

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
FAITH LYNN BAREFIELD, ) CASE NO. 07-22715 JPK  
 ) Chapter 13  
Debtor. )

ORDER DENYING MOTION

On November 21, 2007, the debtor, by counsel, filed a "Motion to Vacate Court's Order of November 6, 2007 and Re-Instate Automatic Stay". This motion is directed to the Court's order of November 6, 2007 which granted a motion of Countrywide Home Loans, Inc. for relief from the stay/abandonment with respect to real property described as 5551 Tyler Street, Merrillville, Indiana.

The Court first notes that the November 6, 2007 order was a final order of the Court, and that any relief from that order requires compliance with N.D.Ind.L.B.R. B-9023-1. Apart from the fact that the debtor's motion does not designate any rule or statutory authority under which it seeks to proceed, the motion was not accompanied by a supporting brief. Apart from the foregoing, this case was initiated as a case under Chapter 7 on October 4, 2007. Countrywide Home Loans, Inc. filed its motion for stay relief/abandonment on October 12, 2007, and the Court's record establishes that proper notice of that motion was provided pursuant to N.D.Ind.L.B.R. B-2002-2(a)(4). The deadline for objections to the motion was October 30, 2007, and no objection to the motion was filed by the debtor by the required deadline. Instead, on October 30, 2007, the debtor, by counsel, filed a motion to convert his Chapter 7 case to a Chapter 13 case. The filing of a motion to convert a Chapter 7 case to a Chapter 13 does not automatically effect conversion of the case, and pursuant to its standard procedures, the Court entered an order/notice on November 1, 2007 regarding the conversion. No responses to that notice were filed, and the Court entered an order converting the case from

Chapter 7 to Chapter 13 on November 19, 2007. In the interim – quite correctly because no objection to the motion had been made and the case remained a Chapter 7 case until November 19, 2007 – the Court entered an order granting the relief requested by Countrywide Home Loans, Inc.

The Court determines that the debtor's motion states no grounds upon which relief may be granted, and that the motion should be denied.

IT IS ORDERED that the above-designated motion of the debtor is denied.

Dated at Hammond, Indiana on December 6, 2007.

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

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee  
Counsel for Creditor