

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
DONALD FLETCHER, JR.,) CASE NO. 09-22035 JPK
) Chapter 11
Debtor.)

ORDER OF CONVERSION OF CASE

On December 30, 2009, the debtor filed a document entitled "Notice of Conversion of Case to Chapter 13". This document refers to Rule 1017(d) of the Rules of Bankruptcy Procedure as authority for its requested relief. The court notes that Fed.R.Bankr.P. 1017(d) states as follows:

The court shall not dismiss a case or suspend proceedings under section 305 before a hearing on notice is provided in Rule 2002(a).

What this rule has to do with the requested relief is beyond the court's ken. The court deems the "notice" to seek conversion of the case from Chapter 11 to Chapter 13 pursuant to 11 U.S.C. § 1112(d), and following up on that construction, the court issued a notice to all creditors and parties-in-interest of the debtor's conversion request. No objections or request for hearing were filed in response to that notice. The court finds that the Chapter 11 case of Donald Fletcher, Jr. should be converted to a case under Chapter 13 of the Bankruptcy Code.

IT IS ORDERED that case number 09-22035 is converted from a case under Chapter 11 to a case under Chapter 13, and the debtor is granted relief under Chapter 13 from the date of filing which is May 21, 2009.

IT IS FURTHER ORDERED that from the date of entry of this order, property of the debtor's bankruptcy estate shall be that provided for by 11 U.S.C. § 1306(a), including earnings from services performed by the debtor after the date of conversion, as provided for by 11 U.S.C. § 1306(a)(2).

IT IS FURTHER ORDERED that the Clerk of this Court is hereby directed to fix a date for the § 341 meeting of creditors, and notify all creditors and parties-in-interest.

Dated at Hammond, Indiana on February 22, 2010.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor
Trustee, US Trustee
All Creditors
All Parties-in-Interest