



Opinion 564

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Opinion Title: 12/12/2012 UNPUBLISHED In re Tejal Investment, LLC, 12-28606, Judge Thurman.

Body: The Court granted a creditor's motion for relief from stay on the debtor's real property pursuant to 11 U.S.C. § 362(d)(2) and (d)(4)(B). The parties stipulated that debtor did not have equity in the property. Under the second prong of § 362(d)(2), the Court found that the debtor failed to meet its burden of proof in establishing that the property was necessary to an effective reorganization because the proposed plan was "essential for an effective reorganization that is in prospect" given the debtor's financial circumstances. *United Sav. Ass'n of Tex. v. Timbers of Inwood Forest Assocs., Ltd.*, 484 U.S. 365, 375-76 (1988). The Court also granted relief under § 362(d)(4)(B), concluding that the Debtor's filing of two cases - one on the eve of receivership and one on the eve of foreclosure - was enough to constitute a "scheme" to delay or hinder creditors that involved multiple bankruptcy filings affecting such property, especially where the Debtor did not show a change in financial circumstances between the filings.

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Judge: [Judge William T. Thurman](#) [2]

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