

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

In re:)
)
RENANA NORFLEET,) Case No. 19-20381
)
Debtor.)

ORDER VACATING CONSENT ORDER ON MOTION FOR RELIEF FROM STAY AND
RESETTING HEARING ON MOTION FOR RELIEF FORM STAY

By agreement on the parties, the court conditionally denied AF Title Co.'s motion for relief from stay (*see* order, doc. 58). The order provided that any arrears on the debtor's 2017 Hyundai Sonata would be paid as a secured claim through the debtor's chapter 13 plan. However, the court entered this order in error because it mistakenly thought that the loan at issue was a purchase agreement secured by the Sonata, when it is actually a lease. Therefore, a secured claim for the arrears is inappropriate.¹ *See generally* Keith M. Lundin, LUNDIN ON CHAPTER 13, § 102.2, LundinOnChapter13.com.

The court thus vacates its order (doc. 58). The motion for relief from stay (doc. 44) is reset for a telephonic hearing on September 11, 2020 at 10:00 a.m. The court encourages the parties to consider resolving the matter by direct payments to the creditor instead of through the trustee.

Dated: August 26, 2020


HENRY A. CALLAWAY
CHIEF U.S. BANKRUPTCY JUDGE

¹ The creditor may have a claim for administrative expense for postpetition lease payments, but that issue is not before the court and the court is not ruling it.