

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

IN RE:)
)
VOLUNTARY DISMISSALS OF) **GENERAL ORDER 234**
CHAPTER 13 CASES)
_____)

This General Order establishes the procedures that apply, unless otherwise ordered, when a debtor wishes to dismiss under § 1307(b) a pending chapter 13 case which has not previously been converted to chapter 13 pursuant to §§ 706, 1112, 1208.¹

Pursuant to Fed. R. Bankr. P. 1017(f)(2) and 9013, the debtor shall file a motion to dismiss (“Motion to Dismiss”) and serve the same on the Chapter 13 Standing Trustee, the United States Trustee and any creditor who has appeared in the case.² The Motion to Dismiss shall state whether there are pending motions to convert the case to chapter 7 or pending motions to dismiss with prejudice.

Any objections to the Motion to Dismiss must be filed within seven (7) days from service of the Motion to Dismiss. If an objection is timely filed and served, the debtor must schedule a hearing on the Motion to Dismiss and the objection, to be heard on not less than seven (7), nor more than fourteen (14) days

¹ This General Order is entered in light of *Rosson v. Fitzgerald (In re Rosson)*, 545 F.3d 764 (9th Cir. 2008).

² See LBR 9010.1(d)(5), (e) (regarding appearances).

notice to the objecting party, the Chapter 13 Standing Trustee and the United States Trustee.

If no party in interest has filed an objection within seven (7) days following service of such Motion to Dismiss, and the Court finds that it is appropriate to grant the Motion to Dismiss, the Court will enter an order dismissing the case.

IT IS SO ORDERED.

DATED: February 4, 2009



A handwritten signature in black ink, appearing to read "Terry L. Myers".

TERRY L. MYERS
CHIEF U. S. BANKRUPTCY JUDGE