

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

**RECEIVED**

JUL 27 2015

IN RE:

C/A No. 11-02619-JW

Melissa Jean Marks,

Chapter 13

**SC Court of Appeals**

Debtor(s).

**ORDER MODIFYING AND  
REINSTATING STAY**

This matter is before the Bankruptcy Court on the Debtor, Melissa Jean Marks', Amended Motion to Determine Fees, Expenses or Charges Pursuant to Bankruptcy Rule 3002.1(c). Nationstar Mortgage, LLC ("Nationstar") filed a response to the Motion. The Bankruptcy Court conducted a hearing on the Motion on July 21, 2015 and took the matter under advisement.

Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on April 20, 2011, and the bankruptcy case is pending. Nationstar asserts that it is the current holder of a note in the original principal amount of \$76,000.00 given by Debtor to Old South Mortgage Corp., which is secured by a mortgage on Debtor's detitled mobile home and lot at 208 Presidential Court, Round O, SC 29474 ("Residence").

The requests for fees, expenses, or charges filed by Nationstar in this case total in excess of \$100,000.00 and appear related to its costs associated with participating in a lawsuit filed *pro se* by Debtor against it and other mortgage related defendants in state court, Case No. 12-CP-15-262 ("State Court Action"). By order entered May 25, 2012, the Bankruptcy Court granted limited relief from the automatic stay to Nationstar to intervene and defend its interest, if any, in the State Court Action.

In order to determine the motion before the Court, it appears necessary for this Court to consider the current records of both the Bankruptcy Court and the state court. To allow this Court the necessary time to identify and consider the interrelationship the Bankruptcy Court and state court proceedings and relevant federal and state law, it would be helpful to this Court for the South Carolina Court of Appeals or any other state court to delay further rulings in the State Court Action for a period of sixty (60) days and until further order of this Court.

Therefore, under the unusual circumstances of this case, the Bankruptcy Court modifies its relief from stay order to limit further review and action by the South Carolina Court of Appeals and any state court for a period of sixty (60) days and until further order of this Court. To the extent necessary, this Order constitutes a reinstatement of the automatic stay pursuant to 11 U.S.C. § 105. The Clerk of Court is directed to serve a copy of this Order by First Class U.S. Mail on the Clerk of the South Carolina Court of Appeals and counsel for Debtor is directed to serve this Order by expedited means (hand delivery, e-mail, facsimile or overnight mail) on Nationstar, counsel for Nationstar, and the Clerk of Court of the South Carolina Court of Appeals **on or before 5:00 p.m. on July 23, 2015.**

**AND IT IS SO ORDERED.**

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**U.S. BANKRUPTCY COURT  
District of South Carolina**

Case Number: 11-02619-jw

**ORDER MODIFYING AND REINSTATING AUTOMATIC STAY**

The relief set forth on the following pages, for a total of 3 pages including this page, is hereby ORDERED.

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**SC Court of Appeals**

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**FILED BY THE COURT  
07/23/2015**



Entered: 07/23/2015

*John E. Waites*

US Bankruptcy Judge  
District of South Carolina

OFFICE OF THE CLERK  
UNITED STATES BANKRUPTCY COURT  
District of South Carolina  
J. Bratton Davis U.S. Bankruptcy Courthouse  
1100 Laurel Street  
Columbia, SC 29201-2423

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**SC Court of Appeals**

Clerk, SC Court of Appeals  
1015 Sumter Street Suite 5  
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