

## Motions to Reconsider Dismissal

In situations where a case was previously dismissed without prejudice for non-payment, the Trustee generally files an objection to a Motion to Reconsider Dismissal as standard practice. The Trustee will consider resolving the objection on a case-by-case basis and generally requires the following conditions be met:

- (1) The debtor must bring the case current from the beginning of the default in payments through the month of the hearing on the Motion to Reconsider Dismissal. The funds should be sent to the Trustee's bank prior to the hearing with sufficient time for those funds to post and should have been posted to the debtor's account by the hearing;
- (2) The debtor agrees to a consent order providing that if the case is dismissed at any time after the reconsideration of dismissal, the dismissal will be with prejudice.

The Trustee typically will not object to Motions to Reconsider Dismissal for the sole purpose of converting the case to chapter 7 under the Bankruptcy Code.

Please note that a Trustee's decision to resolve an objection or not to object to a debtor's Motion to Reconsider Dismissal does not guarantee that the Court will order the reconsideration of the dismissal, and counsel and parties should be prepared to attend a hearing on the Motion until such time as the matter is removed by the Court.