

Filings

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

2429

In re

STEPHEN CARLOS DANA aka
Casa De Mia
KAROLYN SUE DANA,

Debtors.

O R D E R

Civil No: C-87-617W

PRUDENTIAL FEDERAL SAVINGS,

Appellee,

Bankruptcy No. 87C-00810

-vs-

STEPHEN CARLOS DANA aka
Casa De Mia
KAROLYN SUE DANA,

Appellants.

FILED
UNITED STATES
DISTRICT COURT
DISTRICT OF UTAH
DEC 4 3 11 PM '87
BY
MARKUS D. ZIMMER
CLERK
DEPUTY CLERK

This court held a hearing on this matter on November 10, 1987. Richard Calder represented the appellants. David T. Berry represented the respondents. After the hearing this court informed counsel that it was of the tentative opinion that debtors' attempted filing of a Chapter 13 bankruptcy petition while another Chapter 13 petition was pending was void at its inception. See Administration of Veterans' Affairs v. Lunsford, 39 B.K. 490 (Bkctcy N.D. Ga. 1984); In re Whet, Inc., 33 B.R. 443 (Bkctcy D. Mass. 1983); In re Cowen, 29 B.R. 888 (Bkctcy D. Mass. 1983). Because counsel had not had an adequate opportunity to brief this issue this court asked counsel to submit briefs on the issue. In response to this request the appellants informed us

that they were in agreement with this tentative ruling and asked this court to immediately enter an order dismissing their bankruptcy. Therefore, the bankruptcy of Stephen Carlos Dana, Bankruptcy No. 87C-00810, District Court No. C-87-617W, is dismissed.

Dated this 4th day of December, 1987.




David K. Winder
United States District Judge

Mailed a copy of the foregoing to the following named counsel this 7th day of December, 1987.

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Lisa S. Elden
Secretary