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11 O'clock & 11:15

MAY 24 2006

United States Bankruptcy Court
Columbia, South Carolina (2)

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


IN RE:) CASE NO. 06-01907
) CHAPTER 13

Clarence B. David)
Rovoanda L. David)

JUDGMENT

Debtors.

Based upon the Findings of Fact and Conclusions of Law as recited in the attached Order of the Court, Debtors' Motion to Extend the Automatic Stay is granted and the automatic stay is extended as to all creditors pursuant to 11 U.S.C. § 362(c)(3)(B). Should this case be dismissed for any reason, dismissal will be with prejudice to bar a re-filing by Debtors for a period of one (1) year as to Chapters 11, 12, and 13 of the Bankruptcy Code as to both debtors.



UNITED STATES BANKRUPTCY JUDGE

Columbia, South Carolina,
May 24, 2006

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C.H.B.

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IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA

**United States Bankruptcy Court
Columbia, South Carolina**

IN RE:) CASE NO. 06-01907
) CHAPTER 13
Clarence B. David)
Rovoanda L. David)
) **ORDER**
)

 Debtors.)

This matter comes before the Court upon a Motion to Extend Stay ("Motion") filed by Clarence and Rovoanda David, seeking to extend the stay in respect to Rovoanda David only pursuant to 11 U.S.C. § 362(c)(3)(B).¹ Debtors served the Motion and Notice of Hearing on all creditors and both debtors appeared at the hearing. The Chapter 13 Trustee filed a response.

Mrs. David was a debtor in a prior Chapter 13 bankruptcy case (C/A No. 05-09984) that was pending within a one (1) year period preceding the filing of this current case. Therefore, pursuant to § 362 (c)(3)(A), the automatic stay provided by § 362(a) is scheduled to terminate on the thirtieth day (30th) day after this current bankruptcy case was filed.

Under § 362 (c)(3)(C) there is a presumption that Mrs. David did not file the current case in good faith. Mrs. David must therefore demonstrate, by clear and convincing evidence, that she filed this case in good faith in order to extend the stay beyond June 7, 2006.

¹ Mr. David was not a debtor in a case pending within one year prior to the filing of this case, so no order extending the stay is necessary as to that debtor. Mr. David was a debtor in Chapter 7 Case No. 02-10477 along with Mrs. David. A discharge was entered in that case on July 29, 2003. Currently pending before this court is an Order and Rule to Show Cause regarding whether the debtors herein are eligible to receive a discharge in the current case.

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C.H.B.

Both Mr. and Mrs. David were employed when the first bankruptcy case was filed. Shortly after the filing of the last case, Mrs. David experienced a series of catastrophic medical problems culminating in a heart attack, completely disabling her from employment of any kind and significantly increasing her medical debts. As a result of Mrs. David's health issues and the associated loss of income and increased expenses, the prior case failed. She and her husband were required to completely reorganize their lives and substantially reduce their living expenses as a result of the change in their personal and financial circumstances before the filing of this second bankruptcy case, including a move from their own rented home into the home of family members. Since the dismissal of the last case, the Debtors' overall income has decreased due to Mrs. David's inability to work. However, Mr. David's earnings have increased and Mrs. David's medical expenses have stabilized. As mentioned above, the Debtors have completely reorganized their expenses and as a result, their net income available to fund a plan has increased. It also appears that Debtors have the intent and the ability to complete the proposed plan and have agreed to a deduction of their chapter 13 plan payments via wage order. The court finds based on these facts that it is likely that this case will be concluded with a confirmed plan that will be fully performed. Mrs. David has shown the court a substantial change in her financial and personal circumstances and has demonstrated by clear and convincing evidence that this case was filed in good faith.

It is therefore ordered that the automatic stay is extended as to all creditors pursuant to § 362(c)(3)(B). As a condition of extending the stay, it is ordered that should this case be dismissed for any reason, that the dismissal will be with prejudice to bar a re-

filing by Debtors for a period of one (1) year as to Chapters 11, 12, and 13 of the
Bankruptcy Code as to both debtors.

AND IT IS SO ORDERED.

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

UNITED STATES BANKRUPTCY JUDGE

Columbia, South Carolina,
May 24, 2006