



Opinion 590

Published on District of Utah (<https://www.utb.uscourts.gov>)

Opinion Title: 07/6/2016, PUBLISHED In re Wareham, 15-30297, Judge Thurman.

Body:

In this business chapter 13 case, the trustee and creditor objected to confirmation of debtors' plan and the creditor also moved to dismiss or convert the case to chapter 7. The creditor argued that the debtors lacked good faith in filing their petition and plan because the debtors took inappropriate deductions in calculating their net disposable income, which left Debtors' business budget inaccurate. The Court looked at the Flygare and Gier cases from the 10th Circuit as compared to the Debtors' case and concluded the petition and plan were filed in good faith. Debtors' miscalculation of net disposable income was not indicia of lack of good faith. However, since the debtors' calculation of their net disposable income was incorrect, confirmation of the plan was denied with leave to amend.

File:  [590opinion.pdf](#) [1]

Judge: [Judge William T. Thurman](#) [2]

Date: Wednesday, July 6, 2016

Source URL: <https://www.utb.uscourts.gov/opinions/opinion-590>

Links

[1] <https://www.utb.uscourts.gov/sites/default/files/opinions/590opinion.pdf>

[2] <https://www.utb.uscourts.gov/content/judge-william-t-thurman>