

The document below is hereby signed.

Signed: November 2, 2017



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
LORI A SAXON,)	Case No. 17-00611
)	(Chapter 13)
Debtor.)	Not for publication in West's Bankruptcy Reporter.

MEMORANDUM DECISION AND ORDER
DISMISSING MOTION FOR RELIEF FROM STAY AS MOOT

The court has dismissed this case. Under 11 U.S.C. § 349(b)(3), the dismissal of the case revested the property of the estate in the debtor. In turn, under 11 U.S.C. § 362(c)(1) and (2), the dismissal terminated the automatic stay of 11 U.S.C. § 362(a). The order of dismissal has not been stayed. As stated in *Frank v. Gulf States Finance Company (In re Frank)*, 254 B.R. 368, 374 (Bankr. S.D. Tex. 2000):

An order dismissing a case is not subject to the limitations of FRBP 7062. It is effective immediately upon entry and the stay terminates immediately. *Fish Market Nominee Corp. v. Pelofsky*, 72 F.3d 4 (1st Cir. 1995); *In re de Jesus Saez*, 721 F.2d 848 (1st Cir. 1983), *In re Weston*, 101 B.R. 202 (Bankr. E.D. Cal. 1989), *aff'd*, 123 B.R. 466, 1991 WL 7112 (9th Cir. BAP 1991), *aff'd*, 967 F.2d 596, 1992 WL 151867 (9th Cir. 1992), *cert. denied*, 506 U.S. 1051, 113 S.Ct. 973, 122 L.Ed.2d 128, (1993); *In re Doherty*, 229 B.R. 461 (Bankr. E.D. Wash. 1999); See also *In re Lashley*, 825 F.2d 362 (11th

Cir. 1987), *cert. den.* 484 U.S. 1075, 108 S.Ct. 1051, 98 L.Ed.2d 1013, *reh'g denied* 485 U.S. 1016, 108 S.Ct. 1493, 99 L.Ed.2d 720; *In re Thomas*, 194 B.R. 641 (Bankr. D. Ariz. 1995).

Accordingly, no automatic stay is in place, and the pending motion for relief from the automatic stay is moot. It is accordingly

ORDERED that the *Emergency Motion for Relief from Stay* filed by Ameritas Life Insurance Corp. (Dkt. No. 10) is dismissed as moot without adjudicating the merits of the same.

[Signed and dated above.]

Copies to: Debtor; e-recipients of orders.