

FAILURE TO PROVIDE MORTGAGE NOTE PRECLUDES RELIEF FROM BANKRUPTCY STAY

On February 1st, the Tenth Circuit held that Deutsche Bank failed to establish it was a "party of interest" entitled to relief from a bankruptcy petition's automatic stay. After Deutsche Bank's foreclosure of the Millers' home was stayed by the latter's bankruptcy petition, the bank obtained relief from the stay. On appeal, the Tenth Circuit reversed and remanded. The bank failed to provide the original note to the bankruptcy court and did not provide the original or a copy to the bankruptcy appellate panel. Under the UCC therefore, Deutsche Bank failed to show it is the current holder of the note and the evidence is insufficient to establish that Deutsche Bank is a party in interest entitled to seek relief from stay. [Miller v. Deutsche Bank National Trust](#).