

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 2:12-cv-00063-MR-DLH**

**CHRIS MATTAROLLO and TINA  
MATTAROLLO,** )  
 )  
 )  
 ) **Plaintiffs,** )  
 )  
 )  
 ) **vs.** )  
 )  
 ) **BRANCH BANKING AND TRUST** )  
 ) **CO. and PAM MURAS,** )  
 )  
 ) **Defendants.** )  
 )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Notice Regarding Actions of Bankruptcy Trustee [Doc. 37].

In response to the Court’s Order of December 3, 2013 [Doc. 35], the Plaintiffs have filed a report advising of the Bankruptcy Trustee’s determination to abandon any and all interest in the claims asserted by the Plaintiffs in this action. The Plaintiffs further submit an Order granting them a discharge under 11 U.S.C. § 727.

When a claim is abandoned by the trustee, the claim ceases to be a part of the bankruptcy estate and “reverts to the debtor and stands as if no bankruptcy petition was filed.” Dewsnup v. Timm, 908 F.2d 588, 590 (10<sup>th</sup> Cir. 1990). In light of the Bankruptcy Trustee’s abandonment of the

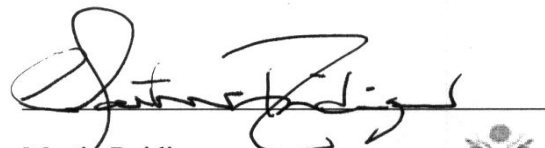
Plaintiffs' claims, the Court will lift the stay of this action so as to permit the prosecution of such claims.

Further, because the Plaintiffs have now received a discharge, the automatic stay of the Defendants' counterclaims is now lifted. See 11 U.S.C. § 362(c)(2)(C).

**IT IS, THEREFORE, ORDERED** that the stay of this action is lifted with respect to all claims and counterclaims pending in this matter.

**IT IS SO ORDERED.**

Signed: March 15, 2014

  
Martin Reidinger  
United States District Judge

