



Frank W. Volk
Frank W. Volk, Chief Judge
United States Bankruptcy Court
Southern District of West Virginia

2/13/17

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

AT ALL POINTS OF HOLDING COURT

GENERAL ORDER 17-01

**GENERAL ORDER PERMITTING CASE TRUSTEE TO FILE A PROPOSED
DISMISSAL ORDER UNACCOMPANIED BY A MOTION**

The filing of a voluntary petition unaccompanied by required documents presently results in the issuance of a deficiency notice to the Debtor and, if represented, his or her counsel. The notice recites the applicable deficits.

Given this procedure, it is **ORDERED** that Federal Bankruptcy Rule 9013 and Local Bankruptcy Rule 1017-2 be, and hereby are, construed to permit the assigned case trustee, in a Chapter 7 or 13 matter, to tender, without accompanying motion, a proposed dismissal order under 11 U.S.C. § 521(i)(2), following the expiration of the original, or properly extended, forty-five (45) day period after the petition filing.

It is further **ORDERED** that, in the event such proposed dismissal order is entered by the Court, the record will reflect dismissal was accomplished, *nunc pro tunc*, on the forty-sixth (46th) day following the petition filing. With the exception of this limited interpretation, the operation of Local Bankruptcy Rule 1017-2 is unaffected.