

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**IN RE:** )  
 ) **CASE NO. 15-02741-TOM7**  
**NEW WEI, INC., ET AL.** )  
 ) **CHAPTER 7**  
**DEBTOR(S)** )

**CONSENT ORDER REGARDING RELIEF FROM STAY**

This court having been advised that the Trustee, by and through his counsel, and Bruce W. Gardner, by and through his counsel, have agreed to the entry of this order. This order is supported by the following facts:

1. On July 15, 2015, Walter Industries, Inc. (n/k/a New WEI, Inc.) along with over twenty affiliated entities (collectively, the “Debtors”), specifically including Jim Walter Homes, Inc. (n/k/a New WEI 2, LLC), filed voluntary Chapter 11 bankruptcy petitions in this Court.
2. On February 21, 2017, the Debtors’ cases were converted to cases under Chapter 7. Andre M. Toffel is the duly acting and authorized trustee of the Chapter 7 Debtors.
3. Bruce W. Gardner is a South Carolina resident who claims an interest in certain real property (the “Property”) located in Orangeburg, South Carolina. On or around March 23, 2022 Mr. Gardner filed a quiet title complaint (the “Lawsuit”) as to the Property in Orangeburg. (Case No. 2022-CP-38-0, Court of Common Pleas – First Judicial Circuit). In the suit, Mr. Gardner alleges that the Property is presently encumbered by a recorded mortgage lien in favor of Jim Walter Homes, Inc., but that the lien was recorded by mistake and that Jim Walter Homes never constructed a home on the Property.
4. The Trustee does not intend to appear and contest the suit and agrees that the automatic stay should be lifted in favor Mr. Gardner for the limited purpose of allowing Mr. Gardner

to obtain, and ultimately record, a quiet title judgment in connection with the Lawsuit. Mr. Gardner agrees that he will not seek any monetary relief against any Debtor entity in the Lawsuit or otherwise.

THEREFORE, it is ORDERED, ADJUDGED, and DECREED that the automatic stay as regards Bruce W. Gardner and the Lawsuit is lifted for the limited purpose of allowing Mr. Gardner to obtain and record a quiet title judgment as to the Property. Mr. Gardner does not have relief from the automatic stay to seek any other relief against the Debtors or their Estates.

Dated: July 28, 2022

/s/ Tamara O. Mitchell  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

**Reviewed and Consented to By:**

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