

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

FILED
at ___ O'clock & ___ min ___ M
APR 08 2003

BRENDA K. ARGOE, CLERK
United States Bankruptcy Court
Columbia, South Carolina (1)

IN RE:

C/A No. 03-02974-W

Betina Dawn Moore a/k/a Dawn B. Moore,

ORDER

Debtor.

Chapter 7

ENTERED

APR 08 2003

R.S.S.

THIS MATTER comes before the Court pursuant to a Rule to Show Cause and Notice which required the appearance of Betina Dawn Moore ("Debtor") and her attorney, David Hart Breen ("Mr. Breen") to show cause why the case should not be dismissed and/or other sanctions imposed. At the time of the filing of this case on March 7, 2003, Debtor had pending a Chapter 13 case, Case No. 00-10930, in which a plan was confirmed on June 18, 2001 and relief from stay granted to The Money Store on October 15, 2002.

At the hearing, Debtor presented no testimony or other evidence. Mr. Breen stated that the filing of this case was in error. Furthermore, Mr. Breen advised the Court that this Chapter 7 case was not filed in an attempt to invoke a new automatic stay to delay any foreclosure or collection effort by a creditor who had received relief from the automatic stay in the Chapter 13 case. Debtor desires to proceed in a Chapter 7 case but will convert her pending Chapter 13 case.

Based upon the circumstances before the Court in this case, the Court dismisses this case with prejudice to bar the refile of a bankruptcy petition under any chapter of the Bankruptcy Code for a period of one (1) year. Otherwise, the Rule is dissolved. However, counsel in this District are cautioned that the filing of a bankruptcy case while another is pending and after relief from stay has been granted may be viewed as an attempt to circumvent the prohibitions of 11 U.S.C. §109(g) and

this Court's Operating Order 02-01 entered February 4, 2002 and therefore may be considered an abuse of the Bankruptcy Code and Rules and subject parties and their counsel to sanctions.

AND IT IS SO ORDERED.


UNITED STATES BANKRUPTCY JUDGE

Columbia, South Carolina,

April 8, 2003.