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**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
Todd A. Williams,	:	
	:	Adv. Proc. 12-01896 (MG)
Plaintiff,	:	
	:	
v.	:	
	:	
GMAC Mortgage, LLC, and	:	
Mortgage Electronic Registration Systems	:	
	:	
Defendants.	:	
-----X	:	
In re	:	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,	:	
	:	Chapter 11
	:	
Debtors	:	Jointly Administered
-----X	:	

**DEBTORS' MOTION FOR DISMISSAL OF ADVERSARY PROCEEDING PURSUANT
TO BANKRUPTCY RULE 7012(b)(5) AND (b)(6) OR, IN THE ALTERNATIVE,
PERMISSIVE ABSTENTION PURSUANT TO 28 U.S.C. §1334(c)(1)**



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Defendant GMAC Mortgage, LLC (“GMAC Mortgage”), a debtor and debtor in possession in the above-captioned chapter 11 cases (collectively with all affiliated debtors and debtors in possession, the “Debtors”), submits this motion (the “Motion”) to dismiss the above-referenced adversary proceeding (the “Adversary Proceeding”) commenced by *pro se* plaintiff Todd A. Williams (“Plaintiff”) for insufficient service of process pursuant to and failure to state a claim upon which relief can be granted or, in the alternative, requesting that the Court exercise its discretion to abstain from exercising jurisdiction over the Adversary Proceeding. In support of hereof, GMAC Mortgage submits the Declaration of Jennifer Scoliard, dated November 12, 2012 (the “Scoliard Decl.”), attached hereto as Exhibit 1, and respectfully represents:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 (a) and 1334(b). Venue is proper under 28 U.S.C. § 1409. GMAC Mortgage denies Plaintiff’s allegation that this is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(1) and (b)(2). Nonetheless, pursuant to Local Bankruptcy Rule 7012-1, GMAC Mortgage consents to entry of a final order or judgment by this Court if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution.

BACKGROUND

A. General Bankruptcy Case Background

2. On May 14, 2012 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in this Court.

3. The Debtors are a leading residential real estate finance company indirectly owned by Ally Financial Inc., which is not a Debtor. As of the Petition Date, the

Debtors and their non-debtor affiliates operated the fifth largest mortgage servicing business and the tenth largest mortgage origination business in the United States.

4. The Debtors are managing and operating their businesses as debtors in possession pursuant to Bankruptcy Code sections 1107(a) and 1108. Their chapter 11 cases (collectively, the “Bankruptcy Case”) are being jointly administered pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). No trustee has been appointed in the Bankruptcy Case.

5. On May 16, 2012, the United States Trustee for the Southern District of New York (the “U.S. Trustee”) appointed a nine member official committee of unsecured creditors.

6. On July 3, 2012, the U.S. Trustee appointed the Honorable Arthur T. Gonzalez, former Chief Judge of this Court, as examiner.

B. Proceedings Giving Rise to the Adversary Proceeding

7. On or about October 27, 2003, Plaintiff executed a note (the “Note”) in the amount of \$225,000.00 (the “Loan”) in favor of Homecomings Financial Network, Inc. (Scoliard Decl., ¶ 5.) The Note was secured by real property located at 2563 Alexander Farms Dr., Marietta, Cobb County, Georgia (the “Property”) pursuant to a security deed executed contemporaneously with the Note. Id. GMAC Mortgage serviced Plaintiff’s Loan. Id.

8. Plaintiff had been in default at various times over the life of the Loan. (Scoliard Decl., ¶ 6.) As a result of Plaintiff’s continuing default under the Loan, GMAC Mortgage, acting in its capacity as mortgage loan servicer, attempted to institute a non-judicial foreclosure with respect to the Property on multiple occasions. Id. The first attempt at foreclosure was begun in October 2007, and the final, successful foreclosure was restarted

following a postponement on July 18, 2012. Id. Several of the prior foreclosure attempts were thwarted by Plaintiff's multiple bankruptcy filings.

9. Plaintiff has filed seven bankruptcy cases since December 2006 in the Bankruptcy Court for the Northern District of Georgia (the "Georgia Bankruptcy Court"). (Scoliard Decl., ¶ 7.) The procedural history concerning the filing and disposition of the first five of these cases can be briefly summarized as follows:

- Case No. 06-75734 was filed under chapter 13 on December 4, 2006 and dismissed on August 2, 2007 for failure to comply with various statutory requirements and infeasibility of Plaintiff's chapter 13 plan. Id.
- Case No. 07-78658 was filed under Chapter 13 on November 6, 2007 and dismissed on February 4, 2008 for failure to comply with various statutory requirements and infeasibility of Plaintiff's chapter 13 plan. Id.
- Case No. 08-70406 was filed under Chapter 13 on June 2, 2008. Id. An order was entered by the Georgia Bankruptcy Court in Case No. 08-70406 on July 9, 2008 confirming that no stay was in effect and the case was dismissed on August 14, 2008 upon the chapter 13 trustee's objection to confirmation. Id.
- Case No. 10-90047 was filed under Chapter 13 on October 5, 2010 and dismissed on December 9, 2010 for failure to comply with sections 109(h) and 521(b) of the Bankruptcy Code. Id.
- Case No. 11-78633 was filed under Chapter 13 on October 3, 2011 and dismissed on November 15, 2011, again for failure to comply with sections 109(h) and 521(b) of the Bankruptcy Code. Id.

10. On May 1, 2012, Plaintiff commenced Case No. 12-61345—his sixth bankruptcy case—thereby staying any foreclosure on the Property. (Scoliard Decl., ¶ 8.) On May 23, 2012, GMAC Mortgage filed a motion in that case seeking relief from the automatic stay and *in rem* relief to proceed with the foreclosure on the grounds that the Plaintiff failed to maintain his post-petition monthly mortgage payments and had filed for bankruptcy protection in bad faith. Id.

11. On July 2, 2012, the Georgia Bankruptcy Court entered an order (the “Stay Relief Order”) granting GMAC Mortgage relief from the automatic stay and *in rem* relief under section 362 (d)(4) of the Bankruptcy Code. (Scoliard Decl., ¶ 9.)

12. On August 17, 2012, upon motion of the Chapter 13 trustee, the Georgia Bankruptcy Court dismissed Plaintiff’s sixth bankruptcy case (Case No. 12-61345) pursuant to section 109(g) of the Bankruptcy Code (Scoliard Decl., ¶ 10), thereby precluding Plaintiff from filing another bankruptcy for 180 days from the entry of the dismissal order.

13. Notwithstanding Plaintiff’s statutory ineligibility for bankruptcy protection, on September 4, 2012, Plaintiff filed a seventh bankruptcy petition (his third in less than a year), Case No. 12-72201, in yet another effort to forestall the pending foreclosure sale (the “Seventh Bankruptcy Case”). (Scoliard Decl., ¶ 11.) That petition was dismissed *sua sponte* with prejudice by the Georgia Bankruptcy Court pursuant to an order dated September 6, 2012 (the “Seventh Dismissal Order”). *Id.* The Seventh Dismissal Order further ordered that “the filing of [the Seventh Bankruptcy Case] did not give rise to the automatic stay so that any foreclosure sale that took place after the filing of the petition in the present case is valid to the extent otherwise valid under state law.” (See Seventh Dismissal Order at 2, attached as Exhibit P to Scoliard Decl.)

14. The foreclosure sale took place on September 4, 2012. (Scoliard Decl., ¶ 12.) The Property was sold, although, as of the date hereof, the foreclosure deed has not yet been filed. *Id.*

15. On September 6, 2012, the Georgia Bankruptcy Court entered an order confirming that the automatic stay under §362(a) did not go into effect upon or since the filing of

the Seventh Bankruptcy Case and that the July 2, 2012 order entered in Plaintiff's prior bankruptcy granting relief in rem is valid and binding. (Scoliard Decl., ¶ 13.)

16. On September 28, 2012, Plaintiff filed a complaint (the "Complaint") initiating the Adversary Proceeding, and a summons and notice of pretrial conference (the "Summons") was issued with respect to the Adversary Proceeding on October 2, 2012.

17. A review of the adversary docket as of the date hereof reflects that Plaintiff has not filed an affidavit of service of the Complaint and Summons. Also as of the date hereof, GMAC Mortgage has no record of being served, either directly or through its counsel or registered agent. (Scoliard Decl., ¶¶ 14-16.) Notwithstanding such deficiencies in service, GMAC Mortgage became aware of the Adversary Proceeding as a result of its day-to-day monitoring of the Bankruptcy Case docket.

18. By the Complaint, Plaintiff seeks (a) entry of a judgment that his interest in the Property is superior to that of GMAC Mortgage, (b) the Court's permission to sell the Property and use such proceeds for the benefit of his estate,¹ (c) an award of reasonable costs incurred in pursuing his claims, and (d) rescission of the September 4, 2012 foreclosure sale of the Property.

19. In support of these claims, Plaintiff asserts various allegations relating to the validity of GMAC Mortgage's foreclosure of the Property, including allegations of "robo-signing" by agents of Mortgage Electronic Registration Systems, Inc. ("MERS"), which is named as a co-defendant in the Adversary Proceeding, and asserting that mortgage loan was paid in full by insurance proceeds.

¹ As Plaintiff's Seventh Bankruptcy Case was dismissed on September 6, 2012, no bankruptcy estate is currently in existence, nor did one exist at the time Plaintiff filed the Complaint.

ARGUMENT

I. The Adversary Proceeding Should Be Dismissed Pursuant to Bankruptcy Rule 7012(b) and FRCP 12(b)

20. The Adversary Proceeding should be dismissed pursuant to Bankruptcy Rule 7012(b)(5) because Plaintiff failed to provide sufficient service of process. The Adversary Proceeding should also be dismissed pursuant to Bankruptcy Rule 7012(b)(6) because Plaintiff has failed to state a claim upon which relief can be granted. Bankruptcy Rule 7012 incorporates by reference Rule 12(b)-(i) of the Federal Rules of Civil Procedure (“FRCP”). FRCP 12(b) provides that a party may assert specified defenses by motion, including insufficient service of process and failure to state a claim upon which relief can be granted, and that a motion asserting any of these defenses may be made before pleading.

A. Insufficient Service of Process

21. Bankruptcy Rule 7004 incorporates by reference FRCP 4(c)(1), 4(h) and 4(l). FRCP 4(c)(1) in turn provides that the plaintiff is responsible for having the summons and complaint served within the time allowed, and FRCP 4(h) requires that a corporation must be served in the manner prescribed by FRCP 4(e)(1) for serving an individual, or by delivering a copy of the summons and complaint to an authorized agent and by mailing a copy of each to the defendant. In addition, under Bankruptcy Rule 7004(b)(3), service may also be effectuated by mailing a copy of the summons and complaint to “an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process” Bankruptcy Rule 7004(b)(3). Bankruptcy Rule 7004(e) further requires that service of the summons and complaint be delivered or deposited in the mail within 14 days after the summons is issued, and FRCP 4(l) requires that proof of service must be made to the court by the server’s affidavit. Rule 9078-1 of the Local Bankruptcy Rules provides that, unless the Court orders

otherwise, “any party serving a pleading or other document shall file proof of service by the earlier of (i) three days following the date of service, and (ii) the hearing date.

22. Upon information and belief, defendant GMAC Mortgage has not been served with the Complaint and Summons by any means, either personally or through a designated agent. (Scoliard Decl., ¶ 16.) Nor has a certificate of service been filed as of the date hereof with respect to the Complaint or Summons. Accordingly, GMAC Mortgage requests that the Adversary Proceeding be dismissed for insufficient service of process pursuant to Bankruptcy Rule 7012(b)(5).

B. Failure to State a Claim

(i) Legal Standard

23. FRCP 12(b)(6) permits dismissal of an action for failure to state a claim upon which relief can be granted. For FRCP 12(b)(6) purposes, a court must accept the plaintiff’s factual allegations as true, drawing all reasonable inferences in the plaintiff’s favor. Bernheim v. Litt, 79 F.3d 318, 321 (2d Cir. N.Y. 1996).

24. The Court’s review on a motion to dismiss pursuant to FRCP 12(b)(6) is generally limited to “the facts as asserted within the four corners of the complaint, the documents attached to the complaint as exhibits, and any documents incorporated in the complaint by reference.” McCarthy v. Dun & Bradstreet Corp., 482 F.3d 184, 191 (2d Cir. 2007). In addition, the Court may also consider “matters of which judicial notice may be taken” and “documents either in plaintiffs’ possession or of which plaintiffs had knowledge and relied on in bringing suit.” Brass v. Am. Film Techs., Inc., 987 F.2d 142, 150 (2d Cir. 1993). See also, Federal Rule of Evidence 201(b), (d) (“A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot

reasonably be questioned . . . [A] court shall take judicial notice if requested by a party and supplied with the necessary information.”); Norris v. Hearst Trust, 500 F.3d 454, 461 n.9 (5th Cir. 2007), (“[I]t is clearly proper in deciding a 12(b)(6) motion to take judicial notice of matters of public record.”); Hirsch v. Arthur Andersen & Co., 72 F.3d 1085, 1088, 1092 (2d Cir. 1995) (noting that, in connection with a motion to dismiss, a court may consider all papers appended as well as matters of judicial notice).

