

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

Cynthia Voisine,

Debtor.

Chapter 13

Case No. 19-20005

ORDER GRANTING MOTION FOR RELIEF FROM STAY

This matter is before the Court on a motion for relief from the automatic stay pursuant to 11 U.S.C. § 362(b)(2)(A)(iv) filed by Mariel Addis (Docket Entry No. 36). Ms. Addis seeks permission from the Court to pursue and conclude a divorce proceeding in the York County (Maine) District Court involving Ms. Addis and debtor Cynthia Voisine. Ms. Voisine opposes the relief.

Section 362(b)(2)(A)(iv) provides that the filing of a petition in bankruptcy does not stay “the commencement or continuation of a civil action or proceeding . . . for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate.” So, to the extent the Debtor seeks to prevent Ms. Addis from proceeding forward in a divorce action to terminate the bonds of their marriage, she has no legal support. However, as the latter clause of § 362(b)(2)(A)(iv) indicates, the stay does apply to the division of property that is property of the bankruptcy estate.

Therefore, it is hereby ORDERED that Ms. Addis’ motion for relief from stay is GRANTED so that she may commence or continue the divorce proceeding, including to the extent that the proceeding reaches a determination of the division of property that is property of the estate. However, no such determination will be effective, nor may such relief be implemented, until further relief from stay is granted, after notice and opportunity for hearing in this case.

Dated: May 28, 2021

/s/ Peter G. Cary _____
Peter G. Cary
United States Bankruptcy Judge
District of Maine