

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
MARY HELEN RICHMOND) CASE NO. 07-13662
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on January 30, 2008.

This case, which is the second bankruptcy the debtor has filed within the past year, was commenced on December 28, 2007. Because the debtor's previous case was dismissed during the year prior to the date of the petition, the automatic stay terminated thirty days later. 11 U.S.C. § 362(c)(3)(A). Although the stay can be extended at the request of a party in interest, such a request requires a hearing and some kind of notice to creditors, all which must be completed before that 30-day stay expires. 11 U.S.C. § 362(c)(3)(B).

In this instances, the debtor filed a motion to extend the stay on January 29, 2008 – thirty-two days after the case was commenced. That was too late. By that time the motion was filed, the stay had already terminated “with respect to the debtor,” and the court has no authority to reinstate or reimpose it. See e.g., In re Wright, 339 B.R. 474 (Bankr. E.D. Ark. 2006); In re Berry, 340 B.R. 636 (Bankr. M.D. Ala. 2006); In re Williams, 346 B.R. 361 (Bankr. E.D. Pa. 2006); In re Whitaker, 341 B.R. 336 (Bankr. S.D. Ga. 2006). Debtor's Motion to Continue Stay is therefore DENIED.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court