

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

In re:

JOSE ANTONIO MEDINA and  
NYDIA MEDINA,

Case No. 6:12-bk-00066-ABB  
Chapter 7

Debtors.

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**ORDER**

This matter came before the Court on the Motion for Approval of Modification of Loan (Doc. No. 18) filed by the *pro se* Debtors Jose Antonio Medina and Nydia Medina. A hearing was held on May 7, 2012 at which the Debtors appeared. No responses have been filed.

The Debtors own homestead property located at 2915 Egret's Landing Drive, Orlando, Florida 32746 (the "Property"), which is encumbered by a mortgage held by Bank of America totaling approximately \$141,719.00.<sup>1</sup> The Debtors value the property at \$127,534.00.<sup>2</sup> They engaged in a mortgage modification trial period with Bank of America post-petition in which they paid \$944.76 to Bank of America. The Debtors seek the Court's authority to enter into a new loan or a loan modification with Bank of America. No reaffirmation agreement was filed pursuant to 11 U.S.C. Section 524(c) seeking to reaffirm the mortgage debt.

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<sup>1</sup> Doc. No. 1, Schedules A & D. Schedule D sets forth the Property is encumbered by a first-priority mortgage held by BAC Home Loans and a second-priority mortgage held by Bank of America. It appears from the documents submitted with the Motion that Bank of America may be the holder of both mortgages. The documents submitted with the Motion set forth the unpaid principal balance owed to Bank of America is \$135,717.50.

<sup>2</sup> Doc. No. 1, Schedule A.

The automatic stay of 11 U.S.C. Section 362(a) arose by operation of law on the petition date of January 4, 2012. The mortgage debt is dischargeable pursuant to 11 U.S.C. Section 727. The automatic stay and the discharge provisions of the Bankruptcy Code do not prevent the parties from negotiating and entering into a loan modification post-petition.

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the automatic stay of 11 U.S.C. Section 362(a) and the discharge provision of 11 U.S.C. Section 727 do not prevent the Debtors and Bank of America from negotiating and entering a loan modification post-petition.

Dated this 8th day of June, 2012.

/s/ Arthur B. Briskman  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge