



SIGNED THIS 27th day of September, 2023

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**

Paul M. Black
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

<p>In re: Ronald E. Lefler</p> <p>Debtor</p>	<p>CASE NO. 23-70232</p> <p>CHAPTER 13</p>
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ORDER DISMISSING CASE WITH RESTRICTIONS

This matter comes before the Court on the Debtor’s motion to dismiss his Chapter 13 case pursuant to 11 U.S.C. § 1307(b). Responses were filed by the Chapter 13 Trustee (“Trustee”) and by Hawkins-Graves, Inc. (“Hawkins-Graves”), each requesting a bar to refiling. The Debtor was previously in a Chapter 11 case before this Court, Case No. 15-71344, which was dismissed for failure to follow the Court’s orders. The Debtor subsequently filed a Chapter 13 case before this court on April 17, 2018, Case No. 18-70506. The Debtor did not achieve a confirmed plan in that case and the Court dismissed it on October 17, 2019, with a one-year bar for filing a new petition in this Court under any Chapter.

The Debtor subsequently filed this Chapter 13 case on March 31, 2023. The Debtor filed two Chapter 13 Plans in this case but did not achieve a confirmed plan. The Debtor filed a Motion to Sell Property of the Estate Free and Clear of Liens, to which the United States Attorney’s Office, the Internal Revenue Service, Nancy G. Carrado (“Carrado”) and Ward H. Cagle (“Cagle”), the Trustee and Hawkins-Graves filed objections. The Court granted the Debtor’s Motion to Sell by order on August 2, 2023, but counsel for Hawkins Graves advised the Court that the Debtor refused to close on the sales contracts at issue in the Motion to Sell. The Debtor then filed a motion to dismiss this Chapter 13 case on August 15, 2023.

A hearing was held on the Debtor’s motion to dismiss on September 27, 2023, at which the Debtor, counsel for the Debtor, counsel for Hawkins-Graves, counsel for Carrado and Cagle, and counsel for the Trustee were present. At the hearing, counsel for Hawkins-Graves recounted the history of this Debtor and asked the Court to impose a one-year bar on the Debtor refiling under any Chapter so that Hawkins-Graves could conclude proceedings in state court to sell the Debtor’s real estate. Counsel for the Trustee and counsel for Carrado and Cagle supported the restriction on filing as well, but counsel for Carrado and Cagle asked that the one-year filing restriction not apply to creditors filing an involuntary case against the Debtor under any Chapter.

For the reasons stated on the record and for good cause shown, it is

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that this case and all related pending motions and adversary proceedings arising therein, unless on appeal, are hereby **DISMISSED. Pursuant to 11 U.S.C. § 349, it is further**

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that **Ronald E. Lefler is hereby prohibited from filing a new petition in any Court under any Chapter for a period of 365 days from the date of this Order.** An involuntary filing against the Debtor is not so restricted. It is further

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that upon the Trustee filing a final report herein, the same shall be deemed approved without further order. The Trustee's bond shall be released and the Trustee discharged from further liability herein unless proper objection is made to said final report within thirty (30) days after filing of same or such extended time as may be granted upon proper application made within said thirty (30) day period. If the Discharge Order has been issued, the same is rescinded.

Service of a copy of this Order shall be by mail to the Debtor, attorney for the Debtor, Trustee, U.S. Trustee, and all parties on the current mailing matrix.

END OF ORDER