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JAN P. JOHNSON  
 Standing Chapter 13 Trustee  
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UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 SACRAMENTO DIVISION

IN RE:	)	Case No: 18-24489 B13
	)	DC No.: JPJ-2
MATTHEW WILLIAM	)	
VICKERS,	)	<b>TRUSTEE'S MOTION TO</b>
ARIANA KATHLEEN	)	<b>CONVERT CASE TO A</b>
VICKERS	)	<b>CHAPTER 7 PROCEEDING</b>
	)	<b>OR IN THE ALTERNATIVE</b>
	)	<b>DISMISS CASE</b>
	)	
	)	DATE: FEBRUARY 5, 2019
	)	TIME: 1:00 P.M.
Debtor(s)	)	COURTROOM: 32

JAN P. JOHNSON, CHAPTER 13 TRUSTEE, hereby moves the Court for an Order  
 Converting this Case to a Chapter 7 Proceeding or Dismissing this case pursuant to 11 U.S.C.  
 §1307, and as supported by the attached declaration for the following reason(s):

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1           1. The debtors are delinquent to the trustee in the amount of \$2,730.00 which represents  
2 approximately 1 plan payment(s), (see Exhibit A). Before this motion will be heard, an  
3 additional plan payment in the amount of \$2,730.00 will also be due. There is cause to dismiss  
4 this case or convert this case to a Chapter 7 proceeding, pursuant to 11 U.S.C. §1307 (c)(1).

5           2. The debtors have failed to prosecute this case causing an unreasonable delay that is  
6 prejudicial to creditors pursuant to U.S.C. §1307(c)(1). The trustee's Objection to Confirmation  
7 of Chapter 13 Plan was heard and sustained on September 10, 2018. The debtors subsequently  
8 amended their plan on October 9, 2018 and filed a corresponding Motion to Confirm, set for  
9 December 3, 2018. The debtor's motion was ruled moot on December 3, 2018 as the debtors  
10 voluntarily dismissed their motion on November 26, 2018. To date the debtors have failed to  
11 take further action to confirm a plan in the case.

12           3. According to Schedules A/B and C of the Petition filed July 18, 2018, the total value  
13 of the non-exempt equity in the estate is \$206,159.00, as a result of the available equity in the  
14 debtor's residence (after 8% cost of sale, deduction of liens and exemptions), a 1998 Bayliner  
15 (minus 5% cost of sale), debtor's interest in his father's estate, and debtor's interest in coins and  
16 metals inventory (minus 5% cost of sale and exemptions). Due to the non-exempt as listed,  
17 conversion to a Chapter 7 proceeding rather than dismissing the case is in the best interest of  
18 creditors and the estate pursuant to 11 U.S.C. §1303(c).

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1           WHEREFORE, the Trustee asks that the Court grant an Order Converting This Case to a  
2 Chapter 7 Proceeding or Dismissing Case. The Chapter 13 estate currently has no funds to pay  
3 the conversion fee.

4 Dated: January 03, 2019



5 /s/ Kristen A. Koo  
6 KRISTEN A. KOO, Attorney for Trustee  
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23 Vickers, 18-24489  
24 Trustee's Motion to Convert Case to a Chapter 7 Proceeding or in the Alternative, Dismiss Case,  
JPJ-2