

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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In re:

Administrative Order 2020-04

**ORDER GRANTING RELIEF FROM
DISCHARGE INJUNCTION TO ENTER
INTO AGREEMENT TO REFINANCE OR
MODIFY DEBT SECURED BY LIEN
ON HOMESTEAD**

When a debtor or former debtor (the “Debtor”) has received a discharge and later seeks to refinance or modify an un reaffirmed debt secured by a lien on the Debtor’s homestead property, the Bankruptcy Court for the Southern District of Florida finds that a secured creditor should not require individual judicial relief before the Debtor can negotiate and enter into a refinance or modification agreement.

Accordingly, it is **ORDERED** as follows:

1. This order applies only when the Debtor initiates a request to refinance or to modify the debt secured by a lien on homestead property after entry of an order of discharge in the Debtor’s bankruptcy case. This order does not authorize unsolicited attempts by any creditor to renegotiate debt that was not reaffirmed prior to a Debtor’s discharge.
2. This order grants relief from the discharge injunction to a secured creditor for the purpose of negotiating and entering into a refinance or modification agreement with a Debtor, regardless of whether the Debtor reaffirmed the debt during the Debtor’s bankruptcy case.
3. If the Debtor enters into an agreement to refinance or to modify an existing debt secured by a lien on homestead property, the Debtor will become liable pursuant to the terms of the new (refinanced or modified) loan, notwithstanding that the Debtor obtained a discharge of the

Debtor's personal liability for the debt owed under a prior agreement secured by a lien on the same homestead property.

4. This order applies to all bankruptcy cases in the Southern District of Florida in which discharges have been entered or will be entered in the future.

ORDERED in the Southern District of Florida, this 18th day of February, 2020.



Laurel Myerson Isicoff
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court