

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE:)	
)	CASE NO. 06-12026
SUSAN EDWARDS)	REG/jd
)	
Debtor)	ADV. PROC. NO. 13-1049
)	
)	
SUSAN EDWARDS)	
)	
Plaintiff)	
)	
vs.)	
)	
DEUTSCHE BANK NATIONAL TRUST)	
COMPANY, as Trustee, its successors)	
and assigns, et. al.)	
)	
Defendant)	

**DECISION AND ORDER DENYING TEMPORARY
RESTRAINING ORDER**

At Fort Wayne, Indiana, on May 2, 2013.

The debtor, who is proceeding pro se, filed a petition for relief under Chapter 7 on November 6, 2006. She received a discharge the following February and the case was closed soon thereafter. At her request, the court reopened the case so that it could entertain an adversary proceeding she wished to file against Deutsche Bank National Trust. Her complaint asserts a number of claims against the defendants arising out of events that have occurred since her bankruptcy and in connection with Deutsche Bank's efforts to foreclose a mortgage upon her home. At the present time, the court need only address one of those claims. Apparently, the bank's foreclosure was successful. It has obtained a judgment of foreclosure and a sheriff's sale is currently scheduled for May 7, 2013. The plaintiff has asked the court for a temporary restraining order halting that sale

until this court can determine the issues raised by her complaint and her claims that the mortgage is invalid.¹

Liens pass through bankruptcy unaffected unless specifically acted upon by the bankruptcy court. In re Pence, 905 F.2d 1107, 1109-10 (7th Cir. 1990); In re Tarnow, 749 F.2d 464 (7th Cir. 1984); In re Simmons, 765 F.2d 547 (5th Cir. 1985). Consequently, the post-discharge enforcement of a lien upon a debtor's property is not a violation of the discharge injunction. 3 Norton Bankr. L. & Prac. 3d § 58.4. Plaintiff's request for a temporary restraining order is therefore DENIED.

SO ORDERED.

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

¹Because the debtor is proceeding pro se the court is reading the factual allegations (as opposed to the legal conclusions) in her complaint with the upmost liberality they can reasonably be given and it is ignoring any procedural missteps she has made in connection with her request for a temporary restraining order. See, N.D. Ind. L.B.R. B-7065-1.