



**ORDERED in the Southern District of Florida on March 30, 2020.**

A handwritten signature in black ink, appearing to read "Robert A. Mark".

**Robert A. Mark, Judge  
United States Bankruptcy Court**

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re: Case No. 19-22607-RAM  
Lee Robert Rohe Chapter 13  
dba Lee Robert Rohe, P.A.  
Debtor. /

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**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY  
AND CO-DEBTOR STAY RE: 2110 PALM BEACH ROAD, BIG PINE KEY, FL 33043**

The Court conducted a hearing on March 26, 2020, on Wells Fargo Bank, N.A.'s Motion for Relief from the Automatic Stay (the "Stay Relief Motion") (Doc. No. 72), the Motion of Debtor to Extend Stay (the "Motion to Extend Stay") (Doc. No. 98) and the Supplemental Response by Debtor (Doc. No. 103). For the reasons stated on the record at the hearing, which are incorporated here by reference, and after review of competing forms of order submitted by the parties, it is:

**ORDERED as follows:**

1. The Debtor's Motion to Extend Stay is denied, and the Stay Relief Motion is granted subject to the conditions set forth in this Order.

2. This Order also includes relief from the co-debtor stay subject to the conditions set forth in this Order.

3. Wells Fargo Bank, N.A. (“Wells Fargo”) is granted relief from the automatic stay and relief from the co-debtor stay, in accordance with 11 U.S.C. Section 362(d), to proceed with its state court foreclosure case relating to the real property located at 2110 Palm Beach Road, Big Pine Key, Florida 33043 and described as follows: Lot 43, Block 3 Of Pine Ridge, According To The Plat Thereof As Recorded In Plat Book 4, Page (S) 42, Of The Public Records Of Monroe County, Florida (the “Property”).

4. More specifically, Wells Fargo is granted stay relief to proceed in the Monroe County Circuit Court in Civil Case 44-2017-CA-195-K styled Wells Fargo Bank, N.A. v Lee R. Rohe and Susan I. Rohe, et. al. (the “State Court Case”).

5. Stay relief includes relief to request that the state court reschedule a foreclosure sale of the Property. However, Wells Fargo may not seek entry of an *ex parte* order resetting the sale while the current COVID-19 Emergency Procedures are in effect as set forth in the 16<sup>th</sup> Judicial Circuit Administrative Order 2.077 entered by the Chief Judge of the 16<sup>th</sup> Judicial Circuit on March 18, 2020, and as set forth in any extension of that order. Instead, Wells Fargo must file a motion to reset the sale on notice to the Debtor and co-defendants, and request a hearing on the motion.

6. This Order grants *in rem* relief only and does not authorize Wells Fargo to seek or obtain *in personam* relief against the Debtor.

7. In accordance with Fed.R.Bankr.P. 4003(a)(3), this Order is stayed until the expiration of 14 days after entry of the Order on the Court’s docket.

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COPIES TO:  
Steven Powrozek, Esq.  
Lee Robert Rohe, Esq. (Debtor)  
Nancy Neidich, Trustee

CLERK TO SERVE:

Susan Lynne Rohe

PO Box 430678

Big Pine Key, FL 33043

IN THE CIRCUIT COURT OF THE 16<sup>TH</sup>  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 2.077

IN RE: COVID-19 EMERGENCY  
PROCEDURES

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WHEREAS, the Florida State Courts System continues to monitor and proactively address the effects on court operations of the Coronavirus Disease 2019 (COVID-19), a severe acute respiratory transmission; and

WHEREAS, the Governor of the State of Florida has declared that a state emergency exists, the Surgeon General and the State Health Officer have declared a public health emergency exists and the Centers for Disease Control and Prevention (CDC), the Florida Department of Health and the Florida Department of Management Services have publish after-travel health precaution information; and

WHEREAS, the health, safety, and well-being of courthouse visitors, court employees and judicial officers are a high priority for the Florida State Courts System; and

WHEREAS, AOSC20-13 authorizes the Chief Judges of the circuit and district courts to continue ongoing efforts to mitigate the effects of COVID-19 on the courts and court participants and to prepare to activate and implement continuity of operations (COOP) plans to address the public health emergency; and

WHEREAS, AOSC20-15 directs the chief judge of each judicial circuit to cancel or postpone court proceedings other than essential proceedings and proceedings critical to the state of emergency and public health emergency; and

WHEREAS, Monroe County Emergency Management Emergency Directive advises to follow the CDC's advice warning against public gatherings of more than 10 people in any one location; and

WHEREAS, it is the policy of the Sixteenth Judicial Circuit to implement all reasonable and appropriate measures to mitigate the impact of COVID-19 and assure public safety,

