

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:08-bk-04745-ABB
Chapter 7

DEAN A. DECARLO,

Debtor.

ORDER

This matter came before the Court on the unopposed Motion to Confirm Termination of the Automatic Stay Pursuant to 11 U.S.C. Section 362(j) (Doc. No. 16) (“Motion”) filed by DaimlerChrysler Financial Services Americas, LLC (“Movant”). Dean A. DeCarlo, the Debtor herein (“Debtor”), filed this Chapter 7 bankruptcy case on June 9, 2008 (“Petition Date”). Movant holds a security interest in the Debtor’s 2005 Mercury Grand Marquis VIN 2MEFM74W65X673002 (“Vehicle”) pursuant to a Retail Installment Contract executed by the Debtor on August 30, 2007.

The Debtor sets forth in his Statement of Intention (Doc. No. 1) he intends to reaffirm the Vehicle debt. The Debtor’s Section 341 meeting of creditors was held and concluded on July 15, 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

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.”

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Movant’s Motion (Doc. No. 16) 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 22nd day of September, 2008.

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