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Systems & Facilities  
Manager  
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**TERRY E. SMITH**  
Standing Chapter 13 Trustee  
Middle District of Florida  
Tampa Division

Senior Staff Attorney  
M. Eric Barksdale

Staff Attorneys  
William C. Harrison  
Mära B. Mandell  
Caroline Cynn

**SELLING OF HOMESTEAD  
PROPERTY CONSENT FORM**

You do not need consent to sell your Homestead property. It is considered an exemption. The Title Company and/or their Underwriters may require a consent letter from the Trustee. Fill out the consent form and fill in all blanks and make sure we have your signature(s). Fax back to us at (813)658-1160

Debtor(s) name \_\_\_\_\_

Debtor(s) name \_\_\_\_\_

Case number \_\_\_\_\_ Debtor(s) Telephone \_\_\_\_\_

Title Company name \_\_\_\_\_ Fax number \_\_\_\_\_

Debtor(s) Signature \_\_\_\_\_

Debtor(s) Signature \_\_\_\_\_

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In a Chapter 13 bankruptcy proceeding, the Trustee has no standing to approve the sale of any asset, only the Bankruptcy Court can approve them. However, a court order is not needed when selling exempt homestead property, even though most lenders and title companies request some type of consent.

Terry E. Smith as Chapter 13 Trustee has no objection to the sale of the Debtor(s) homestead property located at \_\_\_\_\_ contingent on the Debtors paying the total amount of the Trustee’s fee that otherwise would be paid if all allowed claims were paid through the Chapter 13 Plan, as further described below.

The bankruptcy court now requires that upon the Debtors selling the homestead property, the Debtors must pay to the Chapter 13 Trustee exactly what the Debtors would have paid as if the Plan went full term and the Trustee has collected his percentage fee on each and every payment due under the confirmed Plan. Therefore, any payoff requested from the Chapter 13 Trustee will include the total amount of the Trustee’s fee due under the confirmed Plan. Therefore, any payoff requested from the Chapter 13 Trustee will include the total amount of the Trustee’s fee due under the confirmed Plan, including the Trustee’s fee due on any mortgage payments, arrearages, property taxes, etc, otherwise paid through the sale.

Sincerely,

Terry E. Smith  
Chapter 13 Standing Trustee

(8-19-10)

Mail Payments to: P.O. Box 830, Memphis, TN 38101-0830  
Correspondence address: P.O. Box 6099, Sun City Center, FL 33571-6099  
Telephone (813) 658-1165 Toll Free 1-866-658-1165 Facsimile (813) 658-1166  
Trustee Website: [www.ch13tampa.com](http://www.ch13tampa.com)