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA

In re)
ANDRE WHITNEY,	Case No. 11-00809 (Chapter 13)
Debtor.)
)
)
ANDRE WHITNEY,)
)
Plaintiff,)
) Adversary Proceeding No.
V.) 12-10004
)
OCWEN LOAN SERVICING LLC,	Not for Publication inWest's Bankruptcy Reporter
Defendant.)

MEMORANDUM DECISION RE MOTION FOR DEFAULT JUDGMENT

The debtor seeks to avoid the lien of Ocwen Loan Servicing LLC on his real property on the basis that the value of the debtor's real property is fully encumbered by a senior lien.

Ocwen has failed to respond to the complaint. The debtor's motion for default judgment would treat Ocwen's claim as unsecured and treat the lien as avoided without qualification. The lien, however, will not stand avoided if the case is

converted or dismissed. See, e.g., In re Scantling, --- B.R.
----, 2012 WL 593218, *8 (Bankr. M.D. Fla. Feb 24, 2012). The
motion for default judgment will be granted with the
clarification that although Ocwen's claim will be treated as
fully unsecured for purposes of the administration of the
debtor's chapter 13 plan, the lien will remain avoided only if
the debtor completes plan payments (or completes plan payments to
the extent necessary to obtain a so-called "hardship discharge"
under 11 U.S.C. § 1328(b)).1

[Signed and dated above.]

Copies to: All counsel of record;

Ocwen Loans P.O. Box 785053 Orlando, FL 32878

Cynthia Niklas Chapter 13 Trustee 4545 42nd Street NW Suite 211 Washington, DC 20016

This case does not present the issue whether a debtor in a chapter 13 case may avoid a lien if the debtor is ineligible under 11 U.S.C. § 1328(f) to obtain a discharge. Compare, e.g., In re Scantling, and In re Okosisi, 451 B.R. 90 (Bankr. D. Nev. 2011), with, e.g., Victorio v. Billingslea, 2012 WL 628310, *5 (S.D. Cal. Feb. 24, 2012), aff'g In re Victorio, 454 B.R. 759, 774 (Bankr. S.D. Cal. July 8, 2011); In re Jarvis, 390 B.R. 600, 605-06 (Bankr. C.D. Ill. 2008).