

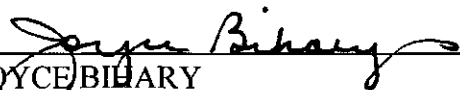
UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CASE NO. 08-65660-JB
	:	
RAFAEL BORRERO, JR. & AMINA	:	
NICOLE BORRERO	:	
	:	CHAPTER 13
Debtors.	:	

ORDER

This case came before the Court on April 15, 2008 on the Debtors' motion to extend the automatic stay pursuant to 11 U.S.C. Section 362(c)(3)(B). David Wittenberg appeared for the Debtors and the Debtors were present. After hearing from counsel and reviewing the record, it does not appear that Section 362(c)(3)(B) applies in this case. The instant case is a Chapter 13 case filed on March 28, 2008 by individuals, and Debtors had a previous case which was pending within the preceding one-year period. However, the previous case, Case No. 07-67961, was a Chapter 7 case which was administered by the Chapter 7 Trustee. The Debtors were issued a discharge in that case on September 11, 2007, and the case was closed, not dismissed. Section 362(b)(3)(A) limits the duration of the automatic stay to 30 days under certain circumstances in cases filed by individuals who had a case pending within the preceding one-year period that was dismissed. Since Debtors' previous case was not dismissed, but was fully administered and proceeded to a discharge, the termination of the automatic stay provided for in Section 362(c)(3)(A) does not apply. Accordingly, Debtors' motion to extend the stay is denied as unnecessary and the automatic stay remains in place.

IT IS SO ORDERED, this 16<sup>th</sup> day of April, 2008.

  
JOYCE BIHARY  
UNITED STATES BANKRUPTCY JUDGE

Distribution List:

The Clerk is directed to serve a copy of this Order upon Debtor, Debtor's counsel, all creditors and the Chapter 13 Trustee.