

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Lauren Rode 3700 Eagle Rock Blvd. Los Angeles, CA 90065 (818) 254-8413 Fax: (866) 400-0475 California State Bar Number: 281803 <input type="checkbox"/> Debtor(s) appearing without attorney <input checked="" type="checkbox"/> Attorney for: DEBTOR	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; text-align: center;">FILED & ENTERED JAN 24 2017 CLERK U.S. BANKRUPTCY COURT Central District of California BY tatum DEPUTY CLERK</div>
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION CHANGES MADE BY COURT	
In re: Max Myong Ki Ahn <div style="text-align: right;">Debtor.</div>	CASE NO.: 2:16-bk-24459-RK CHAPTER <u> 7 </u>
	ORDER ON DEBTOR'S MOTION TO CONVERT CASE UNDER 11 U.S.C. §§ 706(a) or 1112(a)
	[No Hearing Required]

Pursuant to LBR 1017-1, Debtor moved to convert this chapter **7** case to a case under chapter **13** .

FINDING that this case was not previously converted from another chapter and Debtor is entitled to relief under the chapter to which conversion is sought, the court orders as follows:

1. ☐ Motion granted. This case is converted to chapter **13** pursuant to 11 U.S.C. § 706(a). If this case is being converted to chapter 13, Debtor must file a Chapter 13 Plan no later than 14 days after the date of the entry of this order.
2. ☐ Motion granted. This case is converted to chapter 7 pursuant to 11 U.S.C. § 1112(a).
 - a. Within 14 days of the date of this order, the debtor in possession or chapter 11 trustee, if the Debtor is not a debtor in possession, must file a schedule of unpaid debts incurred after commencement of the chapter 11 case.
 - b. Within 30 days of the date of this order, the debtor in possession or chapter 11 trustee, if the Debtor is not a debtor in possession, must file and transmit to the United States trustee a final report and account.
 - c. The Debtor or chapter 11 trustee, if the Debtor is not a debtor in possession, must immediately turn over to the chapter 7 trustee all records and property of the estate remaining in its custody and control.
 - d. Within 14 days of the date of this order, the Debtor must file the statements and schedules required by FRBP 1019(1)(A) and 1007, if such documents have not already been filed.

- e. If the Debtor is an individual, within 30 days of the date of this order or before the first date set for the meeting of creditors, whichever is earlier, Debtor must file a statement of intention with respect to retention or surrender of property securing consumer debts.
- f. Within 30 days of the date of this order, the Debtor must, if the case is converted AFTER confirmation of a plan, file:

- (1) A schedule of all property not listed in the final report and account which was acquired after commencement of the chapter 11 case but before entry of this order.
- (2) A schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the chapter 11 case but before entry of this order, and
- (3) A schedule of unpaid debts not listed in the final report and account which were incurred after the commencement of the chapter 11 case but before entry of this order.

3. ☐ Motion denied without prejudice on the following grounds (*specify*): ☐ See Attached Page

4. ☒ Motion denied with prejudice on the following grounds:

- a. ☐ Case previously converted under 11 U.S.C. § ☐ 1112 ☐ 1208 ☐ 1307
- b. ☒ Debtor is not an eligible debtor under the chapter to which conversion is sought. **See below.**
- c. ☐ Debtor is not acting or has not acted in good faith and, therefore, is not eligible to be a debtor under chapters 11, 12 or 13
- d. ☐ Debtor is not a debtor in possession as required under 11 U.S.C. § 1112
- e. ☐ Case was originally commenced as an involuntary Chapter 11 case and is not eligible for automatic conversion under 11 U.S.C. § 1112

5. ☐ This matter is set for hearing as follows: *Date:* *Time:* *Courtroom:*
Address of Courtroom:

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6. ☐ Notice is required as follows (*specify*): ☐ See Attached Page
7. ☐ Court further orders as follows (*specify*): ☐ See Attached Page

Under 11 U.S.C. § 706(d), "a case may not be converted to a case under another chapter of this title unless the debtor may be a debtor under such chapter." Further, under 11 U.S.C. § 109(e), "Only an individual with regular income that owes, on the date of the filing of the petition, noncontingent, liquidated, unsecured debts of less than \$394,725 . . . may be a debtor under chapter 13 of this title." Debtor's original Schedule F lists \$896,360 in total noncontingent, liquidated unsecured debts. Electronic Case Filing Number 10. Accordingly, because according to Debtor's schedules, the noncontingent, liquidated, unsecured debts of Debtor Max Myong Ki Ahn ("Debtor") exceed \$394,725, pursuant to 11 U.S.C. § 109(e), Debtor is ineligible for relief under Chapter 13 of the Bankruptcy Code, and therefore, Debtor's Motion to Convert Case Under 11 U.S.C. § 706(a) should be denied pursuant to 11 U.S.C. § 706(d) because Debtor may not be a debtor under Chapter 13. Because a Chapter 13 debtor's debts for eligibility purposes are determined on the basis of the debtor's original schedules, *In re Scovis*, 249 F.3d 975, 982 (9th Cir. 2001), the court determines that Debtor's Motion to Convert Case under 11 U.S.C. § 706(a) should be denied. Accordingly, based on the previously mentioned reasons, the court hereby DENIES Debtor's Motion to Convert Case under 11 U.S.C. § 706(a).

IT IS SO ORDERED.

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Date: January 24, 2017



Robert Kwan
United States Bankruptcy Judge