

**Dated: December 19, 2025**  
**The following is ORDERED:**



**Denise E. Barnett**  
**UNITED STATES BANKRUPTCY JUDGE**

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**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

In re:

**Elizabeth Patrice Nate Elion,**  
Debtor.

Case No.: 25-25591-DEB  
Chapter 13

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**ORDER DENYING SANTANDER  
CONSUMER USA, INC.'s MOTION TO ANNUL THE  
AUTOMATIC STAY NUNC PRO TUNC TO THE PETITION DATE**

This case came before the Court on December 16, 2025, at 10:00 a.m., on Santander Consumer USA, Inc.'s ("Creditor's") *Motion to Annul the Automatic Stay Nunc Pro Tunc to the Petition Date* ("Motion to Annul the Stay") (ECF No. 16) and Elizabeth Patrice Nate Elion's ("Debtor's") *Response in Opposition to Motion to Annul the Automatic Stay and Request for Contempt Sanctions, Turnover, Actual Damages, Punitive Damages, and Attorney Fees* ("Debtor's Response") (ECF No. 23).

On October 31, 2025, Debtor filed her chapter 13 petition and her chapter 13 plan (ECF Nos. 1 and 2). On December 2, 2025, Creditor filed its Motion to Annul the Stay regarding a

2022 Chevrolet Malibu, bearing VIN 1G1ZB5ST6NF188431 (the “Collateral”). (ECF No. 16). On December 11, 2025, Debtor filed her Response. (ECF No. 23).

On December 16, 2025, the Court conducted a hearing on the Motion to Annul the Stay and Response. At the December 16<sup>th</sup> hearing, Creditor stated the vehicle was sold on November 4, 2025, because Debtor did not provide notice of the bankruptcy filing. In its Motion to Annul the Stay, Creditor explained that: “The BNC notification was received after normal business hours on November 3rd and was not processed until the following day on [November 4, 2025]. Further, neither the Debtor [nor] Debtor’s Counsel have made any request for the return of the Collateral.” (ECF No. 16). In Debtor’s Response, Debtor contended that the November 4<sup>th</sup> sale was a post-petition sale of the Collateral—four (4) days after the chapter 13 petition was filed. (ECF No. 23). Debtor argued that the sale was void and *nunc pro tunc* annulment was inappropriate because the sale occurred post-petition in violation of the automatic stay. Debtor also sought sanctions under subsection 362(k) in the Response but made no filings for turnover and sanctions.

The Court will not act on Debtor’s Response. To determine whether sanctions are appropriate under subsection 362(k) of the Code, Debtor should take appropriate action to bring the issues before the Court.

Accordingly, for the reasons stated in Court, it is **ORDERED**:

Creditor’s *Motion to Annul the Automatic Stay Nunc Pro Tunc to the Petition Date* is **DENIED**, without prejudice to Debtor taking appropriate action to bring the underlying issues before the court (unless the parties have resolved the issues).

**Copy of Order to be served on:**

Debtor

Debtor's Attorney

Creditor

Creditor's Attorney

Chapter 13 Trustee

United States Trustee