(ii) Plaintiff’s Claims Are Supported By Insufficient Facts To Be Plausible

25. To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007). While facts must be accepted as alleged, this does not automatically extend to bald assertions, subjective characterizations, or legal conclusions, which are not entitled to the assumption of truth. Hirsch v. Arthur Andersen & Co., 72 F.3d 1085, 1088, 1092 (2d Cir. 1995). A court considering a motion to dismiss can disregard conclusory allegations and judge the complaint only on well-pleaded factual allegations. Starr v. Sony BMG Music Entm’t, 592 F.3d 314, 321 (2d Cir. 2010). A plaintiff need not include evidentiary detail, but must allege a factual predicate concrete enough to warrant further proceedings. See, e.g., DM Research v. College of Am. Pathologists, 170 F.3d 53, 55-56 (1st Cir. 1999). See also Conley v. Gibson, 355 U.S. 41, 47 (U.S. 1957) (plaintiffs are required to “give the defendant fair notice of what the . . . claim is and the grounds upon which it rests”).

26. Although complaints drafted by pro se plaintiffs are to be construed liberally,” claims asserted by pro se plaintiffs must nonetheless be supported by specific and detailed factual allegations sufficient to provide the court and the defendant with “a fair understanding of what the plaintiff is complaining about and . . . whether there is a legal basis for recovery.” Iwachiw v. New York City Bd. of Elections, 126 Fed. Appx. 27, 29 (2d Cir. 2005)

(citations omitted). Plaintiff's Complaint fails to satisfy even this *de minimus* standard. Plaintiff alleges that proofs of claim filed with respect to the Property in Plaintiffs' prior bankruptcy proceedings were fraudulent (Compl., ¶ 8), that the lien in favor of GMAC Mortgage on the Property was not perfected or could be avoided (Compl., ¶ 12), and that his debt under the Loan was paid in full (Compl., ¶ 13). Plaintiff provides no factual support for these conclusory statements, however, thereby warranting dismissal of the Adversary Proceeding.

(iii) GMAC Mortgage's Affirmative Defenses Bar Plaintiff's Claims

27. If, based on the face of the complaint, incorporated documents, matters of public record, and matters of which court could take judicial notice, a successful affirmative defense appears, then dismissal under FRCP 12(b)(6) is proper. See, e.g., Hall v. Hodgkins, 305 Fed. Appx. 224, 228 (5th Cir. 2008), Banco Santander de Puerto Rico v. Lopez-Stubbe (In re Colonial Mortg. Bankers Corp.), 324 F.3d 12, 16 (1st Cir. 2003). See also Rodi v. S. New England Sch. of Law, 389 F.3d 5, 12, 17-19 (1st Cir. 2004) (noting that "a properly raised affirmative defense can be adjudicated on a motion to dismiss so long as (i) the facts establishing the defense are definitively ascertainable from the complaint and the other allowable sources of information, and (ii) those facts suffice to establish the affirmative defense with certitude"); Simons v. United States, 452 F.2d 1110, 1116 (2d Cir. 1971) (affirming Rule 12(b)(6) dismissal based, in part, on laches where papers "reveal no reason for the inordinate and prejudicial delay"); Solow Bldg. Co., LLC v. Nine West Grp., Inc., 2001 U.S. Dist. LEXIS 8848, at *10 (S.D.N.Y. June 28, 2001) ("When the defense of laches is clear on the face of the complaint, and where it is clear that the plaintiff can prove no set of facts to avoid the insuperable bar, a court may consider the defense on a motion to dismiss."); Cable TV Fund 14-A v. City of Naperville, 1997 U.S. Dist. LEXIS 7336 (N.D. Ill. May 21, 1997) (noting that the defense of waiver may properly serve as the basis for a motion to dismiss "when the claimed waiver clearly and

unambiguously demonstrates that the party has explicitly waived the right asserted and therefore, is barred as a matter of law from asserting the right”); In re Clinton St. Food Corp., 254 B.R. 523 (Bankr. S.D.N.Y. 2000) (dismissing claim on res judicata and collateral estoppel grounds on a motion to dismiss by defendants).

28. Here, the affirmative defenses of waiver and laches bar Plaintiff’s claims for relief set forth the Complaint, as evidenced by the judicial record of Plaintiff’s numerous bankruptcy filings, thus warranting dismissal under FRCP 12(b)(6). The affirmative defense of waiver generally involves the “voluntary and intentional abandonment of a known right which, but for the waiver, would have been enforceable.” Beth Isr. Med. Ctr. v. Horizon Blue Cross & Blue Shield of N.J., Inc., 448 F.3d 573, 584 (2d Cir. 2006) (citations omitted). The related doctrine of laches is an equitable defense to delayed claims based on the maxim “equity aids the vigilant, not those who sleep on their rights.” Ivani Contr. Corp. v. City of New York, 103 F.3d 257, 259 (2d Cir. 1997) (citations omitted). Laches bars a plaintiff’s equitable claim where he is “guilty of unreasonable and inexcusable delay that has resulted in prejudice to the defendant.” Id.

29. Under both doctrines, Plaintiff has forfeited the right to bring the claims asserted in the Complaint. GMAC Mortgage has been attempting to foreclose on the Property since 2007, but has been thwarted by Plaintiff’s repeated bankruptcy petitions (See Exhibits A-Q to Scoliard Decl.), which, as their timing and dismissals make apparent, were filed in bad faith for the sole purpose of delaying or preventing foreclosure on the Property. GMAC Mortgage has been prejudiced by Plaintiff’s abusive litigation tactics, which have required it to expend more than five years’ worth of time and legal fees in pursuit of its legal right and obligation to foreclose on the Property, which has now finally been sold. At no point during any of those prior

proceedings did Plaintiff bring the claims now asserted in the Complaint, despite having had ample opportunity and notice to do so. (See Stay Relief Order at 2, attached as Exhibit M to Scoliard Decl. (noting lack of objection by Plaintiff to relief from automatic stay and *in rem* relief to proceed with foreclosure in Case No. 12-61345)). Furthermore, because Georgia is a non-judicial foreclosure state, Plaintiff could have brought an independent civil action to enjoin the foreclosure, even if he was statutorily barred from seeking bankruptcy protection. Plaintiff never sought such relief, although his serial bankruptcy filings are clear testament to his familiarity with the legal process and the rights and remedies available to him as they related to the Property.

30. By the Adversary Proceeding, Plaintiff belatedly seeks to assert claims that could, and should, have been asserted prior to the foreclosure.² Specifically, to the extent Plaintiff's request for rescission depends on a determination that GMAC Mortgage's interest in the Property is invalid, such claims are barred under the doctrines of waiver and laches. See Kidd v. First Commerce Bank, 591 S.E.2d 369, 373 (Ga. Ct. App. 2003) (noting that under applicable Georgia law the doctrine of laches may be applied to bar a claim for wrongful foreclosure, and that "[c]ourts of equity may interpose an equitable bar whenever . . . it would be inequitable to allow a party to enforce his legal rights" (citation omitted)); Thompson v. Cent. of Ga. R.R., 282 Ga. 264 (Ga. 2007) (finding that laches barred petition to quiet title). Moreover,

² Under applicable Georgia law, there is no right of redemption following a foreclosure sale, although a borrower can bring a wrongful foreclosure action seeking rescission or monetary damages, as well as injunctive relief with respect to the recording of the foreclosure deed or any dispossession proceeding pending adjudication of the claims in the wrongful foreclosure action. See, e.g., Royston v. Bank of Am., N.A., 290 Ga. App. 556, 559 (Ga. Ct. App. 2008) ("Where a foreclosing creditor fails to comply with the statutory duty to provide notice of sale to the debtor in accordance with OCGA § 44-14-162 et seq., the debtor may either seek to set aside the foreclosure or sue for damages for the tort of wrongful foreclosure.") (citation omitted); O.C.G.A. §§ 44-14-162, et seq. (2012) (governing foreclosure requirements). To the extent Plaintiff wishes to bring such an action, the proper venue is in Georgia state court, as set forth in Section II of the Argument below.

the Georgia Bankruptcy Court ordered that “the filing of [the Seventh Bankruptcy Case] did not give rise to the automatic stay so that any foreclosure sale that took place after the filing of the petition in the present case is valid to the extent otherwise valid under state law (see Seventh Dismissal Order at 2), and, as set forth above, Plaintiff has failed to plead any facts supporting a finding that the foreclosure sale was procedurally deficient under Georgia state law.

31. Accordingly, GMAC Mortgage requests that the Adversary Proceeding be dismissed for failure to state a claim upon which relief can be granted pursuant to Bankruptcy Rule 7012(b)(6).

II. The Court Should Abstain from Exercising Jurisdiction Over the Adversary Proceeding

32. In the alternative, the Court should abstain from exercising jurisdiction pursuant to 28 U.S.C. § 1334(c)(1). Notwithstanding the presence of “related to” jurisdiction, a district court may abstain from exercising that jurisdiction on “any equitable ground,” including “the interest of justice, or in the interest of comity with State courts or respect for State law.” 28 U.S.C. § 1334(c)(1). Courts consider one or more—though not necessarily all—of the following factors when determining whether to exercise permissive abstention under § 1334(c):

(1) the effect or lack thereof on the efficient administration of the estate if a [c]ourt recommends abstention, (2) the extent to which state law issues predominate over bankruptcy issues, (3) the difficulty or unsettled nature of the applicable state law, (4) the presence of a related proceeding commenced in state court or other non-bankruptcy court, (5) the jurisdictional basis, if any, other than 28 U.S.C. § 1334, (6) the degree of relatedness or remoteness of the proceeding to the main bankruptcy case, (7) the substance rather than form of an asserted “core” proceeding, (8) the feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court, (9) the burden of [the court’s] docket, (10) the likelihood that the commencement of the proceeding in a bankruptcy court involves forum shopping by one of the parties, (11) the existence of a right to a jury trial, and (12) the presence in the proceeding of non-debtor parties.

Allstate Ins. Co. v. CitiMortgage, Inc., 2012 U.S. Dist. LEXIS 39616, 16-18 (S.D.N.Y. Mar. 13, 2012) (citing In re Cody, Inc., 281 B.R. 182, 190-91 (S.D.N.Y. 2002) (citation and internal quotation marks omitted); Baker v. Simpson, 413 B.R. 38, 45 (E.D.N. Y. 2009)).

33. Almost all of those factors weigh in favor of this Court's abstention from exercising jurisdiction over the Adversary Proceeding. Specifically, the Court's abstention from the Adversary Proceeding, which involves the validity of a foreclosure on property serviced, but not owned, by the Debtors, will have no material effect on the administration of the Debtors' estates. Conversely, however, exercising jurisdiction will likely encourage many more similarly-situated parties to initiate non-core adversary proceedings before this Court, potentially swamping the Court's docket and distracting both the Court and the Debtors' professionals from the critical issues affecting the Debtors' restructuring efforts. The validity of the foreclosure sale is purely a question of state law, and is wholly unrelated to the administration of the Debtors' bankruptcy cases.

34. Although there is no related proceeding currently pending in state court, that factor should not weigh against abstention in this instance. See, e.g., Taub v. Hershkowitz (In re Taub), 417 B.R. 186, 194 (Bankr. E.D.N.Y. 2009) (finding that this factor weighed in favor of abstention even where there was not presently pending an action between the parties to the adversary proceeding). Plaintiff's Seventh Bankruptcy Case was dismissed *sua sponte* by the Georgia Bankruptcy Court, pursuant to section 109(g) of the Bankruptcy, which permits a bankruptcy court to enjoin a debtor from filing a bankruptcy case if the debtor is a serial filer and files the case in bad faith. See In re Casse, 198 F.3d 327 (2d Cir. 1999). Plaintiff's filing of the Adversary Proceeding is thus a clear example of forum shopping, as his attempts to forestall the foreclosure with respect to the Property through a bankruptcy filing are statutorily barred in

Georgia, the correct venue for this matter. Moreover, as noted above, Plaintiff could have brought an action to enjoin the non-judicial foreclosure, even though he was statutorily barred from seeking bankruptcy protection. Importantly, to the extent Plaintiff has valid claims and defenses to the foreclosure of the Property that he could have asserted prior to the completion of the foreclosure or can still assert under applicable state law, relief from the automatic stay enjoining actions against GMAC Mortgage has already been granted pursuant to the Supplemental Servicing Order³ previously entered by this Court. The proper forum for those claims and defenses to be litigated is in Georgia state court.

35. Substantially all of the applicable factors weigh heavily in favor of this Court's abstention from asserting jurisdiction over the Adversary Proceeding. As such, GMAC Mortgage respectfully requests that the Court decline to exercise jurisdiction and dismiss the Adversary Proceeding.

³ The term "Supplemental Servicing Order" refers to the *Final Supplemental Order Under Bankruptcy Code Sections 105(a), 362, 363, 502, 1107(a), And 1108 And Bankruptcy Rule 9019 (I) Authorizing The Debtors To Continue Implementing Loss Mitigation Programs; (II) Approving Procedures For Compromise And Settlement Of Certain Claims, Litigations And Causes Of Action; (III) Granting Limited Stay Relief To Permit Foreclosure And Eviction Proceedings, Borrower Bankruptcy Cases, And Title Disputes To Proceed; And (IV) Authorizing And Directing The Debtors To Pay Securitization Trustee Fees And Expenses* [Dkt. No. 774], which was entered on July 13, 2012.

