Bankruptcy Local Rule 1017.1

CONVERSION OR DISMISSAL OF CASE

(a) **Conversion of chapter 7 to chapter 13.**

(1) Motion. A motion under 11 U.S.C. § 706(a) to convert from chapter 7 to chapter 13 shall comply with this rule.

(2) Service. A debtor shall serve the motion to convert on the Chapter 7 Trustee, the United States Trustee and any creditor who has appeared in the case.

(3) Objection. An objection to the motion to convert must be filed within seven (7) days of service of the motion.

(A) Hearing. If an objection is filed, the debtor must schedule a hearing on the motion to convert and the objection, giving a minimum of seven (7) and a maximum of fourteen (14) days notice to the objecting party, the Chapter 7 Trustee and the United States Trustee.

(4) No Objection. If no objection to debtor's motion is filed within seven (7) days, the Court will enter a notice of conversion.

(b) **Dismissal of chapter 13.**

(1) Motion. A motion under 11 U.S.C. § 1307(b) to dismiss a chapter 13 case which has not been converted to chapter 13 pursuant to 11 U.S.C. §§ 706, 1112, or 1208 shall state whether there are any pending motions to convert or dismiss with prejudice the chapter 13 case.

(2) Service. A debtor shall serve the motion to dismiss on the Chapter 13 Trustee, the United States Trustee and any creditor who has appeared in the case.

(3) Objection. An objection to the motion to dismiss must be filed within seven (7) days of service of the motion.

(A) Hearing. If an objection is filed, the debtor must schedule a hearing on the motion to dismiss and the objection, giving a minimum of seven (7) and a maximum of fourteen (14) days notice to the objecting party, the Chapter 13 Trustee and the United States Trustee.

(4) No Objection. If no objection to debtor's motion is filed within seven (7) days, the Court will enter an order dismissing the case.

RELATED AUTHORITY

11 U.S.C. §§ 706, 1307
Fed. R. Bankr. P. 1017, 9013
LBR 9010.1
General Order 234, 235

Advisory Committee Notes:

Marrama v. Citizens Bank of Massachusetts, 549 U.S. 365 (2007) and *Rosson v. Fitzgerald (In re Rosson)*, 545 F.3d 764 (9th Cir. 2008), necessitated a rule to establish procedures on motions to convert a chapter 7 case to chapter 13 and to dismiss a chapter 13 case that, prior to such precedent, were "automatically" granted.