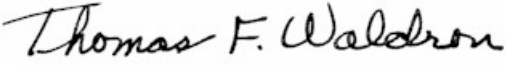


This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: January 22, 2004



Thomas F. Waldron
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

In re: VICKI LYNN OREBAUGH,

Debtor

Case No. 02-37803

Judge Waldron
Chapter 13

**ORDER GRANTING SEPARATE
ORDER FOR RELIEF FROM STAY**

DATED AT DAYTON, OHIO this 22nd Day of January, 2004:

On September 12, 2003, the Court entered an agreed, Stipulated Order Granting Conditional Relief From Stay To Long Beach Mortgage Company, Its Successors And Assigns (Doc. 28). This Order provided in significant part that the Debtor would disburse directly to the mortgage holder, or its servicing agent, certain monthly "regular post-petition payments" and "an additional payment in the sum of \$511.05."

The decision of the Debtor to disburse such payments directly to the Creditor, rather than through the Chapter 13 Trustee's Office, effectively removes these payments from the Court's records and leaves the Debtor without the protections otherwise available in a Chapter 13 case confirmed in this Court.

In further relevant part, the Order provides that if the Creditor serves an Affidavit of default and the default is not cured within ten (10) days, "upon submission of the Affidavit to this Court, and without further hearing, this court will enter an Order granting final relief from stay." Whether the Debtor contests the default by a filing, or in some other fashion, there is no provision for a hearing. The Order simply provides that, absent a cure, "this court will enter an Order granting final relief from the stay."

Although the Debtor filed a Memorandum Contra To Affidavit Filed By Long Beach Mortgage Company (Doc. 32), the most recently filed Affidavit of the Creditor (Doc. 37) states there has been no cure of the default.

Accordingly, the Court has signed the separate Order For Relief From Stay tendered by counsel for the Creditor.

SO ORDERED.

c:

Vicki Lynn Orebaugh, 5315 Dunmore Drive, Dayton, Ohio 45459 (Debtor)

Lee Hohl, Esq., 1839 East Stroop Road, Kettering, Ohio 45429-4925

Michael F. Lorber, Esq., Post Office Box 968, Twinsburg, Ohio 44087 (Atty. for the Creditor, Long Beach Mortgage Company, its successors and assigns and Washington Mutual Bank FA, its servicing agent)

Jeffrey M. Kellner, Esq., 131 North Ludlow Street, Talbott Tower, Suite 900, Dayton, Ohio 45402 (Chapter 13 Trustee)

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