

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE

SOUTHERN DISTRICT OF GEORGIA  
Augusta Division

IN RE:	)	Chapter 13 Case
	)	Number <u>98-12962</u>
JERRY C. REED	)	
	)	
Debtor	)	
_____	)	
LAMAR JOHNSON,	)	FILED
d/b/a AUGUSTA AUTO OUTLET	)	2002 JUL 11 A 9:19
	)	
Movant	)	
	)	
vs.	)	
	)	
JERRY C. REED, Debtor	)	
AND BARNEE C. BAXTER,	)	
CHAPTER 13 TRUSTEE	)	
	)	
Respondents	)	

**ORDER**

By motion filed April 23, 2002 Lamar Johnson d/b/a Augusta Auto Outlet sought relief from the stay of 11 U.S.C. §362(a) in order to proceed with collection action on a debt due Mr. Johnson and incurred by the debtor Jerry C. Reed after confirmation of his Chapter 13 plan. The motion was precipitated by the inappropriate issuance of an order to the debtor's employer, Publix Supermarket, staying a garnishment action filed by Mr. Johnson to collect this post confirmation debt. The §362(a) stay does not apply to this transaction. Binding authority in this circuit has determined that upon confirmation in a Chapter 13 case all property of the estate reverts in the debtor pursuant to 11 U.S.C.

§1325(b) and all that remains of the bankruptcy estate is the post petition earnings of the debtor necessary to meet the Chapter 13 plan payments. Telfair v. First Union Mortgage Corp., 216 F.3d 1333, 1340 (11<sup>th</sup> Cir. 2000), cert. denied 531 U.S. 1073, 121 S.Ct. 765, 148 L.Ed.2d 1030 (2001).

In this case, it is conceded that the debt due Mr. Johnson was incurred post confirmation. None of the provisions of §362(a) stay collection by a post confirmation creditor against property of the debtor. The stay of 11 U.S.C. §362(a) does not apply therefore the motion for relief from stay is ORDERED dismissed. As the §362 stay did not apply, the order dated March 19, 2002 staying and enjoining the garnishment action by Mr. Johnson against the debtor's post petition earnings is ORDERED vacated. The salary order issued in this case directing the employer to withhold post petition earnings of the debtor sufficient to meet debtor's payment obligation under the plan through the office of the Chapter 13 Trustee remains in effect and the stay of 11 U.S.C. §362(a) bars Mr. Johnson from collecting against these funds only. Mr. Johnson is free to collect this post confirmation debt from the debtor's remaining property in accordance with applicable State law.

JOHN S. DALIS  
CHIEF UNITED STATES BANKRUPTCY JUDGE

Dated at Augusta, Georgia  
this 10th Day of July, 2002.