

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:08-bk-06507-ABB
Chapter 7

LISA KAY WHITEHEAD,

Debtor

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ORDER

This matter came before the Court on the unopposed Motion for Order Confirming the Automatic Stay Has Been Terminated (Doc. No. 47) ("Motion") filed by Santander Consumer USA Inc., successor in interest to Drive Financial Services ("Movant"). Lisa Kay Whitehead, the Debtor herein, filed a Chapter 13 petition on July 30, 2008 ("Petition Date") and the case was converted to Chapter 7 on December 10, 2008. Movant holds a security interest in the Debtor's 2003 Ford F250 VIN 1FTNW21S93EA63914 ("Vehicle") pursuant to a Retail Installment Sale Contract executed by the Debtor on January 10, 2006.

The Debtor did not file a Statement of Intentions setting forth her intention as to the Vehicle (Doc. No. 1). The Debtor's Section 341 meeting of creditors was held and concluded on December 31, 2008. The Debtor did not enter into a reaffirmation agreement with Movant within thirty days of the Section 341 meeting pursuant to 11 U.S.C. Section 521(a)(2)(B) or redeem the Vehicle within forty-five days of the Section 341 meeting pursuant to 11 U.S.C. Section 521(a)(6).

The automatic stay of 11 U.S.C. Section 362(a) immediately arose on the Petition Date. Section 362(c)(1) of the Bankruptcy Code provides the automatic stay continues against property of the estate "until such property is no longer property of the estate." The Vehicle is no longer property of the estate and the automatic stay has terminated pursuant to 11 U.S.C. Sections 521(a)(6), 362(c)(1), and 362(h)(1). This Order is being issued pursuant to Section

362(j) confirming the automatic stay has terminated.¹

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Movant's Motion (Doc. No. 47) is hereby **GRANTED** and, pursuant to 11 U.S.C. Sections 521(a)(6), 362(c)(1), and 362(h)(1), the Vehicle is no longer property of the estate, and the automatic stay of 11 U.S.C. Section 362(a) has terminated.

Dated this 9th day of March, 2009.

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

¹ 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."