

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
HARTFORD DIVISION**

IN RE:)	CASE NO.	19-21212 (JJT)
)		
TRACEY K.N. BROWN VICKERS,)	CHAPTER	13
DEBTOR.)		
)	RE: ECF NOS.	14, 26

**RULING GRANTING PEOPLE’S UNITED BANK, N.A.’S
MOTION FOR RELIEF FROM STAY AND *IN REM* RELIEF**

The Motion for Relief from Stay and for *In Rem* Relief (“Motion,” ECF No. 14) filed by People’s United Bank, N.A. (“People’s”) is GRANTED for cause, pursuant to 11 U.S.C. § 362(d)(1), (2), and (4). This Chapter 13 filing is another delay tactic in a long list of delay tactics taken by Tracey K.N. Brown Vickers (“Debtor”). This is the Debtor’s 7th bankruptcy filing, all but one filed within 10 days of a sale or law day:

19-20136 Chapter 13 filed on January 31, 2019 and dismissed for failure to file information on February 6, 2019;
18-20771 Chapter 13 filed on May 11, 2018 and dismissed for failure to make plan payments on August 29, 2018;
17-20500 Chapter 13 filed on April 6, 2017 and dismissed for failure to make plan payments on October 27, 2017;
15-21527 Chapter 13 filed on August 30, 2015 and dismissed on December 16, 2016 for failure to make plan payments;
14-22165 Chapter 13 filed on November 1, 2014 and dismissed on June 26, 2015 for failure to propose a confirmable plan; and
13-22241 Chapter 7 filed on October 31, 2013, where the Debtor received a standard discharge on February 5, 2014.

While the Debtor has proposed a Plan (“Plan,” ECF No. 17), it fails to adequately account for the secured claim due and owing to People’s and is unconfirmable. It would require impossible mathematical gymnastics for the Debtor’s monthly income of \$2,250.00 to cover her current monthly mortgage payment of \$770.00 plus the estimated additional monthly payment to the

Chapter 13 Trustee of \$1,587.57 to cover pre-petition arrears to People's only. The Debtor possesses no ability or intention to reorganize.

People's is not adequately protected from the Debtor and her actions. People's initiated the foreclosure action against the Debtor on April 16, 2012, and for the past six years, the Debtor benefited from this Court's protection. On June 6, 2013, the Hartford Superior Court entered a judgment of foreclosure by sale and scheduled the auction date for November 9, 2013. On September 22, 2014, the judgment of foreclosure by sale was converted to a strict foreclosure and the law day was set for November 3, 2014. Years of auction and sale dates came and went thanks to the Debtor's numerous bankruptcy filings and the protection of the automatic stay.

On March 18, 2019, the judgment of foreclosure was opened yet again with a sale date scheduled for July 13, 2019. At that time, the Superior Court found the Debtor's debt totaled \$94,179.93, exclusive of fees and costs, and valued the Property at \$85,000.00. The Debtor attempted to extend the sale date on July 1, 2019, which the Superior Court denied. Seemingly out of state court options, on July 12, 2019, *one day before the scheduled auction date*, the Debtor filed a Chapter 13 Voluntary Petition ("Petition," ECF No. 1) in this case. The Debtor's debt to People's currently totals \$132,877.68, which exceeds the \$85,000.00 fair market value of the Property the state court found or the \$130,000.00 the Debtor attests it is worth in her Petition.

The Superior Court entered judgment finding the Debtor had no equity in the Property, and this Court finds that the Property is unnecessary for an effective reorganization because the Debtor has failed to advance a Chapter 13 plan that adequately protects People's interest or addresses People's claim, similar to her previous five Chapter 13 filings. The Debtor has failed to establish that there is a reasonable prospect of successful reorganization either through her proposed Plan

or through her unavailing, unresponsive, and tardy Objection (ECF No. 26)¹. The improper purposes of frustrating People's foreclosure process, buying endless amounts of time, and seeking prolonged automatic stay protection in serial filings with this Court without providing a credible or feasible Chapter 13 plan strongly indicate an utter lack of good faith.

While the Debtor has chivied throughout the state court and bankruptcy court for the past seven years in an attempt to frustrate, stymie, and ostensibly avoid a foreclosure, her actions are patently abusive to the fair administration of the bankruptcy process. The Debtor has engaged in a patterned scheme to hinder, delay, and defraud People's with her seven bankruptcy filings between 2013 and 2019. Her filings continuously fail to address opposing parties' allegations and instead advance meritless defenses, and, thus, shows a lack of good faith. There is demonstrable bad faith, and the Court will not continue to allow the Debtor to use it as a shield against a foreclosure process that has been years in the making.

Accordingly, the Objection is **OVERRULED**, and the Motion is **GRANTED** under 11 U.S.C. § 362(d)(1), (2), and (4). Relief shall enter immediately, and the 14-day stay imposed by Fed. R. Bankr. P. 4001(a)(3) is waived by the Court in the interests of fairness, equity, and justice, due to the abuse and compounded delay tactics the Debtor routinely takes.

IT IS SO ORDERED at Hartford, Connecticut on this 22nd day of August 2019.

James J. Tancredi
United States Bankruptcy Judge
District of Connecticut

¹ Responses to the Motion were due by August 8, 2019. Nearly two weeks later, on August 21, 2019, the Debtor filed her Objection, failing to address the Motion's arguments.