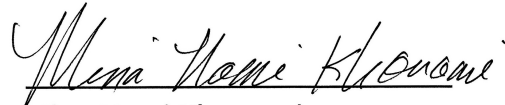


This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: April 28, 2026




Mina Nami Khorrami
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:

SHAQUITA MONIQUE TRAVIS

Debtor

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Case No. 26-51499
Chapter 13
Judge Nami Khorrami

**ORDER GRANTING MOTION TO IMPOSE AUTOMATIC STAY (DKT. NO. 17),
MOTION TO COMPEL TURNOVER OF VEHICLE (DKT. NO. 18), MOTION TO
EXTEND TIME TO MAKE INSTALLMENT PAYMENTS FOR FILING FEE (DKT.
NO. 32) AND DENYING MOTION OF EXETER FINANCE LLC FOR RELIEF FROM
STAY [AS TO THE DEBTOR] AND CODEBTOR STAY AS TO RONALD L TRAVIS
(DKT. NO. 16)**

Before the Court are the following motions filed pro se by the Debtor, Shaquita Travis (the “Debtor”):

1. *Motion to Impose Automatic Stay* (Dkt. No. 17) filed on April 9, 2026 (the “Motion to Impose Stay”);

2. *Motion to Compel Turnover of Vehicle* (Dkt. No. 18) filed on April 9, 2026 (the “Motion to Compel Turnover”);
3. *Motion to Extend Time to Make Installment Payments for Filing Fee* (Dkt. No. 32) filed on April 17, 2026 (the “Motion to Extend Time” and collectively the “Debtor’s Motions”).

On April 16, 2026, and in response to the Motion to Impose Stay and the Motion to Compel Turnover, Exeter Finance LLC (“Exeter”) filed its *Objection To The Debtor’s Motion To Impose Automatic Stay* (Dkt. No. 27) and *Response To The Debtor’s Motion To Compel Turnover Of Vehicle And Request For Comfort Order Confirming No Automatic Stay* (Dkt. No. 28).

Also before the Court is the *Motion Of Exeter Finance LLC For Relief From Stay And Codebtor Stay As To Ronald L Travis* (Dkt. No. 16) (the “Relief from Stay Motion”) that was filed by Exeter on April 9, 2026, and the *Objection to Motion of Exeter Finance LLC for Relief from Stay* (Dkt. No. 29) filed by the Debtor on April 17, 2026.

On April 27, 2026, the Court held a hearing (the “Hearing”) to consider the Debtor’s Motions, the Relief from Stay Motion, and the responses filed to same. At the Hearing, the Debtor appeared pro se and Cynthia Jeffrey appeared on behalf of Exeter. The Debtor was the only witness to testify at the Hearing, and no exhibits were submitted into evidence.

The Court has jurisdiction over these matters under 28 U.S.C. § 1334 and the Amended General Order 05-02 entered by the United States District Court for the Southern District of Ohio, referring all bankruptcy matters to this Court. This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (E), (G), and (O). Venue is properly before this Court under 28 U.S.C. §§ 1408 and 1409. At the conclusion of the Hearing, the Court read its findings and conclusions into the record which are incorporated herein by reference.

For the benefit of the parties, the Court will briefly summarize below its oral ruling that was read into the record at the conclusion of the Hearing.

With respect to the Motion to Impose Stay, the status of the automatic stay in this case is governed by 11 U.S.C. § 362(c)(4), which provides in pertinent part as follows:

if a single or joint case is filed by or against a debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case[.]

11 U.S.C. § 362(c)(4)(A)(i). A debtor or other party in interest, however, may request that the automatic stay be imposed on all creditors if the request is made within thirty days of the date of filing the voluntary petition and upon a showing that the most recently filed case was filed in good faith as to the affected creditors. 11 U.S.C. § 362(c)(4)(B). The most recently filed bankruptcy case is presumed to have been filed not in good faith; however, that presumption can be rebutted by a showing to the contrary by clear and convincing evidence. 11 U.S.C. § 362(c)(4)(D). The burden to rebut the presumption is on the party requesting imposition of the automatic stay; in this case, the Debtor has the burden. *See In re Ferguson*, 376 B.R. 109, 118-119 (Bankr. E.D. Pa. 2007) (citation omitted).

