

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE

SOUTHERN DISTRICT OF GEORGIA  
Augusta Division

IN RE:	)	Chapter 13 Case
	)	Number <u>89-10587</u>
FLOYD JACKSON CHANCEY, III	)	
SANDRA K. CHANCEY	)	
	)	
Debtors	)	
	)	
MANH FINANCIAL SERVICES	)	FILED
CORPORATION	)	at 9 O'clock & 50 min. AM
	)	Date: 12-6-89
Movant	)	
	)	
vs.	)	
	)	
FLOYD JACKSON CHANCEY, III	)	
SANDRA K. CHANCEY	)	
	)	
Respondents	)	

**ORDER**

Pursuant to notice, the motion for relief from stay of MANH Financial Services Corporation ("MANH") was heard November 28, 1989. Debtors appeared with counsel in opposition to the relief requested. Excepting any issue of the debtor's equity in property, the ultimate burden of proof on all issues lies with the party opposing the requested relief from stay. 11 U.S.C. §362(g). However, the movant bears the burden of going forward with some evidence to establish its right to the relief requested. 2 Collier

on Bankruptcy ¶362.10 (L. King 15th ed. 1989); Overhead Door Corporation v. Allstar Building Products, 834 F.2d 898 (11th Cir. 1987) (party opposing motion cannot merely rest once the movant makes a prima facia showing he is entitled to relief.) In the present action, movant has failed to produce any evidence to support its motion for relief from stay. Movant having failed to meet the burden of going forward with any evidence in support of the motion, the relief requested is ORDERED denied without prejudice.

JOHN S. DALIS  
UNITED STATES BANKRUPTCY JUDGE

Dated at Augusta, Georgia  
this 6th day of December, 1989.