CONCLUSION

Accordingly, for the reasons set forth herein GMAC Mortgage respectfully requests that the Court dismiss the Adversary Proceeding with prejudice and grant such other and further relief as it deems just and proper.

Dated: November 12, 2012
New York, New York

/s/ Norman S. Rosenbaum

Norman S. Rosenbaum

Stefan W. Engelhardt

Erica J. Richards

MORRISON & FOERSTER LLP

1290 Avenue of the Americas

New York, New York 10104

Telephone: (212) 468-8000

Facsimile: (212) 468-7900

Counsel for GMAC Mortgage, LLC

EXHIBIT 1

MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 468-8000
Facsimile: (212) 468-7900
Norman S. Rosenbaum
Stefan W. Engelhardt
Erica J. Richards

Counsel for GMAC Mortgage, LLC

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
Todd A. Williams,	:	
	:	Adv. Proc. 12-01896 (MG)
Plaintiff,	:	
	:	
v.	:	
	:	
GMAC Mortgage, LLC, and	:	
Mortgage Electronic Registration Systems	:	
	:	
Defendants.	:	
-----X	:	
In re	:	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,	:	
	:	Chapter 11
	:	
Debtors	:	Jointly Administered
-----X	:	

**DECLARATION OF JENNIFER SCOLIARD, IN-HOUSE SENIOR BANKRUPTCY
COUNSEL AT RESIDENTIAL CAPITAL, LLC, IN SUPPORT OF DEBTORS'
MOTION FOR DISMISSAL OF ADVERSARY PROCEEDING PURSUANT TO
BANKRUPTCY RULE 7012(b)(5) AND (b)(6) OR, IN THE ALTERNATIVE,
PERMISSIVE ABSTENTION PURSUANT TO 28 U.S.C. §1334(c)(1)**

I, Jennifer Scoliard, declare as follows:

A. Background and Qualifications

1. I serve as In-House Senior Bankruptcy Counsel in the legal department (the “Legal Department”) at Residential Capital, LLC (“ResCap”), a limited liability company organized under the laws of the state of Delaware and the parent of the other debtors and debtors in possession in the above-captioned Chapter 11 cases (collectively, the “Debtors”). I joined ResCap in January 2008 and have been ResCap’s In-House Bankruptcy counsel since September 2010.

2. In my role as In-House Senior Bankruptcy Counsel at ResCap, I am responsible for the management of all non-routine bankruptcy litigation nationwide, including contested bankruptcy matters.

3. I am authorized to submit this declaration (the “Declaration”) in support of the Debtors’ Motion For Dismissal Of Adversary Proceeding Pursuant To Bankruptcy Rule 7012(b)(5) And (b)(6) Or, In The Alternative, Permissive Abstention Pursuant To 28 U.S.C. §1334(c)(1), dated November 12, 2012 (the “Motion”).¹

4. In my capacity as In-House Senior Bankruptcy Counsel, I am generally familiar with the Debtors’ litigation matters, including the prior bankruptcy proceedings involving Plaintiff. Except as otherwise indicated, all statements in this Declaration are based upon my personal knowledge; information supplied or verified by personnel in departments within the Debtors’ various business units; my review of the Debtors’ litigation case files, books and records as well as other relevant documents; my discussions with other members of the

¹ Capitalized terms used herein and not otherwise defined shall have the meaning ascribed to them in the Motion.

Legal Department; information supplied by the Debtors' consultants; or my opinion based upon experience, expertise, and knowledge of the Debtors' litigation matters, financial condition and history. In making my statements based on my review of the Debtors' litigation case files, books and records, relevant documents, and other information prepared or collected by the Debtors' employees or consultants, I have relied upon these employees and consultants accurately recording, preparing, collecting, or verifying any such documentation and other information. If I were called to testify as a witness in this matter, I would testify competently to the facts set forth herein.

B. Events Leading up to the Adversary Proceeding

5. On or about October 27, 2003, Plaintiff executed a note (the "Note") in the amount of \$225,000.00 (the "Loan") in favor of Homecomings Financial Network, Inc. The Note was secured by real property located at 2563 Alexander Farms Dr., Marietta, Cobb County, Georgia (the "Property") pursuant to a security deed executed contemporaneously with the Note. GMAC Mortgage serviced Plaintiff's Loan.

6. Plaintiff had been in default at various times over the life of the Loan. As a result of Plaintiff's continuing default under the Loan, GMAC Mortgage, acting in its capacity as mortgage loan servicer, attempted to institute a non-judicial foreclosure with respect to the Property on multiple occasions. The first attempt at foreclosure was begun in October 2007, and the final, successful foreclosure was restarted on July 18, 2012. Several of the prior foreclosure attempts were thwarted by Plaintiff's multiple bankruptcy filings.

7. Plaintiff has filed seven bankruptcy cases since December 2006 in the Bankruptcy Court for the Northern District of Georgia (the "Georgia Bankruptcy Court"). The procedural history concerning the filing and disposition of the first five of these cases can be briefly summarized as follows:

- Case No. 06-75734 was filed under chapter 13 on December 4, 2006 and dismissed on August 2, 2007 for failure to comply with various statutory requirements and infeasibility of Plaintiff's chapter 13 plan. See Objections to Confirmation and Order of Dismissal annexed hereto as **Exhibits A** and **B**, respectively.
- Case No. 07-78658 was filed under Chapter 13 on November 6, 2007 and dismissed on February 4, 2008 for failure to comply with various statutory requirements and infeasibility of Plaintiff's chapter 13 plan. See Objection to Confirmation and Order of Dismissal annexed hereto as **Exhibits C** and **D**, respectively.
- Case No. 08-70406 was filed under Chapter 13 on June 2, 2008. See Voluntary Petition annexed hereto as **Exhibit E** annexed hereto. An order was entered by the Georgia Bankruptcy Court in Case No. 08-70406 on July 9, 2008 confirming that no stay was in effect and the case was dismissed on August 14, 2008 upon the chapter 13 trustee's objection to confirmation. See Order Under § 362(c)(4)(A)(ii) Confirming The Automatic Stay Is Not In Effect, Objection to Confirmation, and Order of Dismissal, annexed hereto as **Exhibits F**, **G**, and **H**, respectively.
- Case No. 10-90047 was filed under Chapter 13 on October 5, 2010 and dismissed on December 9, 2010 for failure to comply with sections 109(h) and 521(b) of the Bankruptcy Code. See Order of Dismissal annexed hereto as **Exhibit I**.
- Case No. 11-78633 was filed under Chapter 13 on October 3, 2011 and dismissed on November 15, 2011, again for failure to comply with sections 109(h) and 521(b) of the Bankruptcy Code. See Order of Dismissal annexed hereto as **Exhibit J**.

8. On May 1, 2012, Plaintiff commenced Case No. 12-61345—his sixth bankruptcy case—thereby staying any foreclosure on the Property. See Voluntary Petition annexed hereto as **Exhibit K**. On May 23, 2012, GMAC Mortgage filed a motion Case No. 12-61345 for relief from the automatic stay and for *in rem* relief to proceed with the foreclosure on the grounds that the Plaintiff failed to maintain his post-petition monthly mortgage payments and had filed for bankruptcy protection in bad faith. See Motion for Relief from Stay annexed hereto as **Exhibit L**.

9. On July 2, 2012, the Georgia Bankruptcy Court entered an order granting GMAC Mortgage relief from the automatic stay and *in rem* relief under section 362 (d)(4) of the

Bankruptcy Code. See Order Modifying Automatic Stay For In Rem Relief Pursuant To 11 U.S.C. § 362 (d)(4) annexed hereto as **Exhibit M**.

10. On August 17, 2012, upon motion of the Chapter 13 trustee, the Georgia Bankruptcy Court dismissed Plaintiff's sixth bankruptcy case (Case No. 12-61345) pursuant to section 109(g) of the Bankruptcy Code. See **Exhibit N** annexed hereto.

11. On September 4, 2012, Plaintiff filed a seventh bankruptcy petition (his third in less than a year), Case No. 12-72201 (the "**Seventh Bankruptcy Case**"). See Voluntary Petition annexed hereto as **Exhibit O**. That petition was dismissed *sua sponte* with prejudice by the Georgia Bankruptcy Court pursuant to an order dated September 6, 2012 (the "**Seventh Dismissal Order**"). See Order annexed hereto as **Exhibit P**. The Seventh Dismissal Order further ordered that "the filing of [the Seventh Bankruptcy Case] did not give rise to the automatic stay so that any foreclosure sale that took place after the filing of the petition in the present case is valid to the extent otherwise valid under state law. See Seventh Dismissal Order at 2.

12. The foreclosure sale took place on September 4, 2012. The Property was sold, although, as of the date hereof, the foreclosure deed has not yet been filed.

13. On September 6, 2012, the Georgia Bankruptcy Court entered an order confirming that the automatic stay under §362(a) did not go into effect upon or since the filing of the Seventh Bankruptcy Case and that the July 2, 2012 order entered in Plaintiff's prior bankruptcy granting relief in rem is valid and binding. See **Exhibit Q** annexed hereto.

C. Insufficient Service of Process

14. The Debtors receive complaints generally through their registered agents, investors and/or MERS.² The Debtors also receive complaints through various departments, outside counsel and United States mail. Complaints received from the Debtors' registered agents, investors and/or MERS are routed to designated service of process handlers ("SOP") in the Debtors' Legal Department, who then send the complaints to the appropriate business area or in-house legal staff. Complaints received through various departments, outside counsel and United States mail are sent to the Legal Department directly or through SOP, where they are assigned to the appropriate in-house attorney.

15. I am the designated in-house attorney for bankruptcy litigation. All bankruptcy contested matters and adversary complaints the Debtors receive (with the exception of lien strips, cramdowns and general accounting disputes) are sent to me. Upon receipt of a contested matter or complaint, I review the pleading and decide whether the matter will remain in the Legal Department and assigned to litigation counsel or be sent to the Debtors' Bankruptcy Department to be addressed by default counsel.

16. I have confirmed with SOP that GMAC Mortgage did not receive service of the Complaint or Summons via a registered agent, investor or MERS, nor, to the best of my knowledge, were the Complaint or Summons sent directly to the Legal Department. Further, neither the Complaint nor the Summons was sent to me from any department, outside counsel or by United States mail. Accordingly, to the best of my knowledge and belief, GMAC Mortgage was not served with a copy of the Complaint or Summons filed in the Adversary Proceeding.

² Mortgage Electronic Registration Systems, Inc.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
is true and correct.

Dated: November 12, 2012

/s/ Jennifer Scoliard
Jennifer Scoliard
In-House Senior Bankruptcy Counsel for
Residential Capital, LLC

Exhibit A-1

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: TODD ALLEN WILLIAMS	{ CHAPTER 13
	{
	{
DEBTOR.	{ CASE NO. A06-75734-MHM
	{
	{ JUDGE MURPHY

OBJECTION TO CONFIRMATION

COMES NOW ADAM M. GOODMAN, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor's payments under the proposed Plan are not current.
2. Debtor has failed to attend the 11 U.S.C. Section 341 hearing.
3. The Chapter 13 Plan does not provide for the correct Applicable Commitment Period, and is not in compliance with 11 U.S.C. Sections 1325(b)(1)(B), 1325(b)(4)(B).
4. The Debtor has failed to provide copies of all pay advices received within sixty (60) days of filing the instant case, in violation of 11 U.S.C. Section 521(a)(1)(B)(iv). (Missing part-time job).
5. The Internal Revenue Service filed a secured and/or priority proof of claim; however, the Plan fails to provide treatment for said claim, in violation of 11 U.S.C. Sections 1322(a)(2) or 1325(a)(5).
6. The Debtor proposes to retain real property with pre-petition arrearage of \$39,096.93 and equity of \$28,000.00, while paying unsecured creditors a zero percent (0%) dividend. Based on the foregoing, the proposed plan may violate 11 U.S.C. Section 1325(a)(3).
7. The 2016(b) Disclosure Statement \$4,250.00 - \$300.00 = \$3,950.00 and the Chapter 13 plan \$4,250.00 - \$350.00 = \$3,950.00 (sic) are inconsistent with regard to attorney's fees, in violation of 11 U.S.C. Section 329 and Bankruptcy Rules 2016(b) and 2017.

8. The Plan should be amended to include a provision that, "Any federal tax refunds the Debtor is entitled to receive for the calendar years ending 2006, 2007 and 2008 shall be paid into the Debtor's Chapter 13 case. Further, the Debtor authorizes and instructs the Internal Revenue Service to send any refund for said years directly to the Debtor's Chapter 13 Trustee." 11 U.S.C. Sections 1325(a)(3) and 1325(b)(1)(B).

9. In accordance with General Order No. 9 and the annexed Statement of Rights and Responsibilities, the Debtor's attorney should timely provide proof of Debtor's income from part-time job to the Chapter 13 Trustee. 11 U.S.C. Sections 521(1), 1325(a)(3), 1325(a)(6), 1325(b)(1)(B) and Bankruptcy Rule 1007.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtor's Plan, and to dismiss the case.

February 9, 2007.

