

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-13503
Non-Argument Calendar

Docket Nos. 1:14-cv-01377-AT; 13-bkc-77194-BBM

In re: DAVID FRANCIS MILLER, III,

Debtor,

BANK OF AMERICA, N.A.,

Plaintiff-Appellant,

versus

DAVID FRANCIS MILLER, III,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(October 7, 2015)

Before MARCUS, WILLIAM PRYOR, and EDMONDSON, Circuit Judges.

PER CURIAM:

In this appeal, Bank of America, N.A. challenges the district court's summary affirmance of the bankruptcy court's order voiding a wholly unsecured second priority lien on residential property owned by a Chapter 7 debtor. We kept the appeal in abeyance pending review by the Supreme Court of our decisions in Bank of Am., N.A. v. Caulkett (In re Caulkett), 566 F. App'x 879 (11th Cir. 2014), and in Bank of Am., N.A. v. Toledo-Cardona (In re Toledo-Cardona), 556 F. App'x 911 (11th Cir. 2014).

Because the Supreme Court has now disposed of these cases in Bank of America v. Caulkett, 135 S.Ct. 1995 (2015), we grant Bank of America's motion to lift the stay of this appeal.

In the light of the Supreme Court's decision in Caulkett and this Court's decision in Waits v. Bank of Am., N.A. (In re Waits), 793 F.3d 1267 (11th Cir. 2015), we deny Bank of America's motion for summary reversal, vacate the district court's judgment, and remand for further proceedings consistent with Caulkett.

VACATED AND REMANDED.