

ORDERED.

Dated: April 04, 2019


Cynthia C. Jackson
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re:

WILLIAM W. COLE, JR.,

Case No. 6:15-bk-06458-CCJ

Chapter 7

Debtor.

_____ /

ORDER SUSTAINING, IN PART,
OBJECTIONS TO DEBTOR'S CLAIM OF EXEMPTION
(Homestead Exemption)

THIS CASE is considered following trial on Creditors PRN Real Estate & Investments, Ltd. and Nancy A. Rossman's Objection to Debtor's Claimed Homestead Exemption (Doc. No. 104) and Chapter 7 Trustee Lori Patton's Objection to Debtor's Claim of Homestead Exemption (Doc. No. 116) (together, the "Objections"). After considering the evidence and the governing case law, and for the reasons stated in the Court's Memorandum Decision entered concurrently with this Order (Doc. No. 788), the Court sustains the Objections, in part.¹

It is therefore **ORDERED:**

1. The Objections (Doc. Nos. 104 and 116) are sustained, in part.
2. Debtor is entitled to claim a homestead exemption, which is limited to one-half acre. *See Fla. Const. Art. X § 4.*

3. For purposes of this chapter 7 case, the illegal lot split shall be ignored. Further, the Submerged Land is deemed to belong to the Debtor and shall be considered in the determination of the claim of exemption.

4. Upon sale of the Property, Debtor shall be entitled to retain 16.9 % (.5 acres / 2.95 acres) of the net sale proceeds. This allocation is without prejudice to a refinement of the stipulated acreage for the Property.

Service of this Order, other than by CM/ECF, is not required as the interested parties are registered CM/ECF users. Local Rule 9013-1(b).

¹ Capitalized terms shall have the meaning attributed to them in the Court's Memorandum Decision (Doc. No. 788).