

ORDERED.

Dated: November 05, 2018



Catherine Peek McEwen  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION  
www.flmb.uscourts.gov

In re: Case No. 8:18-bk-06212-CPM

Jeremy Charles Reynolds, Chapter 7

Debtor.

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**ORDER DENYING MOTION TO DENY STAY RELIEF  
AS MOOT PURSUANT TO LOCAL RULE 9072-1**

THIS CASE came on for consideration of *Debtor Jeremy Charles Reynold's Motion to Deny Hendricks Enterprise Investors/Realtors, Inc. Motion for Relief from Stay as Moot Pursuant to Local Rule 9072* (the "Motion") (Doc. 33). As stated in the Motion, this case previously came on for hearing on October 15, 2018, to consider the motion for stay relief (Doc. 18) filed by Hendricks Enterprises Investors/Realtors, Inc. ("Hendricks") that sought authorization to pursue an eviction against the Debtor. The Proceeding Memo from the October 15th hearing (Doc. 29) reflects that the Court granted Hendricks's motion and directed counsel for Hendricks to submit a proposed order. The Proceeding Memo states that proposed orders should be submitted within three business days. In addition, Local Rule 9072-1, cited in the

Motion, states in part that orders resulting from a hearing shall be submitted within three business days of the hearing.

Internal records maintained by the Court reflect that counsel for Hendricks submitted a proposed order on October 16, 2018 (Order No. 247042). These same records show that the order was rejected, however, because it failed to expressly recite the Court's full ruling with respect to limitations on the handling of the Debtor's personal property. A corrected order (Order No. 247681) was submitted on October 19, 2018, signed on October 26, 2018, and entered on the docket on October 29, 2018.<sup>1</sup> Thus, the Court finds that Hendricks' counsel complied with the Proceeding Memo directive and Local Rule 9072-1.

Further, the Court notes that, as a matter of local practice, the three-day directive for submission of proposed orders under Local Rule 9072-1 is not strictly enforced. And in any event, this rule does not provide for the denial of relief for lack of strict compliance. Moreover, inasmuch as the Motion states that "[t]he ruling made in open Court does not constitute an order of this Court," this statement is not entirely true. Although the time for filing an appeal may not run until a written order is entered, an oral ruling is effective when made.<sup>2</sup>

**ORDERED** that the Motion is DENIED.

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<sup>1</sup> The Motion states that the Debtor called the Clerk's office on October 19, 2018, and confirmed that there was no proposed order pending. Such inquiry may have been made between the rejection of the first proposed order and the submission of the corrected order. However, because the first proposed order was timely submitted, whether or not an order was pending when the Debtor called on October 19th is irrelevant.

<sup>2</sup> See *IBT Int'l, Inc. v. Northern (In re Int'l Admin. Serv., Inc.)*, 408 F.2d 689, 700 (11th Cir. 2005) ("[a] court's order is complete when made, not when it is reduced to paper and entered on the docket") (citation omitted). See also; *Seaman v. Dokimos*, No. 07-60741, 2007 WL 9701092, at \*13 n.15 (S.D. Fla. Sept. 28, 2007) ("Appellants' contention that the court's ruling on their renewed motion to dismiss is invalid because it was never reduced to writing has no merit.") (citing *In re Int'l Admin. Serv., Inc.*, 408 F.2d at 700).

The Clerk is directed to serve a copy of this order on the Debtor and interested non-CM/ECF filers within three days of entry of the order.