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IT IS SO ORDERED.



Mina Nami Khorrami
United States Bankruptcy Judge

Dated: March 27, 2025

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	Case No. 24-51398
)	
DRTMG LLC,)	Chapter 7
)	
Debtor.)	Judge Mina Nami Khorrami
)	

ORDER HOLDING IN ABEYANCE (1) SECURED CREDITOR U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR VELOCITY COMMERCIAL CAPITAL LOAN TRUST 2021-4'S MOTION FOR RELIEF FROM AUTOMATIC STAY (1465 LOCKBOURNE ROAD, COLUMBUS, OH 43206) (DOC. 151), (2) SECURED CREDITOR U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE FOR VELOCITY COMMERCIAL CAPITAL LOAN TRUST 2022-1'S MOTION FOR RELIEF FROM AUTOMATIC STAY (98 SOUTH JAMES ROAD, COLUMBUS, OHIO 43213) (DOC. 152), (3) SECURED CREDITOR U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR VELOCITY COMMERCIAL CAPITAL LOAN TRUST 2021-3'S MOTION FOR RELIEF FROM AUTOMATIC STAY (974 TIMBERBANK DRIVE, WESTERVILLE, OH 43081) (DOC. 153), AND (4) SECURED CREDITOR U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, AS TRUSTEE FOR VELOCITY COMMERCIAL CAPITAL LOAN TRUST 2022-5'S MOTION FOR RELIEF FROM AUTOMATIC STAY (7138 CYPRESS DRIVE, WESTERVILLE, OH 43082-8110) (DOC. 154)

Before the Court are the following motions (collectively referred to as the “Motions”):

- (1) *Secured Creditor U.S. Bank National Association, As Trustee For Velocity Commercial Capital Loan Trust 2021-4’s Motion For Relief From Automatic Stay (1465 Lockbourne Road, Columbus, OH 43206)* (Doc. 151) together with *Debtor’s Response To Secured Creditor U.S. Bank National Association, As Trustee For Velocity Commercial Capital Loan Trust 2021-4’s Motion For Relief From Automatic Stay (1465 Lockbourne Road, Columbus, OH 43206)* (Doc. 151) (Doc. 172),
- (2) *Secured Creditor U.S. Bank Trust Company, National Association, As Trustee For Velocity Commercial Capital Loan Trust 2022-1’s Motion For Relief From Automatic Stay (98 South James Road, Columbus, Ohio 43213)* (Doc. 152) together with *Debtor’s Response to Secured Creditor U.S. Bank National Association, As Trustee For Velocity Commercial Capital Loan Trust 2022-1’s Motion For Relief From Automatic Stay (98 South James Road, Columbus, Ohio 43213)* (Doc. 152) (Doc. 173),
- (3) *Secured Creditor U.S. Bank National Association, As Trustee For Velocity Commercial Capital Loan Trust 2021-3’s Motion For Relief From Automatic Stay (974 Timberbank Drive, Westerville, OH 43081)* (Doc. 153), together with *Debtor’s Response to Secured Creditor U.S. Bank National Association, As Trustee For Velocity Commercial Capital Loan Trust 2021-3’s Motion For Relief From Automatic Stay (974 Timberbank Drive, Westerville, Ohio 43081)* (Doc. 153) (Doc. 174), and
- (4) *Secured Creditor U.S. Bank Trust Company, National Association, As Trustee For Velocity Commercial Capital Loan Trust 2022-5’s Motion For Relief From Automatic Stay (7138 Cypress Drive, Westerville, OH 43082-8110)* (Doc. 154), together with *Debtor’s Response to Secured Creditor U.S. Bank National Association, As Trustee For Velocity Commercial Capital Loan Trust 2022-5S Motion For Relief From Automatic Stay (7138 Cypress Drive, Westerville, Ohio 43082-8110)* (Doc. 154) (Doc. 175).

The Court scheduled a final hearing on the Motions on March 12, 2025 (the “Hearing”).

At the Hearing, Edward Corley appeared on behalf of the Debtor, Laura Attack appeared on behalf of the United States Trustee, the Subchapter V Trustee, James Coutinho, appeared on his own behalf, and Zachary Prendergast appeared on behalf of U.S. Bank, National Association, as Trustee for Velocity Commercial Capital Loan Trusts 2021-3 and 2021-4, and U.S. Bank Trust Company, National Association, as Trustee for Velocity Commercial Capital Loan Trusts 2022-1 and 2022-

5 (collectively, the “Movants”). Following presentation of evidence and argument, the Court took the Motions under advisement.

On March 26, 2025, the Court issued the *Order Granting United States Trustee’s Motion to Dismiss or Convert (Doc. 190) and Converting Case to Chapter 7 (Doc. 229)*, converting this case to one under chapter 7. Myron Terlecky (the “Chapter 7 Trustee”) was appointed as the chapter 7 trustee. Doc. 230. The § 341 Meeting of Creditors has been set for April 21, 2025. *Id.*

With the appointment of the Chapter 7 Trustee, there is a new fiduciary who is responsible for the estate. Other courts in this situation have held that it is appropriate to hold pending motions for relief from stay in abeyance (including extension of the stay under 11 U.S.C. § 362(e)(1)) for a time that is reasonable under the circumstances of the case so that the newly appointed trustee may have an opportunity to review. *See In re AdBrite Corp.*, 290 B.R. 209, 222 (Bankr. S.D.N.Y. 2003); *In re H2D Motorcycle Ventures, LLC*, 617 B.R. 625, 636 (Bankr. E.D. Wis. 2020); *In re Gardner*, 2003 Bankr. LEXIS 250, at *21 (Bankr. S.D.N.Y. Mar. 14, 2003) (“Since the case must be converted, the Court believes that it would be appropriate to hold the motion for relief from the stay under § 362(d) in abeyance pending an immediate investigation of the facts and circumstances by a Chapter 7 trustee”).

In order to allow the Chapter 7 Trustee to determine whether to take a position regarding the Motions, the Court orders as follows:

1. The Motions shall temporarily be held in abeyance to permit the chapter 7 trustee to review and determine whether to respond to the Motions;
2. The deadline for the Chapter 7 Trustee to file any responses to the Motions is established as **April 28, 2025**; and

3. The automatic stay imposed by 11 U.S.C. §362(a) is hereby continued in effect until a further hearing on the Motions is held or the Court orders otherwise.

IT IS SO ORDERED.

Copies to:

Default List