

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

In re:

Case No. 6:07-bk-02298-ABB
Chapter 13

LAWRENCE PATRICK RUMBOUGH,

Debtor.

ORDER

This matter came before the Court on the Motion for Order Confirming No Stay Exists Under § 362(c)(3)(A) (Doc. No. 32) (“Motion”) filed by Midland Mortgage Co., a secured creditor herein (“Midland”).

Lawrence Patrick Rumbough, the Debtor herein (“Debtor”), filed the above-captioned bankruptcy case on June 4, 2007 (“Petition Date”) and the automatic stay of 11 U.S.C. Section 362(a) arose. Midland holds a first priority mortgage on a parcel of real property owned by the Debtor located at 2808 Gray Fox Lane, Orlando, Florida 32826 (*see* Doc. No. 18, Schedules A and D).

The Debtor had filed a previous case, Case No. 6:06-bk-02700-ABB, on October 16, 2006, which was dismissed on April 2, 2007 for his failure to maintain timely Chapter 13 plan payments.¹ No extension of the automatic stay has been granted in the current case and the time period for obtaining an extension has expired pursuant to Section 362(c)(3)(B).²

¹ The Order Granting Trustee’s Motion to Dismiss Case for Failure to Maintain Timely Plan Payments was entered on April 2, 2007, but its effective date was delayed fourteen days to permit the Debtor to convert the case. The Debtor did not convert the case and the dismissal Order became effective fourteen days after the date of entry.

² The Debtor, on June 20, 2007 filed a Motion seeking to extend the automatic stay (“Motion to Extend (Doc. No. 12) and requested an expedited hearing. A hearing was held on June 26, 2007 (within thirty days of the Petition Date) at which counsel for the Debtor and counsel for the Chapter 13 Trustee appeared. The Motion to Extend was denied and counsel for the Debtor was directed to notify the Court as to the Debtor’s availability for the hearing to be reset. Information relating to the Debtor’s availability for appearance at a continued hearing has not been provided to the Court.

Section 362(c)(3)(A) of the Bankruptcy Code provides the automatic stay, with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease, shall terminate on the thirtieth day if an individual debtor was a debtor in a Chapter 7, 11, or 13 case within the preceding one-year period that was dismissed. The automatic stay has terminated with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease pursuant to 11 U.S.C. Section 362(c)(3)(A). This Order is being issued pursuant to Section 362(j) confirming the automatic stay has terminated.³

Accordingly, it is

ORDERED, ADJUDGED and DECREED that MIDLAND’s Motion is hereby **GRANTED** and the automatic stay of 11 U.S.C. Section 362(a) terminated thirty days after the Petition Date with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease pursuant to 11 U.S.C. Section 362(c)(3)(A).

Dated this 25th day of July, 2007.

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

³ Section 362(j) provides: “On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.”