

The Supreme Court of South Carolina

Sun Trust Mortgage, Inc., Respondent,

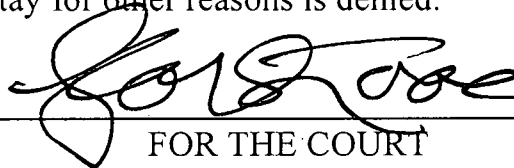
v.

Mark Ostendorff, Petitioner.

Appellate Case No. 2013-000144

ORDER

This matter is before the Court pursuant to a petition for a writ of certiorari to review the Court of Appeals' decision in *Sun Trust Mortg., Inc. v. Ostendorff*, Op. No. 2012-UP-608 (S.C. Ct. App. filed November 14, 2012). This Court received notice that petitioner filed for bankruptcy. The parties were asked to respond to the notice in light of the requirement of an automatic stay set forth in 11 U.S.C.A. § 362(a)(1). Respondent submitted documentation showing that petitioner was granted a discharge and his bankruptcy case has been closed. Petitioner filed a response in which he requested the stay not be lifted until respondent advises that it will not appeal the discharge and provides a bond as required by S.C. Code Ann. § 18-9-130(A)(2) (Supp. 2013). We find any automatic stay resulting from petitioner's bankruptcy filing expired upon the closing of his bankruptcy case. Petitioner's request to maintain the stay for other reasons is denied.


C.J.
FOR THE COURT

Columbia, South Carolina

June 11, 2014

cc:

Brian Steed Tatum, Esquire

Mark Ostendorff

David Hamilton