Based on the testimony provided by the Debtor at the Hearing, the Court concludes that the Debtor filed this case in good faith based on the following factors. First, the Debtor has had a change in circumstances: (1) her rent has reduced from \$1100 per month to \$425 per month, (2) she will have stable housing effective on May 1, 2026, (3) she has a weekend job currently that will last three months and is working thirty-six hours each weekend with a pay rate of \$17.50 an hour, and (4) she has an interview for an additional job next week. Further, the Debtor has filed all of her schedules, statements, and documents for this case including a proposed chapter 13 plan. And the Debtor has made a partial plan payment to the chapter 13 trustee.

Next, the Court concludes that Exeter had an affirmative duty to turnover the Debtor's vehicle to the Debtor after the bankruptcy case was filed.

By stating that an entity in possession of property of the estate "shall deliver" to the debtor such property or the value of such property, 11 U.S.C. § 542(a) creates an affirmative obligation on the part of the party holding estate property to turn the property over, and that obligation is not dependent upon the holding of a hearing or the entry of an order by the bankruptcy court. According to § 542(a), the duty to turnover estate property exists at any time "during the case." Since a Chapter 13 debtor is entitled to use estate property during a Chapter 13 reorganization under 11 U.S.C. § 1303—which grants debtors the ability to use estate property under 11 U.S.C. § 363—a Chapter 13 debtor has standing to pursue turnover claims under 11 U.S.C. § 542(a).

Milledge v. Carolina Acceptance (In re Milledge), 639 B.R. 334, 345 (Bankr. D.S.C. 2022) (citation modified).

With respect to the Motion to Extend Time, the Court concludes that based on the circumstances presented in this case, the Debtor should be afforded an additional two weeks from the date of the Hearing to pay the filing fee of \$313.

And finally, the Court finds that termination of the automatic stay and codebtor stay is not warranted in this case because Exeter did not present any testimony or evidence in support of its Relief from Stay Motion and the Debtor's vehicle is necessary for an effective reorganization. The secured creditor must establish a factual and legal right to relief from the automatic stay as part of its prima facie case, and the "party seeking relief from the automatic stay under § 362(d)(1) must carry the initial burden of showing that it is entitled to relief before the debtor is obligated to go forward with its proof." *In re Armenakis*, 406 B.R. 589, 619 (Bankr. S.D.N.Y. 2009) (citation modified). In addition, the Court concludes that this case was just recently filed, and as such, the Debtor should have a reasonable opportunity to reorganize.

Based on the Court's oral ruling at the conclusion of the Hearing as summarized above, it is ORDERED as follows:

- (1) the *Motion to Impose Automatic Stay* (Dkt. No. 17) is GRANTED, and the automatic stay is imposed as to all creditors for the duration of the Chapter 13 case. The automatic

stay shall remain in effect as to all creditors until further order of the Court or until the case is discharged or dismissed;

(2) the *Motion to Compel Turnover of Vehicle* (Dkt. No. 18) is GRANTED and Exeter Finance LLC shall turnover the Debtor's vehicle to the Debtor immediately at a location in Columbus, Ohio;

(3) the *Motion to Extend Time to Make Installment Payments for Filing Fee* (Dkt. No. 32) is GRANTED, and the Debtor shall pay the filing fee in the amount of \$313 no later than May 11, 2026. If the Debtor fails to pay the filing fee in the amount of \$313 by May 11, 2026, this case will be dismissed without further notice or hearing; and

(4) the *Motion Of Exeter Finance LLC For Relief From Stay And Codebtor Stay As To Ronald L Travis* (Dkt. No. 16) is DENIED.

IT IS SO ORDERED.

Copies to:
All creditors and parties in interest