_____/s
Jill Zubler, Attorney
for Chapter 13 Trustee
GA Bar No. 786286

A06-75734-MHM

CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR:

TODD ALLEN WILLIAMS
2563 ALEXANDER FARMS DRIVE
MARIETTA, GA 30064

ATTORNEY FOR DEBTOR:

MATTHEW T. BERRY
2751 BUFORD HWY.
SUITE 400
ATLANTA, GA 30324

the above in the foregoing matter with a copy of this pleading by
depositing same in the United States Mail in a properly addressed
envelope with adequate postage thereon.

This 9th day of February 2007.

/s

Adam M. Goodman, Chapter 13 Trustee
Suite 200 - 260 Peachtree Street, N.W.
Atlanta, Georgia 30303
(678) 510-1444

Exhibit A-2

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: TODD ALLEN WILLIAMS { CHAPTER 13
 {
 {
DEBTOR. { CASE NO. A06-75734-MHM
 {
 { JUDGE MURPHY

OBJECTION TO CONFIRMATION

COMES NOW ADAM M. GOODMAN, TRUSTEE herein, and objects to Confirmation of the Plan for the following reasons:

1. The Debtor's payments under the proposed Plan are not current.
2. The Debtor has failed to file an Employment Deduction Order.
3. The Chapter 13 Plan does not provide for the correct Applicable Commitment Period, and is not in compliance with 11 U.S.C. Sections 1325(b)(1)(B), 1325(b)(4)(B).
4. The Debtor has failed to provide copies of all pay advices received within sixty (60) days of filing the instant case, in violation of 11 U.S.C. Section 521(a)(1)(B)(iv).
5. The Internal Revenue Service filed a secured and/or priority proof of claim; however, the Plan fails to provide treatment for said claim, in violation of 11 U.S.C. Sections 1322(a)(2) or 1325(a)(5).
6. The funding of post-petition mortgage installments have not been maintained in the above-styled Chapter 13 case; thereby, rendering the present budget and proposed Plan infeasible, 11 U.S.C. Section 1325(a)(6).
7. The Debtor proposes to retain real property with pre-petition arrearage of \$37,000.00 and equity of \$28,000.00, while paying unsecured creditors a zero percent (0%) dividend. Based on the foregoing, the proposed plan may violate 11 U.S.C. Section 1325(a)(3).

8. The Chapter 13 budget fails to include expenses for Homeowner's insurance; thereby, possibly rendering the proposed Chapter 13 plan payment to be infeasible, in violation of 11 U.S.C. Section 1325(a)(6).

9. Due to a change in circumstances since filing, Schedules I and J do not correctly reflect the current financial situation, thereby preventing the Trustee from evaluating feasibility, 11 U.S.C. Section 1325(a)(6).

10. Schedule I (Income) may fail to accurately reflect new employment since original Schedules filed, in violation of 11 U.S.C. Section 1329 and Bankruptcy Rule 1007.

11. The 2016(b) Disclosure Statement \$4,250.00-\$300.00=\$3,950.00 and the Chapter 13 plan \$4,250.00-\$350.00=\$3,950.00 are inconsistent with regard to attorney's fees, in violation of 11 U.S.C. Section 329 and Bankruptcy Rules 2016(b) and 2017.

12. The Plan should be amended to include a provision that, "Any federal tax refunds the Debtor is entitled to receive for the calendar years ending 2007, 2008, and 2009 shall be paid into the Debtor's Chapter 13 case. Further, the Debtor authorizes and instructs the Internal Revenue Service to send any refund for said years directly to the Debtor's Chapter 13 Trustee." 11 U.S.C. Sections 1325(a)(3) and 1325(b)(1)(B).

13. In accordance with General Order No. 9 and the annexed Statement of Rights and Responsibilities, the Debtor's attorney should timely provide proof of Debtor's income to the Chapter 13 Trustee. 11 U.S.C. Sections 521(1), 1325(a)(3), 1325(a)(6), 1325(b)(1)(B) and Bankruptcy Rule 1007.

14. The voluntary petition fails to reflect Debtor's complete name.

15. The Plan provides that any claim filed by a secured lien holder whose collateral is surrendered will be treated as surrendered in full satisfaction and/or will be disallowed. Said provision may violate 11 U.S.C. Section 1325(a)(5) and Section 506(A)(1).

16. Pursuant to Debtor testimony at the Meeting of Creditors, the Debtor's monthly income from his new full time employment is roughly \$4,200.00 and his monthly income from his part-time job is now roughly \$3,000.00. The budget should be amended accordingly and any additional disposable income contributed to the plan pursuant to 11 U.S.C. Section 1325(b)(1)(B).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtor's Plan, and to dismiss the case.

May 1, 2007

_____/s_____
Jonathan Clements, Attorney
for Chapter 13 Trustee
GA Bar No. 130051

A06-75734-MHM

CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR:

TODD ALLEN WILLIAMS
2563 ALEXANDER FARMS DRIVE
MARIETTA, GA 30064

ATTORNEY FOR DEBTOR:

MATTHEW T. BERRY
2751 BUFORD HWY.
SUITE 400
ATLANTA, GA 30324

the above in the foregoing matter with a copy of this pleading by depositing same in the United States Mail in a properly addressed envelope with adequate postage thereon.

This 1st day of May 2007.

/s

Exhibit B

UNITED STATES BANKRUPTCY COURT

Northern District of Georgia

In Re: Debtor(s)
Todd Allen Williams
2563 Alexander Farms Drive
Marietta, GA 30064

Case No.: **06-75734-mhm**
Chapter: **13**
Judge: **Margaret Murphy**

xxx-xx-1763

ORDER OF DISMISSAL

The Chapter 13 Trustee's objection(s) to confirmation came before the Court and

After hearing and for good cause shown, confirmation is denied, and

IT IS ORDERED THAT THIS CASE IS DISMISSED.

Any unpaid filing fees must be paid by the Debtor(s) to the Clerk of the United States Bankruptcy Court within ten (10) days of the date of the entry of this Order.

The Clerk is directed to serve a copy of this Order on the Debtor(s), the Attorney for the Debtor(s), the Chapter 13 Trustee, all creditors and other parties in interest. The Attorney for the Debtor(s) shall serve a copy of this Order upon any employer of the Debtor(s) who is subject to an employer deduction order.



Margaret Murphy
United States Bankruptcy Judge

Dated: August 2, 2007

Exhibit C

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
TODD A. WILLIAMS,)
) CASE NO. A07-78658-MHM
)
DEBTOR.) JUDGE MURPHY

OBJECTION TO CONFIRMATION

COMES NOW ADAM M. GOODMAN, TRUSTEE herein, and objects to Confirmation of the Plan for the following reasons:

1. Debtor has failed to attend the 11 U.S.C. Section 341 hearing.
2. The Debtor's payment under the proposed plan are not current.
3. Debtor has not filed a plan as required by 11 U.S.C. Section 1321.
4. Debtor has not filed schedules as required by Bankruptcy Rule 1007.
5. Debtor has not filed a statement of current monthly income and calculation of commitment period and disposable income.
6. The Debtor has not filed a certificate indicating that they obtained a briefing from an approved non-profit budget and credit counseling agency within 180 days preceding the date of filing, as required by 11 U.S.C. Section 109(h). The Debtor is not eligible for relief under Title 11.
7. The Debtor has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
8. The Debtor has failed to provide copies of all pay advices received within sixty (60) days of filing the instant case, in violation of 11 U.S.C. Section 521(a)(1)(B)(iv).

9. Debtor has filed one (1) previous unsuccessful Chapter 13 cases, being case number 06-75734-MHM filed December 4, 2005 and dismissed prior to confirmation August 2, 2007. Due to Debtor having failed to file a confirmable Plan in the instant Chapter 13 case, it appears the instant Chapter 13 case was not filed in good faith. Based on the foregoing, the Chapter 13 Trustee respectfully moves the Court to dismiss the instant case with prejudice, thereby rendering the Debtor ineligible for relief under Title 11 for one hundred eighty (180) days, pursuant to 11 U.S.C. Sections 1325(a)(3), 105(a) and 109(g).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the plan, and to dismiss the case with prejudice; thereby, rendering the Debtor ineligible from re-filing another case under Title 11 for one hundred eighty (180) days, pursuant to 11 U.S.C. Sections 105(a) and 109(g).

December 19, 2007.

_____/s/_____
Adam M. Goodman
Chapter 13 Trustee
GA Bar No. 300887

A07-78658-MHM

CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR:

TODD A. WILLIAMS
2563 ALEXANDER FARMS DRIVE
MARIETTA, GA 30064

ATTORNEY FOR DEBTOR:

DEBTOR PRO SE, ATTY.

the above in the foregoing matter with a copy of this pleading by
depositing same in the United States Mail in a properly addressed
envelope with adequate postage thereon.

This 19th day of December 2007.

/s/

Exhibit D

UNITED STATES BANKRUPTCY COURT

Northern District of Georgia

In Re: Debtor(s)
Todd A. Williams
2563 Alexander Farms Drive
Marietta, GA 30064

Case No.: **07-78658-mhm**
Chapter: **13**
Judge: **Margaret Murphy**

xxx-xx-1763

ORDER OF DISMISSAL

The Chapter 13 Trustee's objection(s) to confirmation came before the Court and

After hearing and for good cause shown, confirmation is denied, and

IT IS ORDERED THAT THIS CASE IS DISMISSED.

Any unpaid filing fees must be paid by the Debtor(s) to the Clerk of the United States Bankruptcy Court within ten (10) days of the date of the entry of this Order.

The Clerk is directed to serve a copy of this Order on the Debtor(s), the Attorney for the Debtor(s), the Chapter 13 Trustee, all creditors and other parties in interest. The Attorney for the Debtor(s) shall serve a copy of this Order upon any employer of the Debtor(s) who is subject to an employer deduction order.



Margaret Murphy
United States Bankruptcy Judge

Dated: February 4, 2008

Exhibit E

B 1 (Official Form 1) (1/08)

United States Bankruptcy Court				Voluntary Petition	
Name of Debtor (if individual, enter last, first, middle): Williams Tonia A			Name of Joint Debtor (Spouse) (Last, first, middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):			All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):		
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): 1763			Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):		
Street Address of Debtor (No. and Street, City, and State): 2563 Alexander Farms Dr SW Marietta GA 30064			Street Address of Joint Debtor (No. and Street, City, and State):		
County of Residence or of the Principal Place of Business: Cobb			County of Residence or of the Principal Place of Business:		
Mailing Address of Debtor (if different from street address): SAME			Mailing Address of Joint Debtor (if different from street address): 08-70406		
Location of Principal Assets of Business Debtor (if different from street address above):			ZIP CODE		
Type of Debtor (Form of Organization) (Check one box.) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)		Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).		Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input checked="" type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box.) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.	
Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.			Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).		
Statistical/Administrative Information <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.					
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> More than 100,000					
Estimated Assets <input checked="" type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					
Estimated Liabilities <input checked="" type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					

JUN 02 2008 PM 3:40
COURT USE ONLY

W. YVONNE EVANS,
CLERK

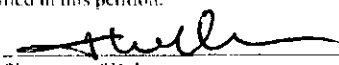
IN CLERK'S OFFICE
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

FILED

B 1 (Official Form 1) (1/08)

Page 2

Voluntary Petition <i>(This page must be completed and filed in every case.)</i>		Name of Debtor(s):	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed:	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)			
Name of Debtor:	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b). X _____ Signature of Attorney for Debtor(s) (Date)	
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box.) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.) <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) <div style="text-align: center;"> _____ (Name of landlord that obtained judgment) </div> <div style="text-align: center;"> _____ (Address of landlord) </div> <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

B 1 (Official Form) 1 (1/08)		Page 3
Voluntary Petition (This page must be completed and filed in every case.)		Name of Debtor(s):
Signatures		
<p style="text-align: center;">Signature(s) of Debtor(s) (Individual/Joint)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct.</p> <p>[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.</p> <p>[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u></u> Signature of Debtor</p> <p>X _____ Signature of Joint Debtor</p> <p><u>770-595-6546</u> Telephone Number (if not represented by attorney)</p> <p><u>6-2-06</u> Date</p>	<p style="text-align: center;">Signature of a Foreign Representative</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.</p> <p><input type="checkbox"/> Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.</p> <p>X _____ (Signature of Foreign Representative)</p> <p>_____ (Printed Name of Foreign Representative)</p> <p>_____ Date</p>	
<p style="text-align: center;">Signature of Attorney*</p> <p>X _____ Signature of Attorney for Debtor(s)</p> <p>_____ Printed Name of Attorney for Debtor(s)</p> <p>_____ Firm Name</p> <p>_____ Address</p> <p>_____ Telephone Number</p> <p>_____ Date</p> <p><small>*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.</small></p>	<p style="text-align: center;">Signature of Non-Attorney Bankruptcy Petition Preparer</p> <p>I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)</p> <p>_____ Address</p> <p>X _____ Date</p> <p>_____ Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.</p> <p>_____ Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.</p> <p>_____ If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><small>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</small></p>	
<p style="text-align: center;">Signature of Debtor (Corporation/Partnership)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.</p> <p>The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Authorized Individual</p> <p>_____ Printed Name of Authorized Individual</p> <p>_____ Title of Authorized Individual</p> <p>_____ Date</p>		

B 1D (Official Form 1, Exhibit D) (10/06)

UNITED STATES BANKRUPTCY COURT

In re _____
Debtor(s)

Case No. _____
(if known)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

☒ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☒ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*

B 1D (Official Form 1, Exh. D) (10/06) – Cont.

