

MAY 25 2007

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	)	CHAPTER 13
	)	
AMANDA LYNN MANIGAULT a/k/a	)	CASE NO. 07-67308-mhm
AMANDA BOULWARE-MANIGAULT,	)	
	)	
Debtor.	)	

	)	
HIGHWAY 54 PROPERTY, LLC,	)	
	)	
Movant,	)	
v.	)	CONTESTED MATTER
	)	
AMANDA MANIGAULT a/k/a	)	
AMANDA BOULWARE-MANIGAULT,	)	
	)	
Respondent.	)	

**ORDER DISMISSING CASE WITH
FIVE-YEAR BAR TO REFILING**

Hearing was held May 24, 2007, on the motion of Highway 54 Property, LLC ("Landlord") to dismiss or, alternatively, for relief from the automatic stay. Present at the hearing were Jon A. Gottlieb, attorney for Landlord, and Fanny Gilliam, attorney for Debtor. Notice of the hearing was properly served on Debtor, but Debtor was not present.

Upon review of the record in this case and in the prior cases filed by Debtor individually or on behalf of her corporation, and consideration of the presentations by counsel, it appears that:

The case now before the Court is Debtor's ninth individual bankruptcy filing in this district. Debtor's prior individual bankruptcy cases are:

<u>Case Number</u>	<u>Filed</u>	<u>Disposition</u>
02-93992-JEM (Ch. 13)	4/10/02	Dismissed 6/29/02 for failure to file plan or schedules, failure to appear at 341 meeting or make any plan payments
02-68253-JEM (Ch. 13)	7/30/02	Dismissed 9/28/02 for failure to appear at 341 meeting or make any plan payments
02-99790-JEM (Ch. 13)	9/25/02	Dismissed 11/10/02 for failure to pay the filing fee
02-81742-JEM (Ch. 13)	11/14/02	Dismissed 2/18/03 with 180-day bar to refiling for failure to file plan or schedules, failure to appear at 341 meeting or make any plan payments.
03-80839-JEM (Ch. 13)	10/7/03	Dismissed 10/30/03 for failure to pay the filing fee
03-82771-JEM (Ch. 13)	12/1/03	Dismissed 12/23/03 with 180-day bar to refiling for failure to file schedules and failure to pay the filing fee. <i>The dismissal order also included a proviso that if Debtor violated the 180-day bar, the court would permanently bar her from filing any case under Title 11.</i>
04-93804-JEM (Ch. 13)	5/7/04	Dismissed 6/1/04 for failure to pay the filing fee ¹
06-69082-MHM (Ch. 13 Converted to Ch. 7)	7/31/06	Chapter 7 discharge entered 4/11/07.

Additionally, on April 16, 2007, on behalf of her corporation My 3 Duv's, Inc., a/k/a Amanda's Art of Cosmetology Int., Debtor filed *pro se* a Chapter 11 case, 07-66016. That case was dismissed May 23, 2007, because Debtor failed, after notice, to obtain legal counsel to represent

¹ This case was filed within the 180-day bar, as computed from the date of entry of the order (December 23, 2003) and therefore was subject to the proviso in that order which could have resulted in a permanent bar from filing any bankruptcy case. The case was dismissed administratively for failure to pay the filing fee, however, before the case could come before the court for enforcement of the order from the immediately previous case.

the corporate debtor, failed to file Schedules,² and failed to appear for the hearing on the motion to dismiss. The dismissal order also provided *in rem* relief from the stay to Landlord.

This case commenced May 4, 2007. On May 14, 2007, Landlord filed its motion requesting that this court dismiss this case pursuant to 11 U.S.C. §§109(g), 349(a) and 105 to permanently bar Debtor from filing another petition for bankruptcy relief.

Bankruptcy Code section 1325(a) imposes a good faith requirement on all Chapter 13 debtors. *In re Robinson*, 198 B.R. 1017, 1021 (N.D.Ga. 1996). Bad faith is present when a debtor's actions are a clear abuse of the bankruptcy process. *In re Arnold*, 806 F.2d, 937, 939 (9th Cir. 1986). Courts have previously held that a pattern of repeatedly filing bankruptcy petitions that a debtor fails to prosecute evidences bad faith and an attempt to abuse the system. *See, In re Freeman*, 224 B.R. 376 (S.D. Ohio 1998); *In re McCoy*, 237 B.R. 419 (S.D. Ohio 1999); *In re Martin-Trigona*, 35 B.R. 596 (S.D. N.Y. 1983); *In re McClure*, 69 B.R. 282 (Bankr. N.D. Ind. 1987); *In re Huerta*, 137 B.R. 358 (Bankr. C.D. Cal. 1992); and *In re Levitt*, 171 F.3d 1219 (9th Cir. 1999).

Debtor's multiple filings constitute a scheme to benefit from the automatic stay without following the rules and procedures of this Court. Debtor's actions and omissions in and in connection with these cases are referenced above. Such actions and omissions evidence bad faith and an attempt to abuse the bankruptcy system. As a result of Debtor's abuse and manipulation of the bankruptcy system, this case should be dismissed for a period of time longer than 180 days. Therefore, pursuant to 11 U.S.C. §§109(g), 105(a) and 349(a), it is hereby

² Bankruptcy Rule 1007 and 11 U.S.C. §521 require a debtor to file certain schedules of debts and liabilities, statements (including the Statement of Financial Affairs or "SOFA"), and other documents (the "Schedules") with the filing of the petition or within 15 days thereafter.

ORDERED that this case is DISMISSED WITH PREJUDICE for five (5) years. Debtor is barred from being eligible to be a debtor under any chapter of the United States Bankruptcy Code, Title 11 U.S.C., for a period of **five years**. It is further

ORDERED that the Clerk, U.S. Bankruptcy Court, shall refuse to accept for filing any individual or corporate bankruptcy petition signed by AMANDA LYNN MANIGAULT a/k/a AMANDA MANIGAULT, AMANDA L. MANIGAULT, or AMANDA BOULWARE-MANIGAULT or variations thereof.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, Debtor's attorney, attorney for Highway 54 Property, LLC, the Chapter 13 Trustee, the U.S. Trustee, and all creditors and parties in interest.

IT IS SO ORDERED, this the 25th day of May, 2007



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE