

In re Garcia
09-33208-BKC-LMI

Under the Supremacy Clause, 11 U.S.C. §522(o) preempts Article X, Section 4(a)(1) of the Florida Constitution, which grants broad homestead protection to Florida residents. The debtors used \$33,000.00 from the proceeds of the sale of an investment property to purchase their homestead. The Trustee objected to this portion of the Debtors' homestead exemption under 11 U.S.C. §522(o). The Debtors argued that their entire homestead exemption was protected under the Florida Constitution notwithstanding section 522(o). Noting the conflict between state law and federal law, the Court held that 11 U.S.C. §522(o) preempted the state constitution.