

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

IN RE:

LETTICA A. JOHNSON,
Debtor.

CASE NO.: 05-50189-LMK

CHAPTER: 7

**ORDER DENYING CREDITOR'S MOTION FOR ORDER CONFIRMING THAT
AUTOMATIC STAY HAS TERMINATED**

THIS MATTER is before the Court on Creditor Amy's Autos, Inc.'s, Motion Requesting Order that Automatic Stay Has Terminated (Doc. 16). In the Motion, the Creditor asks that the Court issue an order pursuant to 11 U.S.C. § 362(j), confirming that the automatic stay has been terminated as to the 2000 Isuzu Amigo because, the Creditor alleges, under 362(h)(1), the vehicle ceased being property of the bankruptcy estate when the Debtor failed to reaffirm the debt to the Creditor, as she had indicated on her statement of intentions she would do. However, the provisions of the Bankruptcy Code cited by the Creditor were enacted under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and are only applicable to cases filed on or after October 17, 2005. This case was filed on March 17, 2005. Therefore, regardless of whether or not the automatic stay is still in effect with regard to the vehicle in question, there is no provision in the Code applicable in this case that requires the Court to enter an order such as the one requested by the Creditor in its Motion. Accordingly, it is hereby

ORDERED and ADJUDGED that the Creditor's Motion is DENIED.

DONE and ORDERED at Tallahassee, Florida, this 13th day of March, 2006.



LEWIS M. KILLIAN, JR.
United States Bankruptcy Judge

cc: Cecilia Redding Boyd
Lettica Johnson
Quinn Brock
William J. Miller