-	FILED
1	MAR 2 6 2004 IN THE UNITED STATES BANKRUPTCY COURT
2	U.S. BANKRUPTCY COURT FOR THE DISTRICT OF ARIZONA FOR THE DISTRICT OF ARIZONA
3	In re:) Chapter 13
4) NO. 2:04-01499 JMM
5	
6) MEMORANDUM DECISION
7	Debtor .)
8	The matter currently before the court involves, among other things, a secured creditor's
9	request to lift and annul the stay against a motor vehicle. In response, the pro se debtor maintains that
10	circumstances have sufficiently changed for him so that he can continue to make payments. He seeks a
11	turnover of the now-repossessed vehicle, and also has asked for sanctions for what he maintains is a
12	wilful stay violation.
13	The procedural odyssey of the six separate cases maintained by the debtor reflects:
14	Six filings
15	Nine dismissals
16	Four Reinstatements
17	(see attachment).
18	The debtor has never, in the two and one-half years of this time-consuming process.
19	confirmed a plan. The debtor, on the state of record, has simply been abusing the process to keep his
20	creditors at bay. This is not an appropriate use of the bankruptcy system. The debtor has had numerous
21	opportunities to legitimately utilize chapter 13 in order to gain a fresh start, and has squandered them all.
22	Accordingly, an order will be entered which:
23	1. GRANTS the creditor's Motion to Lift and Annul the Stay as to the vehicle;
24	2. DENIES the debtor's Turnover Request;
25	3. DENIES the debtor's Motion for Sanctions.
26	
	orders. Whitman mem dec.wpd

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Dated this <u>26</u> day of March, 2004. 1 2 In Male 3 4 JAMES M. MARLAR UNITED STATES BANKRUPTCY JUDGE 5 6 Copy of the foregoing mailed this 7 26th day of March, 2004, to: 8 Steve Cox, Esq. Waterfall Économidis Caldwell 9 Hanshaw & Villamana, P.C. Suite 800 5210 E. Williams Circle 10 Tueson, AZ 85711-4473 11 Russell Brown, Trustee 12 P.O. Box 33970 Phoenix, AZ 85067-3970 13 Robert Frank Whitman 14 681 E. Constitution Dr. Gilbert, AZ 85296 15 U.S. Trustee 16 P.O. Box 36170 Phopping AZ 85067-6170 17 allor F 18 **Judicial Assistant** 19 20 21 22 23 24 25 26 2 ..orders.Whitman mem dec.wpd

ATTACHMENT

Whitman History of Dismissals

Case No. 01-13589

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Filed:	10/12/01
Dismissed:	4/26/02
Reason:	Order Dismissing Case for Debtor's failure to comply with the Chapter 13
	procedures Order; make plan payments; and, file 1998, 1999, and 2000 tax returns
	signed on 4/26/2002

Case No. 02-07378

Filed:	5/14/02
Dismissed:	9/23/02
Reason:	Order dismissing case for failure to make plan payments.

Case No. 02-16205

Filed:	10/10/02
Dismissed:	1/30/03
Reason:	Order dismissing case for failure to make plan payments.
Reinstated:	Stipulation order to reinstate case signed on 2/12/03
Dismissed:	5/29/03
Reason:	Order dismissing case for failure to comply with trustee's recommendations and
	plan remains unconfirmed and plan payments are delinquent.

Case No. 03-10243

Filed: Dismissed: Reason:	6/13/03 8/15/03 Debtor failed to properly bar date notice the chapter 13 plan as required by
Reinstated: Dismissed:	General Order No. 83. 8/20/03 10/14/03
Reason:	Debtor failed to properly bar date notice the chapter 13 plan as required by General Order No. 83 and debtor has failed to make interim plan payments.

Case No. 03-19049

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Filed:	10/28/03
Dismissed:	11/14/03
Reason:	Order dismissing case for failure to file a list of creditors, schedules, statements and plan.
Reinstated:	12/12/03
Dismissed:	1/20/04
Reason:	Order dismissing case for failure to appear at Meeting of Creditors.

Case No. 04-01499

Filed:	1/30/04
Dismissed:	2/26/04
Reason:	Order dismissing case for failure to file a list of creditors, schedules, statements
	and plan.
Reinstated:	3/3/04
Status:	Motion to Dismiss Case filed by STEVEN M COX of WATERFALL
	ECONOMIDIS CALDWELL ET AL on behalf of GENERAL MOTORS
	ACCEPTANCE CORPORATION filed on 3/26/04.

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