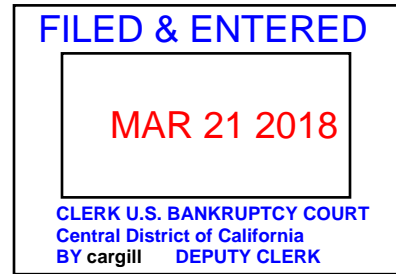


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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
RIVERSIDE DIVISION

In re:

OHLONE TRIBE OF CARMEL FIRST
SETTLERS OF CHINO VALLEY, CA, INC.

Debtor.

Case No. 6:18-bk-10381-MH

Hon. Mark D. Houle

Chapter 11

**ORDER GRANTING UNITED STATES
TRUSTEE'S MOTION TO DISMISS
BANKRUPTCY CASE PURSUANT TO
11 U.S.C. § 1112(b) & JUDGMENT FOR
QUARTERLY FEES PURSUANT TO 28
U.S.C. § 1930**

Motion Hearing Date, Time & Place:

Date: March 20, 2018

Time: 2:00 p.m.

Place: United States Bankruptcy Court
Courtroom 303
3420 Twelfth Street
Riverside, CA 92501

1 The Court held a hearing on March 20, 2018, on the *United States Trustee's Motion to*
2 *Dismiss Bankruptcy Case Pursuant to 11 U.S.C. § 1112(b) & Judgment for Quarterly Fees Pursuant*
3 *to 28 U.S.C. § 1930* [docket number 38] ("Motion") filed on March 9, 2018, by Peter C. Anderson,
4 the United States Trustee for Region 16 ("U.S. Trustee").

5 Mohammad Tehrani, Esq., appeared for the U.S. Trustee. Other appearances are as stated
6 on the record.

7 For the reasons stated in the Motion and in the attached tentative ruling, which the Court
8 adopts as its final ruling, the absence of any opposition, notice being proper and good cause
9 appearing therefore,

10 IT IS HEREBY ORDERED THAT:

- 11 1. The Motion is granted;
- 12 2. The above-captioned bankruptcy case is dismissed; and
- 13 3. The U.S. Trustee is entitled to quarterly fees.

14 ###

25
26
27
28 Date: March 21, 2018



Mark Houle
United States Bankruptcy Judge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:18-10381 Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

#18.00 Trustee's Motion to Dismiss Case Pursuant to 11 U.S.C sect 1112(b) &
Judgment for Quarterly Fees Pursuant to 28 U.S.C sect 1930

Also #19

EH__

Docket 38

Tentative Ruling:

3/20/18

BACKGROUND

On January 18, 2018, Ohlone Tribe of Carmel First Settlers of Chino Valley CA, Inc. ("Debtor") filed a Chapter 11 voluntary petition.

On February 2, 2018, Vanhoops Holdings LP ("Creditor") filed a motion for relief from the automatic stay. At a hearing on March 6, 2018, the Court substantially granted the Creditor's motion, and also made a finding that Debtor filed its petition in bad faith. Additionally, at the hearing on March 6, the Court authorized UST to set a hearing on a motion to dismiss on shortened time.

DISCUSSION

11 U.S.C. § 1112(b)(1) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

CONT...

Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

Except as provided in paragraph (2) and subsection (c), on request of a party I interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.

11 U.S.C. § 1112(b)(4) provides a non-exclusive list of sixteen examples of cause. 11 U.S.C. § 1112(b)(2) provides certain exceptions for dismissal or conversion for cause.

Here, UST asserts that cause exists pursuant to § 1112(b)(4)(A), which states that cause includes "substantial or continuing loss or diminution of the estate and the absence of a reasonable likelihood of rehabilitation." UST asserts that after Creditor obtained relief from stay to foreclosure on certain real property which constitutes the only material asset of Debtor, Debtor has no source of revenue and essentially no assets. The Court agrees that these circumstances constitute cause pursuant to § 1112(b). The Court further finds that neither of the exceptions identified in § 1112(b)(2) are applicable in this case. Finally, because Debtor does not have material unencumbered assets to distribute to any unsecured creditors, the Court concludes that conversion to Chapter 7 would be fruitless, and, therefore, dismissal is in the best interests of creditors.

TENTATIVE RULING

The Court is inclined to GRANT the motion and DISMISS the case.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

CONT... Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

Debtor(s):

Ohlone Tribe of Carmel First Settlers

Represented By
Odeha L Warren

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green