

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

In re:

LUIS PORRAS JR. AND
JENETTE PORRAS,

Case No.19-10708 -JCO
Chapter 13

Debtors.

ORDER SUSTAINING OBJECTION TO CONFIRMATION AND
ORDERING DEBTOR TO FILE AN AMENDED PLAN WITHIN 14 DAYS

This case is before the Court on the Objection to Confirmation (Doc.30) filed by TitleMax of Alabama (“Titlemax”) and the Debtors’ Reply thereto (Doc.38). The Court having considered the record, the pleadings, the briefs and the arguments of counsel finds that Titlemax’s objection is due to be and is hereby SUSTAINED for the following reasons:

ANALYSIS

This Court is aware of the recent *In re Tesseneer*, decision issued by the Honorable Henry A. Callaway, Chief Bankruptcy Judge for the Southern District of Alabama. Case No. 19-11283 (2019) (holding that when the pawn redemption period lapses under state law after the extension provided by 11 U.S.C. §108, the vehicle ceases to be property of the estate). The issue and facts presented in this case are directly on point with *In re Tesseneer* which cited and followed *In re Northington*, 876 F. 3d 1302, 1315 (11th Cir. 2017) (holding that when the time to redeem a pawned vehicle lapses under state law, a debtor’s rights in the vehicle are “immediately forfeited, extinguished and vested in” the pawnbroker). Accordingly, finding the learned Judge Callaway’s analysis well-reasoned, this Court hereby adopts and follows the same and enters this order consistent therewith.

CONCLUSION

This Court hereby finds that upon expiration of the state law pawn redemption period and any extension thereof by operation of 11 U.S.C. §108, if applicable, an unredeemed pawned vehicle ceases to be property of the bankruptcy estate. In this case, that the pawn transaction matured on March 25, 2019; therefore, the vehicle, specifically, the 2005 Toyota 4Runner, is no longer property of the bankruptcy estate. Based upon the forgoing, confirmation of the Debtor's plan proposing to maintain the vehicle is hereby DENIED. Debtor is hereby given 30 days leave to file an amended plan.

Dated: October 15, 2019



JERRY C. OLDSHUE, JR.
U.S. BANKRUPTCY JUDGE