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Must be accompanied by a motion for determination by the court.] [Summarize exigent circumstances here.]* _____

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: _____

Date: 6-1-08

B 201 (04/09/06)

UNITED STATES BANKRUPTCY COURT

NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

Todd Williams
Printed name and title, if any, of Bankruptcy Petition Preparer

Address:

2563 Alexander Farm Rd Manilla GA
30064

X [Signature]
Signature of Bankruptcy Petition Preparer or officer,
principal, responsible person, or partner whose Social
Security number is provided above.

Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Certificate of the Debtor

I (We), the debtor(s), affirm that I (we) have received and read this notice.

Todd Williams
Printed Name(s) of Debtor(s)

[Signature] 6-1-08
Signature of Debtor Date

Case No. (if known) _____

X _____
Signature of Joint Debtor (if any) Date

List of Creditors

Sched D

Homecomings Financial
acct # 418551404
2711 N Haskell Ave. SW 1
Dallas, TX 75204
\$282,349

Internal Revenue Service
401 W. Peachtree Street NW
Stop 334-D, Room 400
Atlanta, GA 30308
\$20,000

Sched E

Collect America
1999 Broadway, Ste. 3850
Denver, CO 80202
\$987

Sched F
132 82 040051

Discover Card
12 Reads Way
New Castle, DE 19720
\$3400

601 0055 0084

Household Credit Systems
PO Box 98706
Las Vegas, NV 89193
\$987

54 89 555 10795

Wachovia/Rec
PO Box 3117
Winston/Salem, NC 27102
\$1265

1000005671734

Todd Williams
Thell
6-2-08

CASE NUMBER: **08-10406** JUDGE: AM CHAPTER: 13
Non-Business ☒ or Business ☐ Intake Clerk: yl Date: 6/2
Complete ☐ or Incomplete ☒ Paid ☒ *IFP Filed ☐

Orders on Fee Application

- ☐ 02g - Chapter 11/13 Order Granting 2 Installments of \$_____ each.
☐ 03g - Chapter 11 Order Granting -10 day (3 Installments of \$339.00, \$350.00 & \$350.00.)
☐ 03g - Chapter 13 Order Granting -10 day (3 Installments of \$75.00, \$99.50 & \$99.50.)
☐ 02d - Chapter 11/13 Order Denying \$_____ due.
☐ 02g - Chapter 7 Order Granting _____ Order Issued

Missing Documents:

- ☐ Pro se Affidavit
☐ Form B21
☐ Matrix - Requires separate Order

☐ Voluntary Petition not on Official Form One
☐ Exhibit D
☒ Statement of Financial Affairs
☒ Schedules: A B C D E F G H I J
☒ Summary of Schedules
☒ Statistical Summary
☒ Declaration Page for Summary & Schedules
☐ Statement of Intent (Ch. 7)
☐ Attorney Disclosure Statement
☐ Petition Preparer Disclosure Statement
☐ Declaration & Signature of Non-Attorney Bankruptcy Petition Preparer
☐ Notice to Individual Consumer Debtor (Form 342b)
☒ Statement of Current Monthly Income/Mean Test
☒ Chapter 13 Plan, complete with signature(s)
☒ Certificate of Credit Counseling.
☐ Motion for Determination (Exigent Circumstances)
☒ Pay Advices

☐ Corporate Resolution (Business Ch. 7 & 11)
☐ 20 Largest Unsecured Creditors (Business Ch. 11)
☐ List of Equity Security Holders (Business Ch. 11)

☐ Small Business - Balance Sheet
☐ Small Business - Statement of Operations
☐ Small Business - Cash Flow Statement
☐ Small Business - Federal Tax Returns

Petition Deficiencies:

- ☐ Name
☐ Last 4 digits of ssn
☐ Address
☐ County
☐ Type of Debtor
☐ Chapter
☐ Nature of Debts
☐ Statistical Estimates
☐ Venue
☐ Signatures

☐ Fee Application not filed

NOTES:

07-78658
06-75734

U. S. BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

01114722 - YL
June 2, 2008

Code	Case No	Qty	Amount By
13	08-70406	1	\$274.00 CA
Judge - Not Assigned			
Debtor - T. A. WILLIAMS			

TOTAL: \$274.00

Amount Tendered: \$280.00

Change Returned: \$6.00

FROM: Todd A. Williams
2563 Alexander Farms Dr SW
Marietta, GA 30064

Exhibit F



IT IS ORDERED as set forth below:

Date: July 08, 2008

Margaret H. Murphy
 U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION

In Re:	)	CHAPTER 13
)	
TODD A. WILLIAMS,	)	CASE NO. 08-70406-MHM
)	
Debtor)	
-----)	-----
)	
HOMEcomings FINANCIAL, LLC,)	
)	
Movant,	)	CONTESTED MATTER
vs.)	
)	
TODD A. WILLIAMS, Debtor,)	
ADAM M. GOODMAN, Trustee,)	
)	
)	
Respondents.)	

**ORDER UNDER § 362(c)(4)(A)(ii) CONFIRMING THE
 AUTOMATIC STAY IS NOT IN EFFECT**

Movant seeks an order under 11 U.S.C. § 362(c)(4)(A)(ii) confirming that the automatic stay is not in effect.

Debtor was a debtor in two prior cases that were both dismissed within the one-year period

preceding the filing of this case. Neither of the prior cases was a Chapter 7 case dismissed pursuant to 11 U.S.C. § 707(b), and no order has been entered pursuant to 11 U.S.C. § 362(c)(4)(B) imposing the stay. Accordingly, the automatic stay under § 362(a) did not go into effect upon or since the

filing of this case and, as of the date hereof, no order has been entered imposing a stay to the extent provided in 11 U.S.C. § 362(c)(3)(A)..

END OF DOCUMENT

Prepared and Submitted by:

 /s/ Sidney Gelernter

Sidney Gelernter

Attorney for Movant

GA. State Bar No. 289145

McCurdy & Candler, L.L.C.

Post Office Box 57

Decatur, GA 30031

(404) 373-1612

DISTRIBUTION LIST

Todd A. Williams
2563 Alexander Farms Dr
Marietta, GA 30064

Adam M. Goodman
Chapter 13 Trustee
260 Peachtree Street,
Suite 200
Atlanta, GA 30303

Sidney Gelernter
McCurdy & Candler, LLC
250 E. Ponce De Leon Avenue, Suite 600
Decatur, GA 30030 (404) 373-1612

Exhibit G

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	}	CHAPTER 13
TODD A. WILLIAMS,	}	
	}	CASE NO. A08-70406-MHM
DEBTOR.	}	JUDGE MURPHY

OBJECTION TO CONFIRMATION

COMES NOW ADAM M. GOODMAN, TRUSTEE herein, and objects to Confirmation of the Plan for the following reasons:

1. Pursuant to information received from the Internal Revenue Service, 2003, 2004, 2005, 2006 and 2007 Income tax returns have not been provided to the taxing authorities; thereby, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 Plan, in violation of 11 U.S.C. Sections 1322(d) and 1325(a)(6).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtor's Plan, and to dismiss the case.

July 3, 2008.

_____/s/_____
Adam M. Goodman
Chapter 13 Trustee
GA Bar No. 300887

A08-70406-MHM

CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR:

TODD A. WILLIAMS
2563 ALEXANDER FARMS DRIVE SW
MARIETTA, GA 30064

ATTORNEY FOR DEBTOR:

DEBTOR PRO SE, ATTY.

the above in the foregoing matter with a copy of this pleading by depositing same in the United States Mail in a properly addressed envelope with adequate postage thereon.

This 3rd day of July 2008.

/s/

Exhibit H

UNITED STATES BANKRUPTCY COURT

Northern District of Georgia

In Re: Debtor(s)
Todd A. Williams
2563 Alexander Farms Dr SW
Marietta, GA 30064

Case No.: **08-70406-mhm**
Chapter: **13**
Judge: **Margaret Murphy**

xxx-xx-1763

ORDER OF DISMISSAL

The Chapter 13 Trustee's objection(s) to confirmation came before the Court and

After hearing and for good cause shown, confirmation is denied, and

IT IS ORDERED THAT THIS CASE IS DISMISSED.

Any unpaid filing fees must be paid by the Debtor(s) to the Clerk of the United States Bankruptcy Court within ten (10) days of the date of the entry of this Order.

The Clerk is directed to serve a copy of this Order on the Debtor(s), the Attorney for the Debtor(s), the Chapter 13 Trustee, all creditors and other parties in interest. The Attorney for the Debtor(s) shall serve a copy of this Order upon any employer of the Debtor(s) who is subject to an employer deduction order.



Margaret Murphy
United States Bankruptcy Judge

Dated: August 14, 2008

Exhibit I



IT IS ORDERED as set forth below:

Date: December 08, 2010

C. Ray Mullins

**C. Ray Mullins
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	{	CHAPTER 13
TODD A. WILLIAMS	{	
	{	CASE NO. A10-90047-CRM
DEBTOR	{	
	{	JUDGE MULLINS

**ORDER DISMISSING CASE FOR FAILURE TO COMPLY
WITH 11 U.S.C. §109(h) AND 11 U.S.C. §521(b)**

This matter came before the Court at a regularly scheduled hearing on November 16, 2010 at 10:00 a.m. on the Chapter 13 Trustee's Motion to Dismiss Case for Failure to Comply with 11 U.S.C. § 109(h) and 11 U.S.C. § 521(b). It appears that Debtor is ineligible to be in Chapter 13 based on the fact that Debtor has failed to certify attendance at credit counseling from an approved agency within 180 days prior to filing required under 11 U.S.C. §109(h) and

11 U.S.C. § 521(b). Therefore, it is hereby **ORDERED**, that the Trustee's Motion is **GRANTED** and this case is **DISMISSED**. The clerk is directed to serve this order on all parties in the case.

END OF DOCUMENT

Presented by:

/s/ _____
Maria J. Kirtland
Chapter 13 Trustee
GA Bar No.: 118350
303 Peachtree Center Ave., NE
Suite 120
Atlanta, GA 30303
(678) 992-1201

DISTIBUTION LIST

CASE NO. A10-90047-CRM

Debtor:
Todd A. Williams
2563 Alexander Farms Dr
Marietta, GA 30064

Attorney for Debtor:
Pro Se

Chapter 13 Trustee:
Nancy J. Whaley
303 Peachtree Center Ave., NE
Suite 120
Atlanta, GA 30303

(ALL CREDITORS LISTED ON MAILING MATRIX)

Exhibit J



IT IS ORDERED as set forth below:

Date: November 15, 2011

C. Ray Mullins

**C. Ray Mullins
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	{	CHAPTER 13
TODD A. WILLIAMS	{	
	{	CASE NO. A11-78633-CRM
DEBTOR	{	
	{	JUDGE MULLINS

**ORDER DISMISSING CASE FOR FAILURE TO COMPLY
WITH 11 U.S.C. §109(h) AND 11 U.S.C. §521(b)**

This matter came before the Court at a regularly scheduled hearing on November 8, 2011 at 10:00 a.m. on the Chapter 13 Trustee's Motion to Dismiss Case for Failure to Comply with 11 U.S.C. § 109(h) and 11 U.S.C. § 521(b). It appears that Debtor is ineligible to be in Chapter 13 based on the fact that Debtor has failed to certify attendance at credit counseling from an

approved agency within 180 days prior to filing required under 11 U.S.C. §109(h) and 11 U.S.C. § 521(b). Therefore, it is hereby **ORDERED**, that the Trustee's Motion is **GRANTED** and this case is **DISMISSED**. The clerk is directed to serve this order on all parties in the case.

END OF DOCUMENT

Presented by:

/s/_____
Maria J. Kirtland
Chapter 13 Trustee
GA Bar No.: 118350
303 Peachtree Center Ave., NE
Suite 120
Atlanta, GA 30303
(678) 992-1201

DISTRIBUTION LIST

CASE NO. A11-78633-CRM

Debtor:
Todd A Williams
2563 Alexander Farms Dr
Marietta, GA 30064

Attorney for Debtor:
Pro Se

Chapter 13 Trustee:
Nancy J. Whaley
303 Peachtree Center Ave., NE
Suite 120
Atlanta, GA 30303

(ALL CREDITORS LISTED ON MAILING MATRIX)

Exhibit K

VOLUNTARY PETITION			
Name of Debtor (if individual, enter Last, First, Middle): Williams Todd A	Name of Joint Debtor (Spouse) (Last, First, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):		
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): 1763	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):		
Street Address of Debtor (No. and Street, City, and State): 2963 Alexander Farm Dr Marietta GA 30064	Street Address of Joint Debtor (No. and Street, City, and State):		
County of Residence or of the Principal Place of Business: Cobb	County of Residence or of the Principal Place of Business:		
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):		
Location of Principal Assets of Business Debtor (if different from street address above):			
12-61345			
Type of Debtor (Form of Organization) (Check one box.) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input checked="" type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding	
Chapter 15 Debtors Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:	Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under title 26 of the United States Code (the Internal Revenue Code).	Nature of Debts (Check one box.) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.	
Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).		
Statistical/Administrative Information <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.			THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000			
Estimated Assets <input checked="" type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion			
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion			

Voluntary Petition <i>(This page must be completed and filed in every case.)</i>		
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)		
Location Where Filed: <u>Atlanta GA</u>	Case Number: <u>11-78633</u>	Date Filed: <u>10/3/11</u>
Location Where Filed:	Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)		
Name of Debtor:	Case Number:	Date Filed:
District:	Relationship:	Judge:
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p style="text-align: center;">Exhibit A</p> <p>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p> </div> <div style="width: 48%;"> <p style="text-align: center;">Exhibit B</p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts.)</p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).</p> <p>X _____ Signature of Attorney for Debtor(s) (Date)</p> </div> </div>		
Exhibit C		
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?		
<input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition.		
<input checked="" type="checkbox"/> No.		
Exhibit D		
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)		
<input checked="" type="checkbox"/> Exhibit D, completed and signed by the debtor, is attached and made a part of this petition.		
If this is a joint petition:		
<input type="checkbox"/> Exhibit D, also completed and signed by the joint debtor, is attached and made a part of this petition.		
Information Regarding the Debtor - Venue (Check any applicable box.)		
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.		
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.		
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.		
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.)		
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)		
_____ (Name of landlord that obtained judgment)		
_____ (Address of landlord)		
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and		
<input type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.		
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).		

Voluntary Petition

(This page must be completed and filed in every case.)

Name of Debtor(s):

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X 
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (if not represented by attorney) 770-595-6546
Date _____

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.

☐ Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
(Signature of Foreign Representative)

(Printed Name of Foreign Representative)

Date

Signature of Attorney*

X _____
Signature of Attorney for Debtor(s)

Printed Name of Attorney for Debtor(s)

Firm Name

Address

Telephone Number

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X _____
Signature

Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

B 1D (Official Form 1, Exhibit D) (12/09)

UNITED STATES BANKRUPTCY COURT

In re Ted A Williams
Debtor

Case No. _____
(if known)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

☐ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☒ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]*

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*


☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: 

Date: 4/31/12

U. S. BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

01174401 - HD
May 1, 2012

Code	Case No	Qty	Amount By
13N	12-61345	1	\$281.00 CA
Judge - Not Yet Assigned			
Debtor - T. A. WILLIAMS			

TOTAL: \$281.00

Amount Tendered: \$290.00

Change Returned: \$9.00

FROM: Todd A Williams
2563 Alexander Farms Dr
Marietta, GA 30064
770-595-6546

Please submit the following original documents to the Court for filing so that the case will proceed timely. If you would like to have a filed-stamped copy of the documents, please submit an extra copy along with a self-addressed stamped envelope.

MISSING DOCUMENTS DUE:

- ☐ Matrix (list of creditors' names & full addresses)
- ☐ Pro Se Affidavit (due with in 7 days, signature must be notarized, or witnessed by a Court Intake Clerk, accompanied by a picture I.D.)
- ☐ Signed Statement of Social Security Number - Form B21(due within 7 days)
- ☐ Voluntary Petition on Official Form One (12/11)
- ☐ Exhibit D (Individuals only) (12/09)
- ☒ Statement of Financial Affairs (4/10)
- ☒ Schedules: A B C D E F G H I J (C&E 4/10)
- ☒ Declaration Page for Summary & Schedules (10/07)
- ☒ Summary of Schedules (12/07)
- ☒ Statistical Summary (12/07)
- ☐ Attorney Disclosure Statement (12/94)
- ☐ Statement of Intent - Ch.7 (due within 30 days, individual only)(12/08)
- ☐ Petition Preparer Disclosure Statement Form280 (10/05)
- ☐ Declaration & Notice: Non-Atty Pet. Preparer B19 (12/07)
- ☒ Certification of Notice 342- Form 201B (Ind only) (12/09)
- ☒ Statement of Monthly Income/Mean Test (Ind only) (12/10)
- ☒ Certificate of Credit Counseling (Individuals only)
- ☒ Chapter 13 Plan, complete with signatures (4/08) (under local forms)
- ☒ Pay Advices (Individuals only)
- ☐ Corporate Resolution (Business Ch. 7 & 11)

Petition Deficiencies:

- ☐ Name
- ☐ Last 4 digits of SSN
- ☐ Address ☐ County
- ☐ Type of Debtor
- ☐ Chapter
- ☐ Nature of Debts
- ☐ Statistical Estimates
- ☐ Signatures
- ☐ Attorney Bar Number

Case filed via:

- ☒ Intake Counter by:
 - ☐ Attorney
 - ☒ Debtor - verified ID
 - ☐ Other - copy of ID of: _____
- ☐ Mailed by:
 - ☐ Attorney
 - ☐ Debtor
 - ☐ Other: _____

History of Case Association

Prior cases within 2 years:

Related case within years:

Ch.11 Business

- ☐ 20 Largest Unsecured Creditors
- ☐ List of Equity Security Holders
- ☐ Small Business - Balance Sheet
- ☐ Small Business - Statement of Operations
- ☐ Small Business - Cash Flow Statement
- ☐ Small Business - Federal Tax Returns

Official and Local Bankruptcy Forms are available on the Court's website at: www.ganb.uscourts.gov. If filing bankruptcy without an attorney, please read the information regarding *Filing Bankruptcy Without An Attorney* at: www.uscourts.gov/bankruptcycourts/prose.html

FILING FEE INFORMATION - if the required filing fees are not paid in full at the time of case filing, an Order will be forthcoming:

- ☒ Paid \$ **281**
- ☐ 2g-Order Granting
- ☐ 3g-Order Granting 10 days
- ☐ FILING FEE OF \$ _____ DUE WITHIN TEN DAYS.
- ☐ 2d-Order Denying
- ☐ IFP filed (Ch.7 Individuals Only)
- ☐ No Application to Pay Fees in Installments filed

You may mail documents and filing fee payments (no personal checks accepted - cashier's check or money orders only) to the address below. All fee payments and documents filed with the Court must show the debtor's name and bankruptcy case number.

UNITED STATES BANKRUPTCY COURT
Richard B. Russell Building
75 Spring Street, S. W., Room 1340
Atlanta, Georgia 30303
404-215-1000

Intake Clerk: **H. D. Ward** Date: **5/1/12** Case Opener: _____ Date: _____

Exhibit L

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION


IN RE:	)	CHAPTER 13
)	
TODD A WILLIAMS,	)	CASE NO. 12-61345-CRM
)	
)	
Debtor.)	
-----)	-----
GMAC MORTGAGE, LLC (SUCCESSOR BY)	
MERGER TO GMAC MORTGAGE CORP.),)	
)	
Movant,	)	CONTESTED MATTER
vs.)	
TODD A WILLIAMS, Debtor,)	
NANCY J. WHALEY, Trustee,)	
)	
)	
Respondents.)	

NOTICE OF HEARING

GMAC Mortgage, LLC (successor by merger to GMAC Mortgage Corp.) as servicer for The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee has filed papers with the Court to obtain In-Rem relief.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, or if you do not have an attorney you may wish to consult one at this time.

If you do not want the Court to grant relief, or if you want the court to consider your views on the Motion, then you or your attorney must:

 **A HEARING will be held on June 12, 2012 at 9:30 AM in Courtroom 1203, U.S. Courthouse, 75 Spring Street SW, Atlanta, GA 30303.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Dated: May 23, 2012
By: /s/ Robert Wilkinson
Robert Wilkinson
GA. State Bar No. 760055
McCurdy & Candler, LLC
Six Piedmont Center, Suite 700
3525 Piedmont Road, NE
Atlanta, GA 30305 (404) 373-1612
Attorney for Movant

UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION

IN RE:	)	CHAPTER 13
)	
TODD A WILLIAMS,	)	CASE NO. 12-61345-CRM
)	
)	
Debtor.)	
-----)	-----
GMAC MORTGAGE, LLC (SUCCESSOR BY)	
MERGER TO GMAC MORTGAGE CORP.),)	
)	
Movant,	)	CONTESTED MATTER
)	
vs.)	
TODD A WILLIAMS, Debtor,)	
NANCY J. WHALEY, Trustee,)	
)	
)	
Respondents.)	

MOTION FOR IN-REM RELIEF FROM AUTOMATIC STAY

Comes now GMAC Mortgage, LLC (successor by merger to GMAC Mortgage Corp.) as servicer for The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee, its successors or assigns, a secured creditor of the above-named Debtor, and respectfully shows the Court as follows:

1.

Todd A Williams, hereinafter known as Respondent, filed a Petition for Relief under 11 U.S.C. Chapter 13 on May 1, 2012, and is therefore subject to the jurisdiction of this Court.

2.

This Court has jurisdiction over this In-Rem Motion pursuant to 11 U.S.C. §362.

3.

GMAC Mortgage, LLC (successor by merger to GMAC Mortgage Corp.) as servicer for The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee, its successors or assigns, hereinafter referred to as Movant, is a secured creditor of Todd Williams pursuant to a first mortgage Note and Deed to Secure Debt. The first mortgage is evidenced by a Promissory Note, dated October 27, 2003, in the original principal amount of \$225,000.00. The first mortgage Promissory Note is secured by a Deed to Secure Debt executed by Todd Williams, dated October 27, 2003, which conveys certain property now or formerly known as 2563 Alexander Farms Dr, Marietta, Cobb County, Georgia. Said Deed to Secure Debt is recorded in Deed Book 13892, page 4183, Cobb County, Georgia Records.

4.

Movant affirmatively alleges that Respondent has failed to maintain the contractual mortgage payments to Movant and is due for the February 2010 payment. Movant shows the approximate arrearage as being \$72,081.52, which represents twenty-eight (28) months of non-payments. As of the date of the filing of this Motion the estimated total payoff is 378,657.16.

This instant case is the sixth case filed by the Debtor in this District, to wit:

- (1) The first case, 06-75734-MHM, was filed under Chapter 13 on December 4, 2006. The case was Dismissed on August 2, 2007.
- (2) The second case, 07-78658-MHM, was filed under Chapter 13 on November 6, 2007. The case was Dismissed on February 4, 2008.
- (3) The third case, 08-70406-MHM, was filed pro se under Chapter 13 on June 2, 2008. The case was Dismissed on August 14, 2008.
- (4) The forth case, 10-90047-CRM, was filed pro se under Chapter 13 on October 5, 2010. The case was Dismissed on December 9, 2010.
- (5) The fifth case, 11-78633-CRM, was filed pro se under Chapter 13 on October 3, 2011. The case was Dismissed on November 15, 2011.

5.

Movant shows the Court that the failure of Respondent to maintain the monthly maintenance payments while the case is pending is in contravention of 11 U.S.C. § 1322(b)(5).

6.

Movant further alleges that there appears to be little or no equity in Movant's secured property and that such property is not necessary for an effective reorganization of the Respondent's affairs. Since the Respondent has failed to maintain the mortgage payments to Movant, Movant's security interest in said property is not adequately protected.

7.

Pursuant to 11 U.S.C. § 362, Movant is entitled to a termination of the Automatic Stay with respect to its secured property, for cause, since the lack of adequate protection exists. Pursuant to 11 U.S.C. § 362(d)(4), Movant is entitled to In Rem Relief.

WHEREFORE MOVANT PRAYS:

- (a) That the Automatic Stay entered by this Honorable Court pursuant to 11 U.S.C. § 362 be modified so as to permit the Movant to exercise its right to foreclose its secured property under the terms of its Note and Deed to Secure Debt;
- (b) That In Rem relief, pursuant to 11 U.S.C. § 362(d)(4), be granted so that no future bankruptcy filings by the Debtor or any party claiming an interest through the Debtor not affect the property.
- (c) That the costs and fees associated with the filing and prosecution of this Motion by Movant, including but not limited to the \$176.00 filing fee, be borne by Respondent; and
- (d) For such other and further relief as this Court deems just and proper.

McCURDY & CANDLER, L.L.C.
BY: /s/ Robert Wilkinson
Robert Wilkinson
Attorney for Movant
GA. State Bar No. 760055

McCurdy & Candler, LLC
Six Piedmont Center, Suite 700
3525 Piedmont Road, NE
Atlanta, GA 30305
(404) 373-1612 Telephone
(404) 370-7237 Facsimile
jwilkinson@mccurdycandler.com

RE: TODD A WILLIAMS

**CASE NO. 12-61345-CRM
JUDGE MULLINS**

CERTIFICATE OF SERVICE

I, Robert Wilkinson, of McCurdy & Candler, L.L.C., Six Piedmont Center, Suite 700, 3525 Piedmont Road, NE, Atlanta, GA 30305, certify:

That I am, and at all times hereinafter mentioned, was more than 18 years of age;

That on the 24th day of May, 2012, I served a copy of the **NOTICE OF HEARING** together with the **"IN-REM MOTION FOR RELIEF FROM AUTOMATIC STAY"** to be filed in this bankruptcy matter by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to the said parties at:

Todd A Williams
2563 Alexander Farms Dr
Marietta, GA 30064

Nancy J. Whaley
Chapter 13 Trustee
303 Peachtree Center Avenue
Suite 120
Atlanta, GA 30303

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 5/23/2012

By: /s/ Robert Wilkinson
Robert Wilkinson
GA. State Bar No. 760055

Return To:
HOMECOMINGS FINANCIAL NETWORK, INC
ONE MERIDIAN CROSSING, STE 100
MINNEAPOLIS, MN 55423
Loan Number [REDACTED]

WILLIAMS

Deed Book 13892 Pg 4183
Filed and Recorded Nov-25-2003 12:22pm
2003-0290000
Georgia Intangible Tax Paid \$675.00

Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

Prepared By: HomeComings Financial Network
2101 Rexford, Suite 168W
Charlotte, NC 28211

The Law Office of NELSON AND ASSOCIATES, PC.
4000 Old 75 Parkway
Suite 930
Atlanta, Georgia 30339

23
[Space Above This Line For Recording Data]

SECURITY DEED

MIN [REDACTED]

[REDACTED]

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16

(A) "Security Instrument" means this document, which is dated OCTOBER 27TH, 2003 together with all Riders to this document

(B) "Borrower" is
TODD WILLIAMS

Borrower is the grantor under this Security Instrument

(C) "MERS" is Mortgage Electronic Registration Systems, Inc MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns MERS is the grantee under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS

GEORGIA-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS
MFGA7770 (11/00) / [REDACTED]
VMP -6A(GA) (0008)

Form 3011 1/01

Page 1 of 14

Initials TW

VMP MORTGAGE FORMS - (800)521 7291



(D) "Lender" is HOMECOMINGS FINANCIAL NETWORK, INC.

