

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

REGINE T. ST. HILAIRE,

Case No. 6:12-bk-03266-ABB

Chapter 7

Debtor.

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ORDER

This matter came before the Court on the Emergency Motion to Accelerate Hearing Date (Doc. No. 16) filed by the *pro se* Debtor Regine T. St. Hilaire and the Motion for Order Confirming Termination of Stay or that no Stay is in Effect (Doc. No. 18) filed by the Orlando Federal Credit Union (“Credit Union”). Credit Union holds two mortgage liens on the Debtor’s home located at 249 Winding Cove Avenue, Apopka, Florida 32703 (the “Property”).

An emergency hearing was held on May 2, 2012 at which the Debtor, counsel for the Credit Union, and a Credit Union representative appeared. The Debtor stated in open Court she seeks the Court’s assistance in protecting the Property from foreclosure by the Credit Union. Credit Union’s Motion is due to be granted pursuant to 11 U.S.C. Section 362(c)(4)(A)(i).

The above-captioned bankruptcy case is the Debtor’s third individual bankruptcy case filed in a six-month period. The Debtor filed a Chapter 7 case captioned *In re Regine St. Hilaire*, Case No. 6:11-bk-17307-ABB on November 16, 2011. The Court dismissed the case on December 7, 2011 for the Debtor’s failure to file required documents. The Debtor filed a second bankruptcy case captioned *In re Regine St.*

Hilaire, Case No. 6:12-00840, Chapter 13, on January 23, 2012. The Court dismissed the case on February 15, 2012 for the Debtor's failure to file required documents.

Credit Union appeared in these previous cases and filed motions seeking relief from the automatic stay regarding the Property. The stay relief motions were not adjudicated due to the dismissal of the cases.

The Debtor filed her third case, the above-captioned case, on March 14, 2012 ("Case III"). The automatic stay of 11 U.S.C. Section 362(a) did not arise upon the filing of Case III pursuant to 11 U.S.C. Section 362(c)(4)(A)(i) because the Debtor had filed two previous cases in the last year which were dismissed.

The Debtor made material misrepresentations in open Court when she stated her husband had filed one of the previous cases. She engaged in serial bankruptcy filings to thwart Credit Union's foreclosure action. She did not file Case III in good faith and a filing injunction is due to be imposed pursuant to 11 U.S.C. Section 105.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Credit Union's Motion (Doc. No. 18) is hereby **GRANTED** and the automatic stay of 11 U.S.C. Section 362(a) did not arise upon the filing of the above-captioned case pursuant to 11 U.S.C. Section 362(c)(4)(A)(i); and it is further

ORDERED, ADJUDGED and DECREED that the Credit Union may pursue *in rem* remedies and it shall not seek or obtain *in personam* relief against the Debtor; and it is further

ORDERED, ADJUDGED and DECREED that, pursuant to 11 U.S.C. Section 105(a), Regine T. St. Hilaire, her legal representatives, administrators, successors and assigns, and any individuals or entities that may assert an interest in the Property described herein are hereby prohibited from filing a petition in bankruptcy under Title 11 of the United States Code for a period of two (2) years from the date of entry of this Order.

Dated this 2nd day of May, 2012.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge