

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

IN RE:

ANGELA MARIE NICHOLS

Case No. 08-70381-7

Debtor

DECISION AND ORDER

At Roanoke in said District this 18th day of July, 2008:

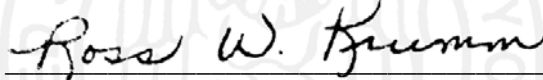
The Debtor filed the above-captioned case on March 3, 2008.¹ Having been involved in a Chapter 13 bankruptcy that was dismissed in the prior twelve months of the date of filing of the current case, the Debtor filed a motion to impose the automatic stay, a hearing on which was held April 15, 2008. Pursuant to 11 U.S.C. § 362(c)(3), the automatic stay terminates on the thirtieth day after the filing of a case under Chapters 7, 11, or 13 of the Bankruptcy Code when the debtor had another Chapter 13 case pending within the preceding one year period that was dismissed. Bankruptcy Code section 362(c)(3)(B) provides that the court may extend the automatic stay in such cases “after notice and a hearing completed before the expiration of the 30-day period...” The Bankruptcy Code does not grant the court authority to extend or impose the automatic stay if notice and a hearing have not been completed before the expiration of the thirty day period. Accordingly, it is

¹ The Debtor’s current case was converted from Chapter 13 to Chapter 7 on July 11, 2008, after this matter was taken under advisement.

ORDERED:

That the Debtor's motion to impose the automatic stay is DENIED.

Copies of this decision and order are directed to be sent to counsel for the Debtor, Tonya Leigh Janney, Esquire; and to the Chapter 13 Trustee.



Ross W. Krumm

Ross W. Krumm
U. S. Bankruptcy Judge

