

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF VOLUNTARY
CONVERSION AT THE REQUEST
OF THE DEBTOR

Filed
December 31, 2003
U. S. Bankruptcy Court
Bradford L. Bolton, Clerk

GENERAL PROCEDURE ORDER NUMBER 2003-6

THIS MATTER arises *sua sponte* upon the need to establish uniform procedures to facilitate the voluntary conversion from one chapter of title 11 to another at the request of the debtor. The Court recognizes that pursuant to sections 1208(a) and 1307(a) of title 11, United States Code, the debtor may convert a case to chapter 7 at any time as a matter of right. The Court further recognizes that pursuant to sections 706(a) and 1112(a) of title 11, the Court may convert a case to another chapter upon motion filed by the debtor pursuant to Fed.R.Bankr.P. 1017(f)(2) if certain preconditions are met. Accordingly, it is

ORDERED that, effective January 1, 2004,

(A) to convert a case from chapter 12 to chapter 7 pursuant to section 1208(a) of title 11, the debtor shall file a Notice of Conversion whereupon the clerk shall enter a virtual order effecting the conversion;

(B) to convert a case from chapter 13 to chapter 7 pursuant to section 1307(a) of title 11, the debtor shall file a Notice of Conversion whereupon the clerk shall enter a virtual order effecting the conversion;

(C) to convert a case from chapter 7 to chapter 11, 12 or 13 pursuant to section 706(a) of title 11, the debtor shall file a Motion for Voluntary Conversion in accordance with Fed.R.Bankr.P. 1017(f)(2) whereupon the clerk shall, if the case has not been previously converted under section 1112, 1208 or 1307 of title 11, enter a virtual order effecting the conversion; and

(D) to convert a case from chapter 11 to chapter 7 pursuant to section 1112(a) 1208(a) of title 11, the debtor shall file a Motion for Voluntary Conversion in accordance with Fed.R.Bankr.P. 1017(f)(2) whereupon the clerk shall enter a virtual order effecting the conversion unless

- (1) the debtor is not a debtor in possession;
- (2) the case originally was commenced as an involuntary case under chapter 11; or

(3) the case was converted to a case under chapter 11 other than on the debtor's request.

IT IS FURTHER ORDERED that in all other instances where the debtor has filed a motion for voluntary conversion, the clerk shall refer the matter to the Court for further action.

Dated: December 31, 2003

BY THE COURT:

Sidney B. Brooks, Chief Bankruptcy Judge
Elizabeth E. Brown, Bankruptcy Judge
A. Bruce Campbell, Bankruptcy Judge
Howard R. Tallman, Bankruptcy Judge
Michael E. Romero, Bankruptcy Judge

