

Orlando Sentinel

ASK A LAWYER

Reader's Protected Homestead is Safe

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Question:

My wife and I have a second home that we rent out, but owning two homes is proving to be too much for us financially. If we default on the mortgage for the second home, and the lender obtains a deficiency judgment against us, can the lender collect the judgment by foreclosing upon our primary residence?

R.C.

Orlando



FRANK POHL
Pohl & Short, P.A.

Answer:

If the lender on the second home obtains a deficiency judgment against you, the lender cannot collect upon that judgment by foreclosing or otherwise forcing a sale of your primary residence if that residence is your protected homestead property.

In Florida, protected homestead property is the property upon which a Florida resident's primary residence is located. It does not matter how much the property is worth, but there is a size limitation. Protected homestead property is limited in size to a half acre if it is located within city limits and 160 acres if it is located in an unincorporated area.