

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT



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**In re:**

**William F. Brooks,  
Debtor.**

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**Chapter 13 Case  
# 14-10096**

**ORDER**

**ADDRESSING DEBTOR'S SUPPLEMENTAL MOTION FOR WITH RESPECT TO AUTOMATIC STAY**

On May 22, 2014, this Court entered a memorandum of decision and order that included determinations that the Debtor had no interest in the property located at 3713 Quechee West Hartford Road (the "Property") on the date he filed his bankruptcy petition in this case, that this Property, as well as any rents received from use of the Property, are outside the scope of the bankruptcy estate. The decision and order therefore declared that this Court has no jurisdiction over the Property. The Court advised the parties, at the hearing held in connection with the impact of the automatic stay on the Property, that they would need to return to State Court to resolve any disputes involving the Property, or post-petition interactions between the parties related to the Property.

On June 3, 2014, the Debtor filed a document signed only by him (although he is represented by an attorney), captioned as "Motion for Permission to Seek Relief from the Vermont Family Court" in which he "respectfully asks the Court for permission to seek relief under V.R.C.P. 60 from the Vermont Family court [sic] and lifting of the automatic stay that bars the Family Court from hearing the Debtor's plea for relief. The Debtor asks that the lifting of stay only apply to the Debtor' action to seek relief under V.R.C.P. 60 and no other issues." Since this Court has already determined that the Property is not property of the bankruptcy estate and the automatic stay does not apply to it, there is no need for this Court to grant relief from stay. Accordingly, to the extent the Debtor's motion seeks clarification or reiteration of this fact, it is hereby given; to the extent, the Debtor's motion (mistakenly) seeks relief from stay, it is denied as moot.\*

SO ORDERED.

June 3, 2014  
Burlington, Vermont

A handwritten signature in black ink, appearing to read "Colleen A. Brown", is written over a light gray rectangular background.

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Colleen A. Brown  
United States Bankruptcy Judge

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\* Since the Debtor is acting *pro se*, the caption of the document will not control for purposes of determining whether a filing fee is due. Rather, notwithstanding the Debtor's caption on the motion, the Court treats this as a motion for clarification of the Court's last order, and therefore has directed the Clerk to enter this document on the docket without requiring the movant to pay a stay relief filing fee.