

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:08-bk-00108-ABB
Chapter 13

KATRINA LEE-JONES,

Debtor.

ORDERED, ADJUDGED and DECREED that the automatic stay of 11 U.S.C. Section 362(a) arose upon the Debtor's filing of her petition on January 8, 2008 and Wells Fargo's Motion (Doc. No. 23) is **WITHDRAWN**.

Dated this 31st day of March, 2008.

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

ORDER

This matter came before the Court on the Motion for Relief from the Automatic Stay ("Motion") (Doc. No. 23) filed by Wells Fargo Bank, N.A. ("Wells Fargo") asserting Katrina Lee-Jones, the *pro se* Debtor herein ("Debtor"), filed this case on January 8, 2008 after the foreclosure sale of the Debtor's home had been conducted. The Debtor contends she filed her case prior to the sale being conducted. A preliminary hearing was held on February 20, 2008 at which the Debtor, counsel for Wells Fargo, and counsel for the Chapter 13 Trustee appeared. The parties were granted leave to submit post-hearing evidence as to the January 8, 2008 sequence of events.

Wells Fargo holds a first-priority mortgage (Claim No. 5) on the Debtor's home located at 2157 Great Falls Way, Orlando, Florida 32824 and scheduled a foreclosure sale for January 8, 2008. The Debtor filed this case on January 8, 2008 at 1:37 p.m. A Certificate of Sale (Doc. No. 37) was filed with the Clerk of Court for Orange County, Florida on January 8, 2008 at 3:44 p.m. setting forth Wells Fargo was the highest bidder.

Wells Fargo did not establish the foreclosure sale was completed prior to 1:37 p.m. on January 8, 2008. The automatic stay of 11 U.S.C. Section 362(a) arose when the Debtor filed her petition. No basis exists for granting Wells Fargo stay relief. Wells Fargo subsequently filed a Notice of Withdrawal of Motion for Relief (Doc. No. 39) withdrawing the Motion.

Accordingly, it is