

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re: ) Case No. 06-10495  
)  
KIMBERLY BARNES, ) Chapter 13  
Debtor. )  
) Judge Arthur I. Harris

ORDER

Bank One, NA filed a motion “for an order confirming inapplicability of the automatic stay” (Docket #11) pursuant to 11 U.S.C. § 362(c)(3)(A) and (j).

Because the debtor had a case pending in the prior year which was dismissed, the Court finds that the stay under 11 U.S.C. § 362(a) “with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease” has terminated “with respect to the debtor.” 11 U.S.C. § 362(c)(3)(A); *see In re Paschal*, 337 B.R. 274, 280 (Bankr. E.D.N.C. 2006) (holding that “action” means a formal action and that “the action with respect to which the stay terminates is an ‘action taken,’ which means an action in the past, prior to the filing of the debtor’s bankruptcy petition”). *See also In re Moon*, 339 B.R. 668, 673 (Bankr. N.D. Ohio 2006) (stay only terminates as to actions against the debtor or property of the debtor; stay remains in effect as to property of the estate); *In re Jones*, 339 B.R. 360 (Bankr. E.D.N.C. 2006) (same).

IT IS SO ORDERED.

/s/ Arthur I. Harris 5/30/2006  
Arthur I. Harris  
United States Bankruptcy Judge