UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In re: LORRIE ANNE BULGIN, Debtor.	Case No. 25-00913-BRW Chapter 7

SUMMARY ORDER DENYING DEBTOR'S MOTION TO REIMPOSE THE AUTOMATIC STAY

Before the Court are an "Emergency Motion to Reimpose the Automatic Stay" (Doc. No. 37) (the "Emergency Motion") and a "Request for an Expedited Hearing/Emergency Consideration" (Doc. No. 37) (the "Hearing Request") filed by the Debtor Lorrie Anne Bulgin (the "Debtor") pro se on March 11, 2026.

Also on March 11, 2026, the Debtor filed a "Motion to Convert Case to Chapter 13" (Doc. No. 35) (the "Conversion Motion"). Pursuant to the Court's docket, objections to the Conversion Motion are due on or before April 6, 2026. *See* Doc. No. 35 (listing this deadline for objections).[1]

The Debtor states in the Emergency Motion and the Hearing Request that a foreclosure sale on her real property is scheduled for March 24, 2026. She states further that she and the

[1] The Conversion Motion has not been granted by this Court as it is within the objection period. The Court notes that the Conversion Motion improperly cites 11 U.S.C. § 1307(a) as the basis for the relief sought. Instead, conversion of a chapter 7 case to one under chapter 13 is governed by 11 U.S.C. § 706(a). More problematic, however, is that the Conversion Motion has not been served on any parties in interest according to the Court's docket and the filings made by the Debtor. If that is the case, the Court will likely deny the Conversion Motion unless and until the appropriate parties in interest are served with the Conversion Motion on proper notice. *See, e.g.*, FED. R. BANKR. P. 1017(f)(2) (stating "converting a case under § 706(a) . . . requires a motion filed and served as required by Rule 9013"); LOCAL BANKRUPTCY RULE 1017-1(a) ("A debtor shall serve a motion under 11 U.S.C. § 706(a) to convert from chapter 7 to chapter 13 providing 21 days' notice to all parties pursuant to Fed. R. Bankr. P. 2002(a)(4).").

secured creditor were working on a loan modification agreement, but that the secured creditor, or its agent, has now indicated that an agreement signed by the Debtor was not received and that the foreclosure sale will proceed. The full relief requested in the Emergency Motion is that the "Debtor requests that the Court reimpose the automatic stay so the foreclosure sale may be halted while the Court reviews the circumstances." Doc. No. 36 at 1.

Moreover, in the Hearing Request, the Debtor states that she has converted this chapter 7 case to one under chapter 13, that she intends to address the arrears to the secured creditor in a to-be-filed chapter 13 plan, and that she requests a review of the Emergency Motion . . . . on an expedited basis in order to prevent the imminent foreclosure sale." Doc. No. 37 at 1.[2]

Previously, on December 9, 2025, the Court granted the secured creditor's motion for relief from the automatic stay by terminating the stay with respect to the real property at issue in this case. Doc. No. 24. The Court's prior order terminating the automatic stay in this case has not been appealed nor has the Debtor asked to set it aside pursuant to Federal Rule of Civil Procedure 60(b), incorporated to this contested matter case by Federal Rule of Bankruptcy Procedure 9024.

APPLICABLE LAW

Conversion of a bankruptcy case to chapter 13 does not trigger a new automatic stay when relief from the automatic stay has already been granted. *See Ramirez v. Whelan (In re Ramirez)*, 188 B.R. 413, 415(9th Cir. BAP 1995) (rejecting the argument that conversion to chapter 13 causes a new automatic stay to spring into effect and noting that if that was the rule it

[2] Despite the Debtor's suggestion that this matter has already been converted to chapter 13, that is not the case as pointed out above. The Conversion Motion is within the notice period, and the Court has serious concerns that it was appropriately served on any parties nevertheless.

would improperly "frustrate creditors who have successfully sought relief from the stay" prior to conversion) (citing *In re Campos*, 128 B.R. 790, 792 (Bankr. C.D. Cal. 1991); *see also In re Jennings*, 2003 WL 25273845, at *2 (Bankr. D. Idaho Aug. 19, 2003) (citing this law and rejecting a similar argument in a conversion from chapter 7 to chapter 13 case and holding "[s]tay relief was properly granted to Creditor, and conversion of the case from Chapter 7 to Chapter 13 did not impair Creditor's right to foreclose").

