



SO ORDERED.

SIGNED this 23 day of April, 2007.

Dale L. Somers

Dale L. Somers
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

In re:

**DONALD TRACY HOWELL,
AUDRA LEIGH HOWELL,**

DEBTORS.

**CASE NO. 06-20913-13C
CHAPTER 13**

**ORDER DETERMINING THAT ON CONVERTING THEIR CASE
FROM CHAPTER 7 TO CHAPTER 13, DEBTORS MUST COMPLETE
OFFICIAL BANKRUPTCY FORM 22C USING DATA FROM THE SIX
MONTHS BEFORE THEY FILED THEIR PETITION, NOT DATA FOR THE
SIX MONTHS BEFORE CONVERSION TO CHAPTER 13**

This matter was before the Court on April 18, 2007, for a ruling on the question of what data the Debtors must use to complete Official Bankruptcy Form 22C now that they have converted their case from Chapter 7 to Chapter 13. The Debtors appeared by

counsel Matt Isaacson. Chapter 13 Trustee William H. Griffin appeared on his own behalf. The United States Trustee appeared by counsel David P. Eron. The Court reviewed the relevant pleadings and considered the arguments of counsel, and announced its ruling on the record, concluding the Debtors must use the data for the last six full months before they filed their bankruptcy petition to complete the form. This order is being issued to reduce that ruling to writing.

In reaching its conclusion, the Court considered the following provisions of the Bankruptcy Code, as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005: § 101(10A)(A) (defining “current monthly income” to be tied in most cases to the commencement of the case); § 348(a) (providing that conversion does not effect a change in the date of the commencement of the case, with limited exceptions not concerning current monthly income); and § 1325(b) (using “current monthly income” to help define “disposable income,” which is used in determining how much most Chapter 13 debtors must pay into their plans). After the Debtors converted their case to Chapter 13, they completed Form 22C using data from a time period other than the last six full months before they filed their Chapter 7 petition. For the reasons stated on the record on April 18, they must file an amended Form 22C using the data from the last six full months before they filed their Chapter 7 petition. They are hereby directed to file that amended Form 22C on or before May 14, 2007, or their case may be dismissed.

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