

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

DANIEL E. DELAIVE : BK No. 11-12949  
Debtor Chapter 7

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DANIEL E. DELAIVE :  
Plaintiff

v. : A.P. No. 11-1091

HARLEY DAVIDSON CREDIT CORP. :  
Defendant

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**ORDER DENYING PLAINTIFF'S MOTION TO REINSTATE THE AUTOMATIC STAY**

APPEARANCES:

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**BEFORE ARTHUR N. VOTOLATO, United States Bankruptcy Judge**

Heard on the Debtor's ("Delaive") Motion for Reinstatement of the Automatic Stay<sup>1</sup> to prevent secured creditor Harley Davidson Credit Corporation ("Harley") from disposing of his motorcycle which Harley had repossessed post-petition, post-discharge, and after the case was closed.

Upon consideration of the arguments and the authorities cited, and not unmindful of differing judicial views on the subject, this Court adopts and incorporates by reference Harley's argument that by operation of law,<sup>2</sup> the entry of discharge and the closing of the case terminated the pre-petition order dated September 14, 2011, by which the parties purportedly resolved Harley's motion for relief from stay. See *In re Michaud*, BK No. 03-11960, 2008 Bankr. LEXIS 4849, at \*3 (Bankr. D. ME Feb. 19, 2008)(consent order resolving motion for relief from stay "terminate[s] upon the closing of the bankruptcy case.") Therefore, the Debtor's request for relief is **DENIED.**

Enter.



Arthur N. Votolato  
U.S. Bankruptcy Court

Entered on docket: 3/8/12

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<sup>1</sup> Debtor received his discharge on November 10, 2011 and his case was closed on November 22, 2011.

<sup>2</sup> 11 U.S.C. § 362(c)(1) and (2).