

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

In re:

CLAUDIE J. HAIREL and
DEBORAH D. HAIREL,

Case No. 6:11-bk-03716-ABB
Chapter 7

Debtors.

ORDER

This matter came before the Court on the Motion for Permission to Enter Into a Loan Modification Agreement (Doc. No. 18) filed by American Home Mortgage Servicing, Inc., servicing agent for U.S. Bank National Association (collectively, “Movant”). A hearing was held on May 7, 2012 at which counsel for Movant and the Debtors Claudie J. Hairel and Deborah D. Hairel appeared.

The Debtors own homestead property located at 4127 Dorwood Drive, Orlando, Florida 32818 (the “Property”), which is encumbered by a mortgage in the amount of approximately \$262,564.00 held by Movant.¹ The Debtors value the property at \$170,000.00.² The Debtors executed a Home Affordable Modification Agreement with Movant postpetition.³

Movant seeks the Court’s authority to enter into a loan modification with the Debtors. No reaffirmation agreement was filed pursuant to 11 U.S.C. Section 524(c) seeking to reaffirm the mortgage debt. The Debtors received a Chapter 7 discharge pursuant to 11 U.S.C. Section 727(a) on June 28, 2011 (Doc. No. 14).

¹ Doc. No. 1, Schedules A & D.

² Doc. No. 1, Schedule A. The Debtors stated at the hearing they believe the Property has a value of \$150,000.00.

³ Doc. No. 18.

The automatic stay of 11 U.S.C. Section 362(a) arose by operation of law on the petition date of March 17, 2011. The mortgage debt is dischargeable pursuant to 11 U.S.C. Section 727 and was discharged on June 28, 2011. 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 Movant 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