

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT

IN RE:	)		
	)	CASE No.	17-50418 (JAM)
MICHAEL PORZIO,	)		
	)	CHAPTER	13
DEBTOR.	)		
	)	RE: ECF Nos.	34, 47, 49
WELLS FARGO BANK, N.A.,	)		
MOVANT	)		
	)		
V.	)		
	)		
MICHAEL PORZIO,	)		
RESPONDENT.	)		
	)		

**ORDER GRANTING *IN REM* RELIEF FROM AUTOMATIC STAY**

Wells Fargo Bank, N.A. (the “Movant”), having filed the Amended Motion for *In Rem* Relief dated June 28, 2017 (the “*In Rem* Motion,” ECF No. 34); and the Debtor having filed opposition to the *In Rem* Motion on August 8, 2017 (ECF No. 47) and August 18, 2017 (ECF No. 49); and upon the hearings held on the *In Rem* Motion on July 25, 2017 and September 12, 2017; and upon consideration of the record in this case, the arguments advanced in the *In Rem* Motion, the Debtor’s opposition to the *In Rem* Motion, and at the hearings held on the *In Rem* Motion, in accordance with 11 U.S.C. § 362(d)(4); the Court finds:

1. The Movant’s claim is secured by an interest in the real property commonly known as 328 Post Road West, Westport, Connecticut (the “Property”).
2. The Debtor has filed two bankruptcy petitions, Case No. 14-51960 and Case No. 17-50418, both of which are pending before the Court.
3. L. Michael Porzio, the Debtor’s son, also filed two Chapter 13 petitions, Case No. 15-50988 and Case No. 17-50174, affecting the Property.

4. Prior to the filing of the Debtor's instant Chapter 13 petition, the Connecticut Superior Court for the Judicial District of Fairfield entered a judgment of strict foreclosure as to the Property on March 23, 2015 in the case entitled *Wells Fargo Bank N.A. v. Porzio, L Michael, aka Porzio Lawrence M, et. Al*, Case No. FBT-CV-14-6044277-S (the "Superior Court Foreclosure Action"), and the first law day was set as July 21, 2015.

5. On July 17, 2015, L. Michael Porzio filed his first Chapter 13 petition.

6. On November 2, 2016, L. Michael Porzio quitclaimed his interest in the Property to the Debtor. *See Ex. C of In Rem Motion.*

7. On November 14, 2016, a second judgment of strict foreclosure was entered in the Superior Court Foreclosure Action and the first law day was set as February 21, 2017.

8. On February 17, 2017, L. Michael Porzio filed his second Chapter 13 petition.

9. On March 8, 2017, the second Chapter 13 petition of L. Michael Porzio was dismissed and the case was closed on March 17, 2017.

10. On April 18, 2017, the Debtor filed the instant Chapter 13 petition. The Debtor did not disclose the Property, or that he had any interest in the Property, on his schedules filed on May 1, 2017.

11. The instant Chapter 13 petition was part of a scheme to delay, hinder, or defraud creditors that the transfer of all or part ownership of, or interest in, the Property without the consent of the Movant or Court approval pursuant to 11 U.S.C. § 364(d)(4)(A).

12. The instant Chapter 13 petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property pursuant to 11 U.S.C. § 364(d)(4)(B).

Accordingly, it is hereby

**ORDERED:** The Movant is granted *in rem* relief from the automatic stay as to the Property; and it is further

**ORDERED:** In accordance with 11 U.S.C. § 364(d)(4), if this Order is recorded in compliance with applicable State laws governing notices of interests or liens in real property, this Order shall be binding in any other case under this title purporting to affect such real property filed not later than two years after the date of the entry of this Order, except that the Debtor in a subsequent case under this title may move for relief from this Order based upon changed circumstances or for good cause shown, after notice and hearing, *see* 11 U.S.C. § 102(1). Any Federal, State or local governmental unit that accepts notice of interests or liens in real property shall accept a certified copy of this Order for indexing and recording; and it is further

**ORDERED:** The 14-day stay of execution of this Order provided in Federal Rule of Bankruptcy Procedure 4001(a) is hereby waived; and it is further

**ORDERED:** Pursuant to 11 U.S.C. § 1301(c), to the extent that the co-debtor stay in 11 U.S.C. § 1301(a) applies, it is hereby terminated; and it is further

**ORDERED:** At or before 5:00 p.m. on October 27, 2017, the Clerk's Office shall serve this Order upon the Debtor via Certified Mail, return receipt requested, at 2 Angora Road, Westport, Connecticut 06880, which is the address listed on the Debtor's petition.

**IT IS SO ORDERED** at Bridgeport, Connecticut this 27th day of October, 2017.

*Julie A. Manning*  
Chief United States Bankruptcy Judge  
District of Connecticut