

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

IN RE:

INGRID M. MOORE,

Debtor.

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CASE NUMBER: 24-12977

ORDER GRANTING MOTION FOR RELIEF FROM STAY

This matter came before the court of the City of Mobile's motion (doc. 99) for relief from stay related to real property located at 562 Osage St., Mobile, Alabama. The debtor does not live at Osage Street, and the house on the property has holes in the roof and is in a dilapidated state. The City seeks relief from stay "to proceed with those remedies available to it pursuant to State law to determine and declare the nature of structure as unsafe to the extent that it is a public nuisance and demolished if deemed necessary." For the reasons discussed below, the court grants the motion.

The stay of Bankruptcy Code § 362 does not apply to "the commencement or continuation of an action or proceeding by a governmental unit . . . to enforce such governmental unit's . . . police and regulatory power" *See* 11 U.S.C. § 362(b)(4); *see also In re Gallagher*, No. 08-41445, 2010 WL 2507219, at *1 (Bankr. M.D. Ga. June 16, 2010). This includes a municipality's action in demolishing buildings deemed to be unsafe. *See, e.g., In re Blunt*, 210 B.R. 626, 634 (Bankr. M.D. Fla. 1997); *In re Nease*, 391 B.R. 470, 472 (Bankr. M.D. Fla. 2008); *see also Matter of Catalano*, 155 B.R. 219, 221 (Bankr. D. Neb. 1993) ("A condemnation proceeding by a city to rid the city of a structure deemed unsafe is certainly the exercise of a police or regulatory power by a governmental unit and is thereby excepted from the automatic stay of Section 362(a).").

This granting of relief from stay does not mean the home on Osage Street will be demolished. The attorney for the City represented that the City has a process it must complete and that it will not go out and demolish the house immediately upon entry of this order. The City will have to go through the proper process and the debtor can contest those proceedings. But that process is beyond the scope of this bankruptcy case and is not subject to the automatic stay.

Dated: August 20, 2025


HENRY A. CALLAWAY
U.S. BANKRUPTCY JUDGE