

The document below is hereby signed.

Signed: November 24, 2019



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
CHERIE MARTIN SIMMS,)	Case No. 19-00307
)	(Chapter 13)
Debtor.)	Not for publication in
)	West's Bankruptcy Reporter.

MEMORANDUM DECISION AND ORDER DENYING MOTION TO VACATE

The debtor has filed a *Praecipe* (Dkt. No. 89) seeking to vacate the *Memorandum Decision and Order Approving Debtor's Motion to Sell Property* ("Memorandum Decision") (Dkt. No. 49), wherein the court granted the debtor's motion to sell the property located at 4721 9th Street, NW, Washington, DC 20011 (the "Property"). A court may vacate a final order for the reasons established under Fed. R. Civ. P. 60(b), made applicable by Fed. R. Bankr. P. 9024. However, it is unclear as to the reason why the debtor wants the *Memorandum Decision* (which ruled in the debtor's favor) vacated.

There are insufficient facts in the debtor's motion to clearly establish what the debtor is seeking. The *Praecipe* may be an attempt to challenge the validity of the lien of Wilmington

Savings on the Property, but such a challenge requires an adversary proceeding complaint, and the issue of the validity of the lien can be raised in Wilmington Savings' foreclosure action. The debtor has not established cause for vacating the *Memorandum Decision* under Rule 60(b), and the motion must be denied. It is

ORDERED that the debtor's *Praecipe* (Dkt. No. 89) seeking an order vacating the *Memorandum Decision and Order Approving Debtor's Motion to Sell Property* (Dkt. No. 49) is DENIED without prejudice to the debtor filing a new motion or adversary proceeding complaint that clearly states what relief the debtor is seeking, and establishes sufficient facts to show that the debtor is entitled to such relief.

[Signed and dated above.]

Copies to: Debtor; recipients of e-notifications of filings.