

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
DENNIS M. GRIGGS and) CASE NO. 07-20819 JPK
PAULETTE L. GRIGGS,) Chapter 7
)
Debtors.)

ORDER REGARDING DISPOSITION OF CASE

This case was initiated as a Chapter 13 case by petition filed on April 6, 2007. On April 12, 2010, the court entered an order converting the case to a case under Chapter 7, pursuant to the debtors' motion filed on April 9, 2010. On April 19, 2010, the debtors sought to withdraw the motion for conversion filed on April 9, 2010, on the basis that it had come to their attention that the debtor Dennis M. Griggs was not eligible for relief under Chapter 7 in the converted case. By order entered on May 4, 2010, the court scheduled a hearing for May 24, 2010 with respect to the April 19 filing. At that hearing, Attorney Daniel W. Matern appeared for the debtors.

The court deems the notice filed on April 19, 2010 to be a request for relief from the final order of conversion of the case, pursuant to Fed.R.Bankr.P. 9024/Fed.R.Civ.P. 60(b)(1). The court determines that, as so viewed, relief should be granted to the debtors. The court thus determines that conversion of this case to a case under Chapter 7 should be set aside, and that the order entered on April 12, 2010 should be vacated.

At the hearing held on May 24, 2010, Attorney Matern moved to dismiss the debtors' Chapter 13 case pursuant to 11 U.S.C. § 1307(b). In light of the court's vacation of the order of conversion, the debtors have a right to dismiss this case without further notice or hearing, and the court determines that the debtors' Chapter 13 case should be dismissed.

IT IS ORDERED as follows:

1. The order of conversion of the case from Chapter 13 to Chapter 7 entered on

April 12, 2010 is vacated.

2. The debtors' Chapter 13 case is dismissed.

IT IS FURTHER ORDERED:

1. That if the Plan of the Debtors is not confirmed, the Trustee, and all parties in interest are hereby allowed leave of Court of twenty (20) days from the date of this Order to apply to this Court, pursuant to §503(b), for any actual and necessary expenses of administration pursuant to §1326(a)(2). If the Plan of the Debtors has been confirmed the Trustee shall distribute any payment by Debtors in accordance with the Plan pursuant to §1326(a)(2).
2. That the Trustee is directed to file his final report and account.
3. That the bond of said Trustee be and it hereby is cancelled, and that the surety or sureties thereon be and they hereby are released from further liability thereunder, except any liability which may have accrued during the time such bond was in effect.
4. That if there is an income deduction order pending, the employer is hereby ordered to terminate deductions.
5. That the case shall be terminated and closed after completion of the foregoing.

Dated at Hammond, Indiana on June 4, 2010.

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

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee
All Creditors
All Parties-in-Interest