

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN THE MATTER OF:	:	CASE NUMBER
	:	
TARA SHEET METAL, INC.	:	06-11261-WHD
	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Debtor.	:	BANKRUPTCY CODE

ORDER

On October 4, 2006, Ford Motor Credit Company (hereinafter the "Movant") filed a Motion for Order Under Section 362(j) Confirming the Termination of the Automatic Stay. Movant seeks an order confirming that the automatic stay has terminated as a matter of law with regard to certain personal property owned by Tara Sheet Metal, Inc. (hereinafter the "Debtor"). This matter constitutes a core proceeding, over which this Court has subject matter jurisdiction. *See* 28 U.S.C. § 157(b)(2)(G); § 1334.

On July 23, 2006, the Debtor filed a voluntary petition under Chapter 7. The Debtor scheduled ownership of a 2002 Ford F150 (hereinafter the "Vehicle"), which is allegedly subject to a security interest in favor of Movant. In the Motion, Movant asserts that the Debtor has failed to file a statement of intention with regard to the debt secured by the Vehicle and has failed to either reaffirm the debt or redeem or surrender the collateral as required of an individual debtor by section 521(a)(6). Movant seeks confirmation that the automatic stay with regard to the Vehicle has terminated as a matter of law in accordance with section 521(a)(6), which states that, if the debtor fails to reaffirm or redeem within the specified time period, the automatic stay is terminated with regard to the

personal property and such property is no longer property of the estate, unless the court determines, upon the motion of the trustee, that the personal property is of consequential value or benefit to the estate, orders adequate protection for the secured creditor's interest, and directs the turnover of the property to the trustee. *See* 11 U.S.C. § 521(a)(6).

Section 521(a)(6) is not applicable to the Debtor. By its own terms, section 521(a)(6) applies only in Chapter 7 cases "in which the debtor is an individual." *Id.* Although the Bankruptcy Code does not define the term "individual," it is generally interpreted not to include a corporation or other artificial entity. *See Jove Engineering, Inc. v. IRS*, 92 F.3d 1539 (11th Cir. 1996) (corporate debtor not entitled to damages for violation of the automatic stay because it is not an "individual" within the meaning of the statute). Accordingly, section 521(a)(6) does not apply in the case of a corporate debtor. *See In re First Coast Marine, Inc.*, 339 B.R. 796 (Bankr. M.D. Fla. 2006) (holding that automatic stay termination provided in section 362(h)(1) is applicable only to those individual debtors who do not timely file or perform statement of intention; a corporate debtor is not an individual for purposes of this statute). For this reason, the Motion is hereby **DENIED**.

IT IS SO ORDERED.

At Newnan, Georgia, this 11 day of October, 2006.



W. HOMER DRAKE, JR.
UNITED STATES BANKRUPTCY JUDGE