



IT IS ORDERED as set forth below:

Date: September 24, 2010

Mary Grace Diehl

**Mary Grace Diehl
U.S. Bankruptcy Court Judge**

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

In re:	:	Chapter 13
	:	
Keyah Howard,	:	Case Number: 10-86721-MGD
	:	
Debtor.	:	Judge Mary Grace Diehl
	:	
The Worthing Companies, Inc.	:	
d/b/a Two Blocks Apartments,	:	
	:	
Movant,	:	
v.	:	Contested Matter
	:	
Keyah Howard,	:	
	:	
Respondent.	:	
	:	

**ORDER SUSTAINING MOVANT'S OBJECTION TO DEBTOR'S 11 U.S.C. § 362(l)
CERTIFICATION**

This matter is before the Court on The Worthing Companies, Inc. d/b/a Two Blocks Apartment's ("Movant") Objection to Debtor's Certification under 11 U.S.C. § 362(l) ("Objection"). Keyah Howard ("Debtor") filed the above-styled Chapter 13 case on September 7, 2010. Debtor certified in her petition that "Landlord has a judgment against the debtor for

possession of debtor's residence." Debtor also claimed that "under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to sure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered." (Docket No. 1, page 3). Movant requested an expedited hearing as provided by 11 U.S.C. § 362(l)(3)(A). A hearing was held on September 24, 2010. Present at the hearing were David Passino for Movant and Debtor on her own behalf.

The parties agree that Movant holds a judgment for possession for Debtor's residence. Under Georgia law, once a landlord obtains a writ for possession in a dispossessory case, the landlord has no legal obligation to accept rent from the debtor-tenant. O.C.G.A. § 44-7-49. Debtor did not provide any authority under Georgia law that would allow her to cure the monetary default that lead to the issuance of the judgment of possession, and the Court is unaware of any such law.

Section 362(b)(22) is applicable to these facts. Because Movant secured a writ of possession for Debtor's residential property in advance of Debtor filing her Chapter 13 case, the automatic stay does not operate to stay the continuation of any eviction or similar proceedings by Movant. Accordingly, it is

ORDERED that Movant's Objection is **SUSTAINED**.

It is **FURTHER ORDERED** that, in accordance with 11 U.S.C. § 362(b)(22), the automatic stay is not applicable to any subsequent action to effectuate the eviction.

The Clerk is directed to serve a copy of this Order on Debtor, Movant, counsel for Movant, the Chapter 13 Trustee, and the party on the attached distribution report.

END OF DOCUMENT

Distribution List

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