

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:09-bk-00452-ABB  
Chapter 7

PATRICIA DYER,

Debtor.

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**ORDER**

This matter came before the Court on the Emergency Motion for Stay of Pending Foreclosure Sale (Doc. No. 29) filed by Patricia Dyer, the *pro se* Debtor herein ("Debtor") seeking the imposition of sanctions against Eastern Savings Bank, FSB ("Eastern") and its counsel for violation of the automatic stay of 11 U.S.C. Section 362(a) and this Court's Order of March 19, 2009. An evidentiary hearing was held on April 27, 2009 at which the Debtor and counsel for Eastern appeared.

The Debtor's homestead is located at 1553 Wyman Circle, Kissimmee, Florida 34744 (the "Property"). Eastern, the holder of a mortgage on the Property, instituted a foreclosure action prepetition in the Circuit Court of the 9th Judicial Circuit in and for Osceola County, Florida ("State Court") captioned Eastern Savings Bank, FSB v. Patricia Dyer, Case No. 2008CA003121MF, and a Summary Final Judgment of Foreclosure was entered.

The Debtor filed this bankruptcy case on January 15, 2009 ("Petition Date") and the automatic stay of 11 U.S.C. Section 362(a) immediately arose. The foreclosure sale was stayed by 11 U.S.C. Section 362(a).

Eastern was granted relief from the automatic stay by Order entered on March 19, 2009 (Doc. No. 23). The Order directed no foreclosure sale could be scheduled prior to sixty days from the date of entry of the Order.

The Debtor has raised various claims against Eastern in the State Court. The automatic stay of 11 U.S.C. Section 362(a) does not prohibit the Debtor from pursuing claims

against Eastern, its successors and/or assigns, in the State Court.

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the Debtor may pursue any and all claims she may have against Eastern, its successors and/or assigns, in the Florida State Courts.

Dated this 29<sup>th</sup> day of April, 2009.

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