

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

J.L. SMITH TRUCKING CO.,

Case No. DT 10-11943

Hon. Scott W. Dales

Debtor.

ORDER CONVERTING CASE UNDER CHAPTER 11 TO CASE UNDER CHAPTER 7

PRESENT: HONORABLE SCOTT W. DALES
United States Bankruptcy Judge

A party in interest other than the debtor has filed a motion in accordance with 11 U.S.C. § 1112(b) seeking to convert this case to a case under Chapter 7 of the Bankruptcy Code (Title 11 of the United States Code). The court finds, after notice and a hearing, that the motion should be granted.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. This Chapter 11 case is converted to a case under Chapter 7. The United States Trustee has designated **Kelly M. Hagan** to serve as interim trustee.
2. The debtor or the Chapter 11 trustee shall:
 - a. forthwith turn over to the Chapter 7 trustee all records and property of the estate under its custody and control, as required by Bankruptcy Rule 1019(4);
 - b. within thirty (30) days after entry of this Order, file an accounting of all receipts and distributions made, together with a schedule of all unpaid debts incurred after the commencement of the Chapter 11 case, as required by Bankruptcy Rule 1019(5)(A); and
 - c. file all tax returns required by any order of this court and provide W-2 forms to employees within thirty (30) days after entry of this Order.
3. The debtor shall file an amended matrix listing all parties entitled to notice and shall file the statements and schedules required by Bankruptcy Rules 1019(1)(A) and 1007(b) within fourteen (14) days after entry of this Order.

EXHIBIT D

4. If this case is converted after confirmation of a plan, the debtor shall file a statement of intention [B.R. 1019(1)(B) and the schedules required by B.R. 1019(5)(C)].
5. Claims filed in this case need not be re-filed. See notice of § 341 meeting for the deadline for filing claims.

IT IS FURTHER ORDERED that the Clerk shall serve a copy of this Order pursuant to Fed. R. Bankr. P. 9022 and LBR 5005-4 upon J.L. Smith Trucking Co., Wallace H. Tuttle, Esq., Kelly M. Hagan, Chapter 7 trustee, the United States Trustee, and all parties listed on the mailing matrix herein.

END OF ORDER

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IT IS SO ORDERED.



Dated: March 17, 2011