

**U.S. BANKRUPTCY COURT
District of South Carolina**

Case Number: **25-04782-eg**

ORDER

The relief set forth on the following pages, for a total of 4 pages including this page, is hereby ORDERED.

**FILED BY THE COURT
12/31/2025**



Elisabetta G. M. Gasparini
US Bankruptcy Judge
District of South Carolina

Entered: 12/31/2025

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

Trell Salley,

Debtor(s).

C/A No. 25-04782-EG

Chapter 13

**ORDER DENYING MOTION TO
EXTEND STATUTORY
REDEMPTION PERIOD BEYOND
THE TIMING SET FORTH
PURSUANT TO 11 U.S.C. § 108**

THIS MATTER is before the Court on the Motion to Extend Statutory Redemption Period Pursuant to 11 U.S.C. § 108 (the “Motion”) filed by Trell Salley (“Debtor”), pro se.¹ Debtor filed a voluntary petition for relief under chapter 13 of the Bankruptcy Code on December 4, 2025. In Schedule A/B,² Debtor listed partial ownership of property at 152 Barbara Lane, Cope, SC 29038 (the “Property”).³ Debtor indicated in the Motion that the Property was sold at a tax sale, but did not provide the date of such sale. Debtor’s chapter 13 plan, which has not been confirmed, proposes to make a lump sum payment to the Chapter 13 Trustee using proceeds from the sale of the Property in an amount purportedly sufficient to pay all claims in full.⁴

Through the Motion, Debtor seeks entry of an order extending the statutory redemption period for an unspecified period of time for the Property to allow sufficient time for a sale or refinancing as proposed in his chapter 13 plan. Under S.C. Code Ann. § 12-51-90, a defaulting taxpayer may redeem property sold at a delinquent tax sale within twelve months from the date of the tax sale by making payment in full of the delinquent tax assessed, penalties and costs, together

¹ ECF No. 51, filed Dec. 28, 2025.

² ECF No. 23, filed Dec. 18, 2025.

³ The addendum to Schedule A/B indicates that Debtor has “Fee simple interest as tenant in common, subject to a co-owner’s stipulated interest of \$170,000 per sworn statement.”

⁴ ECF No. 43, filed Dec. 27, 2025.

with interest (collectively, the “Redemption Amount”). *See S.C. Code Ann. § 12-51-90(A)-(B).*

Here, the Court is unable to determine when the statutory redemption period expires for the Property because it is unclear from the Motion when the tax sale occurred. Nevertheless, Debtor’s filing of a bankruptcy petition does not toll the running of the statutory redemption period under S.C. Code § 12-51-90. *In re Gibson*, 450 B.R. 585, 589 (Bankr. D.S.C. 2011). Assuming the statutory redemption period under state law did not expire prepetition, Debtor would have the opportunity to exercise the right of redemption by tendering the Redemption Amount to the taxing authority within a 60-day period from the date of the filing of the bankruptcy case under 11 U.S.C. § 108(b). Section 108(b) provides:

(b) Except as provided in subsection (a) of this section, if applicable nonbankruptcy law, an order entered in a nonbankruptcy proceeding, or an agreement fixes a period within which the debtor or an individual protected under section 1201 or 1301 of this title may file any pleading, demand, notice, or proof of claim or loss, *cure a default*, or perform any other similar act, and *such period has not expired before the date of the filing of the petition*, the trustee may only file, cure, or perform, as the case may be, before the later of--
(1) the end of such period, including any suspension of such period occurring on or after the commencement of the case; or
(2) 60 days after the order for relief.

11 U.S.C. § 108(b) (emphasis added). Section 108 thus “incorporates applicable nonbankruptcy law that provides a period within which a debtor may take certain actions, including a right to ‘cure a default, or perform any other similar act,’ and provides an extension of time for ‘the trustee’ to take such actions.” *In re Milledge*, 639 B.R. 334, 348 (Bankr. D.S.C. 2022). While the statute appears on its face to provide an extension of time for only “the trustee”, this Court has previously held that chapter 13 debtors may use the benefits of the extensions of time provided under § 108(b). *See id.* at 349.

Unlike other provisions of the Bankruptcy Code which allow courts to grant extensions of time for cause, such as 11 U.S.C. §§ 365(d)(1), 365(d)(4), and 1121(d), § 108(b) does not expressly

provide such authority. *See In re 210 Roebling, LLC*, 336 B.R. 172, 176 (Bankr. E.D. N.Y. 2005). Moreover, the majority view is that a bankruptcy court may not use its equitable powers under 11 U.S.C. § 105(a) to further extend the redemption period beyond the 60-day period provided under § 108(b), absent exceptional circumstances such as fraud, mistake, accident, or erroneous conduct on the part of the foreclosing officer. *See In re 210 Roebling, LLC*, 336 B.R. at 175 (citing cases); *see also In re Lawrence & Paget Berger*, No. 12-24891, 2012 WL 5985491 (Bankr. D.N.J. Nov. 29, 2012) (adopting majority position and determining that extending the redemption period under the circumstances of the case would impermissibly broaden the assistance rendered to a debtor under 11 U.S.C. § 108 and exceed the scope of the Court's authority under 11 U.S.C. § 105). Debtor has not asserted that any exceptional circumstances exist in this case that would warrant an expansion of the Court's equitable powers under 11 U.S.C. § 105(a). To the extent that the time to redeem the Property did not expire pre-petition, Debtor would have the opportunity to exercise the right of redemption within the 60-day period as provided by 11 U.S.C. § 108(b)—*i.e.*, February 2, 2026. Furthermore, if Debtor's redemption period under state law has not yet expired and exceeds the 60-day deadline provided under § 108, Debtor would be entitled to exercise his redemption rights within the 12-month period provided by S.C. Code Ann. § 12-51-90. Accordingly, the Court finds that any further extension as Debtor requests would be improper. It is, therefore,

ORDERED that Debtor's request to extend the statutory redemption period beyond the timing provided pursuant to 11 U.S.C. § 108 is DENIED.

AND IT IS SO ORDERED.