



619668

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
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The Committee on Judiciary (Passidomo) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 22 - 34  
and insert:

(b) A rebuttable presumption that the defendant has waived any defenses to the foreclosure is created if a lienholder enters documents filed in the defendant's bankruptcy case which:

1. Evidence the defendant's intention to surrender to the lienholder the property that is the subject of the foreclosure;
2. Have not been withdrawn by the defendant; and



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11           3. Show that a final order has been entered in the  
12 defendant's bankruptcy case which discharges the defendant's  
13 debts or confirms the defendant's repayment plan that provides  
14 for the surrender of the property.

15           (2) Pursuant to s. 90.203, a court shall take judicial  
16 notice of any order entered in a bankruptcy case upon the  
17 request of a lienholder.

18

19 ===== T I T L E   A M E N D M E N T =====

20 And the title is amended as follows:

21           Delete lines 7 - 8

22 and insert:

23           action creates a rebuttable presumption that the  
24           defendant has waived any defenses to the foreclosure;  
25           requiring a court to take judicial notice of