

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
SMITHY E. DUNBAR)	CASE NO. 03-96395-MHM
)	
Debtor)	

SOUTH CAROLINA STATE CREDIT UNION)	
)	
)	CONTESTED MATTER
Movant)	
)	
v.)	
)	
SMITHY E. DUNBAR)	
)	ORDER
Respondent)	

Before the court is Debtor's motion to reimpose the automatic stay of 11 U.S.C. §362. Hearing was held September 2, 2004.

The record shows that a consent order was entered February 17, 2004 (the "Consent Order"), denying Respondent's motion for relief from stay but providing for payment of Respondent's claim through the Chapter 13 Trustee. The Consent Order also provided that if Debtor failed to make all payments to the Chapter 13 Trustee when due, then Respondent was allowed to file a Delinquency Motion¹ and obtain an order granting relief from the automatic stay without hearing. Respondent filed a Delinquency Motion June 4, 2004. An order was

¹ The Consent Order provided the precise procedure for obtaining said relief, including a requirement for notice to Debtor and Debtor's attorney of any delinquency and allowing a ten-day cure period.

entered June 17, 2004 (the "Delinquency Order"), granting Respondent relief from the stay to enforce its rights to recover and dispose of its collateral, a 2000 Honda Odyssey van.

On June 23, 2004, Debtor filed *pro se* a pleading objecting to the Delinquency Motion and seeking reimposition of the automatic stay to allow Debtor to obtain a detailed accounting from Respondent and the Chapter 13 Trustee regarding payments made on Respondent's claim. Prior to the hearing, the Chapter 13 Trustee filed an accounting of all payments made by the Chapter 13 Trustee to Respondent. At the hearing, Respondent's attorney provided to the court and to Debtor a copy of approximately 13 months of the account history of Debtor's accounts² with Respondent. That account history, however, contains abbreviations, notations and is in a format which renders it indecipherable to the court and, probably, to Debtor. Additionally, it does not appear to encompass a payment history for the vehicle at issue.

Therefore, it is appropriate to direct Respondent to provide a complete accounting in a format easily understood by Debtor, who continues to proceed in this matter *pro se*, and to the court. Attached to this order is a chart to elicit and organize the pertinent information to assist Debtor and the court in evaluating Debtor's contentions regarding Respondent's claim.

Accordingly, it is hereby

ORDERED that the automatic stay is temporarily reimposed. Within 30 days of the date of entry of this order, Respondent shall complete the chart attached to this order as Exhibit A to show, from the loan's inception, *all* payments received by Respondent on the loan account secured by Debtor's vehicle -- from Debtor, from the Chapter 13 Trustee, by deduction

² In addition to the account which represents Respondent's loan to Debtor secured by the 2000 Honda Odyssey van, Debtor has or had at least one deposit account with Respondent.

from any deposit account of Debtor, or from any other source; Respondent shall serve a copy of said chart upon Debtor; and shall file a copy of said chart with the Clerk, U.S. Bankruptcy Court, together with a certificate of its service upon Debtor.

Within 15 days of service upon Debtor of said chart, Debtor may file an objection to Respondent's accounting as set forth on the chart. Any dispute regarding the payments as set forth on the chart must be supported with copies of Debtor's documentary evidence in support of Debtor's allegations, such as a cancelled check or account statement. If Debtor fails to file an objection within the time allowed, the automatic stay shall be deemed modified in accordance with the terms of the Delinquency Order entered June 17, 2004. If Debtor timely files an appropriate objection to Respondent's accounting, further hearing will be scheduled.

IT IS SO ORDERED, this the 10th day of September, 2004.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE

