

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 11-73752-JB
	:	
ANJANETTE CARTER RAINEY,	:	
	:	CHAPTER 13
Debtor.	:	
	:	
	:	
DEENA KEGLER-EBO, d/b/a	:	
D & I CONCEPTS, LLC,	:	
	:	CONTESTED MATTER
Movant,	:	
	:	
v.	:	
	:	
ANJANETTE CARTER RAINEY,	:	
	:	
Respondent.	:	

ORDER

This Chapter 13 case came before the Court on August 30, 2011 on a motion for relief from the automatic stay filed by debtor's landlord, Deena Kelger-Ebo d/b/a D & I Concepts, LLC (Docket No. 7). The motion seeks relief from the automatic stay to complete eviction proceedings at 2016 Appaloosa Way, Conyers, Georgia 30012 (the "Property") pursuant to an order issued by the Magistrate Court of Rockdale County. Elisha Jarrett, movant's property manager, was present. Debtor, who filed this Chapter 13 case *pro se*, did not appear at the hearing and instead left a voice mail with the Clerk stating that she was having car trouble. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).

At the hearing, Ms. Jarrett provided the Court with a copy of the dispossessory order issued by the Magistrate Court of Rockdale County. Ms. Jarrett represented that the writ of

possession was issued to movant prior to this bankruptcy being filed and movant seeks relief from the automatic stay to proceed with the eviction. After considering the motion and the record in this case, the Court concludes that the motion for relief from stay must be and is hereby granted to allow movant to pursue her remedies under state law to obtain possession of the Property.

It is also important to note that debtor has failed to pay the required filing fee, and the automatic stay will no longer be in effect once the case is dismissed due to debtor's failure to pay the fee. 11 U.S.C. § 362(c)(2)(B). In fact, debtor has filed numerous bankruptcy cases in this district, both individually and as a joint debtor with Steve Rainey. Debtor's five most recent cases were all Chapter 13 cases filed *pro se*, and these cases were all dismissed for failure to pay the required filing fee (Case No. 11-58768, Case No. 10-67199, Case No. 09-72605, Case No. 08-72590, Case No. 06-67943). In each case, the Clerk sent a letter to the debtor or debtors informing them that the filing fee remained outstanding and that they are responsible for the entire filing fee, regardless of the disposition of the case. In the instant case, the Court issued an Order on August 16, 2011 directing debtor to pay the filing fee in full within ten (10) days of entry of the Order. The Order further provided that if debtor failed to pay the filing fee within ten days, debtor's case would be dismissed and the automatic stay would be annulled effective as of the date of the filing of the case. The docket does not reflect any payment of the filing fee in this case. As of today's date, debtor owes the Clerk of Court \$1,924.00 in unpaid filing fees.

In accordance with the above reasoning, the motion for relief from stay is granted.

IT IS SO ORDERED, this 2nd day of September, 2011.


JOYCE BIARY
UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF MAILING

A copy of the foregoing Order was mailed to the following:

AnJanette Carter Rainey
P.O. Box 1131
Conyers, GA 30012

Elisha Jarrett
1326 Norton Road
Conyers, Georgia 30012



Stephanie A. Mayberry
Judicial Assistant for
Chief Judge Bihary

Mailed: 09/02/2011