

# BANKRUPTCY <sup>UP</sup>DATE

## May 7, 2014

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### CLN Decision

You can use the link in the "Links" section below to view the following decision:

#### *In re Zubke*

**Issue:** Whether the debtors' chapter 7 case should be dismissed for abuse under 11 U.S.C. § 707(b)(3)?

**Ruling:** The Court granted the U.S. Trustee's motion, but converted the case to chapter 13 at the debtors' request rather than dismissing it. Since the debtors had monthly disposable income of \$1,165.11 and their liabilities, including their home mortgage debt, were primarily consumer in nature, their chapter 7 case constituted an abuse of the bankruptcy process under the totality of the circumstances provision of 11 U.S.C. § 707(b)(3)(B).

### Links

[In re Zubke](#)

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