

**IN RE: Ezra Menasche and Janeth Menasche,
Debtors.**

Case No.: 03-27656-BKC-PGH

2003 WL 22838558 (Reporter citation not available yet)

Chapter 13 debtors moved to redeem and to compel turnover of motor vehicle that secured creditor had repossessed prepetition. The Court held that: (1) debtors' bare redemptive rights in motor vehicle that was validly repossessed, in accordance with Florida law, prior to commencement of their Chapter 13 case was insufficient to bring motor vehicle into property of the estate or to compel turnover; and (2) that proposal to pay full redemption amount over course of chapter 13 plan is ineffective to redeem the repossessed vehicle. Florida Statutes § 679.623 requirement to "tender fulfilment of all obligations secured by the collateral" means to present payment of the entire balance in a lump sum. Motion denied.