


ORDERED.

Dated: September 14, 2016



Jerry A. Funk
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re:

Case No. 3:16-bk-2593-JAF

Chapter 13

IONA DOUGLAS MOGUEL,

Debtor.

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**ORDER DISMISSING CHAPTER 13 CASE WITH PREJUDICE TO
FUTURE FILINGS**

This case came before the Court upon Motion to Dismiss Case filed by Wells Fargo Bank, N.A. (the “Motion to Dismiss”) (Doc. 22), Ark Capital Group, LLC’s Joinder in Motion to Dismiss Case (the “Ark Capital Joinder”) (Doc. 38), and Motion to Dismiss Chapter 13 Case and Joinder in Pending Motions to Dismiss filed by GMAT Legal Title Trust (the “GMAT Joinder”) (Doc. 42). The Court conducted an evidentiary hearing on the Motion to Dismiss on August 17, 2016. Upon Findings of Fact and Conclusions of Law separately entered, it is

ORDERED:

1. This case is dismissed and the automatic stay imposed by 11 U.S.C. §362 and the stay of action against co-debtor by 11 U.S.C. §1301 are lifted.

2. If the Trustee has not already collected his percentage fee, the Trustee shall deduct

from all monies disbursed his normal percentage thereof as necessary costs and expenses from sums collected pursuant to § 1326(a)(2), together with any fee, charge, or amount allowed under 28 U.S.C. § 586(e)(2).

3. The Trustee shall return to the Debtor any remaining funds on hand not previously disbursed, notwithstanding any other court orders, and shall thereafter file his final report, upon which filing, he will be discharged of his duties as Trustee. The Trustee shall return the aforementioned funds on hand to the Debtor.

4. All pending Chapter 13 hearings are canceled, except for any Order to Show Cause hearings the Court has set.

5. All pending motions are denied as moot.

6. Debtor shall be prohibited from filing any future bankruptcy under Title 11 of the United States Bankruptcy Code, in any Bankruptcy Court of the United States of America, for two years (2) years from the date of this Order. Any future filing by the Debtor or any person claiming an interest in the following properties by, through or under Debtor within 2 years of the date of this Order shall not act as a stay against any secured creditor in this case or any of Debtor's previously filed cases from proceeding against its collateral: 1) 103 Nauta Court, Hendersonville, TN 37075; 2) 2 Burbank Drive, Palm Coast, FL 32137; 3) 45 Robinson Drive, Palm Coast, FL 32164; 4) 526 Peach Valley Road, Gallatin, TN 37066; 5) 171 Brenda Lane, Antioch, TN 37013; and 6) 4128 Buenaview Court, Nashville, TN 37218.

The Clerk's Office will serve a copy of this Order upon interested parties.