

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:07-bk-03504-ABB  
Chapter 7

CATHERINE MARY LECAS,

Debtor.

**ORDER**

This matter came before the Court on the Motion Requesting an Immediate Emergency Status Hearing (Doc. No. 67) filed by Catherine Mary Lecas, the Debtor herein ("Debtor"), and the Response (Doc. No. 68) thereto filed by Stuart Ferderer, counsel of record for the Debtor. The Debtor seeks to reimpose the automatic stay of 11 U.S.C. Section 362(a). An evidentiary hearing was held on March 6, 2009 at which the Debtor and counsel for the Debtor appeared.

The Debtor's Second Amended Plan was confirmed on March 19, 2008 (Doc. Nos. 22, 29) pursuant to which she was required to make monthly Plan payments on the fourteenth day of each month beginning on September 14, 2007. The Trustee filed three motions to dismiss (Doc. Nos. 18, 26, 51) as a result of the Debtor's repeated failures to make her Plan payments. The Debtor avoided dismissal of her case through modification of her Plan, with a final modification being granted on October 20, 2008 (Doc. No. 56).

The Debtor failed to comply with the modified Plan and, one month after the October 20, 2008 Modification Order was entered, the Trustee filed a fourth Motion to Dismiss (Doc. No. 58). The Trustee's Motion was granted and the case was dismissed by Order entered on December 16, 2008 (Doc. No. 59). The effective date of the Dismissal Order was delayed fourteen days to allow the Debtor to file a notice of conversion.

The Debtor had ten days in which to seek reconsideration of the Dismissal Order. The Debtor, individually without counsel, untimely filed on January 7, 2009 (Doc. No. 61) a handwritten letter seeking reconsideration of the dismissal. While her request for

reconsideration was pending, she, through counsel, filed a Notice of Voluntary Conversion (Doc. No. 62). An Order converting the case from Chapter 13 to Chapter 7 was entered on February 17, 2009 (Doc. No. 63).

The automatic stay of 11 U.S.C. Section 362(a) was terminated by the Dismissal Order (Doc. No. 59 at ¶ 2). The Debtor, through her Motion filed individually without counsel on February 26, 2009 (Doc. No. 67), requests the automatic stay be reimposed.

The Debtor, in support of her Motion to reimpose the stay, asserts her case was dismissed while a Plan modification request was pending. No Plan modification request was pending when the Trustee's fourth Motion to Dismiss was granted. The Debtor's modification request had been granted a month prior to the Trustee filing her fourth Motion to Dismiss. The Trustee's fourth Motion to Dismiss was the result of the Debtor's failure to make any modified Plan payments and no payments since July 14, 2008.

The automatic stay was terminated by the Dismissal Order. The Debtor has established no basis for reimposition of the automatic stay.

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the Debtor's Motion seeking to reimpose the automatic stay (Doc. No. 67) is hereby **DENIED**.

Dated this 13<sup>th</sup> day of March, 2009.

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