

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF IOWA

In the Matter of

JOE A. SCIARROTTA,
DEBORAH D. SCIARROTTA,

Case No. 90-02207-C J

Debtors.

Chapter 13

ORDER CLARIFYING OCTOBER 30,1990 ORDER OF DISMISSAL

On August 24, 1990 Joe A. Sciarrotta and Deborah D. Sciarrotta filed a joint petition for relief under Chapter 13. On October 12, 1990 Joe A. Sciarrotta filed a motion to dismiss this matter as it applied to him. An order granting the dismissal was filed on October 30, 1990.

A notice which provided a thirty day period for the filing of objections accompanied the motion to dismiss and was served on all parties listed on the matrix. Local Rule 14(b)(2)(C), which will become effective November 30, 1990, generally mandates a twenty day notice period to parties in interest. Since the only exception to a debtor's absolute right to dismiss a Chapter 13 case is the existence of a prior conversion under section 706, section 1112 or section 1208, notice to only the trustee and the United States Trustee should suffice for most motions to dismiss brought by Chapter 13 debtors. 11 U.S.C. 1307(b); Fed. R. Bankr. P. 1017(d).

The order granting dismissal in this case was erroneously entered prior to expiration of the stated bar date period. Rather than vacate that order, the court will give the trustee and the United States Trustee until November 13, 1990 to move for

reconsideration of the October 30, 1990 order if necessary.

Dated and signed this 5th day of November, 1990.

LEE M. JACKWIG
CHIEF U.S. BANKRUPTCY JUDGE