

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MAINE**

In re:	)	
David K. Bennett and	)	Chapter 13
Melissa A. Bennett,	)	Case No. 24-20094
	)	
Debtors.	)	

**ORDER DENYING DEBTORS' MOTION  
TO EXTEND THE AUTOMATIC STAY**

On August 23, 2024, the debtors filed a motion under 11 U.S.C. § 362(c)(3) requesting the continuance of the automatic stay. Docket Entry No. (“D.E.”) 34. Because their previous chapter 13 case (Case No.: 22-20231) was dismissed on November 14, 2023, upon the filing of the instant case on May 9, 2024, the debtors’ protections under 11 U.S.C. § 362(a) with respect to any action taken with respect to a debt or property securing such debt terminated 30 days after the bankruptcy filing. 11 U.S.C. § 362(c)(3)(A). The stay may be extended “as to any or all creditors after notice *and a hearing* completed before the expiration of the 30-day period.” 11 U.S.C. § 362(c)(3)(B) (emphasis supplied).

The Debtors filed their motion well past the 30-day period and therefore the motion to extend the stay is denied. See, In re Anzaldua, 2024 WL 1591060, at \*2 (Bankr. W.D. Mich. Apr. 11, 2024) (Debtor’s motion for continuation of the automatic stay denied even though it was filed within the 30-day period because the debtor’s actions prevented the court from completing the “notice and a hearing” within the 30-day statutory period); In re Franklin, 627 B.R. 661, 662–63 (Bankr. E.D. Mich. 2021) (Debtors’ motion to extend the stay denied as untimely because it was filed 55 days after the 30-day statutory period.).

Dated: September 25, 2024

/s/ Peter G. Cary  
Judge Peter G. Cary  
United States Bankruptcy Court  
for the District of Maine