Lender is a CORPORATION
organized and existing under the laws of DELAWARE
Lender's address is 2101 Rexford, Suite 168W
CHARLOTTE, NC 28211

(E) "Note" means the promissory note signed by Borrower and dated OCTOBER 27TH, 2003
The Note states that Borrower owes Lender TWO HUNDRED TWENTY FIVE THOUSAND AND
NO/100 Dollars

(U.S. \$ 225,000.00) plus interest Borrower has promised to pay this debt in regular Periodic
Payments and to pay the debt in full not later than NOVEMBER 1ST, 2033

(F) "Property" means the property that is described below under the heading "Transfer of Rights in the
Property."

(G) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges
due under the Note, and all sums due under this Security Instrument, plus interest.

(H) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following
Riders are to be executed by Borrower [check box as applicable].

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Adjustable Rate Rider | <input type="checkbox"/> Condominium Rider | <input type="checkbox"/> Second Home Rider |
| <input type="checkbox"/> Balloon Rider | <input checked="" type="checkbox"/> Planned Unit Development Rider | <input type="checkbox"/> 1-4 Family Rider |
| <input type="checkbox"/> VA Rider | <input type="checkbox"/> Biweekly Payment Rider | <input checked="" type="checkbox"/> Other(s) [specify] |

Waiver of Borrowers Rights
(I) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations,
ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final,
non-appealable judicial opinions

(J) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other
charges that are imposed on Borrower or the Property by a condominium association, homeowners
association or similar organization.

(K) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by
check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic
instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit
or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller
machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse
transfers.

(L) "Escrow Items" means those items that are described in Section 3

(M) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid
by any third party (other than insurance proceeds paid under the coverages described in Section 5) for (i)
damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the
Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the
value and/or condition of the Property

(N) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on,
the Loan.

(O) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the
Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(P) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. Section 2601 et seq.) and its
implementing regulation, Regulation X (24 C.F.R. Part 3500), as they might be amended from time to
time, or any additional or successor legislation or regulation that governs the same subject matter. As used

in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(Q) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument

TRANSFER OF RIGHTS IN THE PROPERTY

This Security Instrument secures to Lender (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note, and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower does hereby grant and convey to MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS, with power of sale, the following described property located in the

COUNTY of COBB
[Type of Recording Jurisdiction] [Name of Recording Jurisdiction]
Legal description attached hereto and made a part hereof

Parcel ID Number: 19-0100-0-020-0-0002-0-01 which currently has the address of
2563 ALEXANDER FARMS DR [Street]
MARIETTA [City], Georgia 30064 [Zip Code]
("Property Address")


TO HAVE AND TO HOLD this property unto MERS (solely as nominee for Lender and Lender's successors and assigns) and to the successors and assigns of MERS, forever, together with all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record

Dead Book 13892 Pg 4196

BORROWER ACCEPTS AND AGREES to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

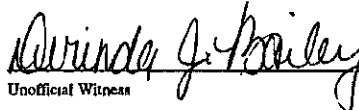
IN WITNESS WHEREOF, Borrower has signed and sealed this Security Instrument

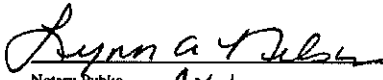
<u></u> (Seal)	_____ (Seal)
TODD WILLIAMS -Borrower	_____ -Borrower
_____ (Seal)	_____ (Seal)
_____ -Borrower	_____ -Borrower
_____ (Seal)	_____ (Seal)
_____ -Borrower	_____ -Borrower
_____ (Seal)	_____ (Seal)
_____ -Borrower	_____ -Borrower

STATE OF GEORGIA,

Signed, sealed and delivered in the presence of

Cobb County ss:


Unofficial Witness


Notary Public, *Cobb* County
State of Georgia

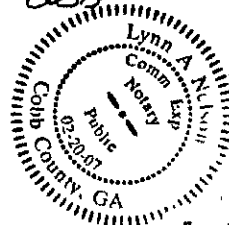


Exhibit "A"

Deed Book 13892 Pg 4204

ALL THAT TRACT AND OR PARCEL OF LAND LYING AND BEING IN LAND LOT 100, 19TH DISTRICT, 2ND SECTION, LOT 2, COBB COUNTY, GEORGIA, ALEXANDER FARMS, SECTION ONE, AS PER PLAT RECORDED AT PLAT BOOK 167, PAGE 39, COBB COUNTY, GEORGIA RECORDS, WHICH SAID PLAT IS INCORPORATED HEREIN BY REFERENCE THERETO.



Deed Book 14736 Pg 4073
Filed and Recorded Nov-13-2009 10:48am
2009-0144268

Our File No.: [REDACTED]
Debtor: Todd Williams
Sale Date: 11/03/2009

Return to J.C. Stephenson
Plaintiff's Office
1544 Old Alabama Road
Roswell, GA 30076

ASSIGNMENT

STATE OF PA
COUNTY OF Montgomery

For value received, Mortgage Electronic Registration Systems, Inc. has this day transferred, sold, assigned, conveyed and set over to The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee for RAMP 2003RS11, whose address is Two Ravinia Dr. Suite 500, Atlanta, GA 30346, as Assignee, its successors, representatives and assigns, all its right, title and interest in and to a certain Security Deed (or Deed to Secure Debt) executed by Todd Williams to Mortgage Electronic Registration Systems, Inc., dated October 27, 2003, recorded in Deed Book 13892, Page 4183, Cobb County, Georgia Records.

Property Address: 2563 Alexander Farms Dr, Marietta, GA 30064

The Assignor herein specifically transfers, sells, conveys and assigns to the above Assignee, its successors, representatives and assigns, the aforesaid Security Deed, the property described therein, the indebtedness secured thereby together with all the powers, options, privileges and immunities therein contained.

The Assignor herein has this day sold and assigned to the Assignee herein the note secured by the aforesaid Security Deed and this transfer is made to secure the Assignee, its successors, representatives and assigns, in the payment of said note.

IN WITNESS WHEREOF, the Assignor has hereunto set its hand and seal this 10/29/09.
Signed, sealed and delivered
in the presence of:

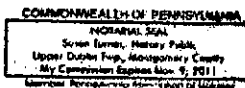
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

Official Witness

Notary Public
My Commission Expires:

By: [Signature]
Printed Name: ADAM M. TORRES
Title: Vice President

By: [Signature]
Printed Name: Jeffrey Stephan
Title: Assistant Secretary
(Corporate Seal)



Jeffrey Stephan
Assistant Secretary

Exhibit M



IT IS ORDERED as set forth below:

C. Ray Mullins

Date: July 2, 2012

**C. Ray Mullins
 U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION**

IN RE:	)	CHAPTER 13
)	
TODD A WILLIAMS,	)	CASE NO. 12-61345-CRM
)	
)	
Debtor.)	
-----)	-----
GMAC MORTGAGE, LLC (SUCCESSOR BY)	
MERGER TO GMAC MORTGAGE CORP.),)	
)	
Movant,)	
	)	CONTESTED MATTER
vs.)	
TODD A WILLIAMS, Debtor,)	
NANCY J. WHALEY, Trustee,)	
)	
)	
Respondents)	

ORDER MODIFYING AUTOMATIC STAY

FOR IN REM RELIEF PURSUANT TO 11 U.S.C. § 362 (d)(4)

A hearing on the above-styled Motion for Relief from Automatic Stay for In Rem Relief filed May 23, 2012, by GMAC Mortgage, LLC (successor by merger to GMAC Mortgage Corp.) as servicer for The Bank of New York Mellon Trust Company, National Association fka The Bank of

New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. as Trustee, for itself and its successors or assigns, came before this Court on June 12, 2012. Relief is sought as to real property now or formerly known as 2563 Alexander Farms Dr, Marietta, Cobb County, Georgia (the "Property"). Movant contends Debtor is in arrears on planned post-petition payments to Movant; no opposition to the Motion was announced at the hearing; Movant asserts that the Motion was properly served and hearing noticed; accordingly,

IT IS HEREBY ORDERED that the Automatic Stay pursuant to 11 U.S.C. § 362 is hereby **MODIFIED** to allow Movant, its successors or assigns, to proceed with its state law remedies as to its collateral, described below, and to foreclose or otherwise dispose of the collateral, including, but not limited to, dispossessory proceedings, or take action against said property as necessary in order for Movant to recover upon its secured claim to the Property.

FURTHER ORDERED, the Court finds that **IN-REM** relief is appropriate in this case and is **GRANTED**, pursuant to 11 U.S.C. § 362 (d)(4). Accordingly, should Todd A Williams, or any party claiming an interest through them by assignment, transfer, or otherwise, file a bankruptcy petition, the Automatic Stay of 11 U.S.C. § 362 will not be in effect as to GMAC Mortgage, LLC, (successor by merger to GMAC Mortgage Corp., its Successors and/or Assigns, as to its collateral. The 14 day Stay pursuant to Bankruptcy Rule 4001(a)(3) is waived.

ORDERED that the Trustee shall cease funding the balance of Movant's pre-petition arrearage claim and supplemental claim, if any, and it is further.

ORDERED that upon the completion of any foreclosure sale, any funds in excess of the payoff due to Movant under its Note and Security Deed shall be promptly paid to the Trustee for the benefit of the estate.

[END OF ORDER]

Signatures continued on following page.

PREPARED AND SUBMITTED BY:

NO OPPOSITION

By: /s/ Robert Wilkinson
Robert Wilkinson
GA. State Bar No. 760055
McCurdy & Candler, LLC
Six Piedmont Center, Suite 700
3525 Piedmont Road, NE
Atlanta, GA 30305
(404) 373-1612
(404) 370-7237 Facsimile
jwilkinson@mccurdycandler.com
ATTORNEYS FOR MOVANT

/s/ Maria Kirtland
Maria Kirtland, with express permission
Nancy J. Whaley, Chapter 13 Trustee
303 Peachtree Center Avenue
Suite 120
Atlanta, GA 30303
(678) 992-1201 Telephone
(678) 992-1202 Facsimile
Georgia Bar No. 118350

DISTRIBUTION LIST

Todd A Williams
2563 Alexander Farms Dr
Marietta, GA 30064

Nancy J. Whaley
Chapter 13 Trustee
303 Peachtree Center Avenue
Suite 120
Atlanta, GA 30303

Robert Wilkinson
McCurdy & Candler, LLC
Six Piedmont Center, Suite 700
3525 Piedmont Road, NE
Atlanta, GA 30305

Exhibit N



IT IS ORDERED as set forth below:

C. Ray Mullins

Date: August 16, 2012

**C. Ray Mullins
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: : **CHAPTER 13**
: **TODD A WILLIAMS** : **CASE NO. A12-61345-CRM**
: **DEBTOR** : **JUDGE MULLINS**

ORDER DISMISSING CASE WITH PREJUDICE

On July 17, 2012, the Court held a hearing on the Chapter 13 Trustee's Motion to Dismiss Case with Prejudice. At the calendar call, Debtor did not appear to oppose the Motion. As a result, it is hereby

ORDERED that the Trustee's motion is GRANTED and this case is dismissed with prejudice. Pursuant to 11 U.S.C. § 109(g), the Debtor is ineligible to be a debtor in a case under Title 11 of the United States Code for a period of 180 days from the entry of this Order. If Debtor files a case within the 180-day period of ineligibility, the filing of such case shall not be deemed to trigger the automatic stay that would otherwise be imposed by 11 U.S.C. § 362 (a). The Clerk is directed to serve a copy of the Order on the Debtor, the Debtor's attorney, the Chapter 13 Trustee

and all creditors and parties in interest.

