6-29/109.00 Violation of Automatic Stay

Actions taken in violation of the automatic stay are void and without effect and a violator may be held in contempt of court. (In Re Schwartz, 954 F 2nd 569; Cowan's Law and Bankruptcy Practice, 11.3(n)) The debtor may also recover actual and punitive damages against a party willfully violating the automatic stay. (11 USC 362(h)) However, the court may grant "retroactive relief from the automatic stay in order to validate violations of the stay that would otherwise be considered void." (In Re Jewett, 146 BR 250)