

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Gregory Teasdell

ENTERED
MAY 31 2006
K. E. P. Debtor

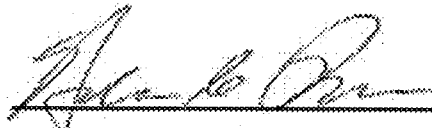
C/A No. 06-1819

Chapter 13

JUDGMENT

FILED
O'clock & min
MAY 31 2006
United States Bankruptcy Court
Columbia, South Carolina (11)

Based upon the findings of fact and conclusions of law made in the attached Order, the Motion to Extend Stay file by Gregory Teasdell ("Debtor") is denied. Therefore, the Debtor's automatic stay shall terminate on May 31, 2006.



UNITED STATES BANKRUPTCY JUDGE

Charleston, South Carolina,
May 31, 2006

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FOR THE DISTRICT OF SOUTH CAROLINA

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ORDER

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MAY 31 2006

United States Bankruptcy Court
Columbia, South Carolina (11)

This matter comes before the Court upon a Motion to Extend Stay ("Motion") filed by Gregory Teasdell ("Debtor") pursuant to 11 U.S.C. § 362(c)(3)(B). The Debtor served the Motion and a Notice of Hearing on all creditors, and a hearing on the Motion was completed within the thirty (30) day period following the petition date. The Chapter 13 trustee filed a response.

Because the Debtor's last bankruptcy case was pending within a one (1) year period preceding the filing of the current case, pursuant to § 362(c)(3)(A), the automatic stay provided by § 362(a) will terminate thirty (30) days after the Debtor filed the current case. Pursuant to § 362(c)(3)(C)(i)(II), there is a presumption as to all creditors that the Debtor did not file the current case in good faith because the Debtor's previous case was dismissed for failure to make timely plan payments pursuant to a confirmed plan. Pursuant to § 362(c)(3)(C)(ii) there is a presumption of a lack of good faith on the part of the Debtor as to mortgage creditor Mortgage Electronic Registration Systems, Inc., due to a motion for relief from stay filed by that creditor in the prior case. There is also a presumption of lack of good faith pursuant to § 362(c)(3)(C)(i)(III) if there has not been a substantial change in the financial or personal affairs of the Debtor since the dismissal of the last case, or any other reason to find that this case will conclude with a confirmed

plan that will be fully performed. In light of this presumption, the Debtor must demonstrate, by clear and convincing evidence, that he filed this case in good faith in order to extend the stay.

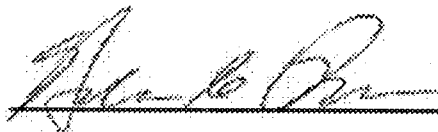
To support the contention that the current case was filed in good faith, Debtor Gregory Teasdell testified as to the reasons his last case failed. He testified at the hearing and provided an affidavit representing that at the time the last case was filed, he was married and living with his spouse with seven dependent children. By the time that case was dismissed, he was separated and had incurred unusual expenses associated with the separation. He also provided testimony that he had to live in a hotel for approximately four months and that as a result of these factors his prior case failed. However, no specific or clear evidence was offered tying the extraordinary expenses in question to any particular time. Further, the Debtor's schedules in this case, supported by his testimony, indicate that both his income and expenses have decreased in almost identical amounts since the last case. Although the Debtor has now moved in with his sister and has fewer children to support as some have graduated and obtained jobs, there has been no net change in his disposable income. Therefore, the court does not find that there has been clear and convincing evidence of a substantial change in circumstances *since the dismissal* of the prior case.

The Debtor's complete bankruptcy history in South Carolina since 1999 is as follows: (1) Case No. 99-00897 (filed February 1999 and dismissed in January of 2000 for failure to comply with a confirmed plan); (2) Case No. 00-01114 (filed in February of 2000 and dismissed in December of 2000 for failure to comply with a confirmed plan); (3) Case No. 01-10339 (filed October 2001 and dismissed in May 2002 with prejudice for

180 days for failure to comply with a confirmed plan); (4) Case No. 03-05146 (filed April 2003 and dismissed July 2005 for failure to comply with a confirmed plan); finally, (5) Case No. 06-01819, the current case. The Debtor has been in Chapter 13 for most of the past seven years. Given his four prior bankruptcies, the Debtor has had ample opportunity to reorganize his finances before the filing of this case, but has failed to do so in four prior instances. In this case the Debtor has neither equity in real estate nor any other substantial unencumbered and non-exempt asset available for the benefit of creditors. He has filed a plan that proposes to pay only 1% to general unsecured creditors and has prepared a budget indicating very low expenses to evidence his ability to make the lowest plan payment possible. Given that this is the Debtor's fifth Chapter 13 case in seven years without a completed plan in any of the prior cases, given that his evidence of a substantial change in circumstances since dismissal of the prior case is less than clear and convincing, given that general unsecured creditors will receive no significant distribution in this case, and given that the Debtor has no equity in property to assist him in this case, the court finds that the Debtor has not met his burden of proving that this fifth case was filed in good faith.

It is therefore ordered that the Debtor's request to extend the automatic stay as to all creditors pursuant to § 362(c)(3)(B) is hereby DENIED.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert B. Brown", is written over a horizontal line.

UNITED STATES BANKRUPTCY JUDGE

Charleston, South Carolina,
May 31, 2006