

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE: )  
)  
Ragan Courtney Haselden, )  
Debtor. )  
\_\_\_\_\_ )

Case No. 02-11242-W  
Chapter 7

JUDGMENT

FILED  
at ..... O'clock & ..... min ..... M  
NOV 19 2002  
BRENDA B. ANGIOE, CLERK  
United States Bankruptcy Court  
Columbia, South Carolina (3)

ENTERED  
NOV 19 2002  
V.L.D.

Based upon the Findings of Fact and Conclusions of Law as recited in the attached Order of the Court, this Court partially grants Wendy s. Haselden's ("Wife") Motion for Relief from the Automatic Stay (the "Motion") to allow the Family Court to determine all domestic disputes between the parties, including when any obligations, debts, or claims arose. The Court reserves any determination pursuant to 11 U.S.C. §523(a)(5) regarding the dischargeability of any prepetition obligations.

  
UNITED STATES BANKRUPTCY JUDGE

Columbia, South Carolina,  
November 19, 2002.

02-144  
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**CERTIFICATE OF MAILING**

The undersigned Clerk of the United States  
Bankruptcy Court for the District of Carolina hereby certifies  
that a copy of \_\_\_\_\_ with this stamp appears  
was mailed to \_\_\_\_\_ below to:

NOV 10 2002

*Dolce for CR*

DEBTOR, DEBTOR'S ATTORNEY, TRUSTEE *via BNC*

**VANNA L. DANIEL**

Deputy Clerk

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE: )  
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Ragan Courtney Haselden, )  
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Case No. 02-11242-W  
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ORDER

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United States Bankruptcy Court  
Columbia, South Carolina (3)

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THIS MATTER comes before the Court pursuant to a Motion for Relief from the Automatic Stay (the "Motion") filed by Wendy S. Haselden ("Wife"). In the Motion, Wife seeks an Order of this Court allowing her to pursue her remedies against Ragan Courtney Haselden ("Debtor") in the Family Courts of South Carolina, including equitable division of the parties' marital property and debts, an award of alimony or spousal support, and an award of attorneys' fees in any Family Court action. In his Objection, Debtor agrees that Wife should be allowed to pursue an equitable division of marital property as well as spousal support or alimony (but does not admit that she is entitled to such spousal support or alimony) in the Family Courts of South Carolina, but he contests Wife's request for relief from the stay insofar as the division of debts and the award of attorneys' fees is concerned.

Upon review of Debtor's schedules as well as the pleadings filed in this matter, and upon consideration of arguments of counsel, the Court makes the following Findings of Facts and Conclusions of Law:

**FINDINGS OF FACTS**

1. Debtor filed his Petition for Relief under Chapter 7 of the United States Bankruptcy Code on September 24, 2002 and at that time or thereafter filed appropriate schedules and other required information, which included scheduling Wife as a creditor.
2. On October 18, 2002, a First Meeting of Creditors was held and, as a result of that meeting, the Trustee declared this case a no-asset case and abandoned all scheduled assets of the estate. The Trustee was properly served with this Motion and has not filed an objection.
3. The parties no longer live together. On October 31, 2002, Wife as Plaintiff filed an action seeking an order of separate support and maintenance and other ancillary relief against Debtor. The action is pending in the Family Court of the Eleventh Judicial Circuit, Lexington County, South Carolina (the "Family Court").

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## CONCLUSIONS OF LAW

In this case, the domestic litigation, in this instance an action for separate maintenance, was commenced after Debtor filed the bankruptcy petition but before the Court had entered a discharge. Apparently, there is no prepetition complaint for divorce, nor any prepetition domestic order or agreement between the parties that divides marital property and debts or establishes mutual duties or obligations arising out of the marriage. In a Chapter 7 case such as this, the discharge only effects obligations, debts, or claims existing on the date of the bankruptcy petition. To the extent any obligation, debt, or claim, marital or otherwise, is determined to arise postpetition, it is not subject to discharge. State law would determine when such marital claims and property rights arise between these parties. The Family Court is in the best position to determine the domestic disputes between these parties, including issues of divorce, separate maintenance, child custody, support, alimony, and a division of marital property and debts. Inherent in that process, the Family Court would consider and award attorneys' fees that relate to the litigation before it.

Therefore, the Court partially grants the motion to allow the Family Court to determine all of the domestic disputes between these parties, including divorce, child custody, separate maintenance, support, alimony, attorneys' fees, and the division of marital property and debts. The Family Court is further requested to determine when any obligations, debts, or claims between these parties are deemed to arise. To the extent such obligations, debts, or claims arise on or after the filing of the bankruptcy petition on September 24, 2002, they are postpetition and not effected by any discharge to be issued in this bankruptcy case. To the extent any such obligations, debts, or claims arise before the filing of the bankruptcy petition, they are prepetition and may be effected by any discharge in this bankruptcy case.

Once the Family Court has determined the nature of the obligations between the parties and identifies when they arose, the parties and this Court can determine whether further litigation in this Court regarding the dischargeability of prepetition debts and claims asserted against Debtor is necessary.

Because the parties have indicated some likelihood that one of them will file a dischargeability action pursuant to 11 U.S.C. §523(a)(15) and that the deadline for the filing of such an adversary is December 17, 2002, a time before which the Family Court may have concluded its determinations, this Court also reserves any §523(a)(5) determinations of dischargeability of prepetition obligations.

Therefore, this Court reserves the consideration of whether any prepetition obligation, debt, or claim is dischargeable and accordingly does not grant relief from the stay at this time to allow enforcement or collection of such prepetition obligations by the Family Court. As to postpetition obligations, including alimony and support, the Family Court's determinations may be enforced and collected from Debtors postpetition wages, exempt property, and any other property that is not property of the bankruptcy estate.

In anticipation that the Family Court may consider and conclude these issues within the next ninety days, a further hearing on this §362 motion is set for **February 25, 2003 at 9:30 a.m. at the J. Bratton Davis U.S. Bankruptcy Courthouse, 1100 Laurel Street, Columbia, South Carolina**. Continuance of the §362 hearing does not effect either parties' responsibility to meet the dischargeability complaint deadline.

**AND IT IS SO ORDERED.**

  
UNITED STATES BANKRUPTCY JUDGE

Columbia, South Carolina  
November 19, 2002.