

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

JAMES MICHAEL MULVIHILL and

KATHLEEN MARIE MULVIHILL,
Debtors.

ORDER RE: REQUEST FOR
VOLUNTARY DISMISSAL

BKY 04-34446
Chapter 13

At St. Paul, Minnesota, this 22nd day of September, 2004.

This case came on before the Court on September 20, 2004, upon the Debtors' application for voluntary dismissal pursuant to 11 U.S.C. § 1307(b). Also pending in the case are a motion by the Standing Trustee for conversion of the Chapter 13 case to one under Chapter 7, set for hearing on October 25, 2004 at 11:15 a.m., and a motion by the Standing Trustee objecting to Debtors' claims of exemption, set for hearing on October 25, 2004 at 11:00 a.m.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The Debtors' request for voluntary dismissal is deferred in light of considerations enunciated in *In re Molitor*, 76 F.3d 218 (8th Cir. 1996) and will be considered in conjunction with the motions of the Standing Trustee, currently set for hearing on October 25, 2004.

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 09/22/04 Lori Vosejпка, Acting Clerk, By jrb
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2. The Court will consider the Debtors' request for voluntary dismissal on October 25, 2004 at 11:15 a.m., in Courtroom 228B, 316 N Robert Street, St Paul Minnesota 55101.

BY THE COURT:

Handwritten signature of Gregory F. Kishel in black ink. The signature is written in a cursive style and includes the initials '1E1' to the left of the name.

GREGORY F. KISHEL

CHIEF UNITED STATES BANKRUPTCY JUDGE

U.S. BANKRUPTCY COURT
DISTRICT OF MINNESOTA

I, Judy Brooks, hereby certify that I am judicial assistant to Gregory F. Kishel, Chief Bankruptcy Judge for the District of Minnesota; that on September 22, 2004, true and correct copies of the annexed:

ORDER

were placed by me in individual official envelopes, with postage paid; that said envelopes were addressed individually to each of the persons, corporations, and firms at their last known addresses appearing hereinafter; that said envelopes were sealed and on the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

OFFICE OF THE U.S. TRUSTEE
1015 U.S. COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS MN 55415

JASMINE KELLER, ESQ.
CHAPTER 13 TRUSTEE
12 SOUTH 6TH ST, #310
MPLS, MN 55402

MULVIHILL, JAMES MICHAEL
921 SOUTH ELM STREET
BELLE PLAINE MN 56011

MULVIHILL, KATHLEEN MARIE
20529 - 485TH STREET
McGREGOR MN 55760

ROSS, PAUL E
ROSS & NORTON
287 MARSCHALL RD STE 203-A
SHAKOPEE MN 55379

and this certificate of service was made by me.

/s/ Judy Brooks
Judy Brooks

Filed on September 22, 2004 Lori Vosejka, Acting Clerk BY jrb, Deputy Clerk
