

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

In the Matter of:

Ricky L Yessick
SSN: XXX-XX-3672

Debtor(s)

Case No. 18-01007-TOM13

Chapter 13

I, Joseph E. Bulgarella, Clerk of Bankruptcy Court in and for said District, do hereby certify that the attached copy of the Order (Doc 45) in Case No. 18-01007-TOM13 has been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in my office.

In testimony whereof I have hereunto set my hand at Birmingham, Alabama in said District, this Tuesday, January 21, 2020.

Dated: January 21, 2020

Joseph E. Bulgarella, Clerk
United States Bankruptcy Court

By: *Crystal Harris*
Crystal Harris
Deputy Clerk



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NORTHERN DISTRICT OF ALABAMA - SOUTHERN DIVISION

In the Matter of:

Ricky L Yessick
SSN: XXX-XX-
DEBTOR(S).

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Case No: 18-01007-TOM13

ORDER

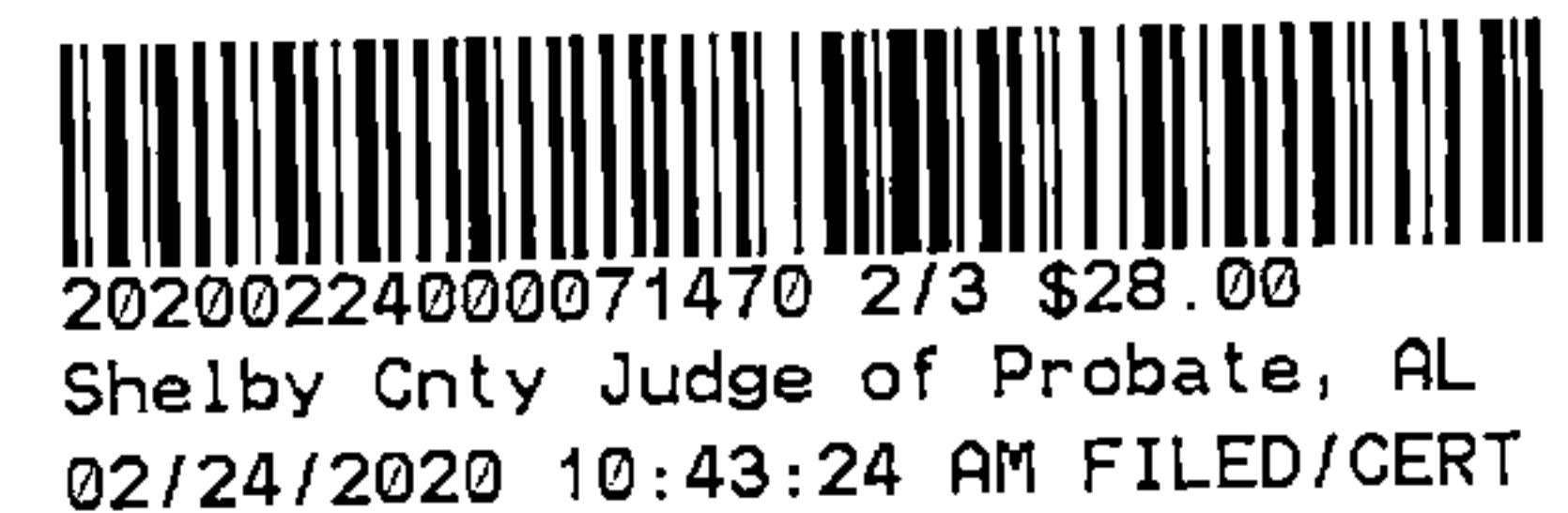
This matter came before the Court on Thursday, April 26, 2018 10:00 AM, for a hearing on the following:

- 1) RE: Doc #18; Debtor's Motion to Impose Automatic Stay
- 2) RE: Doc #26; Objection to the Debtor's Amended Motion to Impose Automatic Stay filed by Thomas G Tutten, Attorney for Wells Fargo Bank, N.A.
- 3) RE: Doc #28; In Rem Motion for Relief from Stay and Co-Debtor Stay filed by Thomas G. Tutten, Jr., Attorney for Wells Fargo Bank, N.A.

Proper notice of the hearing was given and appearances were made by the following:

- Paula C. Greenway, attorney for Ricky L Yessick (Debtor)
- Ricky L Yessick
- Tom Tutten, attorney for Movant
- Mary Frances Fallaw, Staff Attorney for the Chapter 13 Trustee

It is therefore ORDERED, ADJUDGED and DECREED that:



1 & 2) Based on the proffer of testimony, arguments of counsel, pleadings and judicial notice of the Trustee's interim statement, the Objection is Overruled and the Motion is Granted in part and the automatic stay provided for in 11 U.S.C. Section 362(a) is hereby imposed for the duration of this case subject to further orders of this Court except as to Wells Fargo Bank.

Further, as to Wells Fargo Bank, the automatic stay is imposed so long as and only if the Debtor makes each and every mortgage payment beginning with the May 1, 2018 payment and every payment hereafter. In the event the Debtor fails to make any mortgage payment the automatic stay is terminated as to Wells Fargo Bank.

3) Further, based on arguments of counsel, pleadings, and the Debtor's prior case history, the Motion for Relief from Stay is Denied Conditioned upon the Debtor resuming regular monthly mortgage payments beginning with the May 1, 2018 payment. The Movant has leave to file a claim for the arrearage balance including fees and costs. In the event of future default, the Movant shall give written notice of the default to the Debtor and Debtor's counsel. The Debtor has 15 days from the date of the notice to cure any default. If the default is not timely cured, then the Motion for Relief from Stay lifts without further Order from the Court.

It is further Ordered, in the event the automatic stay lifts by operation of this Order, the Court

is entering In Rem Relief from the Automatic Stay as to any future filings of this Debtor regardless of Chapter and the mortgage which is the subject of this Order shall not be affected by the automatic stay in any subsequent filings and the mortgagee may proceed to enforce its mortgage without regard to such proceeding.

Dated: 04/27/2018

/s/ TAMARA O. MITCHELL
TAMARA O. MITCHELL
United States Bankruptcy Judge



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Shelby Cnty Judge of Probate, AL
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