



IT IS ORDERED as set forth below:

Date: April 25, 2014

Mary Grace Diehl

**Mary Grace Diehl
U.S. Bankruptcy Court Judge**

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

In re:	:	Chapter 13
	:	
The Marietta City Gramling St. Land Trust,	:	Case Number: 14-56519-MGD
	:	
Debtor.	:	Judge Mary Grace Diehl
	:	
Johnson Family Trust, Jude Patterson, as Trustee,	:	
	:	
Movant,	:	
v.	:	Contested Matter
	:	
The Marietta City Gramling St. Land Trust and Leslie Mathis, individually,	:	
	:	
Respondents.	:	

ORDER OF DISMISSAL

On April 23, 2014, a hearing on Johnson Family Trust's Motion to Dismiss was held (Docket Nos. 8 & 11). Jon David W. Huffman of the Poole Law Group represented the Johnson Family Trust ("Movant"). Prior to the hearing, Alan Paulk of Burroughs Keene Paulk & Von Schuch, LLC filed a voluntary motion to dismiss for Debtor. The Chapter 13 Trustee

also has a pending motion to dismiss.

No party opposed the dismissal of this case. Dismissal of the case is warranted given that Debtor, as a trust, is not eligible to be a debtor under Chapter 13. 11 U.S.C. § 109(e).

Movant requested at the hearing that the Court retain jurisdiction over this case to allow Movant to bring potential actions against Debtor and Debtor's Trustee, Leslie Mathis. Movant also seeks attorneys' fees against Debtor and Leslie Mathis. The Court declined to adjudicate any issue beyond dismissal of the case without further notice to the appropriate parties regarding the specific allegations in accordance with the appropriate procedures under the Federal and Local Rules. However, based upon the allegations made by Movant, there is cause to retain jurisdiction to allow Movant to file the appropriate motions regarding such alleged conduct. 11 U.S.C. § 349; *e.g.*, *Iannini v. Winnecour*, 487 B.R. 434, 439-40 (W.D. Pa. 2012). Accordingly, it is

ORDERED that the above-styled Chapter 13 case is **DISMISSED**.

It is **FURTHER ORDERED** that the Court will retain jurisdiction for a period of thirty (30) days from entry of this Order to allow Movant to file any motion, including a motion for sanctions. Without any further action by Movant or any party within the 30-day period, this dismissal will have its usual effect.

The Clerk is directed to serve a copy of this Order on the United States Trustee, the parties listed below, and all creditors.

END OF DOCUMENT

The Marietta City Gramling St. Land Trust
#354 Bld. 190
1750 Powder Springs Road
Marietta, GA 30064

Leslie Mathis, Trustee
The Marietta City Gramling St. Land Trust
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