END OF DOCUMENT

Order Presented By:

/s/

Maria J. Kirtland
Attorney for Chapter 13 Trustee
GA Bar No. 118350
303 Peachtree Center Ave., NE
Ste 120
Atlanta, GA 30303
(678) 992-1201

Exhibit O

B1 (Official Form 1) (12/11)

UNITED STATES BANKRUPTCY COURT		VOLUNTARY PETITION	
Name of Debtor (if individual, enter Last, First, Middle): Williams Todd		Name of Joint Debtor (Spouse) (Last, First, Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):	
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): 1763		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):	
Street Address of Debtor (No. and Street, City, and State): 2563 Alexander Farmster Marietta GA 30064 ZIP CODE		Street Address of Joint Debtor (No. and Street, City, and State): ZIP CODE	
County of Residence or of the Principal Place of Business: Cobb		County of Residence or of the Principal Place of Business:	
Mailing Address of Debtor (if different from street address): 2563 Alexander Farmster Marietta GA 30064 ZIP CODE		Mailing Address of Joint Debtor (if different from street address): 12-72201 ZIP CODE	
Location of Principal Assets of Business Debtor (if different from street address above): ZIP CODE			
Type of Debtor (Form of Organization) (Check one box.) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)		Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other	
Chapter 15 Debtors Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:		Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input checked="" type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding	
Chapter 15 Debtors Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:		Nature of Debts (Check one box.) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.	
Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).	
Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY SEP 04 2012 10:55 FILED CLERK'S OFFICE U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF GEORGIA	
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> More than 100,000			
Estimated Assets <input checked="" type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion			
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion			


B1 (Official Form 1) (12/11)

Page 2

Voluntary Petition (This page must be completed and filed in every case.)		Name of Debtor(s):	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed: <u>Atlanta GA</u>	Case Number: <u>12-61345</u>	Date Filed: <u>5-1-12</u>	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)			
Name of Debtor:		Case Number:	Date Filed:
District:		Relationship:	Judge:
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b). X _____ Signature of Attorney for Debtor(s) (Date)	
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D, completed and signed by the debtor, is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D, also completed and signed by the joint debtor, is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box.) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) <div style="text-align: right; margin-right: 100px;">_____ (Name of landlord that obtained judgment)</div> <div style="text-align: right; margin-right: 100px;">_____ (Address of landlord)</div>			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

B1 (Official Form 1) (12/11)

Page 3

<p>Voluntary Petition (This page must be completed and filed in every case.)</p>	<p>Name of Debtor(s):</p>
<p>Signatures</p>	
<p style="text-align: center;">Signature(s) of Debtor(s) (Individual/Joint)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u></u> Signature of Debtor</p> <p>X _____ Signature of Joint Debtor</p> <p>7-10-595-6546 Telephone Number (if not represented by attorney)</p> <p>Sept 3, 2012 Date</p>	<p style="text-align: center;">Signature of a Foreign Representative</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.</p> <p><input type="checkbox"/> Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.</p> <p>X _____ (Signature of Foreign Representative)</p> <p>_____ (Printed Name of Foreign Representative)</p> <p>_____ Date</p>
<p style="text-align: center;">Signature of Attorney*</p> <p>X _____ Signature of Attorney for Debtor(s)</p> <p>_____ Printed Name of Attorney for Debtor(s)</p> <p>_____ Firm Name</p> <p>_____ Address</p> <p>_____ Telephone Number</p> <p>_____ Date</p> <p><small>*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.</small></p>	<p style="text-align: center;">Signature of Non-Attorney Bankruptcy Petition Preparer</p> <p>I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)</p> <p>_____ Address</p> <p>X _____ Signature</p> <p>_____ Date</p> <p>Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.</p> <p>Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><small>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</small></p>
<p style="text-align: center;">Signature of Debtor (Corporation/Partnership)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.</p> <p>The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Authorized Individual</p> <p>_____ Printed Name of Authorized Individual</p> <p>_____ Title of Authorized Individual</p> <p>_____ Date</p>	

B 1D (Official Form 1, Exhibit D) (12/09)

UNITED STATES BANKRUPTCY COURT



In re Todd Williams
Debtor

Case No. _____
(if known)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

☐ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☒ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]*

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: 

Date: Sept 3, 2012

UNITED STATES BANKRUPTCY COURT

In re _____
Debtor

Case No. _____

Chapter _____

CERTIFICATION OF NOTICE TO CONSUMER DEBTOR(S)
UNDER § 342(b) OF THE BANKRUPTCY CODE

Certification of [Non-Attorney] Bankruptcy Petition Preparer

I, the [non-attorney] bankruptcy petition preparer signing the debtor's petition, hereby certify that I delivered to the debtor the attached notice, as required by § 342(b) of the Bankruptcy Code.

Printed name and title, if any, of Bankruptcy Petition Preparer
Address:

Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

X _____

Signature of Bankruptcy Petition Preparer or officer,
principal, responsible person, or partner whose Social
Security number is provided above.

Certification of the Debtor

I (We), the debtor(s), affirm that I (we) have received and read the attached notice, as required by § 342(b) of the Bankruptcy Code.

Tom Williams
Printed Name(s) of Debtor(s)

X Stille 9/3/12
Signature of Debtor Date

Case No. (if known) _____

X _____
Signature of Joint Debtor (if any) Date

Instructions: Attach a copy of Form B 201A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) **only** if the certification has NOT been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

U. S. BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

01179624 - AS
September 4, 2012

Code	Case No	Qty	Amount By
13N	12-72201	1	\$281.00 CA
	Judge - Not Yet Assigned		
	Debtor - T. WILLIAMS		

TOTAL: \$281.00

Amount Tendered: \$300.00

Change Returned: \$19.00

FROM: Todd Williams
2563 Alexander Farms Dr
Marietta, GA 30064

Please submit the following original documents to the Court for filing so that the case will proceed timely. If you would like to have a filed-stamped copy of the documents, please submit an extra copy along with a self-addressed stamped envelope.

Ineligible - Debtor notified

MISSING DOCUMENTS DUE:

- ☒ Matrix (list of creditors' names & full addresses)
- ☐ Pro Se Affidavit (due with in 7 days, signature must be notarized, or witnessed by a Court Intake Clerk, accompanied by a picture I.D.)
- ☐ Signed Statement of Social Security Number - Form B21 (due within 7 days)
- ☐ Voluntary Petition on Official Form One (12/11)
- ☐ Exhibit D (Individuals only) (12/09)
- ☒ Statement of Financial Affairs (4/10)
- ☒ Schedules: A B C D E F G H I J (C&E 4/10)
- ☒ Declaration Page for Summary & Schedules (10/07)
- ☒ Summary of Schedules (12/07)
- ☒ Statistical Summary (12/07)
- ☐ Attorney Disclosure Statement (12/94)
- ☐ Statement of Intent - Ch.7 (due within 30 days, individual only)(12/08)
- ☐ Petition Preparer Disclosure Statement Form 280 (10/05)
- ☐ Declaration & Notice: Non-Atty Pet. Preparer B19 (12/07)
- ☐ Certification of Notice 342- Form 201B (Ind only) (12/09)
- ☒ Statement of Monthly Income/Mean Test (Ind only) (12/10)
- ☒ Certificate of Credit Counseling (Individuals only)
- ☒ Chapter 13 Plan, complete with signatures (4/08) (under local forms)
- ☒ Pay Advices (Individuals only)
- ☐ Corporate Resolution (Business Ch. 7 & 11)

Petition Deficiencies:

- ☐ Name
- ☐ Last 4 digits of SSN
- ☐ Address ☐ County
- ☐ Type of Debtor
- ☐ Chapter
- ☐ Nature of Debts
- ☐ Statistical Estimates
- ☐ Signatures
- ☐ Attorney Bar Number

Case filed via:

- ☒ Intake Counter by:
 - ☐ Attorney
 - ☒ Debtor - verified ID
 - ☐ Other - copy of ID of: _____
- ☐ Mailed by:
 - ☐ Attorney
 - ☐ Debtor
 - ☐ Other: _____

Ch.11 Business

- ☐ 20 Largest Unsecured Creditors
- ☐ List of Equity Security Holders
- ☐ Small Business - Balance Sheet
- ☐ Small Business - Statement of Operations
- ☐ Small Business - Cash Flow Statement
- ☐ Small Business - Federal Tax Returns

History of Case Association

Prior cases within 2 years: 12-61345-crm, 11-78633-crm, 10-90047-crm

Related case within 2 years:

Official and Local Bankruptcy Forms are available on the Court's website at: www.ganb.uscourts.gov. If filing bankruptcy without an attorney, please read the information regarding *Filing Bankruptcy Without An Attorney* at: www.uscourts.gov/bankruptcycourts/prose.html

FILING FEE INFORMATION - if the required filing fees are not paid in full at the time of case filing, an Order will be forthcoming:

- ☒ Paid \$ 281 ☐ 2g-Order Granting ☐ 3g-Order Granting 10 days
- ☐ FILING FEE OF \$ _____ DUE WITHIN TEN DAYS. ☐ 2d-Order Denying
- ☐ IFP filed (Ch.7 Individuals Only)
- ☐ No Application to Pay Fees in Installments filed

You may mail documents and filing fee payments (no personal checks accepted - cashier's check or money orders only) to the address below. All fee payments and documents filed with the Court must show the debtor's name and bankruptcy case number.

UNITED STATES BANKRUPTCY COURT
Richard B. Russell Building
75 Spring Street, S. W., Room 1340
Atlanta, Georgia 30303
404-215-1000

Intake Clerk: A. Spence Date: 9/4/12 Case Opener: Date:

Exhibit P



IT IS ORDERED as set forth below:

C. Ray Mullins

Date: September 6, 2012

C. Ray Mullins
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

TODD WILLIAMS,

Debtor.

CASE NO. 12-72201-CRM

CHAPTER 13

ORDER

THIS MATTER is before the Court *sua sponte*. Debtor filed the above-styled chapter 13 case on September 4, 2012. This is the Debtor's seventh bankruptcy case and his third case in the past year. The previous cases have all been chapter 13 cases and have all been unsuccessful. In Debtor's most recent case, case number 12-61345, the Chapter 13 Trustee filed a Motion to Dismiss Case with Prejudice (the "Motion"). On July 17, 2012, the Court held a hearing on the Motion. Debtor did not appear at the hearing or otherwise oppose the Motion. The Court found that the actions of the Debtor supported dismissal with prejudice and entered an Order dismissing the case on August 17, 2012. The Order provided that the dismissal triggered the barrier to re-filing contained in § 109(g)(1).

Section 109(g)(1) of the Bankruptcy Code provides as follows:

Notwithstanding any other provision of this section, no individual or family farmer may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if—

(1) the case was dismissed by the court for willful failure of the debtor to abide by orders of the court, or to appear before the court in proper prosecution of the case[.]

11 U.S.C. § 109(g)(1). Under this statute, Debtor was ineligible to file this case and be a debtor under the Bankruptcy Code for 180 days. Yet the Debtor filed this case on September 4, 2012, just eighteen days after his prior case was dismissed. Accordingly,

IT IS ORDERED that the above-styled chapter 13 case be and is hereby **DISMISSED**.

IT IS FURTHER ORDERED that the filing of this case did not give rise to the automatic stay so that any foreclosure sale that took place after the filing of the petition in the present case is valid to the extent otherwise valid under state law.

The Clerk's Office is directed to serve a copy of this Order upon the Debtor, the Chapter 13 Trustee, and all parties in interest.

END OF DOCUMENT

Exhibit Q



IT IS ORDERED as set forth below:

C. Ray Mullins

Date: September 6, 2012

**C. Ray Mullins
 U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION**

IN RE:	)	CHAPTER 13
)	
TODD WILLIAMS,	)	CASE NO. 12-72201-CRM
)	
Debtor.)	
-----)	-----
GMAC MORTGAGE, LLC (SUCCESSOR BY)	
MERGER TO GMAC MORTGAGE CORP.),)	
AS SERVICER FOR THE BANK OF NEW)	
YORK MELLON TRUST COMPANY,)	
NATIONAL ASSOCIATION FKA THE)	
BANK OF NEW YORK TRUST COMPANY,)	
NA AS SUCCESSOR TO JP MORGAN)	
CHASE BANK NA, AS TRUSTEE FOR)	
RAMP 2003-RS11)	
Movant,)	
	)	CONTESTED MATTER
vs.)	
)	
TODD WILLIAMS, Debtor,)	
NANCY J. WHALEY, Trustee,)	
Respondents.)	

**ORDER UNDER § 362(c)(4)(A)(ii) CONFIRMING THE
 AUTOMATIC STAY IS NOT IN EFFECT**

Movant seeks an order under 11 U.S.C. §362(c)(4)(A)(ii) confirming that the automatic stay is not in effect.

The Debtor was a debtor in two prior cases that were both dismissed within the one-year period preceding the filing of this case. Neither of the prior cases was a Chapter 7 case dismissed pursuant to 11 U.S.C. § 707(b), and no order has been entered pursuant to 11 U.S.C. § 362(c)(4)(B) imposing the stay. In addition, the July 2, 2012 Order Granting Relief In Rem is valid and binding. Accordingly, the automatic stay under §362(a) did not go into effect upon or since the filing of this case and, as of the date hereof, no order has been entered imposing a stay to the extent provided in 11 U.S.C. § 362(c)(3)(A).

[END OF DOCUMENT]

Prepared and Submitted by:

/s/ Robert Wilkinson
Robert Wilkinson
Georgia Bar No.: 760055
McCurdy & Candler, L.L.C.
3525 Piedmont Road, NE
Six Piedmont Center, Suite 700
Atlanta, GA 30305
(404) 373-1612 Telephone
(404) 370-7237 Facsimile
jwilkinson@mccurdycandler.com

DISTRIBUTION LIST

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Chapter 13 Trustee
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