

In re Omar Castillo and Melinda Lafontaine
13-27877-BKC-LMI

The Trustee objected to the Debtor's exemptions of up to \$4,000 in personal property claimed under Florida Statute §222.25(4), or the "wildcard exemption." The Trustee argued that even though the Debtor did not own the family homestead, the Debtor received the benefit of the homestead, and since the debtor received the benefit of the homestead, under *Osborne v. Dumoulin*, 55 So. 3d 577 (Fla. 2011), the Debtor was not entitled to the wildcard exemption. The Court held that *Dumoulin* referred specifically to benefits of homestead conferred under Article X, Section 4 of the Florida Constitution, which protects from forced sale and levy by creditors property owned by the Debtor. Because the Debtor had no ownership in the homestead, the Debtor did not receive the "benefit" from the homestead that would preclude the Debtor from claiming up to \$4,000 in personal property allowed under Fla. Stat. §222.25(4).