

individuals who are unmarried, which does not provide for the right of survivorship, creates a tenancy in common. Fla. Stat. § 689.15. When a deed or other document conveying title to two or more persons as tenants in common is silent as to each tenant's proportional interest in the property, a presumption arises that the tenants own "equal undivided interests" in the property. *Gennet v. Docktor (In re Levy)*, 185 B.R. 378, 381 (Bankr. S.D. Fla. 1995). Thus, in this case, the Debtor, Hermogenes Abad, and the non-filing co-owner, Nery De Leon, each own an undivided one-half interest in the Property and hold title to the Property as tenants in common.

Because the Debtor holds a one-half interest in the subject Property, only the Debtor's one-half interest became property of the estate upon the filing of this bankruptcy case. *See Maitland v. Cent. Fid. Bank (In re Maitland)*, 61 B.R. 130, 132-33 (Bankr. E.D. Va. 1986). The Debtor may only utilize § 506(a) for the purposes of valuing the "estate's interest in such property." *Veneziale v. Sparkman (In re Veneziale)*, 267 B.R. 695, 701 (Bankr. E.D. Pa. 2001). The value of the premises is bifurcated when computing the value of the estate of a tenant in common and the full value of the property must be divided in half to arrive at the value of the debtor's interest. *Crompton v. Boulevard Mortg. Co. (In re Crompton)*, 68 B.R. 831, 835-36 (Bankr. E.D. Pa. 1987).

Thus, because the Debtor only has a one-half interest in the Property, § 506 can only be used to value that proportional interest and not the Property as a whole. Though the Court might not preclude the Debtor's efforts to value his one-half ownership interest in the subject Property, upon such valuation, the creditor would retain its entire claim amount as a mortgage lien against the remaining non-filing co-owner's one-half interest in the Property. *In re Abruzzo*, 249 B.R. 78, 90 (Bankr. E.D. Pa. 2000).

Based on the foregoing, it is -

ORDERED as follows:

1. The Debtor's Motion is denied without prejudice because it seeks relief with respect to the full value of the Property.
2. The Debtor may file a renewed Motion to Value the Property limited to his one-half interest in the Property.
3. If filed and granted, the relief stripping down the lien on the Debtor's one-half interest shall not affect the non-filing co-owner's interest in the Property and the creditor's full lien amount shall remain and shall continue to encumber the non-filing co-owner's one-half interest.

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