UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re RACHEL KELLY MAMAN, Debtor	Chapter 13 Case No. 05-12778-RS

ORDER REGARDING DISMISSAL
AND RELIEF FROM STAY

This matter is before the Court on the Debtor's motion seeking reconsideration of my discrete orders dated November 10, 2005 (a) dismissing the Debtor's Chapter 13 case resulting from the Debtor's failure to file an amended plan by October 27, 2005 and (b) granting relief from stay to Eastern Savings Bank to foreclose on the Debtor's residence resulting from the Debtor's default as to her payment obligations under a court-approved stipulation. I treat the Debtor's motion as one requesting relief from my orders pursuant to Rule 60(b) of the Federal Rules of Civil Procedure as made applicable to this case pursuant to Rule 9024 of the Federal Rules of Bankruptcy Procedure.

The Chapter 13 Trustee, contending that the Debtor is in arrears in plan payments in the amount of $16,604 as of November 17, 2005, and Eastern, contending that the Debtor is in arrears in post-petition mortgage payments in the amount of $45,844 as of November 16, 2005, oppose the request for relief from judgment.

Facing a foreclosure sale on her residence scheduled for December 21, 2005, the Debtor advances the following as a basis for Rule 60(b) relief, namely, that her recent employment as director of property acquisition/project engineer for a local real estate development company

together with her customary real estate brokerage activities will generate at least $87,500 in income by January 31, 2006, an amount sufficient to permit her to cure both plan and mortgage arrearages and to proceed with an amended plan.

Based upon the Debtor's representations regarding elevated transaction-related income by January 31, 2006 (which constitutes information not previously available to the Court) and in view of the Court's not having previously considered the merits of Eastern's relief from stay motion, the Court grants the Debtor relief as follows: (a) the November 10, 2005 dismissal order is hereby vacated; (b) the November 10, 2005 relief from stay order is hereby vacated and the stay is hereby reinstated in all respects; (c) the Debtor shall file an amended plan by January 14, 2006; and (d) the Court will conduct a final and evidentiary hearing regarding dismissal and the relief from stay motion of Eastern Savings Bank on January 17, 2006 at 1:00 p.m.

Dated: December 7, 2005

Robert Somma

Robert Somma
United States Bankruptcy Judge