

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

In re:

CATHERINE DELICE,

Case No. 6:12-bk-05061-ABB

Chapter 7

Debtor.

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**ORDER**

This matter came before the Court on the Motion Confirming No Automatic Stay is in Effect (Doc. No. 9) filed by Ocwen Loan Servicing, LLC (“Ocwen”). Ocwen is the servicer for Deutsche Bank Trust Company which holds a first-priority mortgage lien on the Debtor’s residential property located in Broward County at 3357 SW 169<sup>th</sup> Terrace, Miramar, Florida 33027 (the “Property”).

A hearing was held on May 14, 2012 at which counsel for Ocwen and the Chapter 7 Trustee Lori Patton appeared. The Trustee, pursuant to the Court’s directive, filed a position statement (Doc. No. 16). The Trustee supports dismissal of this case and imposition of a filing injunction. Ocwen’s Motion is due to be granted.

The above-captioned case is the Debtor’s third bankruptcy case filed within a year and her fourth since Ocwen instituted foreclosure proceedings. The Debtor filed:

- (i) Case No. 6:10-bk-50368-JF, Chapter 13, on November 2, 2010 in the United States Bankruptcy Court for the Eastern District of New York, which was dismissed on December 17, 2010.
- (ii) Case No. 6:11-bk-14626-ABB, Chapter 13, on September 28, 2011 in this Court, which was dismissed on November 1, 2011 for the Debtor’s failure to file required documents.
- (iii) Case No. 6:12-bk-01315-ABB, Chapter 13, on February 1, 2012 in this Court, which was dismissed on February 22, 2012 for the Debtor’s failure to file required documents.

(iv) The above-captioned Chapter 7 case on April 17, 2012.

Each of these cases was filed on the eve of a scheduled foreclosure sale.

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) because the Debtor had filed two previous cases in the last year which were dismissed.

The Debtor has engaged in serial bankruptcy filings to thwart Ocwen's foreclosure action. She did not file the pending case 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 Ocwen's Motion (Doc. No. 9) 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 Ocwen 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 the above-captioned case is hereby **DISMISSED** pursuant to 11 U.S.C. Sections 707(a) and 105(a); and it is further

**ORDERED, ADJUDGED and DECREED** that, pursuant to 11 U.S.C. Section 105(a), Catherine Delice, 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 5th day of June, 2012.

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