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IT IS SO ORDERED.



Beth A. Buchanan

Beth A. Buchanan
United States Bankruptcy Judge

Dated: April 19, 2016

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re)	
MICHAEL GLEN PORTER)	Case No. 16-11081
TRISHA DIANE PORTER)	Chapter 13
Debtor(s))	Judge Buchanan
)	
)	

ORDER DENYING IN PART
DEBTORS' MOTION TO EXTEND THE AUTOMATIC STAY

This matter is before this Court on the Debtors' *Motion to Extend the Automatic Stay* [Docket Number 17], Deutsche Bank Trust Company Americas as Trustee RALI 2005 QA7's (the "Creditor") *Response* [Docket Number 28] and *Exhibit List* [Docket Number 31].¹ A hearing was held on April 19, 2016.

Pursuant to 11 U.S.C. § 362(c)(3), because this bankruptcy case was filed within one year of the dismissal of the Debtors' prior bankruptcy case, this bankruptcy case is presumed not to have been filed in good faith. Based on the evidence, this Court finds that the Debtors have failed to establish, by clear and convincing evidence, that there has been a substantial change in the Debtors' personal or financial affairs since the dismissal of the prior case or any reason to conclude that this case will be concluded with a confirmed plan that will be fully performed such as to rebut the

¹ The *Response* was filed by Deutsche Bank; the *Exhibit List* was filed by SunTrust Mortgage, Inc. The Debtors list SunTrust Mortgage as the lienholder in their Schedule D.

presumption.

Accordingly, the *Motion to Extend the Automatic Stay* is denied as to this Creditor, with regard to the Debtors and the Debtors' property. The Debtors' residence at 11 Flagler Court, Hamilton, Ohio 45013, is property of the estate, and as such, the stay remains in effect as to the Debtors' residence until such time as this Court enters an order confirming a Chapter 13 plan or otherwise terminates the stay as to the Debtors' residence. *See* 11 U.S.C. §§ 541(a), 1306 and 1327(b); *see also In re Dowden*, 429 B.R. 894, 902-03 (Bankr. S.D. Ohio 2010).

IT IS SO ORDERED.

copy to:

All Creditors and Parties in Interest

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