

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
JOHN M. TOMONDI, ) CASE NO. 07-21717 JPK  
 ) Chapter 7  
Debtor. )

ORDER ON REQUEST FOR RELIEF OF STAY AS TO CO-DEBTOR {"REQUEST"}

On October 11, 2007, Tech Credit Union, by counsel, filed the Request, seeking relief from the stay imposed by 11 U.S.C. § 1301 with respect to a co-debtor designated as Lynn Tomondi.

Originally John Tomondi and Lynn Tomondi were co-debtors in case number 04-61312, a chapter 13 case initiated by means of a joint petition. By order entered in that case on July 6, 2007, the joint case was severed into two separate cases: case number 04-61312 continued as a chapter 13 case with respect to Lynn Tomondi, and case number 07-21717 was opened as a chapter 13 case with respect to John Tomondi.

The Chapter 13 Case of Lynn Tomondi (04-61312) was dismissed by order entered on August 29, 2007, and thus at that point, Lynn Tomondi was not a debtor in a bankruptcy case subject to the provisions of 11 U.S.C. § 362(a), and she did in fact become a person subject to the co-debtor stay imposed by 11 U.S.C. § 1301. The Chapter 13 case of John Tomondi (07-21717) was converted to a case under chapter 7 by order entered on October 16, 2007. Upon that conversion, 11 U.S.C. § 1301 was no longer effective to provide protection to Lynn Tomondi as a co-debtor with John Tomondi. Thus, there is no co-debtor stay in effect with respect to Lynn Tomondi, and the Request must be denied for failure to state a claim upon which the Court can grant relief.

IT IS ORDERED that, for the foregoing reasons, the Request is Denied.

Dated at Hammond, Indiana on November 13, 2007.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee  
Lynn Tomondi  
Attorney for Creditor