

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:07-bk-06495-ABB
Chapter 13

SHERYL P. EVANS,

Debtor.

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ORDER

This matter came before the Court on the unopposed Motion to Reimpose the Automatic Stay (Doc. No. 37) (“Motion”) filed by Sheryl P. Evans, the *pro se* Debtor herein (“Debtor”). A hearing was held on April 1, 2008 at which the Debtor and counsel for the Chapter 13 Trustee appeared.

The Debtor filed a Chapter 13 case, In re Sheryl P. Evans, Case No. 6:07-01557-ABB, on April 20, 2007, which she voluntarily dismissed effective August 2, 2007. She, within one year of the dismissal, filed the above-captioned case on December 14, 2007 (“Case II”).¹ The automatic stay of 11 U.S.C. Section 362(a) terminated on the thirtieth day of Case II pursuant to Section 362(c)(3)(A). The Debtor seeks to reinstate the automatic stay.

The Debtor has established her current circumstances will allow her to go forward with her Amended Chapter 13 Plan, which includes curing her home mortgage arrearage. The Debtor’s Motion was properly noticed and no party has objected to reimposition of the stay. The Debtor and the bankruptcy estate would be susceptible to irreparable injury if the stay is not reimposed. Section 105(a) of the Bankruptcy Code empowers the Court to reimpose the stay.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Debtor’s Motion (Doc. No. 37) is hereby **GRANTED**; and it is further

ORDERED, ADJUDGED and DECREED that the automatic stay of 11 U.S.C. Section 362(a) is hereby reimposed and all creditors are **ENJOINED** from taking any action inconsistent with the provisions of 11 U.S.C. Section 362(a).

Dated this 9th day of April, 2008.

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

¹ The Debtor’s initial Motion to Reinstate the Stay (Doc. No. 28) was denied and her case was dismissed by Order entered February 2, 2008 (Doc. No. 34). The Trustee consented to the Debtor’s Motion to Reinstate the Case (Doc. No. 36) and an Order reinstating the case was entered on March 14, 2008 (Doc. No. 40).