

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:06-bk-03372-ABB
Chapter 7

WILLIAM DAVID MILLSAPS,

Debtor.

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ORDER

This matter came before the Court on Marija Arnjas' Motion for Relief from Automatic Stay ("Motion")¹ filed by Marija Arnjas ("Movant") against William Davis Millsaps, the Debtor herein ("Debtor"). A final evidentiary hearing on the Motion was held on January 22, 2007 at which the Debtor, *pro se*, and the Movant's counsel appeared.

The Debtor filed the instant Chapter 7 bankruptcy case on December 12, 2006. He filed a Motion for Extension of Automatic Stay under 11 U.S.C. Section 362(c)(3) which was denied. The Movant is seeking relief from the automatic stay pursuant to § 362 as the owner of real property 528 Morocco Avenue, Orlando, FL 32807 (the "Property"). The Debtor currently resides on the Property.

The IRS sold the Property in January of 1987 in a tax sale to enforce claimed perfected tax liens securing the Debtor's personal income tax liabilities for 1979 through 1981. The Movant received a tax deed and obtained title.

The issues raised by the Debtor have been fully litigated in the Debtor's adversary proceeding In re William David Millsaps, et ux., v. United States, 133 B.R. 547 (Bankr. M.D. Fla. 1991). The Movant's Motion is due to be granted.

Accordingly it is,

ORDERED ADJUDGED and DECREED that Marija Arnjas' Motion for Relief from Automatic Stay is hereby granted. The automatic stay imposed by 11 U.S.C. § 362 is lifted as to Marija Arnjas, and she may proceed with her state court rights regarding the Property located at 528 Morocco

Avenue, Orlando, FL 32807, and legally described as follows:

Lot 3, Block B, ROCKLEDGE, according to the plat thereof as recorded in Plat Book W, Pages 54, Public Records of Orange County, Florida.

Dated this 30th day of January, 2007.

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

¹ Doc. No. 4.