

**11 Fla. L. Weekly Supp. 849d**

**Bankruptcy -- Cancellation and discharge of default judgment to extent judgment lien cannot attach to any property acquired by defendant after date bankruptcy petition filed**

FORD MOTOR CREDIT COMPANY, Plaintiff, v. MARK S. ARCHER, Defendant. County Court, 17th Judicial Circuit in and for Broward County. Case No. 98-819 COSO 62. June 28, 2004. Robert W. Lee, Judge. Counsel: William A. Ingraham, Jr., Miami, for Plaintiff. Mitchell Sens, Plantation, for Defendant.

PARTIAL ORDER CANCELING

AND DISCHARGING JUDGMENT

THIS CAUSE came before the Court for hearing on May 27, 2004 on the Defendant's Petition to Cancel and Discharge Judgment, and the Court having reviewed the file, reviewed the relevant legal authorities, and heard the arguments of counsel, it is hereby

ORDERED AND ADJUDGED that

1. The Defendant's Petition to Cancel and Discharge Judgment is hereby granted in part.
2. The May 7, 1998 Default Final Judgment in favor of Ford Motor Credit Company is hereby canceled and discharged to the extent that the Defendant is released from personal liability for this judgment, and to the extent that the judgment lien cannot attach to any property acquired by the Defendant after February 11, 1999, the date the Defendant filed his bankruptcy petition. This Order does not effect the lien on any property owned by the Defendant prior to February 11, 1999. If the Defendant desires to avoid any liens attaching to specific property prior to February 11, 1999, he must seek a judicial determination by means of an evidentiary hearing in this court. *See Albritton v. General Portland Cement Co.*, 344 So.2d 574 (Fla. 1977) (liens attaching prior to bankruptcy proceeding remain unless "title was [ . . . ] cleared to [Defendant] in that proceeding").
3. This Order shall have the same effect as a satisfaction of judgment subject to the limitations set forth herein.

\* \* \*