As applicable in this case, a request to reimpose the automatic stay after the Court has terminated the automatic stay may be made under Federal Rule of Bankruptcy Procedure 9024, incorporating Federal Rule of Civil Procedure 60(b), in seeking relief from the Court's prior order. *See, e.g.*, *Fantasia v. Diodato*, 154 F.4th 1123, 1125 (9th Cir. 2025) (noting the bankruptcy court in that case granted relief from its prior relief from the automatic stay order under Federal Rule of Civil Procedure 60(b)(6) and reimposed the automatic stay); *see also In re Ramirez*, 188 B.R. at 416 (Klein, J., concurring) ("Occasionally, it might suffice to revive the stay by way of a motion for reconsideration under Federal Rules of Civil Procedure 59(e) or 60(b) . . . .").

More appropriately viewed, however, a request to have an automatic stay reimposed is a request for an injunction, which requires the filing of an adversary proceeding, not simply a motion. *In re Rameriez*, 188 B.R. at 416 (Klein, J., concurring); *see also* FED. R. BANKR. P. 7001(g) (stating a "proceeding to obtain an injunction or other equitable relief" must be an adversary proceeding); *accord In re Parker*, 154 B.R. 240, 243 (Bankr. S.D. Ohio 1993) (noting a bankruptcy court's discretion to reinstate the automatic stay but noting that such relief requires an adversary proceeding to impose an injunction and noting the applicable requirements of Federal Rule of Bankruptcy Procedure 7065).

APPLICATION OF LAW AND ORDER

Applying the above principles, the Emergency Motion and the Hearing Request are denied. Here, the secured creditor has already obtained an order from this Court in this chapter 7 case terminating the automatic stay with respect to the real property. *See* Doc. No. 24. Over three months have passed since the Court's order terminating the automatic stay. The order has not been timely appealed, nor has the Court received a request to set aside the order via Federal Rule of Bankruptcy Procedure 9024, incorporating Federal Rule of Civil Procedure 60(b), with a proper showing of being entitled to such relief under that Rule.

Construing the Emergency Motion as one under Federal Rule of Civil Procedure 60(b) to set aside this Court's prior order terminating the automatic stay, the Court finds that it is insufficient. Federal Rule of Civil Procedure 60(b)(1)-(5) do not seem to apply under these facts, and none of the grounds for relief listed therein have been clearly stated by the Debtor in the Motion. Instead, the Debtor seems to have encountered issues in dealing with the secured creditor in negotiating and finalizing a loan modification agreement. That is not a basis to set aside the Court's prior order terminating the automatic stay under the above provisions of the Rule.

In the same line of thinking, the catch-all provision of Federal Rule of Civil Procedure 60(b)(6)—allowing relief from an order for "any other reason that justifies relief"—also is not appropriate here. Such relief under Rule 60(b)(6) is provided only in "extraordinary circumstances" and should be used "sparingly." *United States v. Alpine Land & Reservoir Co.*, 984 F.2d 1047, 1049 (9th Cir. 1993). In this case, again, this appears to be a breakdown in negotiations and communications with the secured lender, which cannot be said to be an "extraordinary" occurrence.

Truly, this is a request for an injunction. Such relief requires an adversary proceeding pursuant to the applicable law and rules discussed above with the attendant procedural protections for the other party, which in this case such party appears to be proceeding within its rights as previously ordered by this Court. The relief requested in the Emergency Motion is therefore not appropriate in its current procedural posture, and given the Court's review of the Emergency Motion, as requested in the Hearing Request, the Court determines that no hearing is necessary at this point. As such, the Emergency Motion and the Hearing Request are DENIED.

IT IS SO ORDERED.[3]

DATED: March 16, 2026

Brent R. Wilson
U.S. Bankruptcy Judge

[3] Nothing in this Summary Order is to be read to prevent the parties from continuing to discuss loan modification or other agreements among the parties.