

NOV - 3 1995

Michael W. Dobbins, Clerk
By: Theresa Hardy
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE :
:
DISMISSAL OF CHAPTER 7 :
CASES FOR FAILURE OF :
DEBTOR(S) TO APPEAR AT :
SECTION 341 MEETING OF :
CREDITORS AND ANY :
CONTINUANCE THEREOF :

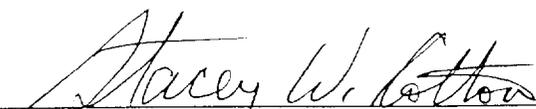
ADMINISTRATIVE ORDER NO. 2

To assist in the orderly conduct of the business of this Court, the Judges of the United States Bankruptcy Court for the Northern District of Georgia hereby enter this Administrative Order regarding the dismissal of Chapter 7 cases for failure of the debtor(s) to appear at the § 341 Meeting of Creditors and any continuance thereof.

IT IS THE ORDER OF THE COURT that upon the entry of this Order all Chapter 7 cases shall be monitored for the debtor's appearance at the § 341 Meeting of Creditors. Upon the trustee's request for dismissal of the case, which request shall contain a certification of the debtor's failure to appear at the § 341 Meeting of Creditors and any continuance thereof, the Clerk of Court is hereby **DIRECTED** to enter an Order of Dismissal of the case without further notice or hearing.

IT IS SO ORDERED.

At Atlanta, Georgia, this 3rd day of November, 1995.



STACEY W. COTTON
CHIEF JUDGE
FOR THE COURT

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA**

TRUSTEE'S REPORT ON SECTION 341 MEETING

CASE NUMBER: _____

TRUSTEE: _____

CASE NAME: _____

341 MEETING DATE: _____

JUDGE: _____

TIME: _____

APPEARANCES

DEBTOR: PRESENT ABSENT

SPOUSE: PRESENT ABSENT

DEBTOR'S ATTORNEY: PRESENT ABSENT

RESULTS OF MEETING

341 MEETING CONCLUDED YES NO

CONTINUED TO: _____ AT: _____ M.

REASON FOR CONTINUANCE:

NON-APPEARANCE OF DEBTOR: NON-APPEARANCE OF SPOUSE:

OTHER: (EXPLAIN) _____

REQUEST TO DISMISS CASE FOR FAILURE TO APPEAR AT THE 341 MEETING FOR THE SECOND TIME:

The undersigned certifies under penalty of perjury that the debtor(s) has failed twice to appear at the § 341 meeting and recommends that a dismissal order be entered against:

Check appropriate box(es): DEBTOR SPOUSE

DATED: _____

TRUSTEE

**PROPOSED LANGUAGE FOR § 341 NOTICE REGARDING
DISMISSAL OF CHAPTER 7 CASE FOR FAILURE TO ATTEND
THE § 341 MEETING OF CREDITORS**

NOTICE TO DEBTOR: FAILURE TO APPEAR AT THE INITIAL SECTION 341 MEETING OF CREDITORS AND ANY CONTINUANCE THEREOF, MAY RESULT IN DISMISSAL OF YOUR CASE WITHOUT FURTHER NOTICE OR HEARING.

**PROPOSED NEW PROCEDURE FOR DISMISSAL OF CHAPTER 7 CASES
FOR FAILURE TO ATTEND THE § 341 MEETING OF CREDITORS**

1. The § 341 Notice will be modified to include the following language:

NOTICE TO DEBTOR: FAILURE TO APPEAR AT THE INITIAL SECTION 341 MEETING OF CREDITORS AND ANY CONTINUANCE THEREOF, MAY RESULT IN THE DISMISSAL OF YOUR CASE WITHOUT FURTHER NOTICE OR HEARING.

2. Trustees will automatically give all debtors one (1) reset date for the § 341 meeting. The trustee will be responsible for giving written notice of the reset date to the debtor and the debtor's attorney. At each § 341 meeting that cannot be conducted due to the debtor's or the attorney for the debtor's failure to appear, the trustee will complete a "Trustee's Report on Section 341 Meeting" (proposed form attached).
3. When a debtor fails to appear at the § 341 meeting for the second time, the trustee will request that the case be dismissed. The request is contained at the bottom of the Trustee's Report on Section 341 Meeting form. The trustee will serve a copy of the Trustee's Report on the debtor and the debtor's attorney and file a certificate of service.
4. When the Clerk receives the request for dismissal, an Order of Dismissal will be entered and served upon the debtor, debtor's attorney, the trustee, creditors, and all other parties in interest (proposed form attached).
5. A Standing Order will be entered to implement this procedure (proposed Order attached).