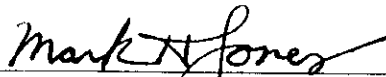
IT IS THEREFORE ORDERED AND ADJUDGED:

1. Court proceedings are limited to those deemed “mission critical” as defined below:
  - a. First Appearances;
  - b. Bond Hearings;
  - c. Criminal Arraignments; as necessary;
  - d. Juvenile Detention Hearings;
  - e. Juvenile Shelter Hearings;
  - f. Domestic Violence, repeat violence, sexual violence, dating violence and stalking injunctions, as well as all chapter 39 injunctions;
  - g. Risk Protection orders;
  - h. Marchman Acts;
  - i. Baker Acts;
  - j. Family law (including juvenile) cases where the imminent safety of children is an issue;
  - k. Vulnerable adult injunctions;
  - l. Emergency incapacity petitions and appointment of guardians;
  - m. Proceedings involving requests for “do not resuscitate” orders;
  - n. Adult Protective Service Act proceedings;
  - o. Requests for search warrants and arrest warrants;
  - p. Violations of quarantine or isolation orders;
  - q. Violations of orders to limit travel;
  - r. Violations of orders to close public or private buildings;
  - s. Seizure of bodily fluids;
  - t. Mandatory vaccinations proceedings;
  - u. Enforcement of curfew orders;
  - v. Extraordinary writs;
  - w. Any other “emergency” proceedings or hearings authorized by the Chief Judge, which includes jail pleas and admissions by incarcerated defendants via video.
2. Any person, regardless of status, who is exhibiting symptoms consistent with COVID-19 infection; or any person who has traveled internationally or has been in contact with another person who is suffering from the effects of the COVID-19 virus, is prohibited from entering any court facility.
3. Entry to court facilities to participate in “mission critical” hearings as defined in Section 1 above will be limited to attorneys, litigants, witnesses, and essential personnel necessary to conduct the critical mission of the court.
4. First Appearances will continue to be held via video from the Freeman Justice Center, the Marathon Courthouse and the Plantation Key Courthouse to the Monroe County Detention Centers.
5. Criminal Arraignments will continue to be held in all three courthouse locations for incarcerated Felony and Misdemeanor defendants only via video from the jails. All arraignment dates for out of custody defendants will be rescheduled.

6. Requests for Juvenile Shelter Hearings and Juvenile Detention Hearings shall be made with the presiding judge during normal working hours or the duty judge on nights and weekends.
7. Requests for temporary injunctions shall be made with the presiding judge during normal working hours or the duty judge on nights and weekends. Injunction hearings relating to the safety of an individual shall take place in person or by telephonic means at dates and times designated by the presiding judges.
8. All Risk Protection Orders hearings shall take place in person or by telephonic means at dates and times designated by the presiding judges.
9. Requests for Baker Act and Marchman Act hearings shall be made with the presiding judges.
10. Family and Dependency emergencies where imminent harm to a child is an issue shall be presented to the presiding judge and will be considered/heard as determined by the presiding judge in person or via video.
11. Requests for search and arrest warrants will be considered during normal working hours by the day duty judge at each courthouse location and on nights and weekends by the duty judge.
12. All requests for emergency mission critical civil actions shall be presented to the presiding circuit civil judge in each courthouse location during normal working hours. Hearings on these matters shall be conducted via video or in person as determined by the presiding judge.
13. Any judge, who in his/her judgment feels the need to conduct a hearing outside the parameters of this Order shall request permission to do so from the Chief Judge.
14. No inmate housed in any jail facility is to be transported to any court facility in the Sixteenth Judicial Circuit absent a written order from the Chief Judge.
15. All court proceedings not specifically mentioned herein that are scheduled to take place in any facility in the Sixteenth Judicial Circuit are hereby postponed and are to be rescheduled by the parties or the court.
16. Except as otherwise provided herein, where available, technological means of communication such as telephone, conference call or videoconference should be used to minimize face-to-face contact among judges, attorneys and litigants.
17. All collateral uses of the courthouse facilities for depositions, mediations, meetings, etc. are hereby canceled.

18. The Freeman Justice Center, Plantation Key Courthouse and Marathon Courthouse are closed to the general public, with the exception of those persons attending court for mission-critical proceedings as described herein, as well as persons needing to conduct business with the Clerk of Court and the State Attorney's Office at the Plantation Key Government Center.
19. This ORDER takes effect immediately upon signing and remains in effect through April 17, 2020, unless it is extended or modified by further order of the Chief Judge.

DONE AND ORDERED at Key West, Monroe County, Florida this 18<sup>th</sup> day of March, 2020.



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Mark H. Jones  
Chief Judge