

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ENTERED ON DOCKET

DEC 21 2009

IN RE: : CASE NO. 09-89758-JB  
: :  
CHARLES E. BOWEN, JR., : :  
: : CHAPTER 11  
Debtor. : :

ORDER

Debtor's motion for authority to use property of the estate and to provide adequate protection (Docket No. 20) is DENIED. This is an individual Chapter 11 case filed on November 6, 2009. The debtor has not filed any plan to pay creditors or any disclosure statement, but lists in his schedules total liabilities of \$8,839,013.84 and unsecured nonpriority claims in the amount of \$2,659,351.42.

Debtor asks the Court to allow him to use the estate's assets to "sustain the standard of living" he enjoyed before filing bankruptcy. He states that his current monthly earnings, net of taxes, totals \$7,148.00, but he seeks permission to eat into estate assets and spend \$31,911.00 a month on himself, his child, and a wife with whom he is in the middle of a divorce. This request is absurd on its face and cannot be granted. Not surprisingly, counsel cites no law to support this request, and the suggestion that the law requires or allows an individual debtor to be able to use estate assets to sustain the budget proposed betrays a serious misunderstanding about the nature of a bankruptcy proceeding and a Chapter 11 debtor's obligations to creditors.

Debtor also seeks to use estate assets to fund capital calls for the benefit of family partnerships or limited liability corporations. There is insufficient information set forth in the motion to justify these requests and they cannot be granted. Similarly, debtor's request to pay pre-petition attorneys fees and another large retainer for attorneys fees in connection with a divorce is not accompanied by sufficient information and cannot be granted.

Debtor's counsel is directed to meet with the debtor to discuss a reasonable budget in light of his financial condition and the provisions in Chapter 11 related to individual debtors. Counsel and the debtor should consider the implications of Section 1129(a)(15) of the Bankruptcy Code.

The United States Trustee is directed to review this case and determine whether a trustee should be appointed or whether this case should be converted to a case under Chapter 7.

IT IS SO ORDERED, this 2<sup>nd</sup> day of December, 2009.

  
\_\_\_\_\_  
JOYCE BIHARY  
UNITED STATES BANKRUPTCY JUDGE

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CERTIFICATE OF MAILING

I hereby certify that the foregoing Order was mailed to the following:

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Mailed: December 21, 2009