

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Melissa Jean Marks,

Debtor(s).

C/A No. 11-02619-JW

Chapter 13

**ORDER VACATING ORDER
MODIFYING AND REINSTATING
STAY**

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SEP 02 2015

SC Court of Appeals

This matter is before the Court on the Amended Motion to Determine Fees, Expenses or Charges Pursuant to Fed. R. Bankr. P. 3002.1(c) filed by Melissa Jean Marks ("Debtor"). Nationstar Mortgage, LLC ("Nationstar") filed a response to the Motion and a hearing was held.

Debtor seeks an order determining her liability for certain fees sought by Nationstar via several Notices of Postpetition Mortgage Fees, Expenses and Charges filed with the Court. The fees requested by Nationstar, which appear to total in excess of \$100,000.00, are related to its alleged costs associated with defending 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"). Nationstar received limited relief from stay from the Court on May 25, 2012 to intervene and defend its interest, if any, in the State Court Action. The state trial court granted Nationstar's motion for summary judgment on October 9, 2013. Debtor appealed that ruling to the South Carolina Court of Appeals, but on June 3, 2015 the Court of Appeals affirmed the state trial court's order granting summary judgment to Nationstar. On June 11, 2015, Debtor filed a petition for rehearing with the Court of Appeals, and on June 24, 2015, Debtor filed a motion with the Bankruptcy Court seeking restore her motion to determine fees, expense or charges pursuant to Rule 3002.1(c). By Order entered July 23,

2015, in order to fully consider the records of the bankruptcy court and state court proceedings and to identify and consider the interrelationship of the bankruptcy court and state court proceedings and relevant federal and state law, this Court modified its May 25, 2012 relief from stay order to limit further review and action by the Court of Appeals and any state court for a period of 60 days and until further order of this Court.

Following a review of the record in this case and the state court proceedings and applicable law, this Court has determined that, in order to finally determine the fees, expenses or charges pursuant to Fed. R. Bankr. P. 3002.1, the State Court Action should be finally concluded. Therefore, it is hereby

ORDERED that the Order entered July 23, 2015 is hereby vacated and the May 25, 2012 order lifting the automatic stay is reinstated, allowing the State Court Action to proceed to its conclusion;

IT IS FURTHER ORDERED that due the number of Rule 3002.1 Notices filed by Nationstar and the apparent duplication of some of the fees requested, Nationstar shall file a comprehensive Rule 3002.1 Notice on or before September 30, 2015, containing all fees requested and attaching an affidavit of attorney's fees with supporting documentation, including time records. The filing of such Notice will be without prejudice to further supplementation upon final completion of the State Court Action. Debtor's present objections to the Notices on record shall be preserved and Debtor may supplement her objection within 14 days of Nationstar's filing of the comprehensive Rule 3002.1 Notice and any further supplemental 3002.1 Notice; and

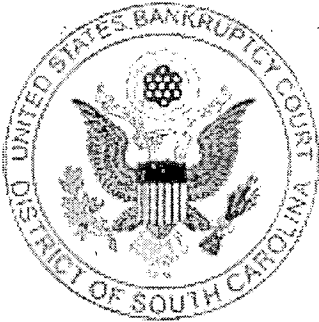
IT IS FURTHER ORDERED that in order to accommodate the completion of the State Court Action and the above referenced supplemental filings, Debtor's bankruptcy case

shall remain open until further order of the Court. The Court shall dispense with further consideration of the Amended Motion until the issues are advanced by the above referenced matters. 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 IT IS SO ORDERED.

FILED BY THE COURT

08/31/2015



A handwritten signature in cursive script that reads "John E. Waites". The signature is written in black ink and is positioned above a horizontal line.

US Bankruptcy Judge
District of South Carolina

Entered: 08/31/2015

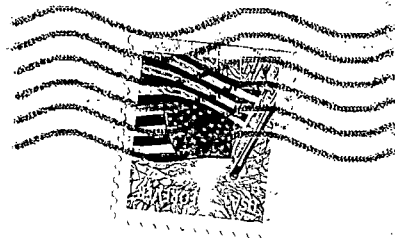
OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT

District of South Carolina
J. Bratton Davis U.S. Bankruptcy Courthouse
1100 Laurel Street
Columbia, SC 29201-2423

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