

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

In Re: Doc 72,
35

In re:

Case No. 26-12628-CAP

Chapter 7

SHAWN EVANS MARTIN,

Debtor.

FILED-USBC, FLS-JTL
26 SEP 4 PM '26

**EMERGENCY MOTION FOR STAY PENDING APPEAL UNDER FED. R. BANKR. P. 8007
AND REQUEST FOR EXPEDITED HEARING**

Debtor-Appellant Shawn Evans Martin, appearing pro se, moves for a stay pending appeal of the August 21, 2026 Order (ECF No. 72) and for temporary relief preserving the status quo while the appeal is adjudicated. In support, Appellant states:

1. On March 2, 2026, the Debtor commenced this Chapter 7 case, invoking the automatic stay under 11 U.S.C. § 362.
2. Omega Villas Condominium Association, Inc. sought relief from the automatic stay at ECF No. 22. The Court conducted a hearing on April 16, 2026 and entered an order granting stay relief on April 20, 2026 at ECF No. 35.
3. The Debtor thereafter moved under Bankruptcy Rule 9024 and Civil Rule 60(b)(1) for relief from the stay-relief order and requested an evidentiary hearing. That motion was docketed at ECF No. 62.
4. The Rule 60 motion presented a focused issue concerning whether the stay-relief order rested on a materially mistaken premise as to Omega's perfected secured status. Among other matters, the Debtor asserted that Omega's Claim of Lien was recorded on May 15, 2026 - after the March 2 petition, the April 16 hearing, and the April 20 stay-relief order - and raised issues concerning the governing 1978 Declaration of Condominium and later statutory relation-back provisions.
5. On August 18, 2026 at 2:00 p.m., the Court heard ECF No. 62. On August 21, 2026, the Court entered ECF No. 72 denying the motion and the request for an expedited evidentiary hearing. The Order states that the Court would not reverse the April 20 order because Judge Russin heard the parties' arguments at the April 16 hearing.
6. The Debtor is timely appealing ECF No. 72. Because the stay-relief order permits Omega to continue collection and foreclosure-related proceedings against the condominium property,

appellate review may be materially impaired if irreversible action occurs before the District Court can review the challenged ruling.

ARGUMENT

A. A stay is necessary to preserve meaningful appellate review.

Rule 8007 authorizes the Bankruptcy Court to stay its judgment or order pending appeal and to grant related relief preserving the status quo. Without a stay, foreclosure activity or other disposition affecting the property could create substantial irreparable harm and could complicate or impair the District Court's ability to grant effective relief.

B. The appeal presents substantial questions warranting preservation of the status quo.

The appeal does not merely repeat disagreement with the April 20 ruling. It challenges the denial of Rule 60(b)(1) relief after the Debtor presented a claimed material mistake concerning lien perfection, the timing of the recorded Claim of Lien, the governing condominium declaration, and the procedure appropriate for resolving a disputed lien issue. The August 21 Order denied relief without an evidentiary hearing and stated that the prior order would not be reversed because the prior judge heard the parties' arguments. The District Court should be permitted to determine whether that disposition was an appropriate exercise of discretion under Rule 60(b)(1).

C. The balance of harms favors a temporary stay.

A narrowly tailored stay would preserve the existing property and the appellate court's ability to grant effective relief. Omega's claimed lien and monetary rights would not be extinguished by a temporary stay; they would remain subject to later adjudication. By contrast, loss of the property or materially advancing foreclosure proceedings could impose harm that cannot be fully remedied after the fact.

D. The public interest favors orderly appellate review.

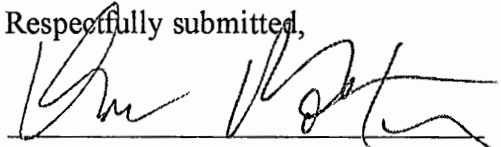
The public interest is served by preserving the status quo long enough for a timely appeal to be heard where the appeal concerns the procedural and legal basis for lifting the automatic stay and the denial of post-order relief.

RELIEF REQUESTED

WHEREFORE, the Debtor-Appellant respectfully requests that the Court: (1) stay the effect and enforcement of ECF No. 72 and, to the extent necessary to preserve meaningful appellate review, suspend the effectiveness of ECF No. 35 as to further foreclosure, sale, transfer, or disposition of the condominium property pending appeal; (2) temporarily preserve the status quo until this Motion can be heard; (3) set an expedited hearing; and (4) grant such other relief as is just and appropriate.

Dated: September 4, 2026

Respectfully submitted,


SHAWN EVANS MARTIN, Debtor, Pro Se

1760 NW 73rd Avenue

Fort Lauderdale, Florida 33313

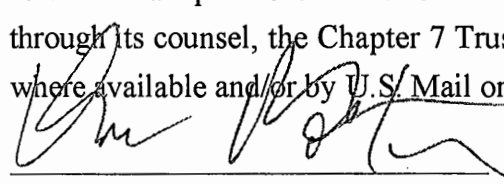
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 4, 2026, a true and correct copy of the foregoing was served on all parties entitled to notice, including Omega Villas Condominium Association, Inc. through its counsel, the Chapter 7 Trustee, and the Office of the United States Trustee, by CM/ECF where available and/or by U.S. Mail or electronic mail as permitted.


SHAWN EVANS MARTIN