

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

Case No.

Debtor(s).

ORDER STRIKING BANKRUPTCY CASE AND ANNULING AUTOMATIC STAY

Before the Court is debtor's motion to strike bankruptcy case and annul automatic stay, filed _____, 20___. Being duly advised, the Court FINDS:

- A. On _____, 20___, debtor commenced this case.
- B. Debtor's counsel represents that the petition and other documents filed in this case were uploaded into CM/ECF in error, resulting in a case being commenced for the wrong debtor. Upon learning of the error, counsel promptly filed the motion. Debtor has not given notice to any creditor or party in interest of the commencement of the bankruptcy case. (*if applicable*): A bankruptcy case is already pending in this Court, case no. _____.
- C. The Clerk has not served the notice of commencement of this case.
- D. Under the circumstances, entry of this order is appropriate.

WHEREFORE, IT IS ORDERED:

1. All documents filed in this case are stricken, with the legal effect that the case was not commenced.
2. The stay arising by operation of 11 U.S.C. § 362 upon commencement of the case is annulled, with the legal effect that no such stay went into effect.
3. The appointment of the case trustee is void *ab initio*.
4. The Clerk is directed to close this case.
5. This Order shall serve as notice that no bankruptcy case was commenced.
6. Notice of this Order shall be limited to debtor's attorney, the case trustee, and the United States trustee.

END OF ORDER

Submitted by:

Name
Attorney for Debtor(s)
Address
Telephone
Email

Copies to:

(case trustee)

(U. S. trustee)