

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-11292
Non-Argument Calendar

D.C. Docket Nos. 3:14-cv-00067-BJD; 6:13-bkc-10498-KSJ

In Re: MARTIN ROBERT HALL,
ROBERTA D. HALL,

Debtors.

BANK OF AMERICA, N.A.,

Plaintiff - Appellant,

versus

MARTIN ROBERT HALL,
ROBERTA D. HALL,
a.k.a. Roberta Schimpf Hall,

Defendants - Appellees.

Appeal from the United States District Court
for the Middle District of Florida

(August 14, 2015)

ON REMAND FROM THE UNITED STATES SUPREME COURT

Before WILSON, ROSENBAUM, and COX, Circuit Judges.

PER CURIAM:

Appellees, Martin and Roberta Hall, are Chapter 7 debtors with three Bank of America mortgages on their house secured by corresponding liens. The first mortgage is fully secured; the second, partially secured; the third, completely unsecured or “underwater.” The Martins obtained from the bankruptcy court an order “stripping off” Bank of America’s third lien as void under 11 U.S.C. § 506(d). The district court affirmed. Bank of America appealed. Bound by our prior precedent rule, we affirmed.

The Supreme Court granted Bank of America’s petition for writ of certiorari, vacated this court’s judgment, and remanded the case for further proceedings in light of *Bank of America, N.A. v. Caulkett*, 575 U.S. ___, 135 S. Ct. 1995 (2015). Under *Caulkett*, § 506(d) does not permit the bankruptcy court to strip off the underwater third lien.

Following the issuance of *Caulkett*, Bank of America filed a motion for summary reversal in this court. We deny that motion by separate order. We vacate the judgment of the district court and remand this case to the district court for further proceedings consistent with this opinion and *Caulkett*.

VACATED AND REMANDED.