



IT IS ORDERED as set forth below:

Date: November 22, 2013

Mary Grace Diehl

Mary Grace Diehl
U.S. Bankruptcy Court Judge

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

IN RE:

**ARLANDA JAMES aka ARLANDA
LAWSON,**
Debtor,

Chapter 13
Case No. 13-65635-MGD

BRIDGE LEASE, LLC,
Movant,

v.

Contested Matter

**ARLANDA JAMES aka ARLANDA
LAWSON,**
Respondent.

**ORDER DENYING EMERGENCY MOTION FOR ORDER UNDER 362(b)(22)
CONFIRMING NO AUTOMATIC STAY IS IN EFFECT**

This case is before the Court on Bridge Lease, LLC's ("Movant") Emergency Motion for Order Under § 362(b)(22) Confirming No Automatic Stay in Effect ("Motion"). (Docket No. 35). Debtor filed a Chapter 13 petition on July 18, 2013, and a Plan was confirmed in the case on

November 1, 2013. (Docket No. 32). The lease at issue is treated in the confirmed Plan, with Movant being entitled to an \$850 payment to be paid directly by Debtor and a \$100 monthly payment on the arrearage being paid through the plan. The Plan estimates arrears totalling \$2,400. (Docket No. 23). Movant did not file an objection to the Plan. The Motion was filed on November 5, 2013 and asserts that Movant, who is Debtor's landlord, obtained a judgment for possession prior to the filing of Debtor's Chapter 13 case. Accordingly, Movant seeks a determination by this Court that pursuant to 11 U.S.C. § 362(b)(22), and because Debtor has not complied with 11 U.S.C. § 362(l), the automatic stay does not apply to Movant's interest in the property leased to Debtor. The matter came on for hearing on November 21, 2013 at 11:00 am in Atlanta, Georgia.

At the hearing, the Court ruled orally that the Motion would be denied because the confirmed Plan now governs Movant's rights. "The provisions of a confirmed plan bind the debtor and each creditor" 11 U.S.C. § 1327(a). Thus, a confirmed Chapter 13 plan has *res judicata* effect. *In re Bateman*, 331 F.3d 821 (11th Cir. 2003). This is true even where the stay is not in effect at confirmation, as long as the creditor received notice of the plan. *In re Lemma*, 394 B.R. 315, 323 (Bankr. E.D.N.Y. Sept. 29, 2008). There is no indication that Movant lacked notice, and the certificate of notice sent out by BNC indicates that the amended plan was served on Movant. (Docket No. 21). For these reasons and those stated at the hearing, it is

ORDERED that the Emergency Motion for Order Under § 362(b)(22) Confirming No Automatic Stay in Effect is **DENIED**.

The clerk is directed to serve a copy of this Order upon Movant, Movant's counsel, Respondent, Respondent's counsel, and the Chapter 13 Trustee.

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