



**IT IS ORDERED as set forth below:**

**Date: January 31, 2011**

**Paul W. Bonapfel  
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN THE MATTER OF:	:	CASE NUMBER: 09-84906-PWB
	:	
JANIE BERNICE CROWE,	:	CHAPTER 7
	:	
	:	JUDGE BONAPFEL
Debtor.	:	

**ORDER DENYING MOTION TO REOPEN CASE**

Jerry Jurden submitted a paper that the Court construed as a motion to reopen this case. Mr. Jurden seeks to reopen the case to permit the Court to reconsider the entry of an order that granted relief from the automatic stay of 11 U.S.C. § 362(a) to permit HSBC Mortgage Corporation to “proceed with its state law remedies and to proceed to obtain possession of and foreclose or otherwise dispose of” property known generally as 4495 Arcadia Drive, Norcross, Gwinnett County, Georgia. [Docket No. 16]. Mr. Jurden contends that the order should be reconsidered based on his contention that HSBC Mortgage Corporation committed a fraud on the Court by claiming that it was entitled to foreclose on the property when it did not have the right to do so.

The Court considered the motion at a hearing held on January 25, 2011.<sup>1</sup> For reasons announced at the hearing, the Court will deny the motion. In doing so, the Court notes that its order granting relief from the automatic stay did not determine any substantive rights of any party. In particular, the order did not determine issues such as: whether HSBC Mortgage Corporation has the right to foreclose; whether it is the holder of any debt secured by the property; whether the security deed attached to the stay relief motion was validly executed or enforceable; whether Mr. Jurden owns an interest in the property and, if he does, whether any security deed encumbers that interest; whether that or any other security deed encumbers a home that Mr. Jurden contends he moved to and assembled on the property; and whether any security deed encumbers any interest of Mr. Jurden in the home.

It appears that Mr. Jurden is a party to litigation in the Superior Court of Gwinnett County, Civil Action No. 10-A-02035-1. Neither the Court's stay relief order nor this Order constitutes a ruling that determines any factual or legal issues that may arise in that proceeding, including, but not limited to, any of the issues just mentioned.

In accordance with, and for the reasons stated herein at the hearing, therefore, it is hereby ORDERED AND ADJUDGED that the motion be, and it hereby is, DENIED.

END OF DOCUMENT

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<sup>1</sup>The Debtor appeared at the hearing and stated that her attorney had declined to discuss the effect of her bankruptcy case on Mr. Jurden's actions in bringing a lawsuit against her. The Court doubts whether the attorney's disclaimer of responsibility is permissible. *See In re Egwim*, 291 B.R. 559 ( Bankr. N.D. Ga. 2003).

**DISTRIBUTION LIST**

Janie Bernice Crowe  
2371 Beaver Falls Dr  
Norcross, GA 30071

Danny L. Coleman  
Coleman Legal Group, LLC  
Suite 575  
2475 Northwinds Parkway  
Alpharetta, GA 30009

Jerry Jurden  
4495 Arcadia Drive  
Norcross, GA 30093

Barbara B. Stalzer  
Barbara Bell Stalzer, PC  
60 Lenox Pointe, NE  
Atlanta, GA 30324-3170

U.S. Trustee  
Office of the United States Trustee  
362 Richard Russell Building  
75 Spring Street, SW  
Atlanta, GA 30303